



## ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission regarding an amendment to Land Development Regulations (LDR) Section 4.4.24(C), to add Single-level Mechanical Parking Lifts as an accessory use in the Old School Square Historic Arts District (OSSHAD), pursuant to LDR Section 2.2.6(D)(6).

## BACKGROUND ANALYSIS

The amendment to the Land Development Regulations (LDR) is privately-initiated and seeks to add "Single-level Mechanical Parking Lifts" as an accessory use in the OSSHAD zoning district. The OSSHAD zoning district is applied to a majority of the properties within the Old School Square Historic District. Other zoning districts within the Old School Square Historic District include Open Space Recreation (OSR) and Community Facilities (CF), while a number of properties along Atlantic Avenue, NE 1<sup>st</sup> Avenue, SE 1<sup>st</sup> Avenue, and SE 1<sup>st</sup> Street may also apply the principal and accessory uses of the Central Business District (CBD).

Single-level mechanical parking lifts are presently permitted as an accessory use in the CBD, and are subject to specific criteria outlined in the following Sections:

- LDR Section 4.6.9(D)(1)(e): Single level mechanical parking lifts ("Lifts"), if utilized, shall be integrated into an existing or proposed building for the uses they serve and enclosed with three walls and a roof. A maximum of 50% of the required parking within a non-residential or the non-residential portion of a multi-use development may utilize Lifts.
- LDR Section 4.6.9(D)(11)(a-h):
  - (a) Single level mechanical parking lifts ("Lifts") shall be integrated into a structure for the uses they serve, constructed with at least three walls and a roof, in accordance with Section 4.6.18(B)(14)(vi)(3), to provide adequate screening and containment of sound from operation of the lifts for the benefit of adjacent land uses.
  - (b) Lifts may be utilized to provide up to but not more than fifty (50%) percent of the required non-residential parking for commercial or mixed-use developments.
  - (c) Lifts and the spaces below them must be operated by an attendant during all hours of operation. Upon closing, the parking attendant shall remove all vehicles from atop and beneath the Lifts and park them in an area where the customer may retrieve their vehicle. At no time shall the general public be permitted to operate the Lifts.
  - (d) On-site staging spaces must be provided for the maneuvering of vehicles to facilitate the parking and retrieval of vehicles. At no time shall vehicles be staged within the adjacent public right-of-way. A minimum of two (2) staging spaces shall be provided for the first twenty (20) Lifts or less. One (1) additional staging space shall be provided for every twenty (20) additional Lifts or part thereof.
  - (e) Lifts must be manufactured with a full bottom panel to contain fluids which may be emitted from vehicles while parked (oil, condensation from air conditioners, etc.) No wheel or chassis lift mechanisms (historically used at service stations) are permitted.
  - (f) The balance of the required non-residential spaces shall be provided as "self-park" spaces.
  - (g) For each lift provided, a minimum of 75 sq. ft. of landscaped area over and above the minimum required by code must be provided and shall be located to provide a view corridor for the general public. Lots of record having a width less than fifty feet (50') shall be exempt from the requirement of this additional landscape / open space;

- (h) The Lifts shall be regularly and routinely maintained to ensure safety and dependability of operation and minimization of operational noise levels. Maximum sound levels shall not exceed applicable thresholds as stipulated in Chapter 99 of the City Code of Ordinances.

When a mechanical parking lift is proposed, a site plan application would be required to ensure compliance with the above requirements, as well as those included in LDR Section 4.5.1(E), Historic Preservation: Designated Districts, Sites, and Buildings: Development Standards. These Development Standards require compatibility and appropriateness of new development proposals and improvements to all properties within the Old School Square Historic District. As indicated above, the lifts are required to be integrated into a structure with at least three walls and a roof.

The proposed LDR Amendment is now before the Board for consideration.

## ANALYSIS

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is a privately-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable Objectives and Policies were noted:

**Future Land Use Element, Goal Area "A"** Land within the Planning area shall be developed or redeveloped, to enhance the existing quality of life, complement existing land use and result in a mixed, but predominantly residential community with a balanced economic base.

**Future Land Use Element Objective A-4** The redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and the following policies:

**Future Land Use Element Policy A-4.1** Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

**Future Land Use Element Policy A-4.2** In order to protect the City's historic resources, the Land Development Regulations shall include provisions for designation of historically significant buildings, structures, archaeological sites, or districts. The City shall conduct periodic neighborhood surveys to identify and evaluate potential historic resources at least once every five years.

**Future Land Use Element Objective A-5** The City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and

streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, and other innovative development practices.

In consideration of the proposed amendment to permit single-level mechanical parking lifts as an accessory use within the OSSHAD zoning district, this use will not be contrary to the intent of the provisions of the Comprehensive Plan. The OSSHAD is a mixed-use district, with many successful adaptive reuse projects complimented by recent development. The provision of non-residential uses requires that parking be provided, which inherently has the potential to impact the historic character of the district. However, the option to utilize a single-level mechanical lift will permit covered and enclosed parking while providing additional landscaping above the 25% open space requirement. This additional requirement will assist in maintaining the landscaped character within the district.

Concerns have been raised by Advisory Board members and local citizens regarding the ability to build more use area, thereby providing a more intense development. However, it should be noted that the current alternative of being able to provide all parking on site for a project is to seek approval of an in-lieu of parking request. With the ability to utilize the single-level mechanical parking lift, parking is provided on-site, as opposed to off-site, within a parking garage, or paid via the in-lieu fee and constructed sometime in the future.

Additionally, the use of mechanical parking lifts allows two vehicles to be parked within the same footprint. Compacting the parking through the use of these lifts will enable the rehabilitation of smaller, substandard lots which exist throughout the downtown area, including OSSHAD, where limited parking is available. The amendment would therefore meet the intent of Objective A-5 noted above which encourages “innovative development practices” as already permitted for CBD zoned property.

Given the above, the adoption of this text amendment will further the policies, goals and objectives of the Comprehensive Plan.

#### REVIEW BY OTHERS

It should be noted that when the subject amendment was initially submitted, there were additional amendments included, such as Automated Parking Garages and Private Parking Facilities, which were part of the initial Advisory Board reviews. However, those other components, which were the subject of much discussion at both the PMAB and Pineapple Grove Main Street meetings, have since been withdrawn.

At its meeting of October 27, 2015, the **Parking Management Advisory Board (PMAB)** recommended approval of the proposed LDR amendment.

At its meeting of October 28, 2015, the **Pineapple Grove Main Street** did not recommend approval of the proposed LDR amendment.

At its meeting of November 5, 2015, the **Community Redevelopment Agency (CRA)** recommended approval of the proposed LDR amendment.

At its meeting of November 9, 2015, the **Downtown Development Authority (DDA)** recommended approval of the proposed LDR amendment.

At its meeting of November 12, 2015, the **West Atlantic Redevelopment Coalition (WARC)** recommended approval of the proposed LDR amendment.

At its meeting of December 2, 2015, the **Historic Preservation Board (HPB)** recommended approval of the proposed LDR amendment on a vote of 4-2 (Sexton and Patton dissenting, Sherman absent) with the single-level mechanical parking lifts being added as an accessory use requiring Conditional Use review and approval, as opposed to a permitted accessory use.

Courtesy notices will be sent to the following groups prior to consideration by the Planning and Zoning Board on December 21, 2015:

- Chamber of Commerce
- Delray Citizens Coalition

### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move a recommendation of approval to the City Commission of the amendment to Land Development Regulation Section 4.4.24(C), to permit single-level mechanical parking lifts as an accessory use, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial to the City Commission of the amendment to Land Development Regulation Section 4.4.24(C), to permit single-level mechanical parking lifts as an accessory use, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M). (Motion to be phrased in the affirmative. See above.)

### RECOMMENDED ACTION

Recommend approval to the City Commission of the amendment to Land Development Regulation Section 4.4.24(C), to permit single-level mechanical parking lifts as an accessory use in the OSSHAD zoning district, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).