

## PLANNING AND ZONING BOARD

### STAFF REPORT

**MEETING DATE:** January 22, 2018

**AGENDA NO:** VII. A

**AGENDA ITEM:** **LDR Amendment** – Recommendation to the City Commission on a City-initiated amendment to Section 4.4.13(I)(2) “CBD Parking Standards”, “Minimum Number of Off-Street Parking Spaces” to not require additional parking for changes in use for buildings within the Railroad Corridor Sub-district, located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street.

**FILE:** 2018- 001-LDR-CCA

### ITEM BEFORE THE BOARD

The item before the Board is consideration of a recommendation to the City Commission regarding a City-initiated amendment to LDR Section 4.4.13(I)(2) “CBD Parking Standards”, “Minimum Number of Off-Street Parking Spaces” to not require additional parking for changes in use for buildings within the Railroad Corridor Sub-district, located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street.

### BACKGROUND

At the City Commission meeting of November 9, 2017, during consideration of an in lieu of parking payment request for 206 SE 2nd Street (within the Railroad Corridor Sub-district) for the conversion of 2,169 square feet of retail to restaurant, the City Commission directed staff to investigate a reduction of the parking requirements similar to the recently adopted ordinance for the West Atlantic Neighborhood. The City Commission cited the lack of redevelopment within the area and the desire to increase the potential to attract additional businesses to the area.

The Railroad Corridor Sub-district generally extends between SE 2<sup>nd</sup> Street and north of SE 7<sup>th</sup> Street and between SE 1<sup>st</sup> Avenue and SE 3<sup>rd</sup> Avenue. This area contains a mix of commercial retail/services, business offices and light industrial uses, such as automotive repair, boat repair, construction contractor's offices and warehouses, as well as mixed-uses (multi-family residential/office). When changes in use occur within existing commercial buildings, the Land Development Regulations require parking to be addressed for the new/proposed use. Frequently, additional parking is required due to a greater parking requirement for the new/proposed use. The additional parking required as a result of the change of use is often resolved in the form of in lieu of parking payments (\$4,600 per parking space within the Railroad Corridor Sub-district) if the spaces cannot be provided otherwise (i.e. constructing new parking or entering into an off-site parking agreement with a nearby property owner).

The subject area is located within the Osceola Park Redevelopment Plan (“Plan”) adopted by the City Commission on December 6, 2004. The Plan identifies the specific deficiencies and assets of the area, evaluates the existing and potential uses, and identifies specific measures for stemming decline, facilitating new development, and enhancing the quality of life for

neighborhood. In addition to infrastructure and landscape beautification strategies for revitalizing the area, the Plan lists the provision of opportunity for compatible business development and redevelopment in select areas as one of the visions for the area.

The Plan establishes “Project Objectives” for the Osceola Park Area and Railroad Corridor such as:

- Eliminate slum and blighted conditions.
- Provide adequate parking for the commercial/industrial areas.
- Improve the sidewalk and alley networks to encourage biking, walking, and improved traffic circulation.
- Promote historic preservation.
- Promote stabilization of the residential areas.
- Promote owner-occupied housing.
- Promote conversion of multi-family uses to single-family.
- Increase employment and business opportunities in the area.

The Plan states, “The redevelopment strategy for this area shall be consistent with the Osceola Park Neighborhood Plan. The strategies outlined in the plan include revitalization and rehabilitation of the commercial/industrial uses along the railroad corridor; and, stabilization of the residential neighborhood through beautification and traffic calming.” The proposed amendment furthers and supports the Plan Project Objectives.

Given the proximity of on-street and off-street public parking which serve to supplement available parking within this area, the proposed amendment would only apply to the 13 existing buildings located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street at the following addresses:

The proposed LDR amendment is applicable to 13 buildings:

1. 100 SE 2<sup>nd</sup> Street
2. 110 SE 2<sup>nd</sup> Street
3. 114 2<sup>nd</sup> Street
4. 201 SE 2<sup>nd</sup> Avenue
5. 206 SE 2<sup>nd</sup> Street
6. 213 SE 2<sup>nd</sup> Avenue
7. 229 SE 2<sup>nd</sup> Avenue
8. 235 SE 2<sup>nd</sup> Avenue
9. 240 SE 2<sup>nd</sup> Avenue
10. 258 SE 2<sup>nd</sup> Avenue
11. 264 SE 2<sup>nd</sup> Avenue
12. 280-288 SE 2<sup>nd</sup> Avenue
13. 290 SE 2<sup>nd</sup> Avenue

These properties, either have off-street parking that could handle a portion of the potential parking demand generated by a change of use resulting in a requirement for additional parking under the current regulations or are located within close proximity to a CRA public parking lot (215 SE 2<sup>nd</sup> Avenue) or the on-street parking spaces on SE 2<sup>nd</sup> Avenue and on SE 2<sup>nd</sup> Street.

The portion of the Railroad Corridor Sub-district not included in the proposed geographic area of the parking incentive consists of a high percentage of buildings being utilized for industrial uses, including automotive repair, contractor's offices and warehouses. The more industrial

area of the RC Sub-district could not accommodate large-scale use conversion without additional parking facilities being provided as there is not sufficient on-street parking or public parking facilities in this area.

## 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 City-initiated text amendment to the Land Development Regulations. This amendment will make the following changes to Section 4.4.13(1)(2):

(j) Buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until March 6, 2021, and subject to submittal of a building permit.

The Railroad Corridor Sub-district is one of four sub-districts within the Central Business District. LDR Section 4.4.13, Central Business District, states “The goal for this sub-district is to allow for development of light industrial type uses on properties that are in the downtown area, but are in close proximity to the FEC railroad. The purpose of the area is to recognize the long-standing light industrial character of this railroad corridor; to provide for the upgrading and expansion of existing uses when appropriate; and to enhance the economic growth of the central business district by providing employment opportunities in the downtown area. This sub-district is comprised of two nodes, one in northern part of the CBD and one in the southern part of the CBD.”

While there have been significant changes and new developments on the periphery of the Sub-district, development and redevelopment within the Sub-district has been relatively stagnant. Only three new developments have been constructed in this area since 2004. Redevelopment and site improvements have been limited resulting in many of the existing commercial structures in need of repair and beautification.

The “Marketing” chapter of the Downtown Master Plan (2002) contains recommendations for commercial development by business cluster. The Osceola Park commercial districts are located within Cluster 5. The following excerpt from the Downtown Master Plan is a recommendation for the future development of this area.

*“Recruitment efforts should also focus on building upon Haitian businesses already in the area. This niche would serve the needs of the local Haitian community as well as attract visitors and local residents who were looking for a unique shopping experience.”*

As noted previously, it is the intent of this Osceola Park Redevelopment Plan to provide for the type and intensity of uses that are appropriate based upon the location of the property, the configuration of the particular parcels, and the nature of the surrounding uses. One of the restraining factors to redevelopment is seen in the requirement to meet the parking demand.

The Plan states: “Within the Railway Corridor parking is a problem on SE 2<sup>nd</sup> Avenue, due to the limited number of off-street parking spaces provided by the businesses and the concentration of automotive repair establishments. The Plan further states “A primary focus in this area will be to provide additional parking for the businesses in the area.”

To address the parking “problem” identified in the Plan, the construction of new parking spaces has been an on-going effort of the CRA and the City. The CRA has constructed a 14-space parking lot at 215 SE 2<sup>nd</sup> Avenue. Additionally 11 on-street parking spaces have been constructed on SE 2<sup>nd</sup> Street and 24 on-street parking spaces along SE 2<sup>nd</sup> Avenue for a combined total of 49 new on-street parking spaces.

Currently, the CBD requires one space per 500 sq. ft. of gross floor area for commercial uses. Business and professional offices less than 10,000 sq. ft. are required to provide one space per 500 sq. ft. of net floor area. The need for additional parking spaces occurs for proposed changes of uses from retail or office to uses such as restaurants, medical offices, or call centers, which have a higher parking demand. An analysis of the nine existing commercial buildings was conducted with respect to existing parking provided and the potential need for additional spaces if the buildings were converted to restaurant, which has the highest requirement in the CBD.

The table below summarizes the anticipated parking needs if conversion to restaurants would occur:

| Property Address                  | Existing Use                        | Floor Area Sq. Ft. | Parking Required For Existing Use | Parking Provided On-site | Additional Parking Required* |
|-----------------------------------|-------------------------------------|--------------------|-----------------------------------|--------------------------|------------------------------|
| 100 SE 2 <sup>nd</sup> Street     | Industrial                          | 2,560              | 8                                 | 6                        | 2                            |
| 110 SE 2 <sup>nd</sup> Street     | Residential/office                  | 2,685              | 5                                 | 22                       | 10                           |
| 114 SE 2 <sup>nd</sup> Avenue     | Retail                              | 5,884              | 12                                | 9                        | 15                           |
| 201 SE 2 <sup>nd</sup> Avenue     | Business Office                     | 3,952              | 8                                 | 10                       | 6                            |
| 206 SE 2 <sup>nd</sup> Avenue     | Restaurant/Retail                   | 3,369              | 20                                | 8                        | 9**                          |
| 213 SE 2 <sup>nd</sup> Avenue     | Retail/Repair shop (Appliance shop) | 1,280              | 3                                 | 0                        | 5                            |
| 229 SE 2 <sup>nd</sup> Avenue     | Retail/Business Office              | 3,000              | 6                                 | 9                        | 3                            |
| 235 SE 2 <sup>nd</sup> Avenue     | Industrial                          | 9,840              | 44                                | 17                       | 0                            |
| 240 SE 2 <sup>nd</sup> Avenue     | Athletic Club /Gymnasium            | 2,205              | 4                                 | 6                        | 2                            |
| 258 SE 2 <sup>nd</sup> Avenue     | Industrial                          | 1,600              | 7                                 | 3                        | 0                            |
| 264 SE 2 <sup>nd</sup> Avenue     | Business office                     | 1,371              | 3                                 | 6                        | 0                            |
| 280-288 SE 2 <sup>nd</sup> Avenue | Retail                              | 2,424              | 5                                 | 10                       | 0                            |
| 290 SE 2 <sup>nd</sup> Avenue     | Industrial                          | 2,028              | 6                                 | 2                        | 4                            |
| Total                             |                                     |                    |                                   |                          | 56**                         |

\*Based on conversion of the entire building.

\*\*Nine in-lieu of parking spaces were approved for the conversion of 2, 9 sq. ft. from retail to restaurant.

\*\*\* Including the nine in lieu parking spaces approved for 206 SE 2<sup>nd</sup> Street (November 7, 2017).

The above table shows that 56 (including the in lieu parking spaces) additional parking spaces would be required to accommodate conversions of the entire floor area for the existing buildings from retail/office to restaurants. It must be noted that any reductions allowed for shared parking were not included in these calculations.

Similar to the recently adopted amendment in the West Atlantic Neighborhood Sub-district of the CBD, the proposed text change includes a sunset provision, which limits the effective period to three years subject to submittal of a building permit for the proposed use conversion. This provision ensures an assessment after three years to determine if the anticipated outcomes are being realized and if adjustments are needed based upon the redevelopment activity.

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.*

The Comprehensive Plan identifies the following Objectives and Policies with respect to CBD zoned parcels:

**Policy C-1.11** The following pertains to the area bounded by S.E. 2nd Street, Federal Highway, S.E. 5th Street, and Swinton Avenue (Osceola Park area):

This area has industrial uses with inadequate parking to the west, commercial uses to the east, and a mixed residential area which has turned mainly into renter-occupied units. It is also encompassed by wellfield protection zones. The Osceola Park Redevelopment Plan was adopted by the City Commission on December 6, 2004. The primary focus of this redevelopment plan is to arrest deterioration, provide adequate parking and services for the existing industrial and commercial areas, and accommodate housing which is compatible with the other uses. The Plan establishes proposed Future Land Use Map designations for the area. Future development must be in accordance with the provisions of the Redevelopment Plan.

*The proposed change supports this Policy by encouraging redevelopment and adaptive re-use of existing commercial buildings, which will promote economic improvement within the area.*

### **Objective C-3**

The Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm. The following policies and activities shall be pursued in the achievement of this objective.

**Policy C-3.1** The Central Business District (CBD) Zoning District regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:

- ☐ deletion of inappropriate uses
- ☐ incentives for locating retail on the ground floor with office and residential use on upper floors
- ☐ accommodating parking needs through innovative actions
- ☐ incentives for dinner theaters, playhouses, and other family oriented activities
- ☐ allowing and facilitating outdoor cafes

- ☐ incentives for mixed use development and rehabilitations
- ☐ elimination of side yard setback requirements
- ☐ allow structural overhang encroachments into required yard areas

*The proposed amendment is consistent with this policy by providing an innovative action to accommodating parking needs. The proposal encourages the rehabilitation of the existing commercial structures.*

*Overall, the proposed LDR amendment is consistent with the Comprehensive Plan, the Osceola Redevelopment Plan and the Community Redevelopment Plan. The LDR amendment has a specific objective of supporting local investment in the existing commercial structures in the Railroad Corridor Sub-district and a limited timeframe of three years to stimulate immediate action. The result will be increased activity along the corridor and potentially spur additional investment in the area.*

#### REVIEW BY OTHERS

The **Community Redevelopment Agency (CRA)** reviewed this item at their January 11, 2018 meeting and had no objections.

#### ASSESSMENT AND CONCLUSION

This amendment is proposed to encourage the adaptive re-use of several existing commercial buildings within the Railroad Corridor Sub-district of the CBD to support local investment and spur economic development within this area.

#### ALTERNATIVE ACTIONS

- A. Move to recommend approval of Ordinance No. 02-18, to the City Commission of the City-initiated text amendment to Section 4.4.13(I)(2) "CBD Parking Standards", "Minimum Number of Off-Street Parking Spaces" by adding Subsection (j) to not require additional parking for changes in use for a period of three years for buildings within the Railroad Corridor Sub-district located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street, 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).
- B. Move to recommend approval of Ordinance No. 02-18, as amended, to the City Commission of the City-initiated text amendment to Section 4.4.13(I)(2) "CBD Parking Standards", "Minimum Number of Off-Street Parking Spaces" by adding Subsection (j) to not require additional parking for changes in use for a period of three years for buildings within the Railroad Corridor Sub-district located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street, 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 to recommend denial of Ordinance No. 02-18, to the City Commission of the City-initiated text amendment to Section 4.4.13(I)(2) "CBD Parking Standards", "Minimum Number of Off-Street Parking Spaces" by adding Subsection (j) to not require additional parking for changes in use for a period of three years for buildings within the Railroad

Corridor Sub-district lying between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street, by 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).

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| <b>STAFF RECOMMENDATION</b> |
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Recommend to City Commission the approval of Ordinance 02-18, a City-initiated text amendment to Section 4.4.13(1)(2) "CBD Parking Standards", "Minimum Number of Off-Street Parking Spaces" by adding Subsection (j) to not require additional parking for changes in use for a period of three years for buildings within the Railroad Corridor Sub-district located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street, 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).

Attachment:  
Draft Ordinance No. 02-18  
Location Map

**CBD-RC**



ORDINANCE NO. 02-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY ADDING SUBSECTION 4.4.13(I)(2)(j) "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES" TO NOT REQUIRE ADDITIONAL PARKING FOR CHANGES IN USE IN EXISTING BUILDINGS WITHIN THE CBD RAILROAD CORRIDOR SUB-DISTRICT LYING SOUTH OF SE 2<sup>ND</sup> STREET, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on \_\_\_\_\_, 2018 and voted \_\_\_\_ to \_\_\_\_ to recommend that the changes be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopted the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.4.13, "Central Business District (CBD)", Subsection (I) "CBD parking standards, Sub-Subsection (2) "Minimum number of off-street parking spaces", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

Section (a) – (i) (These subsections shall remain in full force and effect as previously adopted.

(j) Buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until March 6, 2021, and subject to submittal of a building permit.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder this Ordinance.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_