CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1ST AVENUE ♦ DELRAY BEACH ♦ FLORIDA 33444 ♦ (561) 243-7040

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HISTORIC PRESERVATION BOARD STAFF REPORT

City Center (Doc's) - 10 N. Swinton Avenue

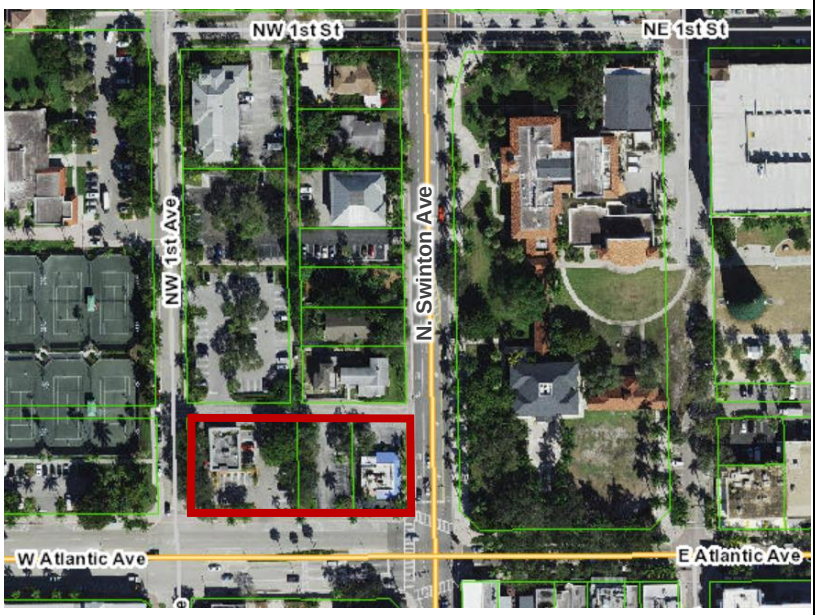
Meeting	File No.	Application Type
August 3, 2022	2022-060	In-Lieu of Parking

REQUEST

The item before the Board is a recommendation to the City Commission for an In-Lieu of Parking (2022-060) request associated with a Class V Site Plan Modification and Certificate of Appropriateness to allow 25 In-Lieu of Parking Spaces for the proposed commercial project known as **City Center (Doc's), Old School Square Historic District**.

GENERAL DATA

Owner: MDG Banyan Delray Partners, LLC
Agent: Neil Schiller & John Szerdi
Location: 10 N. Swinton Avenue
PCN: 12-43-46-16-01-060-0130
12-43-46-16-01-060-0150
12-43-46-16-01-060-0160
Property Size: 0.731 Acres
Zoning: OSSHAD with CBD Overlay
Historic District: Old School Square
Land Use: HMU (Historic Mixed Use)
Adjacent Zoning:
OSSHAD (North)
OSSHAD (West)
OSSHAD with CBD Overlay (South)
OSSHAD (East)
Existing Land Use: Commercial
Proposed Land Use: Commercial



BACKGROUND AND PROJECT DESCRIPTION

The property is located at the northwest corner of North Swinton Avenue and West Atlantic Avenue and is within the Locally and Nationally Designated Old School Square Historic District. The subject property consists of 10 North Swinton Avenue (Doc's All American), an unaddressed parking lot located west of 10 North Swinton Avenue, and 37 West Atlantic Avenue (Dunkin Donuts). The property currently contains a non-contributing, Masonry Vernacular style 1951 building that was formerly occupied by a restaurant known as "Doc's All American" with a parking lot to the west and a non-contributing, Masonry Vernacular style circa 1980 building that is occupied by the Dunkin Donuts coffee shop with associated parking.

The Doc's property is listed as a contributing resource within the National Register designated Old School Square Historic District and the property is listed as a non-contributing resource within the Local Register designated Old School Square Historic District. The 2009 Old School Square Historic District Resurvey recommended that the Doc's property be reclassified as contributing, as the Period of

Project Planners:	Review Dates:	Attachments:
Michelle Hoyland, Principal Planner - HoylandM@mydelraybeach.com Katherina Paliwoda, Planner - PaliwodaK@mydelraybeach.com Michelle Hewett, Planner, HewettM@mydelraybeach.com	HPB: August 3, 2022 CC: To be determined	1. Plans 2. Justification Statements 3. Photos

Significance was being expanded to include those eligible resources constructed between 1944 and 1965; however, the owner requested that the subject property not be reclassified. Upon adoption of Ordinance 10-10 on June 1, 2010, the Period of Significance for the Old School Square Historic District was expanded to 1965, and 10 of the properties that were recommended for reclassification were not reclassified to contributing, including the subject property, because the property owners were allowed to "opt-out" of this process.

It is noted that the 2020 Historic Resource Resurvey of the Old School Square Historic District recommends the property be reclassified as a contributing structure to the Local Register of Historic Places. While the 2020 Historic Resource Resurvey project has not yet been finalized, it is expected to be scheduled for review by the Historic Preservation Board and City Commission at the end of this year.

The east portion of the property contains a one-story 1951 building that until 2021 had been utilized as a restaurant last known as "Doc's All American". A bathroom addition was added to the Doc's restaurant in the 1980s, as well as a large awning surrounding the front and sides of the structure. The existing neon sign was restored in the 1990s. Four parking spaces are located on the north side of the structure, adjacent to the east/west alley. In 1994, COA 8-217 was approved by the Historic Preservation Board for improvements to the building as well as the addition of new code compliant landscaping, and a new parking lot to the west of the restaurant building.

On June 3rd, 2003, COA 2003-230 received administrative approval for a color change to the fabric awning. In 2006, a sign replacement for Doc's restaurant was submitted and approved administratively.

In 2020, an application was submitted for a Land Use Amendment to change the 0.76-acre property's Future Land Use designation from Historic Mixed Use (HMU) to Commercial Core (CC) (Ordinance No. 35-21) and a Rezoning to change the property's zoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) (Ordinance No. 34-21). An application was submitted to Individually Designate the Doc's property (10 N. Swinton Avenue) to the Local Register of Historic Places (Ordinance No. 28-21). Other submittals during this time included a Sketch Plan Review, Class V Site Plan, Certificate of Appropriateness, Waiver, In-Lieu of Parking, and Conditional Use. Below is a summary of application submittal and public hearing reviews:

- July 1, 2020, HPB recommended denial of the Rezoning and Land Use Amendment requests.
- August 17, 2020, the Planning and Zoning Board (PZB) recommended approval of the Rezoning and Land Use Amendment requests.
- October 6, 2020, applicant submitted a request to Individually Designate the Doc's property (10 N. Swinton Avenue) to the Local Register of Historic Places.
- October 6, 2020, the City Commission approved the Rezoning and Land Use Amendment requests on 1st reading.
- December 8, 2020, the City Commission denied the Rezoning and Land Use Amendment requests on 2nd reading.
- December 11, 2020, the applicant withdrew the historic designation application.
- January 5, 2021, the City Commission discussed and voted to reconsider the Rezoning and Land Use Amendment on a future agenda.
- May 14, 2021, applicant submitted a Sketch Plan Review to the Development Services Department for staff review of a Site Plan and Certificate of Appropriateness for construction of a new commercial structure and modification of the existing Doc's building. Technical Advisory Committee comments were issued to the applicant on June 23, 2021.

- September 1, 2021, HPB recommended approval of the Individual Designation of the property (10 N. Swinton Avenue - Doc's) to the Local Register of Historic Places.
- October 5, 2021, the City Commission approved the Individual Designation request on 1st reading.
- October 5, 2021, the City Commission denied the Rezoning and Land Use Amendment on 2nd reading.
- November 2, 2021, the Individual Designation was expected to be scheduled for 2nd reading before the City Commission but was postponed at the request of the applicant.
- December 2, 2021, the applicant submitted a Class V Site Plan, COA, Waiver, and In-Lieu of Parking requests.
- March 4, 2022, the applicant submitted a Conditional Use request to allow outdoor dining which operates at night and is the principal use or purpose of the restaurant formerly known as Doc's (10 N. Swinton Avenue).

The subject request is an In-Lieu of parking request for 25 parking spaces, where 53 spaces are required, and 28 spaces are provided. The Site Plan and Certificate of Appropriateness proposal includes the construction of a 3-story mixed-use commercial structure west of the existing Doc's building and exterior modifications to the Doc's building; it is noted that the proposal is considered a unified development of the 3 properties totaling 0.76 acres.

The proposal also includes a CBD Waiver request to allow the use of the Porch frontage type rather than the required Storefront frontage type and a Conditional Use request to allow outdoor dining, which operates at night and is the principal use or purpose of the associated restaurant. The Waiver, In-Lieu of Parking, and Conditional Use requests must be approved by the City Commission prior to HPB's review of the Site Plan and Certificate of Appropriateness requests.

IN-LIEU OF PARKING ANALYSIS

PARKING:

Pursuant to LDR Section 4.4.13(I)(2) and Table 4.4.13(L) the required parking is as follows:

PARKING REQUIREMENTS – OSSHAD WITH CBD OVERLAY	
Retail & Commercial Use	**1 space per 500 sf. of gross floor area**
Business Office greater than 10,000 sf within 750' of a public parking garage	**1 space per 500 sf of net floor area**
Restaurant Use	**6 spaces per 1,000 sf of gross floor area**

Pursuant to LDR Section 4.6.9(C)(8)(a), Multiple uses, Shared parking. When a building or combination of buildings on a unified site or sites contains a mix of uses as categorized in the table below, the minimum total number of required parking spaces shall be determined by the following method:

Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns.

Shared Parking Calculations Table												
		Weekday						Weekend				
		Night		Day		Evening		Day		Evening		
Use	Required	Midnight to 6 AM		9 AM to 4 PM		6 PM to Midnight		9 AM to 4 PM		6 PM to Midnight		
Residential (10 units)	0	100%	0	60%	0	90%	0	80%	0	90%	0	
Office (16,893sf @ 1/500sf)	33.79	5%	1.6895	100%	33.79	10%	3.379	10%	3.379	5%	1.6895	
Retail (8,379sf @1/500sf)	16.76	5%	0.838	70%	11.732	90%	15.084	100%	16.76	70%	11.732	
Hotel/ Residential Inn	0	80%	0	80%	0	100%	0	80%	0	100%	0	
Restaurant (2,575sf @ 6/1000sf)	15.45	10%	1.545	50%	7.725	100%	15.45	50%	7.725	100%	15.45	
Entertainment/Recreational (theatres, bowling alleys, etc)	0	10%	0	40%	0	100%	0	80%	0	100%	0	
Reserved Parking	0	100%	0	100%	0	100%	0	100%	0	100%	0	
Other		100%	0	100%	0	100%	0	100%	0	100%	0	
TOTALS	66		4		53		34		28		29	53
The minimum number of parking spaces is the highest time period total at the bottom of the table.												
53 Total Spaces Required												
On Street Parking Credits = .5												
(52.5) Total Spaces Required rounded to 53												

Pursuant to LDR Section 4.4.13(I)(3)(a)(6), If the required parking is not or cannot be provided on-site or off-site, the in-lieu fee option provided in Section 4.6.9(E)(3) may be applied.

Pursuant to LDR Section 4.6.9(E)(3) In-Lieu fee. Subject to the limitations of this Section, new development, use conversion to existing buildings, building additions and/or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in-lieu of parking program. Required parking for exclusively residential development or residential components of mixed use developments are not eligible for this in-lieu option. A maximum limit of 30 percent of eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting such approvals, the City Commission must find that adequate public parking options are available and that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.
The intent of the in-lieu program is to assist with new development, redevelopment, and adaptive reuse of buildings throughout the downtown.

Per LDR Section 4.6.9(E)(3)(b)(2) - Area 2: Parcels located within the OSSHAD zoning district, except for those parcels which front East Atlantic Avenue (as illustrated in the "In Lieu Fee Areas" map), and parcels located within the Pineapple Grove Main Street area which are zoned CBD.

Per Resolution 27-17, the in-lieu parking fee within Area 2 is $10,140 per space.
The overall proposal includes construction of a new 3-story, mixed-use commercial building in addition to rehabilitation of the existing Doc's structure with associated outdoor dining area. Based upon the above, 53 parking spaces are required for the City Center project (see Shared Parking Calculations Table above), 28 parking spaces are proposed on-site, and the proposal is deficient for 25 parking spaces; thus, those spaces are proposed as In-Lieu of Parking spaces (see In-Lieu Parking Calculations Table below). Based upon the above the 25 in-lieu parking spaces will cost $253,500.

IN - LIEU PARKING CALCULATIONS					
USE	PROPOSED AREA	PARKING CALCULATION	*** SPACES REQUIRED**	PROVIDED ON-SITE	IN-LIEU REQUEST
RETAIL	8,379.0	1 PER 500 SF GROSS	11.7320		50% = 5.87 SPACES
OFFICE	16,893.0	1 PER 5000 SF NET	33.7900		50% = 16.90 SPACES
RESTAURANT & OUTDOOR DINING	2,575.0	6 PER 1,000 SF GROSS	7.7250		30% = 2.32 SPACES
TOTAL			53	28	25.09
* = USING WEEKDAY (9AM-4PM) REQUIREMENTS FROM PARKING MATRIX					

Pursuant to LDR Section 4.4.13(I)(2)(g), Properties located within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link Station may opt to use the in-lieu fee option provided in Section 4.6.9(E)(3) up to 50 percent of the required off-street parking amount, except that restaurant and lounge uses are limited to 30 percent. The distance shall be measured along the closest pedestrian route between nearest building entrances/the planned station location.
As the proposal includes utilization of the in-lieu fee option, the required parking for the retail & office use is limited to a maximum of 50% and the restaurant use is limited to a maximum of 30%. It is noted that the In-Lieu of Parking calculation is based upon the shared parking calculation of 53 parking spaces, where a maximum of 27 in-lieu parking spaces would be permitted for retail & office uses (23 in-lieu proposed) and a maximum of 16 in-lieu spaces would be permitted for restaurant & lounge uses (2 in-lieu proposed). There is one public parking garage within the 750 feet proximity (approximately 740 feet away), the Federspiel Garage, which is located on SE 1st Avenue, southeast of the subject property. There are 202 spaces within the garage of which 107 spaces are allocated for the public. The remaining 95 spaces are reserved for the Worthing Place development located on the east side of SE 1st Avenue and 40 of those spaces were required to be available to the public at 6:01 p.m. through 7:59 a.m., Monday through Friday, and 12:01 p.m., Saturdays through 7:59 a.m. on Mondays.



Applicant Exhibit – Utilizing Alley as Pedestrian Route



Staff Exhibit – Utilizing Atlantic Avenue as Pedestrian

It is noted that the pedestrian distance to the County Parking garage on SW 2nd Avenue is 630 feet but it is not open at night. The pedestrian distance to the Old School Square Parking Garage on Pineapple Grove Way/NE 2nd Avenue is approximately 930 feet when walking around the Old School Square Complex on established public sidewalks and 780 feet when walking across N. Swinton Avenue at mid-block and through the Old School Square Complex. These parking structures have not been utilized in the analysis due to these factors.

Pursuant to LDR Section 4.6.9(E)(3)(e), In addition to in-lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in-lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way. (For example, the applicant requests to pay the in-lieu fee on four spaces; the applicant constructs four spaces in the right-of-way; the applicant must only pay the in-lieu fee for two spaces). Crediting of spaces constructed in the right-of-way resulting in a fraction shall be rounded down. Credit may not be taken for those parking spaces constructed in the public right-of-way which are required to meet the performance standards for new developments.
One on-street parking space is proposed on NW 1st Avenue. While there is sufficient right-of-way along W. Atlantic Avenue to construct on-street parking, such spaces would require approval from the city and FDOT as well as reconfiguration of the existing conditions within the right-of-way (turn-lane, travel lanes, intersection, etc.). Discussions relating to the design of Atlantic Avenue and Swinton Avenue; however, new design configuration has not been determined to date.

Pursuant to LDR Section 4.4.13(I)(2)(b), The parking required for the creation of new floor area, shall also include the replacement of any previously required parking which may be eliminated.
The Doc's building & outdoor dining area are to remain, and the structure is associated with at least 23 existing parking spaces of which 14 spaces are required for the previous restaurant. 28 parking spaces are proposed with the new development, the result is the creation of 5 more on-site parking spaces.

Pursuant to Section 2.4.5(O)(5) – Findings. In-Lieu of parking and public parking fee. The City Commission find that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies. For In-lieu requests, an additional finding must be made that adequate public parking options are available. For Public Parking Fee requests, an additional finding must be made that adequate public parking will be available pursuant to the requirements of Section 4.6.9(E)(4).
The applicant submitted a statement addressing the In-Lieu of Parking Findings, which in part states:

> *"The latest City Parking Study from 2016 indicates that the peak hours of usage are between 8-9 pm. During this time period the City Center Delray parking needs per the shared parking matrix needs between 30-39 spaces or 2-11 more spaces than the 28 on-site space to be provided. The study includes parking demand uses for the public parking lot (The Monterey lot of 85 spaces) exists directly north of the adjacent alley, the Federspiel Parking Garage (202 spaces) and the Old square Garage (525 spaces). The study also indicates that the off peak daytime hours during the week and weekend are approximately 50% of the available public parking capacity.*
>
> *The public parking area off-peak daytime usage per the 2016 City Parking Study coincides with the peak time usage of the City Center Delray project.*
>
> *The peak time usage for the public parking areas are between 8-9 pm on weekends which is a much lower usage time period for the City Center Delray requiring only 6 extra off-site spaces in addition to the 28 on-site parking spaces provided.*

Additionally, a public parking lot with 98 spaces exists directly north of the adjacent alley which accesses both the project and the public parking lot."

As previously noted, the public parking garage that qualifies for utilization of the In-Lieu of Parking fee option is the Federspiel Garage. The Old School Square Parking Garage is within the vicinity as is the Palm Beach County Parking Garage, but both are beyond the 750 feet distance requirement. Also, a surface parking lot does not technically qualify as parking lots could be redeveloped where a parking garage would be expected to remain for the long term. The surface parking lot referred to as the "Monterey Lot" in the applicant's justification is situated immediately to the north of the subject property across a public alley, many of the spaces are owned by the CRA, and are in a condominium ownership with other surrounding businesses (offices & restaurant).

Finally, the 2016 City Parking Study was updated in 2022 and is now known as the Parking and Curbside Management Plan (Plan). The Plan has not yet been adopted and is tentatively scheduled for review by the City Commission on August 16, 2022.

REVIEW BY OTHERS

On June 21, 2022, the **Downtown Development Authority (DDA)** recommended approval; the board memo is attached providing the board's comments.

The City Center project will be forwarded to the **Community Redevelopment Agency (CRA)** in August of 2022 for inclusion on the Development Applications update memorandum.

The City Center project was reviewed by the **Parking Management Advisory Board (PMAB)** on June 28, 2022; the recommendation was to approve the project.

ALTERNATIVE ACTIONS

A. Move to continue with direction.

B. Recommend approval to the City Commission for In-Lieu Parking (2022-060) request, for the property located at **City Center, Old School Square Historic District,** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

C. Recommend approval to the City Commission for In-Lieu Parking (2022-060) request, for the property located at **City Center, Old School Square Historic District,** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following conditions:
1.

D. Recommend denial to the City Commission for In-Lieu Parking (2022-060) request, for the property located at **City Center, Old School Square Historic District,** by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES	
☑ Courtesy Notices are not applicable to this request	☑ Agenda was posted on (7/27/22), 5 working days prior to meeting.