

PLANNING AND ZONING BOARD

STAFF REPORT

MEETING DATE: September 18, 2017

AGENDA NO: VI.B

AGENDA ITEM: LDR Amendment – Section 4.4.13 Regarding Central Business District Parking Standards for the West Atlantic Neighborhood Sub-district

FILE: 2017-237-LDR-CCA

ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission regarding Ordinance No. 39-17, a city-initiated amendment to the Land Development Regulations (LDRs) to amend Section 4.4.13 Regarding Central Business District Parking Standards for the West Atlantic Neighborhood Sub-district.

BACKGROUND

The West Atlantic Neighborhood is part of the area now branded as The Set. The Set also includes the Northwest and Southwest Neighborhoods. The proposed LDR amendments are only for the portion of The Set which is defined as the West Atlantic Sub-district in the Central Business District. A map of this area is attached.

As part of The Set Transformation Plan, there have been extensive conversations with regard to strategies to encourage investment and additional economic activity in The Set, such as the proposed LDR amendment. These strategies are supported by the adopted Community Redevelopment Plan and various city planning documents.

The proposed LDR amendment has been initiated recently as the result of numerous local entrepreneurs and small business owners who have expressed interest in establishing their businesses in The Set. For conversions of use from retail or office to restaurant of existing commercial buildings, additional parking must be addressed. This is often in the form of in lieu parking (\$4,600 per parking space) as the spaces cannot be provided otherwise (constructing new parking, or entering into an off-site parking agreement with a nearby property owner). This expense is in addition to the costs of the interior improvements and upgrades for the business.

Pursuant to the adopted Community Redevelopment Plan, Project Objectives of the West Atlantic Avenue Redevelopment Plan include:

- Encourage economic growth, redevelopment and minority business development.
- Increase job opportunities within the West Atlantic redevelopment area and surrounding neighborhoods.
- Promotion of businesses which serve the neighborhoods residents
- Development of programs, events and projects which attract new consumers to the Avenue.

It is noted a major component of the W. Atlantic Avenue Redevelopment Plan includes site acquisition by the CRA for construction of centralized parking facilities to serve the surrounding areas. This has been an ongoing effort with the CRA constructing or providing funding for the construction of public parking facilities in The Set. This program assists small businesses to address their parking needs and supplements private sector parking.

The amendment is also supported by the 2010 Parking Management Plan, which states the City can build public parking facilities at strategic locations within the West Atlantic Neighborhood, similar to the ones in the downtown core and the Beach District, and waive/reduce parking requirements for businesses within a specified distance of public parking facilities. The CRA would like to promote private investment through implementation of parking and other development incentives to attract businesses within the District.

It is recommended the amendment to the Land Development Regulations is only effective for a period of three years, unless it is extended by the City Commission. This would provide for the assessment at that time to determine if the anticipated outcomes are being realized and if adjustments need to be made based upon the redevelopment activity.

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, proposed in conjunction with the CRA.

This amendment will make the following changes to Section 4.4.13(l)(2):

(i) Within the West Atlantic Neighborhood Sub-district, west of NW/SW 4th Avenue and east of NW/SW 12th Avenue, changes in commercial use within existing commercial buildings shall not be required to provide additional on-site parking. Unless extended by action of the City Commission through modification of this sub-subsection, the provisions of this sub-subsection shall only be effective for a period of three years after adoption.

The proposed change pertains only to the existing commercial buildings located within the subject geographic area and shall be effective for a period not to exceed three years. There is adequate on-street parking for the blocks with existing buildings which may have the potential to convert from retail/office to restaurant or the properties have off-street parking which could handle a portion of the demand. Many of the existing commercial buildings are expected to remain in their current use, i.e. Community Market (1130 W. Atlantic Ave.), Atlantic Meats (1028 W. Atlantic Ave.), Leogane Market (700 W. Atlantic Ave.). In addition, there are CRA parking lots nearby several of the properties, such as 400 W. Atlantic Ave, which provide parking opportunities, but which do not reduce the financial hurdle of the current in lieu parking costs.

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:

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.

The proposed amendment is designed to support local investment in the West Atlantic Sub-district. It supports the continued revitalization of the CBD and will help preserve the surrounding neighborhoods.

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.

Policy C-3.2 The "Downtown Delray Beach Master Plan" was adopted by the City Commission on March 19, 2002. Covering the downtown business districts surrounding the Atlantic Avenue corridor between I-95 and A-1-A, it represents the citizens' vision for the growth and unification of Delray Beach, while still retaining the "village by-the-sea" character of the CBD. The Plan addresses a wide range of issues including infill development, neighborhood parks, shared parking, public art, the roadway and alleyway systems, marketing/economic development, and the need to modify the Land Development Regulations to include design guidelines to retain the character of Delray

Beach. Future development and redevelopment in this area shall be consistent with the Master Plan.

Overall, the proposed LDR amendment is consistent with the Comprehensive Plan, the Community Redevelopment Plan, and The Set Transformation Plan. The LDR amendment has a specific objective of supporting local investment in the existing commercial structures in the West Atlantic neighborhood 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) will review this item at their September 18, 2017 meeting and a recommendation will be provided to the City Commission. The CRA meeting was cancelled due to Hurricane Irma which eliminated the opportunity for the CRA to review prior to the Planning and Zoning Board meeting.

The **West Atlantic Redevelopment Coalition** (WARC) will review this item at their meeting of October 5, 2017 and a recommendation will be provided to the City Commission. The WARC meeting was cancelled due to Hurricane Irma which eliminated the opportunity for the WARC to review prior to the Planning and Zoning Board meeting.

ASSESSMENT AND CONCLUSION

This proposed change is being proposed to encourage the adaptive re-use of several vacant commercial buildings within the West Atlantic Neighborhood Sub-district of the CBD to support local investment and spur economic development within this area of the Atlantic Avenue corridor. The application is a joint initiative with the Community Redevelopment Agency.

ALTERNATIVE ACTIONS

- A. Move a recommendation of approval of Ordinance No. 39-17, 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 (i) to not require additional parking for changes in use in existing commercial buildings within the West Atlantic Neighborhood Sub-district lying west of NW/SW 4th Avenue and east of NW/SW 12th Avenue for a period of three years, 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 a recommendation of approval of Ordinance No. 39-17, as amended, to the City Commission of the city-initiated text amendment to amend Section 4.4.13(I)(2) “CBD Parking Standards”, “Minimum Number of Off-Street Parking Spaces” by adding Subsection (i) to not require additional parking for changes in use in existing commercial buildings within the West Atlantic Neighborhood Sub-district lying west of NW/SW 4th Avenue and east of NW/SW 12th Avenue for a period of three years, 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 of Ordinance No. 39-17, 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 (i) to not require additional parking for changes in use in existing commercial buildings within the West Atlantic Neighborhood Sub-district lying west of NW/SW 4th Avenue and east of NW/SW 12th Avenue for a period of three years, 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).

STAFF RECOMMENDATION

Recommend to City Commission the approval of Ordinance 39-17, 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 (i) to not require additional parking for changes in use in existing commercial buildings within the West Atlantic Neighborhood Sub-district lying west of NW/SW 4th Avenue and east of NW/SW 12th Avenue for a period of three years, 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. 39-17

West Atlantic Sub-district maps