



## Legislation Text

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**File #: 18-110, Version: 1**

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**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Planning, Zoning & Building Director**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: February 20, 2018**

OSTERIA BOSSI, LOCATED AT 32 E. ATLANTIC AVENUE, IN LIEU OF PARKING FEE REQUEST FOR 2 SPACES (*QUASI-JUDICIAL HEARING*)

**Recommended Action:**

Motion to approve the in lieu of parking fee request in the amount of \$47,320 for 2 parking spaces for Osteria Bossi, located at 32 E. Atlantic Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Section 4.6.9(E) of the Land Development Regulations, subject to the condition that full payment be paid upon issuance of a building permit.

**Background:**

The subject request is for the approval of 2 in lieu of parking spaces associated with a Class III Site Plan Modification for the installation of a 160 square foot, outdoor, walk-in cooler for a restaurant located at 32 E. Atlantic Avenue, to be known as Osteria Bossi. The property, located on the south side of E. Atlantic Avenue is zoned Old School Square Historic Arts District (OSSHAD) and is within the Central Business District (CBD) zoning overlay; therefore, the CBD zoning regulations are applicable to the subject property, with the exception of conditional uses. Further, the property is within the Old School Square Historic District and is considered a non-contributing resource in the district.

The new 160 square foot, outdoor, walk-in cooler requires 2 additional parking spaces as the current parking requirement is 15 spaces per each additional 1,000 square feet and the fractional calculation results in 2 parking spaces. The applicant is requesting to utilize the in-lieu of parking for these spaces.

The subject property is located within In Lieu Area 1, revised with Ordinance No. 15-17, which requires \$23,660 per space. The total in lieu fee for the 2 spaces is \$47,320.

Pursuant to LDR Section 4.6.9(E)(3), 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. 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 the request, 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. Installation of a new 160 square foot walk-in cooler to the rear/south side of the building is to allow for complete use of the existing kitchen and is not considered additional use area nor is it considered a building addition. Rather, it is an outdoor refrigerator, accessed only from the exterior of the structure. It is not occupiable nor could it be converted to habitable use area in the case of future expansions. The applicant submitted an in lieu of parking request for the 2 required spaces.

There are three parking facilities within proximity of the proposed project:

- The Federspiel Garage on SE 1st Avenue, a public parking garage, which is located to the south of the subject property. The 202-space parking garage consists of 107 public parking spaces; the other 95 spaces are reserved for the Worthing Place development located on the east side of SE 1st Avenue, 40 of those spaces were required to be available to the public 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.
- The Old School Square Parking Garage is located one block to the north and contains 525 parking spaces available to the public at all times.
- The Monterey Lot is located on NW 1st Avenue behind the CRA building at 20 North Swinton Avenue and contains 85 parking spaces.

In 2016, the City hired Kimley-Horn to perform a public parking study throughout the downtown which illustrated that the existing parking facilities within the downtown were at or close to capacity on a Saturday evening from 8pm-9pm during both peak and off-peak season. The study also reviewed on-street parking along East Atlantic Avenue which showed the same results regarding capacity. The study did not include on-street parking along any side streets.

The study indicates that the highest utilization times for the Old School Square Garage is on Friday and Saturday evenings (8pm - 9pm) during peak and off-peak seasons with just 58 spaces available on a Friday and 19 spaces available on a Saturday during peak season. The Federspiel Garage was noted as having 17 spaces available on a Friday and 2 spaces available on a Saturday both during peak season. The Monterey Lot had 3 spaces available on a Friday and no spaces available both during peak season. In consideration of the available parking within these three facilities, there are 78 parking spaces available on a Friday night and 17 available on a Saturday night during peak season. Given the information regarding the parking capacity during peak times, there are parking options within proximity to the property; therefore, the full request of 2 in-lieu parking spaces meets the required finding and the request is supportable given the accessory nature of the outdoor walk-in cooler.

The Parking Management Advisory Board (PMAB) considered the in lieu of parking request for 2 parking spaces (\$47,320) at its meeting of January 30, 2018 and recommended approval.

The Historic Preservation Board (HPB) considered the in lieu of parking request for 2 parking spaces at its meeting of February 7, 2018 and recommended approval.

On February 8, 2018, the Community Redevelopment Agency (CRA) considered the in lieu of parking request. The overall comments were positive and there was consensus in support of the request.

On February 12, 2018, the Downtown Development Authority (DDA) recommended approval of the in lieu of parking request.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval of the In Lieu of Parking request is required prior to approval of the Class III site plan modification.