



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 01-20, Parking Exception for Outdoor Use Areas in the West Atlantic Neighborhood Sub-district

Meeting	File No.	Application Type
December 16, 2019	2020-052-LDR	Land Development Regulations Amendment

Request

Consideration of a privately-initiated request to amend the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023, for properties within the West Atlantic Neighborhood Sub-district.

Background Information

In 2017, the City Commission adopted Ordinance No. 39-17, which amended the Land Development Regulations to exempt existing commercial buildings within the West Atlantic Neighborhood Sub-district from providing additional on-site parking for a change in use; the exemption was approved for a limited duration through December 31, 2020. The City-initiated amendment followed extensive conversations regarding strategies to encourage investment and additional economic activity in the West Atlantic Neighborhood. The strategies, which include the approved parking exemption, are supported by the adopted Community Redevelopment Plan and various city planning documents. The adopted amendment was 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.

Additionally, the LDR amendment responded to numerous local entrepreneurs and small business owners who expressed interest in establishing their businesses in the West Atlantic Neighborhood. For conversions of use from retail or office to restaurant, additional parking is required and often, due to site constraints, must be provided in the form of in lieu parking fees (\$4,600 per parking space) as the parking spaces cannot be provided otherwise (constructing new parking, or entering into an off-site parking agreement with a nearby property owner). The parking expense is in addition to the costs of the interior improvements and upgrades for the business.

The approved amendment was only effective for a period of three years, unless extended by the City Commission. The approved timeframe was intended to provide time for an assessment to determine if the anticipated outcomes are being realized and if adjustments need to be made based upon the redevelopment activity. It is important to note that to date within the last two years, no requests have been submitted to take advantage of the parking exemption.

Description of Proposal

The proposed amendment seeks to extend and expand the existing parking exemption within the West Atlantic Neighborhood Sub-district of the CBD. The current exemption is limited to changes of use where additional parking is required for existing commercial structures. The amendment would expand the parking exception to include both existing and new outdoor areas associated with a commercial use within an existing commercial structure and extend the limited duration of the current exemption from December 31, 2020 to December 31, 2023.

Review and 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 privately-initiated by Neil M. Schiller, Attorney at Law, on behalf of Delray Spirits.

Project Planner:

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Attachments:

- Draft Ordinance 01-20
- Request Justification Statement

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 following GOPs of the adopted Comprehensive Plan are applicable to the proposed amendment:

Future Land Use 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".

A portion of the West Settlers Historic District is located within the West Atlantic Neighborhood Sub-district. The amendment supports the adaptive reuse/ conversion of use of existing commercial structures, whether contributing or non-contributing, and facilitates the inclusion of outdoor areas for uses like dining.

Future Land Use Element Policy C-1.5: The following pertains to the redevelopment of the West Atlantic Avenue Area: This area extends in a corridor along Atlantic Avenue eastward from I-95 to Swinton Avenue. The present land uses in this area include single family homes, duplexes, mini-parks, commercial uses along Atlantic Avenue and N.W. 5th Avenue, and scattered vacant parcels. The West Atlantic Avenue Redevelopment Plan was adopted by the City Commission on July 11, 1995. The plan establishes Future Land Use Map designations, zonings, special development standards, and design guidelines for the Redevelopment Area. Future development in the area must be in accordance with the provisions of the redevelopment plan.

The proposed amendment is consistent with the plan, which calls for special development standards and rehabilitation and adaptive reuse of existing structures.

Future Land Use Element 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 continue to support local investment in the West Atlantic Neighborhood Sub-district by encouraging and incentivizing the continued revitalization of the CBD and preserving the charm through the reuse of existing structures.

Future Land Use Element 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 maintains consistency with this policy by continuing an innovative action to accommodating parking needs, allowing and facilitating outdoor café areas by not requiring additional parking for outdoor use areas, and incentivizing rehabilitation of existing structures.

Review By Others

The **Downtown Development Authority (DDA)** will review the proposed LDR Amendments at its January 13, 2020 meeting.

The proposed LDR Amendments have been reported to the **Community Redevelopment Agency (CRA)**; a review date has not yet been determined.

The **City Commission** review of the proposed LDR Amendments is tentatively scheduled for the meetings of January 21, 2020 (First Reading) and February 4, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.01-20, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023, for properties within the West Atlantic Neighborhood Sub-district by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 01-20, **as amended**, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023, for properties within the West Atlantic Neighborhood Sub-district by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 01-20, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023, for properties within the West Atlantic Neighborhood Sub-district by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

☒ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

- Chamber of Commerce

N/A Public Notices are not required for this request.

N/A Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on (insert date), 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

X Public Notice was published in the Sun Sentinel on Friday, December 6, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, December 6, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Friday, December 6, 2019, 10 working days prior to the meeting.

X Agenda was posted on Friday, December 6, 2019, at least 5 working days prior to meeting.