



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Parking Exemption in the southern Railroad Corridor Sub-district

Meeting	File No.	Application Type
January 25, 2021	2020-052-LDR	Land Development Regulations Amendment
Applicant	Authorized Agent	
Clif Rosen, Delray Swan Holdings, LLC	Neil Schiller, Esq., Saul, Ewing, Arnstein & Lehr	

#### Request

Provide a recommendation to the City Commission on Ordinance No. 05-21 for a privately-initiated request to amend the Land Development Regulations (LDR) Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to extend the expiration date from April 3, 2021 to December 31, 2024 for the parking exemption applicable to existing buildings that undergo a change of use on properties located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street within the Railroad Corridor Sub-district.

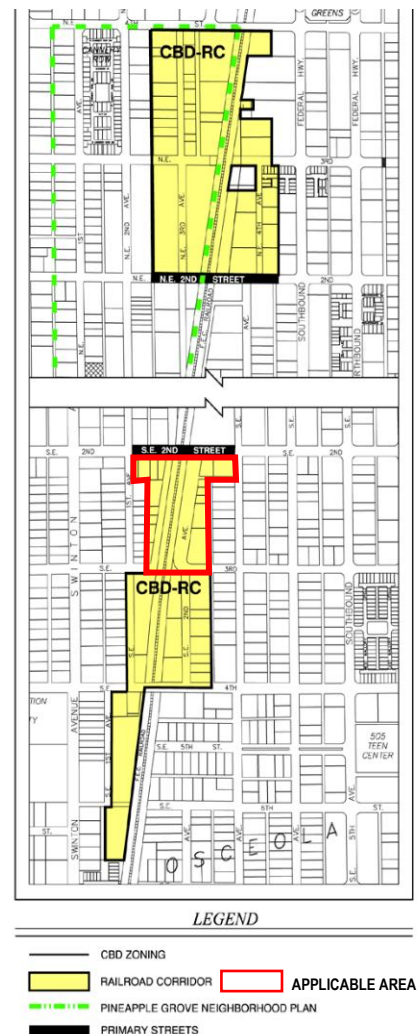
#### Background Information

In 2018, the City Commission adopted Ordinance No. 02-18, to exempt existing buildings from meeting the off-street parking requirements due to a change of use within that portion of the southern Railroad Corridor Sub-district of the Central Business District located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street within the CBD-RC (see area highlighted in red on map). The exemption was for a limited duration, through April 3, 2021.

For example, conversions of use from retail or office to restaurant require additional parking 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 2018 amendment was City-initiated following discussions between City staff and City Commission direction to assist with and encourage adaptive reuse and rehabilitation of existing buildings within this portion of the Osceola Park Redevelopment Plan area. The approved timeframe of three years was intended to provide time for an assessment to determine if the anticipated outcomes (incentives and support for local or small businesses) are being realized and if other adjustments need to be made based upon the redevelopment activity. It is important to note that since the LDRs adoption, no requests have been submitted to take advantage of the parking exemption.

It is important to note that properties measuring less than 65 feet wide within the CBD are exempt from parking requirements, unless converting to a restaurant. This exemption was adopted in 2015 to further assist in maintaining the existing building scale, supporting adaptive reuse, and supporting smaller businesses,



## Description of Proposal

The proposed amendment seeks to extend the existing parking exemption for that area of the southern Railroad Corridor Sub-district of the CBD located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street. The application of the exemption, change of use where additional parking is required for existing buildings, is not proposed to be revised or expanded. The amendment would extend the limited duration of the current exemption from April 3, 2021 to December 31, 2024.

## 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 Swan, LLC.

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:

## Neighborhoods, Districts, and Corridors Element

**Objective NDC 2.2:** *Protect and enhance the “Village by the Sea” character of the downtown and neighborhoods located east of I-95.*

**Policy NDC 2.2.6** *Accommodate automobile access through innovative approaches, including creating district-wide parking programs, strategically locating public garages and lots to maximize access without conflicting with pedestrian activity, providing on-street parking, designating ride-share drop off and pick-up locations, and developing “park once” areas that facilitate walking among multiple destinations in a safe, attractive environment.*

**Policy NDC 2.4.3** *Support the provision of transit-oriented workforce housing with incentives, such as increased density, smaller unit sizes, and reduced parking requirements in areas located within one-quarter mile of commuter rail stations and along main transit corridors, minimizing impacts to surrounding neighborhoods by providing compatible transitions through the application of Land Development Regulations.*

**Policy NDC 2.7.16:** *Continue to support the variety of commercial and light industrial uses on land with mixed-use land use designations in Osceola Park.*

The proposed amendment is consistent with the Comprehensive Plan, which calls for special development standards and rehabilitation and adaptive reuse of existing structures, preserving the charm and scale of the neighborhood. The continued revitalization of the CBD is essential to achieving the overall theme of the Always Delray Comprehensive Plan by managing growth and preserving the charm. The proposed amendment facilitates and promotes the use of existing parking facilities by reducing the off-street parking requirement for existing buildings. Centrally locating parking lots in the area is a referenced component of the Osceola Park Redevelopment Plan (further reviewed below). In addition, the proposed Tri-Rail Coastal Link is conceptually proposed to be located at East Atlantic Avenue and the Florida East Coast Rail Line (commonly used by Brightline). This location is within the one-quarter mile of the Railroad Corridor Subdistrict and thus would be supportive of reduced parking requirements.

## Mobility Element

**Policy MBL 3.4.1** *Regularly analyze, assess, and update parking requirements in the Land Development Regulations to reflect actual parking trends and needs. Parking requirements may be customized for various parts of the City (e.g. Downtown, West of Congress Avenue).*

**Policy MBL 3.6.2** *Continue to offer and develop new incentives for development within identified Transit Oriented Development districts, such as reduced parking requirements, increased density, or smaller unit sizes.*

The requirement to provide off-street parking being customized to specific areas to meet certain objectives and policies is not uncommon. For example, the Central Business District has a lower parking requirement to maintain the character and nature of a walkable, compact

downtown area. The area under consideration has been identified through the City Commission as recently as 2018 and the Osceola Park Redevelopment Plan in 2019 as having a need for a parking specific strategy tailored to bring businesses to existing structures in the Railroad Corridor Sub-District. The proposed amendment continues an innovative means of attracting new opportunities for existing structures while addressing parking needs through existing off-street parking, on-street parking, and parking lots near the area. The proposed LDR amendment alleviates the off-street parking requirement of applicants who do not modify the existing building. In the CBD, retail and commercial uses require 1 parking space per 500 sf. of gross floor area; restaurants outside of the Atlantic Avenue Parking district require 6 spaces per 1,000 sf. of gross floor area.

**Osceola Park Redevelopment Plan:** adopted in 2019, provides guidance on the overall parking themes for the area.

**Strategy 2.4: Diversify The Types Of Commercial Uses In The Neighborhood To Appeal To A Wider Demographic**

1. Research neighborhood impacts of allowing breweries and other commercial uses in warehouse / industrial spaces
2. Market the area to services that attract neighbors within walking distance.
3. ***Introduce parking incentives for redevelopment of properties with uses that are walkable or ideal for ridesharing***

LDR 4.6.9 (I) (1) notes that the CBD (downtown) *“is a compact, interconnected area with multimodal transportation options, and the improper placement of parking and mandatory duplication of the parking supply on each building site separates the various land uses from each other. This separation reduces the viability of the mixed-use districts and harms the walkability of the streets in the downtown area. These regulations reflect the needs of the urban, mixed use downtown.* This area should be considered as an area ideal for walking, ride sharing, and other sustainable transportation modes.

**Strategy 5.7: Allow For More Parking Off-Street**

1. Provide grants to encourage the use of paved spaces in backyards that are accessed by the alleys
2. Identify additional locations for public parking lots in the area around non-residential uses, and acquire land and develop the parking lots.
3. ***Expand parking with pervious surfaces at commercial properties***

This section and other notes throughout the plan seeks to address spillover parking for commercial properties near SE 5<sup>th</sup> Avenue (Federal Highway) into the neighborhood which prohibits parking in swales. Strategies for reducing spillover and swale parking include identifying parcels for purchase and development of parking lots, shared parking agreements, and educational and cleanup campaigns.

The proposed extension of the LDR deadline would affect 13 parcels, of which 12 have at least one building. Table 1 provides the existing uses, off-street parking spaces, and scenarios for conversion to restaurant or retail if the LDR amendment would not pass. Table 2 indicates the public parking in the study area.

***(Tables 1 and 2 provided on next page.)***

**Table 1: Existing Conditions and Parking Scenarios**

Existing Conditions				Required Parking Scenarios		
Address	Use	Floor Area Square Ft.	Required Parking*	# of Spaces	Commercial/Retail**	Restaurant***
100 SE 2ND ST****	Industrial	2560	8	6	5	16
102 SE 2ND ST	Recently constructed - low potential for redevelopment (parking not analyzed)					
118 SE 2ND ST****						
201 SE 2ND AVE	Business Office	3952	8	10	8	24
206 SE 2ND ST	Restaurant/Retail	3369	20	8	7	20
213 SE 2ND AVE****	Retail/Repair Shop	1280	3		3	8
215 SE 2ND AVE	Parking Lot	NA	NA	13	NA	NA
229 SE 2ND AVE	Retail/Business Office	3000	6	9	6	18
235 SE 2ND AVE	Industrial	9840	44	17	20	59
240 SE 2ND AVE	Athletic Club/Gym	2205	4	6	4	13
258 SE 2ND AVE****	Industrial	1600	7	3	3	10
264 SE 2ND AVE****	Business Office	1371	3	6	3	8
280 SE 2ND AVE	Retail	2424	5	10	5	14
290 SE 2ND AVE	Industrial	2028	6	2	4	12
<b>Total</b>			<b>114</b>	<b>90</b>	<b>67</b>	<b>202</b>

\* Does not consider exact calculation for shared parking, parking agreements, in-lieu of parking, etc.

\*\* Assumes conversion of entire building to Commercial/Retail at Parking Rate of 1 Space per 500 Gross Sq. Ft.

\*\*\* Assumes conversion of entire building to Restaurant at Parking Rate of 6 Spaces per 1000 Gross Sq. Ft.

\*\*\*\* Property is less than 65 feet wide and is exempt to off-street parking requirements when uses are not changed to restaurant or lounge per 4.4.13(l)(2)(d)

Reducing or eliminating parking is one notable strategy to spur economic development and redevelopment in an area. The retention of existing buildings both maintains a sustainable development posture and keeps the neighborhood character and scale.

**Table 2: Public Parking Spaces in the Study Area**

	Existing On-street Parking Spaces	Spaces in Parking Lots
SE 2nd Avenue	29	0
SE 2nd Street	6	0
215 SE 2nd Ave	0	13
	35	13
<b>Total</b>		<b>48</b>

#### Review by Others

The proposed LDR Amendments have been reported to the **Community Redevelopment Agency (CRA)**.

The proposed LDR Amendment is tentatively scheduled for review by the Parking Management Advisory Board (PMAB) on January 26, 2021; the recommendation will be provided to the City Commission.

The **City Commission** review of the proposed LDR Amendments is tentatively scheduled for the meetings of March 2, 2021 (First Reading) and April 6, 2021 (Second Reading).

### Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.05-21, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to extend the parking exemption through December 31, 2024, for properties located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street within the Railroad Corridor 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. 05-21, **as amended**, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to extend the parking exemption through December 31, 2024, for properties located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street within the Railroad Corridor 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. 05-21, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to extend the parking exemption through December 31, 2024, for properties located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street within the Railroad Corridor 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

X 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.

X The Ordinance was posted to the City's website on January 15th, 2021, at least 7 calendar days prior to the meeting.