



Legislation Details (With Text)

**File #:** 17-947      **Version:** 1      **Name:**

**Type:** Request      **Status:** Passed

**File created:** 11/27/2017      **In control:** City Commission

**On agenda:** 1/16/2018      **Final action:** 1/16/2018

**Title:** WAIVER REQUESTS FROM LDR SECTION 4.6.9(D)(1)(e), DESIGN STANDARDS, AND LDR SECTIONS 4.6.9(D) (11) a.&c., MECHANICAL PARKING LIFTS, FOR NEW MONMOUTH ASSOCIATION, INC., LOCATED AT 36 S. OCEAN BLVD. (QUASI-JUDICIAL HEARING)

**Sponsors:** Planning & Zoning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Memo, 2. Board Order - New Monmouth, 3. Delray Beach Parking Lift Demo, 4. Parking Lot Spaces, 5. Looking North #1, 6. East Side Lift, 7. View #1, 8. ATL AVE #1, 9. Ocean Ave View #1

Date	Ver.	Action By	Action	Result
1/16/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Tim Stilling Director, Planning, Zoning and Building Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 16, 2018

WAIVER REQUESTS FROM LDR SECTION 4.6.9(D)(1)(e), DESIGN STANDARDS, AND LDR SECTIONS 4.6.9(D) (11) a.&c., MECHANICAL PARKING LIFTS, FOR NEW MONMOUTH ASSOCIATION, INC., LOCATED AT 36 S. OCEAN BLVD. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to approve the requested waivers to LDR Section 4.6.9(D)(1)(e), which requires that mechanical parking lifts be integrated into the building they will serve with three walls and a roof, and to LDR Section 4.6.9(D)(11)a.&c., which requires the lifts be within a building with three walls and a roof to provide adequate screening and sound containment, that they be operated by an attendant during all hours of operation, and that the attendant move the vehicle to where it can be retrieved, based on positive findings with LDR Section 2.4.7(B)(5), subject to the following conditions:

1. That a class II site plan application be approved by the Site Plan Review and Appearance Board (SPRAB) that:
  - a. Identifies the number of non-residential and residential parking spaces allowed to use the lifts and restricts the use of those spaces to the owner/employees or residents.
  - b. Confirms the screening vegetation along the west property line is fully contained on the subject property. If the vegetation is not on the subject

- property, screening vegetation must be provided.
- c. Confirms and specifies the height of the north wall and that screening will be provided along the north property line.
  - d. Provide information regarding the decibel specifications of the lifts while operating.
2. Alternative screening, approved by the Planning, Zoning and Building Director, to block views from the south is required to be installed within 60 days in the event the wall on Boston's property (17 Salina Avenue) is removed.
  3. The addition of mechanical parking shall not allow an increase in intensity and/or density of the subject property without separate approval of a site plan modification.

**Background:**

New Monmouth Association is located at 36 S. Ocean Blvd. in the Central Business District. It is a mixed-use building with commercial space as well as private residences, served by a surface parking lot immediately west of the building. The requested waivers are to allow the placement of single-level, mechanical parking lifts over existing parking spaces without requiring integration within three walls and a roof, and to allow lifts to be operated without an attendant. The proposed mechanical lifts are not being provided to address required parking; therefore, the other provisions of the LDRs for mechanical parking spaces do not apply.

If the waivers are approved, a class II site plan application will need to be submitted and approved by the Site Plan Review and Appearance Board.

**Waiver Findings:**

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- a) Shall not adversely affect the neighboring area;
- b) Shall not significantly diminish the provision of public facilities;
- c) Shall not create an unsafe situation; and,
- d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

**Applicant's Justification:**

The following excerpts are taken from the applicant's October 6, 2017 request letter explaining the justification for the requested waivers:

*Pursuant to Section 2.4.7(B)(5)(a), the requested waiver will not adversely affect the neighboring area because the lifts will be contained on private property and out of the site [sic] lines from the public street. These above ground lifts will be placed in the existing parking spaces and there will be no need for any construction.*

*Pursuant to Section 2.4.7(B)(5)(b), the requested waiver will not significantly diminish the provision of public facilities since the lifts will be placed on private property and in set parking spaces. For example, the ability of emergency vehicles to be able to enter and*

*access the parking lot will remain unchanged.*

*Pursuant to Section 2.4.7(B)(5)(c), the requested waiver will not create an unsafe situation because the lifts will be placed on private property and managed by New Monmouth and the unit owner. The lifts can also be safely monitored and operated by individuals, even residential owners. Each lift has safety mechanisms in place to substantially reduce or even eliminate risk of injury. Each lift will be separately operated by either a key code or keycard unique to each unit owner while New Monmouth will retain access to the parking lifts at all times in case of emergency.*

*Pursuant to Section 2.4.7(B)(5)(d), the requested waiver will not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. These waivers can be granted for other property associations grappling with parking problems for its owners and guests. These lifts can be used to solve parking problems within the Central Business District. [The complete request letter is provided as an attachment.]*

#### Staff Analysis:

The proposed waivers associated with the mechanical parking lifts were evaluated based on screening, operations and noise related to the four waiver criteria. The conclusion of the evaluation are provided as conditions of approval.

#### Screening

The applicant has identified existing features both on-site and off-site that are intended to satisfy the screening that would otherwise be provided by a structure with three walls and a roof. It is noted that the maximum height of parked vehicles when the lift is elevated would be between 12 and 15 feet. The New Monmouth building will screen the parking lot and lifts from Ocean Blvd. to the east. To the west is an existing mature vegetative screen that will provide year-round screening, provided it is confirmed that this natural screen is fully contained on the applicant's property and under the control of New Monmouth Association, Inc. To provide effective screening to the north, a wall owned by the applicant is referenced to support this requirement. While the applicant has full control over this feature since it is located on the subject property, the height of this feature is not mentioned. Provided the north wall has sufficient height, it would provide the screening that would otherwise be provided by enclosing the parking lot within a walled (three sides) and roofed structure. Screening from the south is intended to be provided by a wall located on the "Boston's" property. With the wall located off site, the applicant has no control over the disposition, and screening could be removed at "Boston's" option. Therefore, the location of the existing New Monmouth building, along with the landscape screening, would provide the desired screening to the east and west. The height of the wall to the north must be indicated and could potentially offer sufficient screening, but the wall to the south, regardless of its height, could be removed at the owner's desire and screening could therefore only be temporary. Based on the above, the proposed lifts would not adversely affect the neighborhood.

However, staff has expressed concerns about the site visibility and maintenance of same and its impacts on the surrounding properties.

#### Operations

The applicant's stated intent is to allow only up to 50% of the commercial spaces to also utilize the

mechanical lifts as is currently stipulated by the LDRs. Unless the business owner for the commercial parking spaces is readily available to assist customers in the operation of the parking lifts, there may be an issue with unfamiliarity and therefore inability to operate the lifts by a potential customer. This may have been the reason the City required an attendant. Without an attendant, and given the limited availability of a shop owner to offer assistance, perhaps none of the commercial spaces should be permitted to utilize the mechanical parking lifts. A condition of approval is attached that the number of non-residential parking spaces will be identified as part of the subsequent class II site plan modification.

**Noise**

The applicant offers that each lift generates noise at “substantially low decibel levels”. The specific decibel level should be offered. Also, the decibel level of several lifts operating at the same time should be specified. One purpose of the walls and roof is to contain noise, and decibel values for multiple lifts operating simultaneously should be included for a full evaluation. A condition of approval is attached the noise level be addressed as part of the class II site plan modification.

**Miscellaneous**

An explanation of how the mechanical parking lifts are anchored to the ground must be made to ensure they satisfy wind loads under the Florida Building Code, and that they would be secured in the event of storm surge.

Additional spaces gained by including these devices should not become a variable that would permit an increase in the floor area of an existing or proposed development, or to increase density. The reason to allow the lifts specific to this applicant appears to be due to currently insufficient parking, and relief would allow additional parking availability are attached as conditions of approval.

Based on the above a positive finding with respect to LDR Section 2.4.7(B)(5)(a) and (c) is made with the conditions of approval as presented.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The waivers are required prior to the Class II site plan modification.