



## Legislation Details (With Text)

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<b>Type:</b>	Request	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	8/8/2022	<b>In control:</b>		City Commission	
<b>On agenda:</b>	9/19/2022	<b>Final action:</b>			
<b>Title:</b>	RESOLUTION NO. 130-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS CITY CENTER DELRAY, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)				
<b>Sponsors:</b>	Development Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. Res. No. 130-22 In-Lieu of Parking Request - City Center Delray, 3. 2022-08-03-HPB In-Lieu Staff Report-10 N Swinton Ave, 4. DDA Approval Letter-City Center, 5. Justification Statement-City Center-2022-08-03, 6. Plans-City Center Delray-2022-08-03, 7. 2022-09-19-In lieu parking agreement-City Center Delray, 8. Simple Legal Review Approval In-Lieu of Parking Agreement, 9. Simple Legal Review Approval Resolution 130-22 City Center Delray				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence Moore, ICMA-CM  
**DATE:** September 19, 2022

RESOLUTION NO. 130-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS CITY CENTER DELRAY, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 130-22, an in lieu of parking fee request in the amount of \$253,500 for 25 parking spaces for the project known as City Center Delray.

### **Background:**

The property, located at the northwest corner of North Swinton Avenue and SE 2<sup>nd</sup> Street, is zoned Old School Square Historic Arts District (OSSHAD) with CBD Overlay and is within the Old School Square Historic District. The Doc's property is listed as a contributing resource within the National Register designated Old School Square Historic District and as a non-contributing resource within the Local Register designated Old School Square Historic District.

On December 2, 2021, a Class V Site Plan, Certificate of Appropriateness (COA), Waiver, and In-Lieu of Parking requests were submitted under the current land use and zoning of the property. On March 4, 2022, the applicant submitted a Conditional Use request to allow outdoor dining operating at night and as the principal use or purpose of the restaurant formerly known as Doc's (10 N. Swinton Avenue), as the outdoor dining use had been discontinued for more than 90 days.

The City Center Delray project includes the renovation of Doc's Place (10 N Swinton Avenue), the removal of the Dunkin' Donuts building, and construction of a new 3-story, 31,779 sq. ft commercial mixed-use building in the Art Deco/Streamline Moderne style. 2,575 sq. ft. are proposed for the existing restaurant and outdoor dining and 25,272 sq. ft. is proposed office and retail. The retail and restaurant uses are in the ground story, and office spaces are on the second and third floors. The new 3-story structure will adjoin the renovated Doc's building.

Based on the Shared Parking Calculations, the proposed uses require 53 parking spaces. The applicant is providing 28 parking spaces on site; thus, the proposal is deficient 25 parking spaces. The subject request is to utilize the in lieu of parking fee for these spaces. The subject property is located within In Lieu Area 2, which has a fee amount of \$10,140 per space. Therefore, the in-lieu of parking fee is \$253,500.

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 provided through the payment in lieu of parking fee, subject to approved by the City Commission. 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. Projects located within 750 feet - or about the distance that can be walked in 2.5 to 3 minutes - to a public parking garage are afforded a higher percentage of potential in-lieu parking. 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.

Additionally, pursuant to LDR Section 4.6.9(E)(3)(e), in addition to in lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant has proposed 1 one street parking space proposed on NW 1st Avenue. While there is sufficient right-of-way along W. Atlantic Avenue to construct more on-street parking, building such spaces requires approval from both the City and FDOT, as well as reconfiguration of the existing conditions within the right-of-way (turn-lane, travel lanes, intersection, etc.). Discussions relating to the ultimate design of Atlantic Avenue and Swinton Avenue are ongoing; however, a new design configuration has not been determined to date.

On June 21, 2022, the Downtown Development Authority (DDA) reviewed the the Class V Site Modification, Certificate of Appropriateness, Waiver, In-lieu of Parking, and Waver requests and recommended approval. The DDA memo is attached.

On June 28, 2022, the Parking Management Advisory Board (PMAB) reviewed the parking in lieu fee request for 25 parking spaces and recommended approval.

On August 3, 2022, the Historic Preservation Board (HPB) reviewed the in lieu request for 25 parking space and recommended approval by a vote of 6-0 (Ms. Willis Absent).

On August 10, 2022 the project was forwarded to the Community Redevelopment Agency (CRA) for inclusion on the Development Application update memorandum.

**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 fee request is required prior to consideration of the Class V Site Plan and Certificate of Appropriateness applications.