



## Legislation Text

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File #: 17-758, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Timothy R. Stillings, AICP, Planning, Zoning and Building Department**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: November 7, 2017**

206 SE 2ND ST IN LIEU OF PARKING FEE REQUEST FOR 9 SPACES (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to approve in lieu of parking fee request in the amount of \$41,400 for 9 parking spaces associated with the conversion of 2,169 square feet of retail to restaurant at 206 SE 2nd Street, 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 property, which is located on the southwest corner of SE 2nd Street and SE 3rd Avenue, is zoned Central Business District (CBD), within the Railroad Corridor Sub-district. Pursuant to LDR Section 4.6.9(E)(3), In-Lieu Fee, 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. Required parking for exclusively residential development or residential components of mixed use developments are not eligible for this in-lieu option. A maximum limit of 30% of eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting such approvals, 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 building presently contains 1,200 square feet of restaurant (7.2 spaces required) and 2,169 square feet of retail space (4.3 spaces required) which require a total of 12 (11.5) parking spaces. Utilizing the shared parking calculation afforded to mixed-use developments, the required parking is reduced to 11 parking spaces. Given the existing 8 parking spaces on site, there is a 3 space non-conformity which is applied as a credit. The proposed change of 2,169 square feet from retail (4.3 spaces required) to restaurant (13.0 spaces required) requires an additional 9 (8.7) parking spaces, which the applicant has requested to provide via approval of the subject in lieu of parking request. The subject property is located within Area 5, revised with Ordinance 09-15, which requires an amount of \$4,600 per in-lieu space. Therefore, the total in-lieu fee with this request is \$41,400.

The Parking Management Advisory Board (PMAB) considered the in lieu request on its July 25, 2017

meeting and tabled the item until a site plan was provided that could demonstrate that parking could be provided on site. The applicant returned to PMAB on August 22, 2017 for the request of 9 parking spaces and recommended approval (6-0). The provided site plan illustrates on Lot 2 that three parking spaces can be provided; one handicap and two standard spaces. Pursuant to LDR 4.4.13(a) (1) Location and Access to Off-Street parking; Parking is not permitted in front setbacks or in side setbacks facing streets, therefore the applicant was limited to placing the parking in the rear. The parking on-site proved problematic since the cost associated with the paving of the parking spaces and the alley exceeded the cost associated with the nine space in-lieu request. In addition, according to the site plan, there is a tree and an electrical pole that could hinder the maneuvering of patrons using the parking lot. On September 18, 2017, the Downtown Development Authority (DDA) recommended approval (4-0) for the in lieu request fee.

At its meeting on September 18th, the Community Redevelopment Agency (CRA) provided positive support of the in lieu request. The subject property is located southeast of a new public parking lot located on SE 2<sup>nd</sup> Avenue which is still under construction as well as new on street parking along SE 2<sup>nd</sup> Avenue and SE 2<sup>nd</sup> Street. There is a total of 44 new spaces; 14 spaces are in a surface parking lot and 30 are on street.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The parking in lieu is required prior to consideration of the site plan modification.