



## Legislation Text

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File #: 18-635, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Development Services  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** October 16, 2018

IN LIEU OF PARKING FEE REQUEST OF 44 SPACES FOR THE PROPERTY LOCATED AT 300-330 NE 4TH ST (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to deny the in lieu of parking fee request for 44 parking spaces in the amount of \$202,400 associated with the conversion of 15,993 square feet of retail (9,251), industrial (4,742), and warehouse (2,000) to restaurant, 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.

**Background:**

The property which is located on the south side of NE 4<sup>th</sup> Street and west of the FEC railroad tracks 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 renovation, 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 approval, 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.

There are two buildings on site that presently contain 15,993 square feet. Of that 15,993 square feet, 9,251 square feet is retail, 4,742 square feet is industrial and 2,000 is warehouse which requires a total of 35 spaces. The applicant is proposing to convert 12,025 square feet to restaurant and 3,968 square feet will remain retail. Using the shared parking calculation afforded to mixed-use developments, the required parking is 91 spaces. Given the existing 25 spaces on site, there is a 10 space non-conformity which is applied as a credit. There are 37 spaces proposed on the site plan. Therefore with the proposed conversion to restaurant and retail an additional 44 parking spaces is required which the applicant has requested to provide via approval of the subject in lieu of parking request. The subject property is located within the Area 4, which requires an amount of \$4,600 per in lieu of parking space. Therefore, the total in lieu of parking fee for this request is \$202,400.

There is a 14 space City parking lot located south of the property on the eastside of NE 3rd Street

and a 42 space CRA parking lot located on westside of NE 3rd Street. The CRA parking lot is utilized for off street parking for the Arts Warehouse at 313 NE 3rd Street. The nearest parking garage is located at Old School Square on NE 1<sup>st</sup> Avenue and NE 1<sup>st</sup> St. Based on Kimley-Horn & Associate 2016 Downtown Parking Core Demand and Utilization study, there was only nineteen (19) available parking space at peak-time on Saturday. Last year, City Commission approved two (2) parking in-lieu programs for The Grove Sidebar (seven (7) parking spaces) and 206 SE 2nd Street (nine (9) parking spaces) that reduced the available parking spaces at peak-time to two (2) spaces. Staff is recommending denial as there is not adequate public parking options available to accommodate the in lieu of parking request.

At its meeting of September 10, 2018, the Downtown Development Authority recommended approval (5-0) of the in lieu request. The Parking Management Advisory Board (PMAB) considered the in lieu request at its September 25, 2018, meeting and recommended denial (6-0). At its meeting of September 26, 2018, the Pineapple Grove Main Street recommended approval with the conditions that they reduce the amount of the in lieu request to 27 spaces and look for other alternatives such as valet parking to help reduce the amount of spaces needed.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Timing of Request:**

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