



## Legislation Text

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File #: 22-1794, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Anthea Gianniotis, Development Services Director**  
**THROUGH: Terrence Moore, ICMA-CM**  
**DATE: January 10, 2023**

RESOLUTION NO. 09-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS PIERRE DELRAY II, 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. 09-23, an in lieu of parking fee request in the amount of \$307,580 for 13 parking spaces for the project known as Pierre Delray II.

**Background:**

A Class V Site Plan application was approved in 2020 for a three-story mixed-use office and commercial building (the "Pierre Delray II") located at 298 E. Atlantic Avenue, at the SW corner of East Atlantic Avenue and SE 3rd Street. A Class IV Site Plan Modification application (File No. 2022-080) has been submitted, which includes the incorporation of a .11-acre parcel on the south side into the project and the subsequent modification of the approved site plan to expand the footprint of the previously approved building onto the recently acquired land.

The architectural design and proposed uses remain consistent with the prior approval; however, the square footage of the building has expanded and the amount devoted to each specific use (restaurant/retail/office) is proposed to be modified. Given the increased building size and the larger area devoted to restaurant use, the amount of required parking is also increasing. Utilizing a shared parking calculation, the proposed mixture of uses - including designating the entire the ground floor commercial bay as a restaurant use - generates a requirement of 93 parking spaces. The project is accommodating 80 spaces on site. Therefore, an in-lieu of parking request has been submitted for 13 spaces.

The subject property is located within Area 1, which has an In Lieu of Parking fee amount of \$23,660 per space. Therefore, the in-lieu of parking fee is \$307,580.

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. 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.

The Downtown Development Authority (DDA) reviewed the the Class IV Site Modification application and recommended approval. The DDA memo is attached.

The Parking Management Advisory Board (PMAB) reviewed the parking in lieu fee request for 13 parking spaces and recommended approval.

**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 IV Site Plan application.