

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, February 22, 2011

5:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. ITEM OF DISCUSSION:

a. Parking Regulations / Exemption (Ordinance 2011-01)

Mayor Minnet stated that she would open the meeting for public comments after the staff presentation by Assistant Town Manager Bentley.

Assistant Town Manager Bentley explained that the Commission wanted to know the number of public parking spaces that were used and underused throughout Town. He added that staff completed an analysis of all of the parking spaces within the Town and divided them into two (2) districts. Assistant Town Manager Bentley said that on the first weekend that utilization was analyzed, and under poor weather, the Waterfront District had 150 parking spaces or 64% of available parking spaces that were not utilized. He explained that on the second weekend, the number of parking spaces that were not utilized decreased to 111 or 47%. Assistant Town Manager Bentley said that staff did not recommend establishing a policy decision based on the peak utilization but did recommend the following: allow 120 spaces for exempt restaurant parking in the Waterfront District; allow 100 spaces for exempt parking for restaurants in the Commercial District; cap the number of exempt restaurant parking spaces for an individual restaurant at 30 spaces; and create a payment-in-lieu alternative for all businesses, not just restaurants.

Assistant Town Manager Bentley stated that the Town had 532 metered parking spaces and 695 total parking spaces. Commissioner Vincent questioned where the non-metered parking spaces were located. Assistant Town Manager Bentley explained that there were 30 handicap spaces, 51 employee permit spaces, 49 non-metered spaces predominantly on Commercial Boulevard, 6 non-metered spaces located at Municipal Park, 4 motorcycle spaces in the A1A Parking Lot, and 29 resident permit

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spaces. Mayor Minnet questioned why the spaces along Commercial Boulevard were not metered. Assistant Town Manager Bentley explained that he would find out whether that was a Town policy or FDOT (Florida Department of Transportation) that did not allow those spaces to be metered.

Town Attorney Trevarthen noted that the last vote taken on the ordinance approved for bi-annual reports to be completed. She said that change was not made in the ordinance on line 157; however, the change would be made before the ordinance came before the Commission for adoption.

Mayor Minnet opened the meeting to public comments.

Yann Brandt preferred to have the Commission make policy decisions, rather than staff. He said that he was in favor of moving forward with the ordinance in a way that made sense. Mr. Brandt explained that the goal was to create economic development in the Town and not to create disorderly success. He did not believe a program cap was needed and requested the Commission not implement a cap on the program. Mr. Brandt suggested that if it was necessary to establish a cap, to only establish a cap on individual applicants. He urged the Commission not to allow limited parking to affect their decision on a total program cap.

Mark Brown requested that the Commission explain the language within the ordinance pertaining to church parking.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Town Attorney Trevarthen explained that the current code created distinctions between churches and other similar uses that were not allowed by federal law. She added that the changes created parity so that all uses were treated the same. Town Attorney Trevarthen stated that the changes also did not reduce the required number of parking spaces for churches. Development Services Director Bowman explained that although the uses were required to be treated the same, accessory uses were treated differently. Mayor Minnet stated that a complete answer could not be given this evening but the issue would be addressed.

Commissioner Clotley explained that there were several options that the Commission had not yet considered. She reiterated that most new businesses failed within their first year of operation. Commissioner Clotley was in favor of considering staff's recommendation to implement a payment-in-lieu program. She suggested that the Commission also consider setting a fee per parking space and only exempt payment from new businesses for the first 3 years. Commissioner Clotley reiterated that the Commission should take the time to review all of the options available.

Commissioner Vincent explained that he preferred to have the Town receive some of the revenues that came from any restaurant that paid for additional parking spaces exceeding the number allowed under the program. He agreed that the Commission

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needed to establish a rate per parking space and determine how that money would be paid to the Town. Commissioner Vincent said that the long term effects needed to be looked at carefully and the Town needed to have a backup plan.

Vice Mayor Dodd referenced a newspaper article indicating that the City of Miramar was looking to attract new restaurants. He said the Town was in competition and that after speaking with the City of Miramar he learned that they offered one space per 100 square feet of service area. Vice Mayor Dodd reiterated that the Town had a problem with empty parking spaces and store fronts. He explained that if a developer chose to renovate an existing building within the Town to a restaurant, the parking requirement should be located in the Town Code under New Building Requirements rather than the Parking Exemption Program. Vice Mayor Dodd did not believe a cap was necessary. He said that the Town needed to only monitor the program closely.

Commissioner Sasser questioned whether the Town was legally obligated to provide parking. Town Attorney Trevarthen said the Town was not. Commissioner Sasser questioned the number of businesses and empty businesses within the Town. Assistant Town Manager Bentley said that information could be gathered from the Town's occupational business database. Town Manager Hoffmann clarified that staff was currently gathering that information to include in the redevelopment study.

Commissioner Sasser said that he was not yet sold on the idea of including a cap in the program. Assistant Town Manager Bentley explained that staff recommended 2 caps; a total cap on the program and an individual applicant cap. He requested that the Commission differentiate between the two. Commissioner Sasser clarified that he was discussing the total cap. He questioned how the money received from a payment-in-lieu program would be utilized. Assistant Town Manager Bentley said the money was usually used to create additional parking spaces. Commissioner Sasser questioned whether those funds could be restricted to be used only for that purpose. Town Manager Hoffmann said they could. Town Attorney Trevarthen clarified that the money would be taken by the Town with the understanding that those funds could only be used for that purpose. Commissioner Sasser said that he would be in favor of implementing a payment-in-lieu program as long as the funds were restricted.

Mayor Minnet explained that if the Town chose not to provide parking, businesses would choose to go elsewhere. Town Attorney Trevarthen explained that historically, regulations were placed on land and businesses to provide the necessary parking. Assistant Town Manager Bentley stated that the Town was legally required to provide public parking for public property and that some communities exempted themselves from that, while other communities restrict themselves to that.

Commissioner Clotey recalled hearing that once the bank was given permission to charge for their parking spaces, it would result in an addition of 70 parking spaces. Assistant Town Manager Bentley explained that if the Commission chose to approve the ordinance in reference to conditional uses, it would allow other properties to apply to have paid private parking on their property. Commissioner Clotey believed that once the bank began to charge for parking the spaces would be open to everyone. Town

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Manager Hoffmann explained that SunTrust Bank estimated that over 150 cars parked in their lot on Friday and Saturday nights and that if a fee was implemented on that lot some of the cars would be displaced to public parking. She added that once the conditional use ordinance was passed the numbers on utilization would change and it would need to be monitored closely.

Commissioner Clotey questioned whether an incentive could be added for those willing to open a restaurant west of A1A. Town Attorney Trevarthen explained that it was a policy decision for the Commission to make and incentives could be given.

Commissioner Vincent did not want to lose sight of why the idea of an exemption was brought forward. He said that the cost for a parking space needed to be looked at. Commissioner Vincent believed that the Town could still fill empty store fronts with an individual cap in place.

Vice Mayor Dodd reiterated that he was not in favor of a cap and requested the Commission consider following the cities of Delray Beach and Miramar by reducing the parking requirement to 1 space per 100 square feet. He said he could accept a cap of 30 on the basis that the Town's square footage rate be changed and allow it on the basis of 100 square feet on a cap of 30. Vice Mayor Dodd pointed out that he was not happy with some of the wording within the ordinance. He stated that he previously requested that the distinction be made between remodeling and demolition as they were different. Vice Mayor Dodd added that he was not in favor of including a sunset clause in the program. Commissioner Vincent inquired as to whether the City of Delray Beach was 100 square feet or 13 spaces at 83 square feet. Development Services Director Jeff Development Services Director Jeff Bowman stated that the City of Delray Beach required 12 spaces per 1,000 square feet which was equivalent to 1 parking space per 83 square feet.

Town Manager Hoffmann advised that the proposal given to the Commission would allow for at least 7 additional restaurants to open within the Town of similar size to a small boutique style restaurant. She questioned that number of new restaurants coming into Town with a full exemption. Mayor Minnet pointed out that 2 new restaurants opened within the Town before the ordinance was passed. She added that the current Code would need to be looked at so that the program was reflected properly throughout the Code.

Commissioner Sasser explained that there needed to be something in place to put money aside for additional parking.

Town Attorney Trevarthen questioned whether the Commission wanted to implement a cap of 30 parking spaces on each applicant, as recommended by staff. Mayor Minnet stated that she was in favor of staff recommendations. Commissioner Clotey reiterated that she preferred to give additional incentives to restaurants willing to open west of A1A. Commissioner Vincent stated that he was in favor of a cap of 30 parking spaces and suggested the Commission entertain the idea of additional incentives. Town

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Attorney Trevarthen questioned whether the criteria of parking spaces per square footage should reflect that of the City of Delray Beach.

Town Manager Hoffmann pointed out that the City Delray Beach Code referred to twelve (12) spaces per 1,000 square feet of "gross floor area" and Town code dealt with "customer service area" which was not an equal comparison.

Vice Mayor Dodd clarified that the City of Miramar's program allowed for 1 parking space per 100 square feet of service area; not property size. He stated that the ordinance did not specify who would pay for any necessary studies; whether the applicant or the Town. Town Manager Hoffmann agreed that the language needed to be included.

Town Manager Hoffmann stated that direction was needed on whether to deem 2 restaurants with 1 kitchen area as 1 restaurant or 2 restaurants. Commissioner Sasser explained that he was in favor of an individual applicant cap of 30 parking spaces; however, he was not in favor of a total program cap. He questioned whether the Town faced any liabilities if the program were terminated before the 4 year deadline. Town Attorney Trevarthen explained that the Commission could end the program whenever they chose to end it. Commissioner Sasser preferred to see language within the ordinance that gave the Commission the flexibility to make those changes at any time.

Town Manager Hoffmann explained that it was not necessary to have both a deadline date and a total cap in the program; if the total cap was reached the program would end.

Town Attorney Trevarthen explained that the following decisions needed to be made: 1) consensus on an individual application cap of 30 parking spaces; 2) determine whether to include a total program cap or a deadline date; 3) change the parking standard and to what degree; 4) add the payment-in-lieu component for all businesses; and 5) add language that states that previous parking credits granted under the 1995 Parking Code would be honored.

Vice Mayor Dodd stated that the ordinance could include both a total program cap and a deadline date as long as the language was included that stated that the program would end when either provision was reached. He said that the reports received from staff would help determine when the program was near expiration.

Mayor Minnet reiterated that she was in favor of the ordinance with minor changes. Town Manager Hoffmann believed there was a consensus to implement an individual applicant cap of 30 parking spaces in the Waterfront District. She asked whether the Commission wished to raise the cap to 40 parking spaces in the Commercial District. Mayor Minnet questioned whether the Commission wanted to include a total cap into the program. Commissioner Sasser explained that he preferred to include a 4 year deadline. Town Attorney Trevarthen clarified that the total cap served the same function in the program as a deadline date. She stated that she

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understood the Commission direction to add a statement to the ordinance which gave the Commission the right to discontinue the program at any time.

Town Manager Hoffmann asked whether the Commission wished to include a total of 250 parking spaces and if so, how many spaces were to be designated for each district. Commissioner Sasser reiterated that he preferred to include a deadline date rather than a total cap.

Assistant Town Manager Bentley requested direction on the staff recommendation of a payment-in-lieu program. Mayor Minnet said she was in favor of a payment-in-lieu program but understood that there was not enough time to work out the details at this meeting. She requested clarification of the type of parking report required as described in the ordinance on line 223. Town Manager Hoffmann clarified that the parking report was simple to complete; however, the traffic circulation issues were more complicated.

Town Attorney Trevarthen questioned whether the Commission wished to reduce the required parking requirement to 1 parking space per 100 square feet of service area. Commissioner Vincent and Mayor Minnet agreed to leave the provision as is in the ordinance. Commissioner Clotey said she was not ready to make that decision. Commissioner Sasser agreed to leave the provision as is and felt it could be changed later on if necessary. There was Commission consensus to leave the square footage parking space requirement as is in the ordinance.

Mayor Minnet stated that there was not a consensus on whether to include a deadline date or a total cap in the program. She said that additional discussion would take place during second reading at the 7:00 p.m. Regular Commission meeting.

3. ADJOURNMENT

Commissioner Sasser made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:45 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White, CMC

3-24-11
Date

