



Town of Lauderdale-by-the-Sea

Development Services
4501 N. Ocean Drive
Lauderdale-by-the-Sea, FL 33308
Phone (954) 776-3611
Fax (954) 776-3431

STAFF REPORT

To: Planning & Zoning Board
Thru: Bud Bentley, Assistant Town Manager 
From: Linda Connors
Date: 10/12/2011
Re: Aruba Bay Inc. /Conditional Use Application for Paid Private Parking in the B-1 and B-1-A Zoning District.
P&Z Date: October 19, 2011

The purpose of this memorandum is to provide staff's analysis and recommendation on the Conditional Use application received from Aruba Beach Café on February 25, 2011. The applicant is seeking approval to conduct paid private parking (by valet) as a conditional use for the property located at 1 East Commercial Boulevard. The applicant advised that they have historically provided beach parking to help with the limited public parking in Town.

Conditional Use Application

The Development Service Department staff reviewed the application and supporting documents (**Exhibit 1**) pursuant to the requirements of the Town's Land Development Code. The code allows the Development Services Director to waive application requirements and many of the requirements not related or necessary for the evaluation of their conditional use application were waived. The traffic study was waived as the staff determined the traffic impact to the site would be negligible. There was no change to the property's site plan on file with the Town.

Aruba proposes to provide paid private (valet) parking to the public for a fee from the Aruba Restaurant during the business hours of the restaurant. The valet services will be conducted at the business location (1 Commercial Boulevard) and the valet employees will be transferring the vehicles to and from the leased locations identified in Table II below.

Background

Aruba is located at 1 Commercial Boulevard and is zoned B-1. The current use of the property is restaurant. The proposed use will remain the same with the addition of paid public parking.

The minimum required number of parking spaces for the property is shown in Table 1 below.

Table 1

	I Commercial Blvd	Total	Required Parking Spaces
1.	Building (Sq. Ft.)	7,450	
2.	Customer Service Area (Sq. Ft.)	3,450	69
	Total Required Spaces		69
	Total Number of Parking Spaces on Site		20
	1995 Credits		49
	Total Number of Non-Required Onsite Parking Spaces		0

Aruba leases the properties shown in Table II for parking, which allows them to offer valet parking to their customers and to the public.

Table II

	Location	Leased Spaces
1.	4412 Ocean Drive (existing parking lot)	25
2.	4432 Ocean Drive (existing parking lot)	15
3.	224 Commercial Blvd (commercial building)	45
	Total	85

Criteria, Analysis and Findings

Section 30-56 of the Town's Code of Ordinances outlines the specific criteria for approving a Conditional Use. These criteria and staff's analysis and findings regarding the application are listed below.

1. ***Land Use Compatibility.*** The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:
 - i. Permitted uses, structures and activities allowed within the land use category.
 - ii. Building location, dimensions, height, and floor area ratio.
 - iii. Location and extent of parking, access drives and service areas.
 - iv. Traffic generation, hours of operation, noise levels and outdoor lighting.

- v. Alteration of light and air.
- vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment.
- vii. The architectural and site design are compatible with the character of the surrounding area.
- viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

Staff Analysis: There are Hotel uses and business uses immediately adjacent to the property and the use, as proposed will remain the same. This is not a new activity and has been provided to the public for 20 years per the applicant. There have been no reports indicating it has or had a negative impact on the surrounding neighborhood.

Staff Findings: The proposed use, including its scale, intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses.

- 2. **Sufficient Site Size, Site Specifications and Infrastructure.** Sufficient site size, site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Staff Analysis: The use is proposed within the existing parking lot of the site and there will be no change in the physical characteristics of the site.

Staff Finding: There is sufficient site size, site specifications and infrastructure to accommodate the proposed use.

- 3. **Compliance with the Comprehensive Plan and Code of Ordinances.** The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

Staff Analysis: The subject property’s zoning is B-1 Business and the proposed use (Paid Private Parking) is an allowable conditional use within this zoning district. In addition, the proposed parking areas are located in B-1 Business and B-1-A zoning districts which also allow conditional uses. Furthermore, the application is supported by Objective 10.7 of the Town’s Comprehensive Plan, which supports the increase of the amount of business area off-street parking.

Staff Finding: The conditional use, as proposed, complies with the applicable regulations of the Unified Land Development Regulations and is consistent with the Town’s Comprehensive Plan which supports the increase of the amount of business area off-street parking.

- 4. **Proper Use of Mitigative Techniques.** The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

Staff Finding: Staff has recommended conditions to proactively address possible adverse impacts to the public health, safety and general welfare.

Recommendation and Conditions

Notification will be published in the Sun-Sentinel and mailed to effected parties within 300 feet as required by the Town's Code of Ordinances 30-13 (d) (2) at the time it goes before the Commission.

Staff recommends approval of the proposed conditional use with the following conditions:

1. The use will be maintained and operated as provided in the applicant's letter of request submitted with the application received by the Development Services Department on February 28, 2011, attached as part of **Exhibit 1**.
2. The applicant shall only park vehicles that are associated with this conditional use on the leased lots indicated in Table II and shall not use onsite (1 Commercial Blvd) parking for "paid private parking."
3. The owner of the parking lot located at 224 East Commercial Boulevard must be issued a separate conditional use approval for paid private parking before Aruba Beach Café can utilize this parking lot.
4. The applicant may provide paid private parking through their valet service only from their business location (1 Commercial Boulevard) between the hours of 9:00 a.m. and 2:00 a.m. All vehicles shall be dropped off and picked up at the business location and no customers shall drop off or pick up at a remote lot.
5. The applicant shall only park vehicles at the locations listed in Table II during non-business hours of the primary use/s on those properties.
6. Noise disturbances from attendants or noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties at all locations listed in Table II will not be permitted.
7. Within 30 days of the conditional use approval, the applicant shall provide a maintenance plan describing how and who will be cleaning the parking lot on a daily basis prior to the opening hours of the business on site. The maintenance plan may be required to be modified by the Town Manager or designee if it does not adequately keep the property clean. In addition, the applicant may be required to clean off-site if litter is being produced from customers of the parking lot.
8. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
9. All state and county licenses are required to be maintained at all times.
10. The Conditional Use permit is specific to the applicant and is not transferable.
11. Parking meters or pay stations are prohibited.
12. This development order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense.
13. Failure to provide to the Town a certified recorded copy of the conditional use order or the maintenance plan within 30 days of approval will nullify the approval of this conditional use application.

Conditional Use Permit Application

Development Services

Town of Lauderdale by the Sea

4501 Ocean Drive

Lauderdale by the Sea, FL. 33308

www.townoflbs.com (954-776-0576)

Application # 2011-CU-01

Date application submitted 2/25/11

Date Application found to be complete 2/25/11

Planning and Zoning Date _____

Commission Date _____

Application fee paid _____

02-25-11 A09:34 RCVD

General Information

Applicants Name ARUBA BeachCat Address one Commercial Blvd Phone # 954-772-3347

Owners Name if not the same as the Applicant ARUBA Bay Inc

Owners Address one Commercial Blvd L.B.T.S Fl Phone # 954-803-9114

Property address were use will be conducted one Commercial Blvd L.B.T.S Fl. 33308

Current Property Information

Folio # 9318-01-0290 Zoning District B-1 Lot 3-7 Block 6 Subdivision L.B.T.S

Present Use Parking. Restaurant

Hours of operation for each use 9 - 2 AM

Existing total floor area per use (sq. ft.) TOTAL 7450⁰⁰ - SVR AREA - 3450 -

Required number of parking spaces for current use 0 - Grand Father In

Existing number of parking spaces 25+ PLUS PC

Proposed Use Information

Type of Use requested Paid Private Parking for Restaurant. Beach

Hour of operation for the proposed use 9 - 2 AM

Estimated number of individuals to be employed 5-20

This has been done for 20 years (AM)

Applicant shall include a site plan and all applicable information outlined in Article IV of Chapter 30 of the Towns Code of Ordinances. Non applicable information outlined within Chapter 30 may be waived by the Development services Director.

Rozzy Mokler Date 2-25-11
Signature (Owner/Authorized Agent)

Rozzy Mokler
Printed Name

Attached copy

CORPORATE OFFICE

NEW BUSINESS
ITEM # 1

Yesterday's
On the Intracoastal

Ocean Bistro
A1A - Ft. Lauderdale

BRiO
BEACH CLUB
Jupiter, Florida

THE Poinciana Club
PALM BEACH, FLORIDA

Casablanca
Cafe
Ft. Lauderdale, FL

ARUBA
Beach Cafe
L•B•T•S, FL

2/25/11

ATTACHED Conditional Permit

4412 N Ocean LBTS FI 33308
Parking lot Day-Night 25

224 Commercial Blvd after 5:30 / all
day Sat-Sun and evening and all
day-evening on any Holiday 45

4437 Ocean Revere apts lot on A1-A side
Back 10-15

Basin Marnie only overflow on holidays
only Mother Day-Easter

This has been this way for over 15
years

Regyn Mohler

Charging only
on private lot
ARUBA only
unless road is closed
By TOWN