



**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, Planner  
Date: 10/12/2011  
Re: VMC Realty, Inc. /Conditional Use Application for Private Valet Parking and Paid Private Parking in the B-1 Zoning District.  
P&Z Date: October 19, 2011

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The purpose of this memorandum is to provide Staff's analysis and recommendation on the Conditional Use application received on September 20, 2011 for VMC Realty, Inc. The applicant is seeking approval to allow paid private parking (by valet) as a conditional use.

**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.

VMC proposes to allow Aruba Beach Café to use their parking lot for paid private parking on off hours of the business offices and on weekends and holidays. This service will be provided only during the business hours of Aruba Beach Café restaurant. Valet services will be conducted at Aruba Beach Café (1 Commercial Boulevard) and the valet employees will be transferring the vehicles to and from the VMC Realty.

**Background**

VMC Realty is located at 224 Commercial Boulevard and is zoned B-1. The current use of the property is commercial. The proposed use will remain the same with the addition of paid private parking.

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

**Table 1**

	224 Commercial Blvd	Total	Required Parking Spaces
1.	Building (Sq. Ft.)		11,650
	Total Required Spaces		39
	Total Number of Parking Spaces on Site		45
	1995 Credits		N/A
	Total Number of Non-Required Onsite Parking Spaces		6

**Criteria, Analysis and Findings**

Section 30-56 of the Town’s Unified Land Development Code 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 commercial business uses immediately adjacent to the property and the proposed conditional use will remain the same. There have been no reports indicating it has or had a negative impact on the surrounding neighborhood.

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

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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 conditional use is proposed to occur 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. At the Aruba Beach Café's peak restaurant hours, paid public parking may be suspended as all of the parking spaces may be taken by customer parking.

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. 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 complies with the applicable regulations of the Town's Unified Land Development Regulations and is consistent with the Town's Comprehensive Plan.

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 Towns 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 Aruba Beach Café 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.**

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2. The applicant may provide valet customer parking and paid private parking through Aruba Beach Café valet service and only from their business location (1 Commercial Boulevard) during non-business hours of the primary business use/s for the applicant's property (224 Commercial Blvd).
3. All vehicles shall be dropped off and picked up at Aruba Beach Café and no customers shall drop off or pick up at the applicant's site.
4. Noise disturbances from attendants or noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties will not be permitted.
5. Within 30 days of 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.
6. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
7. All state and county licenses are required to be maintained at all times.
8. The Conditional Use permit is specific to the applicant and is not transferable.
9. Parking meters or pay stations are prohibited.
10. This development order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense.
11. 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.lbts-fl.gov (954-776-0576)

Application # 2011-CU-09

Date application submitted \_\_\_\_\_

Date Application found to be completed \_\_\_\_\_

Planning and Zoning Date \_\_\_\_\_

Commission Date \_\_\_\_\_

Application fee paid will be paid by ARUBA

### General Information

Applicants Name VMC Realty ARUBA Beach Club Address \_\_\_\_\_ Phone # 954-772-3347

Owners Name if not the same as the Applicant Lauderdale Properties, N/A

Owners Address 40 VMC Realty 2132 E Ocala Park Blvd Ft Lauderdale FL 33306 Phone # 954 566 1661

Property address where use will be conducted 224 Commercial Blvd.

### Current Property Information

Folio # 494319050060 Zoning District B-1 Lot 1-4 Block B Subdivision Silver Shares

Present Use office bldg Unit A

Hours of operation for each use until 5pm weekdays closed on weekends holidays

Existing total floor area per use (sq. ft.) \_\_\_\_\_

Required number of parking spaces for current use 40

Existing number of parking spaces 40

### Proposed Use Information

Type of Use requested Paid Private Parking for ARUBA Beach After Business

Hours of operation for the proposed use 5pm closing weekends, holidays All day

Estimated number of individuals to be employed STAFF by ARUBA

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

Suzanne V Waterhouse Date 9-20-11  
Signature (Owner/Authorized Agent)

Suzanne V Waterhouse  
Printed Name  
Authorized managing Agent

# Conditional Use Permit Application

Development Services  
Town of Lauderdale by the Sea  
4501 Ocean Drive  
Lauderdale by the Sea, FL. 33308  
[www.townoflbts.com](http://www.townoflbts.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 \_\_\_\_\_

02-25-11 409:34 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.FI Phone # 954-803-9114  
Property address were use will be conducted one Commercial Blvd L.B.T.S.FI-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 7750<sup>00</sup> - SVR AREA - 3450 -  
Required number of parking spaces for current use 0 - Grand Father In  
Existing number of parking spaces 25+ PLUS PR

### 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 (PR)

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.

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

Reggy Mokler  
Printed Name

Attached copy

# CORPORATE OFFICE

NEW DUSTY  
ITEM # 2

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 F1 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

4412 Ocean Revere apts Lot on A1-A Side  
Back 10-15

Basin Marnie only over flow 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