



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

MEMORANDUM

To: Planning & Zoning Board
Thru: Bud Bentley, Assistant Town Manager 
From: Jeff Bowman, Zoning and Code Supervisor
Date: 6/7/2011
Re: B&C Real Estate Holdings/Conditional Use Application for Paid Private Parking in the B-1 and B-1-A Zoning District.

The purpose of this memorandum is to provide Staff's comments on the Conditional Use Application received on February 28, 2011. The applicant who has been authorized by the property owner (B&C Real Estate Holdings, LLC) is seeking approval to conduct paid private parking (self-parking) as a conditional use on their property.

Background

The current use of the property is professional office with a bank. The proposed use will remain the same with the exception of the paid public parking. The proposed use is located at 221 Commercial Boulevard. The west half of the property is zoned B-1 with the east half zoned B-1A.

The tenants on the property and their required parking are shown in Table 1.

	Tenant	Hours of Operations	No. of Required Parking Spaces
1.	SunTrust Bank (1 st floor)	9-5	28
2.	Attorney's Office (2 nd Floor)	9-5	17
3.	Chambliss Group (2 nd Floor)	9-5	
4.	Bryan & Associates PA (2 nd Floor)	9-5	
5.	John Sibbald Associates (2 nd Floor)	9-5	
6.	B&C Real Estate Holdings (2 nd Floor)	9-5	
	Total Required Spaces		45
	Total Number of Parking Spaces		73
	Non-Required Parking Spaces		28

There are four abutting properties:

1. 219 Commercial Blvd. - office building
2. 223 Commercial Blvd. - office building
3. 4417 Poinciana - residential apartment building
4. 4418 Seagrape Dr. - residential duplex

Conditional Use Application

This office has reviewed the following documents submitted (**Exhibit 1**) pursuant to the requirements of the Town's Land Development Code:

1. Application.
2. Survey of property.
3. Letter of authority from the property owner.

B&C Real Estate Holdings proposes to provide non-required parking and required parking after the close of business hours to the public for a fee. Staff has summarized the application below:

1. Self-parking between the hours of 6:00 am and 2:00 am in 25 non-required parking spaces.
2. Self-parking between the hours of 6:00 pm and 2:00 am in all 73 spaces.

In a letter dated February 11, 2010 the applicant's agent indicates that his company will provide the following services:

1. Training for their staff.
2. Will provide its own podium, cones for traffic control, signs, and stanchions.
3. Will provide its own uniforms.
4. Will provide liability insurance with limits of \$2,000,000.
5. Will maintain Workers Compensation Insurance.
6. Will staff the parking lot from about 6:30 to 10:00 pm.

The attached copy of Section 30-56 of the Towns Code of Ordinances (**Exhibit 2**) outlines the specific criteria for approving a Conditional Use.

Criteria and Analysis

1. Land Use Compatibility.

The proposed use, including its scale, intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses. There are residential uses and business uses immediately adjacent to the property and the use, as proposed will remain the same; however, the use will intensify in the evening. The

parking lot has historically been used to some extent during the day and evening by the public, for employee parking for other businesses and for special events. Parking during these hours with no reports indicating it has or had a negative impact on the surrounding neighborhood. The current property owner reports that they want to control parking to stop littering and damage to their property that occurs when public parking is not supervised.

2. Sufficient Site Size, Site Specifications and Infrastructure

The use is proposed within an existing parking lot and there will be no change in the physical characteristics of the site. The proposed layout and number of parking spaces of the parking lot is adequate to accommodate the proposed use and will not create any non-conformities..

3. Compliance with the Comprehensive Plan and Code of Ordinances

The conditional use, as proposed, complies with the applicable regulations of the Code of Ordinances and is consistent with the Town's Comprehensive Plan and Land Development Regulations. The zoning is Commercial and the proposed use (Paid Private Parking) is an allowable conditional use within the Commercial Zoning District, which further implements Objective 10.7 of the Comprehensive Plan.

4. Proper Use of Mitigative Techniques.

Staff has proposed, and recommended conditions of approval to pro-actively address possible adverse impacts to the general public health, safety and welfare.

Site Plan Review and Recommendation

The parking lot historically has been used by the public after hours free of charge.

Notification was 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)

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 may provide paid private parking in non-required spaces between the hours of 6:00 am and 2:00 pm and may provide paid private parking in required parking spaces between the hours 6:00 am and 2:00 pm when the primary uses that use those required parking spaces are closed.
3. No noise disturbances from attendants, individuals utilizing the parking, or loud noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties.

Planning and Zoning Board
May 18, 2011 Meeting

4. 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 offsite if litter is being produced from customers of the parking lot.
5. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
6. All state and county licenses are required to be maintained at all times.
7. The Conditional Use Permit is specific to the applicant and is not transferable.
8. Parking meters or pay stations are prohibited.

File: U:\0 Agenda Commission & PZ Board\6-17-11 P&Z\221 Commercial Blvd CU Staff Report R6-6.doc

EXHIBIT # 1

Conditional Use application for Paid Private Parking
in the B-1 and B1-A Zoning District

Conditional Use Permit Application

Development Services
Town of Lauderdale by the Sea
4501 Ocean Drive

Lauderdale by the Sea, FL. 33308
www.townoflbts.com (954-776-0576)

Application # 2011-CU-02

Date application submitted 2-28-11
Date Application found to be completed 6-7-11
Planning and Zoning Date 6-15-11
Commission Date _____
Application fee paid _____

General Information

Applicants Name B+C Real Estate Holdings LLC Address 221 Commercial Blvd Phone # 954-561-8005
Owners Name if not the same as the Applicant SAME
Owners Address SAME Phone # 954-561-8005
Property address where use will be conducted 221 Commercial Blvd

Current Property Information *See Below*

Folio # _____ Zoning District _____ Lot _____ Block _____ Subdivision _____
Present Use Office Building - Tenants - Sun Trust Bank + B+C Holdings LLC
Hours of operation for each use 6:00am -> 2:00am - 26 spaces / 6:00pm -> 2:00am + weekends - 73 spaces
Existing total floor area per use (sq. ft.) 11,736
Required number of parking spaces for current use 46
Existing number of parking spaces 73

Proposed Use Information

Type of Use requested Public paid parking (self parking)
Hours of operation for the proposed use 6:00am -> 2:00am
Estimated number of individuals to be employed 2

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.


Signature (Owner/Authorized Agent) _____ Date Feb 28, 2011
Peter Sorrentino
Printed Name

Lot 1 Block 14
Lot 2 Block 14
Block L
Lot 56-59 Block 28

1 TITLE DESCRIPTION

ALL OF BLOCK 14, LOT 1 AND 2 OF THE EAST COMMERCIAL BOULEVARD... (Detailed title description text follows)

2 TITLE INFORMATION

THE TITLE DESCRIBED AND LOCATED... (Title information text)

3 SCHEDULE 'B' ITEMS

- 1. ALL UTILITIES... 2. ALL RECORDS... 3. ALL RECORDS... (List of schedule B items)

9 LEGEND

- 1. ALL UTILITIES... 2. ALL RECORDS... 3. ALL RECORDS... (Legend items)

8 ZONING INFORMATION

SEE ZONING... (Zoning information text)

6 CEMETERY

THE CEMETERY... (Cemetery information text)

KEY TO ALTA-SURVEY

- 1. ALL UTILITIES... 2. ALL RECORDS... 3. ALL RECORDS... (Key to Alta-Survey items)

15 BUILDING HEIGHT

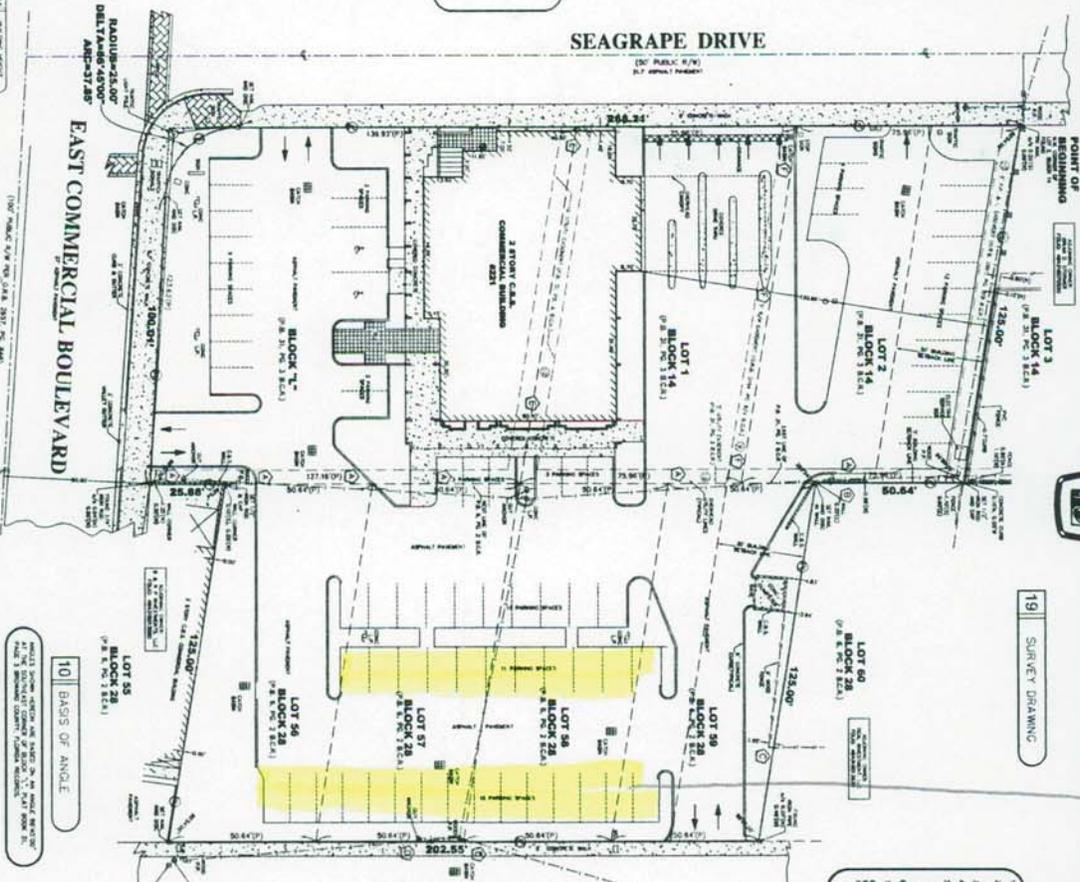
HEIGHT 3 FEET

13 LAND AREA

6,111.3000 ACRES +/-

5 FLOOD INFORMATION

NO FLOOD INFORMATION... (Flood information text)



19 SURVEY DRAWING

11 SURVEYOR'S NOTES

NO RECORDS OF RECORDS... (Surveyor's notes text)

14 BUILDING AREA

LAND SQUARE FEET

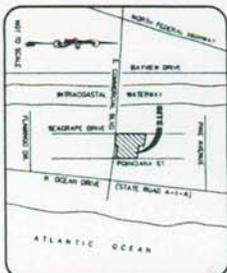
12 PARKING INFORMATION

11 STANDING SPACES... (Parking information text)

4 SURVEYOR CERTIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared... (Surveyor certification text)

16 MONITY MAP



17 SCALE

SCALE 1" = 20'

7 POSSIBLE ENCROACHMENTS

- 1. ALL UTILITIES... 2. ALL RECORDS... 3. ALL RECORDS... (Possible encroachments list)

18 CLIENT INFORMATION BOX

Client information box containing project details, dates, and contact information for International Land Services, Inc.

Handwritten note: PD. Public parking 25 spaces

B & C REAL ESTATE HOLDINGS, LLC
221 Commercial Boulevard, Suite 203
Lauderdale-by-the-Sea, Florida 33308
(954) 772-7655

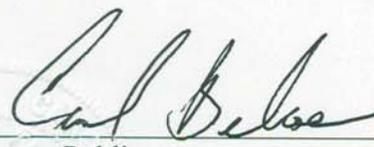
February 28, 2011

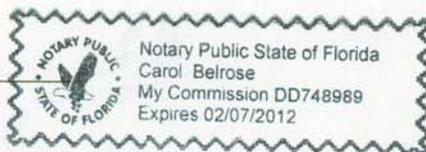
To Whom It May Concern:

Mr. Pete Sorrentino, Gold Coast Parking Systems, Inc., P. O. Box 39135, Fort Lauderdale, Florida is hereby granted authority to act on behalf of B & C Real Estate Holdings, LLC, owner, as parking concessionaire for the parking lot located at 221 Commercial Boulevard, Lauderdale-by-the-Sea, Florida.


James W. Bryan
B & C Real Estate Holdings, LLC

STATE OF FLORIDA
COUNTY OF BROWARD


Notary Public



Dated Feb. 28 2011

EXHIBIT # 2

465 (d) Height.
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(2) All passive recreational rooftop use requires a conditional use permit.

i. Transient Uses. ~~Upon approval, a~~ A Conditional use permit for transient uses such as a hotel, motel, apartment building, condominium, or time share will be issued for the a period of one year. This permit shall be administratively reviewed by Town staff annually. The transient use shall apply for renewal of the permit annually to the Town Manager, prior to re-issuance. The conditional use permit may be renewed if it is the Town determines that (a) the conditional use does not adversely impact neighboring properties and (b) it complies with the conditions of site plan approval. The conditional use permit is revocable, following notice to the permit holder and opportunity to be heard by three members of the Town Administration, designated by the Town Manager, when the use adversely impacts adjacent property or the permit terms and conditions are violated. An administrative decision not to renew a rooftop use may be appealed to the Town Commission by the property owner. An administrative decision to renew a rooftop use may be appealed to the Town Commission by a neighboring property owner. The Town Commission's decision on appeal shall constitute a final development order.

ii. Non-Transient Uses. ~~A conditional passive recreational rooftop use permit for a non-transient residential property, other than a hotel, motel, apartment building, condominium, or time share, is exempt from the annual review process heretofore set forth for such roof tops for transient uses.~~

~~Rooftop uses, as heretofore set forth, are permissible in RM-25 (south of Pine Avenue) districts only when reviewed and approved by the Planning and Zoning Board and Town Commission pursuant to site plan review and approval as a conditional use.~~

For the purpose of this section, "apartment building" is defined as a residential rental property with four or more dwelling units.

502 **SECTION 5.** Amendment. Section 30-56, Unified Land Development Regulations, of
503 the Code of Ordinances is hereby created to read as follows⁴:

504 **Section 30-56. Conditional Uses Review.**

505 (a) **Generally.** A conditional use is a use that would not be appropriate without
506 restriction throughout the land use district, but which, if controlled as to number,
507 area, location, hours of operation, and relation to the neighborhood or impacted

⁴ All text in this section is new text. Additions in double underline were added between first and second reading. Deletions in ~~double-strike-through~~ were deleted between first and second reading.

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vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. The purpose of this Section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code, where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This Section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this Section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review. Site plan approvals shall be processed concurrently with the conditional use application (and, if required, the site plan public hearing shall be held jointly with the conditional use public hearing).

(b) **Application.** A conditional use application shall provide the following information unless waived by the Development Services Director:

- i. A copy of any existing approved site plan;
- ii. If no previously approved site plan exists, a site plan, providing the information required in Article IV of Chapter 30 of the Land Development Code, except that the Development Services Director may waive individual components of the site plan requirements;
- iii. Traffic impact study meeting the requirements of Section 30-71(a)(4);
- iv. Square feet designated (indoors or out) for each specific use;
- v. Estimated employment;
- vi. Estimated number and type of service vehicles;
- vii. Any unique facilities or structures proposed as part of site improvements; and
- viii. A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.
- ix. Application fee.

(c) **Review.** The Planning and Zoning Board shall review the application and provide a recommendation for approval, modified approval, or denial to the Town Commission. The Town Commission shall follow the quasi-judicial procedures in the Code of Ordinances and shall, prior to taking action on a conditional use application, hold a quasi-judicial public hearing. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. Notice of the public hearing shall be given and the hearing shall be conducted as provided in the quasi-judicial procedures.

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(d) **Specific Criteria for Approving a Conditional Use.** A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The applicant shall demonstrate the following:

(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.

(2) *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.

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- (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.
- (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.
- (e) **Conditional Use Approval Amendments.** A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.
- (1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level Two Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of Section 30-54(m)(4)c. of the Code.
- (12) ~~Level 1 Amendment: The Town Manager or his or her designee may approve in~~ Minor changes and deviations to ~~the~~ an approved conditional use may be approved, approved with conditions or modifications, denied, or re-classified as a Level 2 Amendment, by the Town Commission, without Planning and Zoning Board Review. If the Town Commission determines the modification is a Level 2 Amendment, it shall be processed pursuant to Subsection (2) below. A change or deviation shall be classified as a Level 1 Amendment, if it meets the criteria of Section 30-54(m)(4)a. of the Code. All other requested changes and deviations shall be processed as a Level 2 Amendment.
- (23) *Level 2 Amendment:* Changes and deviations to an approved conditional use meeting the criteria of Section 30-54(m)(4)b. of the Code, shall constitute a Level 2 Amendment and shall require that the requested changes be subject to the same procedure as required for a new application.
- ~~(3) In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of Section 30-54(m)(4)c. of the Code.~~

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- (f) **Continuing Jurisdiction.** The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:
- (1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;
 - (2) Is injurious to the health, safety or welfare of the community or of the public;
 - (3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or
 - (4) Has a history of repeated Code violations.
- (g) **Application Fees.** Fees for conditional use permits, and for Level 1 and Level 2 Amendments shall be established by the Town Commission by resolution.
- (h) **Flexibility rules.** Flexibility rules allow the Town to revise and rearrange land uses within a flexibility zone and allow the development of residential dwelling units on properties designated for commercial land use in the Broward County Land Use Plan, without requiring an amendment to that designation.
- (1) Definitions.
- i. Flexibility zones: Flexibility zones are fixed geographic areas within the Town, designated on the Broward County Land Use Plan, which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the Town's comprehensive plan.
 - ii. Flexibility units: Flexibility units are the total number of additional residential dwelling units permitted by the Broward County Land Use Plan above the total number of dwelling units allowed within the same flexibility zone by the Town's comprehensive plan.
- (2) Determination of available flexibility units. The Town Manager or designee shall maintain a log of the number of available flexibility units in each flexibility zone, the number of flexibility units assigned to parcels within each zone and within the Town, and the reason for assigning flexibility units to a parcel.
- (3) Assignment of flexibility units. If a sufficient number of flexibility units are available, the Town may allocate flexibility units for mixed use development in the B-1 zoning district, as provided in Section 30-271(e) Mixed Use Development, provided that the County's flexibility rules and regulations are met and all other applicable requirements of Chapter 30 of the Code are met.

702 **SECTION 6. Severability.** If any section, sentence, clause or phrase of this Ordinance is
703 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in
704 no way affect the validity of the remaining portions of this Ordinance.

705 **SECTION 7. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
706 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

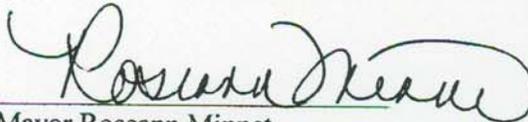
707 **SECTION 8. Codification.** This Ordinance shall be codified.

708 **SECTION 9. Effective Date.** This Ordinance shall become effective immediately upon
709 adoption on second reading.

710 **SECTION 10. Adoption.** Passed on the first reading, this 22 day of March, 2011.

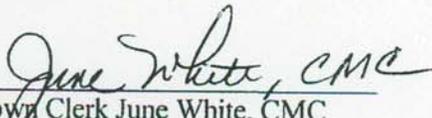
711 Passed and adopted on the second reading, this 27 day of April, 2011.

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Mayor Roseann Minnet

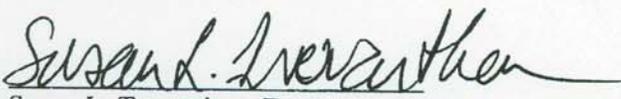
	First Reading	Second Reading
Mayor Minnet	<u>Yay</u>	<u>Yay</u>
Vice-Mayor Dodd	<u>Yay</u>	<u>Yay</u>
Commissioner Clottey	<u>Yay</u>	<u>Yay</u>
Commissioner Sasser	<u>Yay</u>	<u>Yay</u>
Commissioner Vincent	<u>Yay</u>	<u>Yay</u>

Attest:


Town Clerk June White, CMC

(CORPORATE SEAL)

Approved as to form:


Susan L. Trevarthen, Town Attorney