

**PARKING MANAGEMENT ADVISORY BOARD MINUTES  
TUESDAY, AUGUST 23, 2011, 5:30 P.M.  
FIRST FLOOR CONFERENCE ROOM**

**MEMBERS PRESENT:**

Fran Marincola  
Bruce Gimmy  
John Gergen  
Cecelia Boone  
Brian Rosen  
Alan Kornblau  
Peggy Murphy

**MEMBERS ABSENT:**

Mark Krall  
William Morse  
Margie Walden  
Herman Stevens

**STAFF PRESENT:**

Scott Aronson, Parking Management Specialist  
Mark McDonnell

**STAFF ABSENT:**

None

**GUESTS/OTHERS:**

Michael Weiner, Esq.  
Jarrod Becker  
Steven Cohen

**I. CALL TO ORDER:**

The meeting was called to order by Chairperson, Mr. Fran Marincola, at 5:39 p.m.

**II. APPROVAL OF AGENDA:**

Mr. Kornblau made a motion to approve the agenda, seconded by Mr. Gimmy. The motion was approved unanimously.

**III. OLD BUSINESS:**

Mr. Aronson advised that the proposed changes to the Valet Parking License Agreements were approved by the City Commission on July 19<sup>th</sup>.

**IV. MINUTES:**

Mr. Gimmy made a motion to approve the minutes of May 24, 2011. The motion was seconded by Mr. Gergen and passed unanimously.

**V. COMMENTS BY CITIZENS:**

There were no comments by citizens.

**III. NEW BUSINESS:**

**A. Review A Request From 5 SE 2<sup>nd</sup> Avenue For The Purchase Of Eight (8) In-Lieu Of Parking Spaces To Accommodate A Change Of Use To Restaurant**

At this time, Mr. Marincola read the quasi-judicial rules.

Board Liaison, Venice Cobb, swore in those individuals wishing to give testimony.

There were no ex-parte communications from any Board members.

Mr. Aronson advised that the Veterans of Foreign Wars (VFW) located at 5 SE 2<sup>nd</sup> Avenue was purchased by the BEOJ, LLC. The owner has submitted a Class III Site Plan Modification for a conversion of use to restaurant. Land Development Regulations, Section 4.6.9 requires that they provide the difference of parking vested at one space per 300 square feet and six spaces per 1,000 square feet required for restaurant. The 3,151 square foot site requires eight parking spaces. It is impossible to provide spaces on-site. Consequently, the applicant is requesting the purchase of eight in-lieu spaces at a cost of \$15,600 each totaling \$124,800. The applicant is also requesting to pay via an In-Lieu Of Parking Fee Agreement which requires 50% payment due upon signing an remittance of the agreement and two 25% payments on the second and third anniversaries of the agreement. Recent revisions to Section 4.6.9 place a cap on the number of in-lieu spaces that can be purchased to a maximum of 30% of the required spaces to be purchased. Therefore, only five spaces may be requested. A waiver request, in accordance to with Land Development Regulation Section 2.4.7(B) requires that specific findings be met for this request to be approved. Approval of this request could set a precedent to other in-lieu applications. Staff recommends denial of the applicant's request. Mr. Aronson spoke of an Ordinance which will eliminate the incentive of the six spaces per 1,000 square feet in the Central Business District and increase the number to the rest of the City's parking requirement for restaurants which is twelve spaces per 1,000 square feet. City Commission was not in agreement and staff was directed to revise the numbers. Public parking in the surrounding area can absorb the additional traffic that would be generated. However, the waiver setting a precedent is a concern.

Mr. Weiner stated that both Item "A" and "B" are related and asked that staff present on both prior to his presentation.

**B. Review A Request From 9 NE 2<sup>nd</sup> Avenue For The Purchase Of Six (6) In-Lieu Of Parking Spaces, Associated Payment Agreement and Waiver**

Mr. Aronson stated that Ace Pump, located at 9 NE 2<sup>nd</sup> Avenue, was formerly known as Rita's Ice cream. The bays were split at one point. The site plan is for both bays. The square footage is 2,142 and is required the difference of one space per 300 square feet and six spaces per 1,000 square feet. Section 4.6.9 places a cap on the number of in-lieu spaces that can be purchased to a maximum of 30% of the required spaces to be purchased. The total required spaces would be 12.85. Therefore, a waiver request must be approved. Scott mentioned approving under the 30% and perhaps the applicant could find alternate means of parking off-site to accommodate spaces over the 30%.

Mr. McDonnell stated that the parking is at 42% and the current maximum is 30%. The Planning & Zoning staff would support a 30% in-lieu request. Cluster Four recommends against additional restaurants and if retail was given to either location, there would be no additional parking requirement.

Mr. Rosen asked if the 2,000 square feet is pump space or pump space and retail.

Mr. Aronson stated that the 2,000 is pump space only.

Mr. Marincola stated that it seems that non-conforming spaces cannot get in-lieu spaces because of the 30% maximum.

Ms. Boone stated that a 1,000 square foot restaurant can only be approved for one space under the current Ordinance.

Mr. Marincola stated that he does not feel this was recognized by City Commission.

Mr. Aronson stated that the spaces are calculated by total square footage and total requirement. He also noted that the Ordinance does create a restriction.

Mr. Gimmy asked why the in-lieu fee is \$7,800.00 instead of \$15,600.00 per space.

Mr. Aronson advised that the property is located within the Pineapple Grove Main Street area.

Board members and staff spoke about similar circumstances if the property was located on 4<sup>th</sup> Avenue.

Mr. Weiner stated that he does not feel that the Ordinance applies to this particular application. He went on to say that it was not the intention of the City Commission to harm restaurants. He feels that the 30% likely applies to new development. He spoke of empty parking spaces in the surrounding areas due to decreased utilization. The approval of the waiver will not adversely affect the neighborhood. Approval of the waiver will not significantly diminish the provision of public facilities. Approval of the waiver will not create an unsafe situation. Approval of the waiver will not result in the granting of a special privilege.

Mr. Kornblau asked Mr. Weiner if he feels that the City does not have a parking problem.

Mr. Weiner stated that the City's parking assets are not demonstrated to everyone that parking can be accommodated for all activities.

Mr. Gimmy stated that the City has reached a saturation point of having restaurants and the area is congested. He concurs with the Planning & Zoning Department's decision to attempt to get a balance.

Discussion ensued between Board members and staff regarding zoning in progress.

Mr. Rosen asked how long the parking garage by the VFW was in operation at the completion of the parking study.

Mr. Aronson advised that the Parking Garage was in operation in 2007 and the parking study was done in 2009. He went on to explain that Bush's Restaurant changed owners and is now Deck 84. The owner did not increase their square footage or make any changes other than the name although people thought they did. An impact was created due to it being a new business with new clientele and a new atmosphere.

Mr. McDonnell spoke of other options such as public parking and off-site parking spaces. All options should be exhausted prior to a waiver being requested.

Mr. Marincola stated that he feels the Ordinance was mistakenly, as it seems as if an in-lieu space cannot be granted to anyone with a pre-existing non-confirming use.

Mr. Rosen stated that it is easier to hold new development to 30%. However, the subject property has existed for many years. Mr. Rosen asked when the properties were purchased. He wanted to know the timing in relation to the 30% maximum.

Mr. Steven Cohen advised that the properties were closed on in November and February. There has been a lot of planning and negotiating and talking with potential tenants prior to making commitments.

Mr. Boone stated that the in-lieu program was put in place so that the infill could be redeveloped.

Mr. Marincola stated that the City Commission informed that the subject properties would not be impacted by the new Ordinance.

Mr. Aronson asked that the Board make a reference as to not set precedence for other projects to be above the 30% rule if the request is approved.

Mr. Marincola stated that having adequate parking in close proximity should also be stipulated.

Mr. Aronson stated that having adequate parking is a part of the research done by staff.

Mr. Rosen asked about redevelopment of infill locations for new development.

Mr. McDonnell advised that the Code states that 30% is the maximum of the required parking. However, there are several options for parking.

Mr. Weiner stated that the building covers the entire site with the exception of some very small spaces. It is impossible to put any parking on the sites.

Mr. Gergen stated that he was unaware of an Ordinance change.

Mr. Marincola stated that it was presented to the Downtown Development Authority. However, he was unaware of the 30% rule.

Mr. McDonnell stated that the previous Ordinance allowed in-lieu requests for any type of development. A consultant recommended a cap on in-lieu at 30% to ensure that developments could not ask for all in-lieu spaces.

Mr. Marincola stated that individuals can no longer ask for in-lieu spaces due to the new Ordinance.

Mr. Aronson stated that there are other options such as an off-site for a portion of the spaces.

Discussion ensued between staff and Board members regarding the new Ordinance.

Mr. Rosen made a motion to approve the waiver and approval of in-lieu parking spaces for the Veterans of Foreign War without setting a precedent based upon adequate parking in the area. The motion was seconded by Mr. Kornblau and passed 6-1 with Mr. Gimmy dissenting.

Mr. Rosen made a motion to approve the waiver and approval of in-lieu parking spaces for the Ace Pump without setting a precedent based upon adequate parking in the area. The motion was seconded by Ms. Murphy and passed 6-1 with Mr. Gimmy dissenting.

### **C. Review A Proposal To Implement A City Operated Valet Parking Service In The Old School Square Garage**

Mr. Aronson advised that staff is proposing to implement a valet parking service in the Old School Square Garage. The entrance for the valet would be on Pineapple Grove Way. The attempt is to provide a daytime valet service and to capture the demographics that do not like using parking garages. Staff proposes a \$3.00 or \$5.00 flat fee during the daytime and weekday evenings and \$10.00 on Thursdays, Fridays and Saturdays. The fees are subject to change as needed.

Mr. Kornblau feels that Solita's valet may want to have daytime valet service.

Mr. Aronson stated that Solita's was not approved for daytime parking.

Mr. Aronson stated that Ameristar has been contracted for \$14.55 per hour.

Mr. Kornblau stated that he does not want the City to compete with other valet businesses.

Mr. Marincola stated that he is not against a daytime valet queue.

Mr. Aronson stated that the valet agreements do not permit public parking.

Board members and staff spoke about the ingress, egress and also about employee parking in the garage.

Ms. Murphy feels that the valet service will impact parking at Old School Square. She does not feel that older people will valet and then walk to their destination. She spoke of surface parking that has been eliminated and asked where vendors, or performers will park during special events if the parking garage is used for valet. She asked if spaces can be reserved for vendors during these events.

Mr. Aronson stated that he is cognizant of the intended design of the facility to accommodate large vehicles and or vendors during events.

Ms. Boone asked if Old School Square could pre-pay for their guests in cases where parking is needed for weddings.

Mr. Aronson stated that pre-paying can be arranged if requested in a timely fashion. He is concerned about control and audits.

Ms. Boone made a motion to approve a valet service on a trial basis in the Old School Square Parking Garage. The motion was seconded by Mr. Rosen and passed 6-1 with Mr. Kornblau dissenting.

## **VI. COMMITTEE REPORTS ON PARKING RELATED ISSUES:**

Board members presented a brief status report of items taking place on their respective Boards. Members agreed due to agendas and minutes available from the Board, there was no need for detailed minutes on this agenda item.

**VII. NON-AGENDA ITEMS:**

**A. Comments by Board Members**

None.

**B. Comments by Citizens**

None.

**C. Comments by Staff**

Mr. Aronson stated that he has been asked to review the cost of the beach parking permits and the parking meter fees for the new fiscal year for an increase as they have not been increased since 2008. Decisions made may affect the \$5.00 fee discussed recently to enable seniors the advantage of parking on the east side of the Intracoastal during off season.

There being no further business, Chairperson, Mr. Marincola, declared the meeting adjourned at 7:34 p.m.

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Venice Cobb, Executive Assistant/Board Liaison

The undersigned is the Secretary of the Parking Management Advisory Board and the information provided herein is the minutes of the meeting of said Parking Management Advisory Board on August 23, 2011, which minutes were formally approved and adopted by the Board on \_\_\_\_\_.

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Venice Cobb, Executive Assistant/Board Liaison

**NOTE TO READER:** If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the Parking Management Advisory Board. They will become official minutes only after review and approval, which may involve some amendments, additions or deletions.  
S/City Clerk/Boards/Parking Management Board/minutes