

**PARKING MANAGEMENT ADVISORY BOARD MINUTES
TUESDAY, SEPTEMBER 27, 2011, 5:30 P.M.
FIRST FLOOR CONFERENCE ROOM**

MEMBERS PRESENT:

Fran Marincola
Bruce Gimmy
John Gergen
Herman Stevens
Brian Rosen
Alan Kornblau
Peggy Murphy
Mark Krall
William Morse
Margie Walden
Cecelia Boone

MEMBERS ABSENT:

None

STAFF PRESENT:

Scott Aronson, Parking Management Specialist
Lula Butler, Director of Community Improvement

STAFF ABSENT:

None

GUESTS/OTHERS:

Michael Weiner, Esq.
Doug Marek
Jim Knight
Bob Currie
Commissioner Jay Alperin
Scott Porten
Chris Licata
Larry Lipnick
Howard Kanner

I. CALL TO ORDER:

The meeting was called to order by Chairperson, Mr. Fran Marincola, at 5:34 p.m.

II. APPROVAL OF AGENDA:

Mr. Aronson asked that the agenda be amended to add approval of the June 28th minutes.

Mr. Gergen made a motion to approve the agenda as amended, seconded by Mr. Morse. The motion was approved unanimously.

III. OLD BUSINESS:

Mr. Aronson advised that the requests made by the Veteran of Foreign Wars (VFW) and the Ace Pump for in-lieu parking spaces were approved by the City Commission.

IV. MINUTES:

Ms. Walden made a motion to approve the minutes of June 28, 2011. The motion was seconded by Ms. Boone and passed unanimously.

Ms. Walden made a motion to approve the minutes of July 26, 2011. The motion was seconded by Mr. Morse and passed unanimously.

V. COMMENTS BY CITIZENS:

There were no comments by citizens.

III. NEW BUSINESS:

A. Review A Request From Kanner & Pantiluga To Enter Into An Agreement For The Utilization Of 37 Parking Spaces

Mr. Aronson stated that Kanner & Pantiluga request to be allowed use of the parking lot located on NE 3rd Street. The business has expressed an interest in moving their corporate office to the Astor building located at 101 Pineapple Grove Way. The proposal includes fifty (50) staff members. The Astor does meet the parking requirement providing thirty-three (33) spaces on site. However, it will be a challenge to operate with only thirty-three (33) spaces. The parking lot on NE 3rd Street has a total of thirty-seven (37) spaces. A combination of the spaces will accommodate the traffic and their employees. The request is for exclusive utilization of the parking spaces Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m. possibly until 6:00 p.m. and 7:00 p.m. on some nights. The parking lot is for public use. Staff is in favor of entering into a license agreement for a ten (10) year period. Negotiations will take place after ten (10) years.

Ms. Boone clarified that the applicant will actually be utilizing the Pugliese building. The Astor owns the thirty-three (33) spaces. She asked if the Pugliese building also has the same entitlements. Ms. Boone is concerned about parking for patrons visiting the Astor building.

Mr. Kanner stated that the spaces being requested run along the side of the railroad tracks which are less desirable for any business to use. The spaces are directly behind the building being purchased for the office.

Mr. Marincola asked who maintained the area currently.

Mr. Kanner stated that he would pick up any costs. The property will be ensured and maintained as long as his company has exclusive use of the parking during the day.

Ms. Walden asked if he would post signage.

Mr. Kanner stated that he would post signage and pick up all costs.

Ms. Boone asked if the City could designate public parking to a tenant.

Mr. Aronson stated that the parking can be designated being that bond money was not used for construction or maintenance of the facility.

Ms. Boone asked if the Astor had any objections with giving up their parking spaces which are normally used for patrons.

Mr. Kanner stated that he has not seen patrons utilizing those spaces.

Ms. Boone asked about the location of the other parking spaces to be used by the applicant.

Mr. Kanner advised that the rest of the spaces are inside the parking garage and alongside the street.

Discussion ensued regarding resident parking.

Mr. Marek stated that the Astor parking garage was built to accommodate the parking for the entire property. There are sixty-six (66) spaces in the parking garage that are dedicated for the building.

Mr. Aronson advised that the property was built as a unified development. The mixed use parking calculations are to be used to offset daytime and evening uses. The development will be used primarily in the daytime and minimally in the evening.

Ms. Murphy asked about maintenance.

Mr. Kanner stated that the property has been in excellent condition.

Mr. Marek stated that there is an easement agreement. The property is being maintained by the association which Pugliese makes an annual payment to.

Mr. Walden made a motion to accept the proposal as presented, seconded by Mr. Kornblau. Said motion passed 10-1. Mr. Rosen abstained due to a conflict of interest.

B. Review A Request From Atlantic Ocean Club For The Purchase Of Eight (8) In-Lieu Of Parking Spaces And Associated Payment Agreement

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 made a correction to paragraph two on the staff report to reflect the request of eight (8) spaces at a cost of \$124,800.00.

The Atlantic Ocean Club, located at 217 East Atlantic Avenue, submitted a site plan modification eliminating the residential portion of the property. The owner has had difficulties leasing the office space as it is in between a bar and a restaurant. The owner moved the management office to the second floor and has since installed a refrigerator, freezer equipment and a kitchen. The owner previously requested four (4) in-lieu parking spaces to accommodate the refrigerator, freezer equipment and the kitchen. In addition, the owner requested spaces for a change of use on May 24, 2011. However, the item was pulled from the agenda. On July 26, 2011, they returned with further revisions for a restaurant on the second floor increasing the area to be converted to 1,572 square feet to accommodate seating, refrigeration equipment and the kitchen. The requirements for restaurants are six (6) spaces per 1,000 square feet of the total area. The corridors used for service between the

kitchen and the restaurant needed to be at restaurant calculation. The restrooms adjacent to the dining area and any office associated with the management of the restaurant also need to be at restaurant calculations. It was suggested that the entire floor be calculated for restaurant parking. The applicant submitted a revised site plan requesting eight (8) spaces for a Hibachi style restaurant. The total square footage is 3,153 which require eight (8) spaces at a total of \$124,800.00 to be paid via an in-lieu of parking fee payment agreement requiring 50% upon signing the agreement and two 25% payments on the second and third anniversaries. Mr. Aronson stated that the surrounding parking areas are over 100% capacity during the weekend and evenings. Therefore, does not recommend approval of the applicant's request.

Mr. Weiner stated that the Board should make a decision based upon the Ordinance. He then noted that the applicant is permitted by right to have the change in use. The applicant now has to prove that it is impossible or appropriate to provide the required number of onsite or offsite parking spaces. The decision to approve or deny an application should not legally be made upon personal views. Nor may any decision be based upon the numbers of citizens who support or fail to support a particular project. The Board members have concerns with respect to the layout and development of the property. Mr. Currie is present to answer any questions. The applicant built five (5) spaces on the street and he has eight (8) additional spaces. The applicant is willing to obtain a lease agreement to utilize twelve (12) spaces after hours at a neighboring business. There are thirteen (13) spaces on-site constructed when the property was built. The property has a total of thirty-two (32) parking spaces available. Twenty (20) spaces were created to ensure that employees would not park Downtown. The Old School Square Parking Garage is a 505 space parking garage 344 feet from the applicant's property which is not utilized to its capacity.

Mr. Aronson spoke of discrepancies with the map referring to the parking spaces provided.

Mr. Gergen stated that he is uncomfortable with the applicant's presentation. He stated that there has been a constant change of use.

Ms. Walden thanked the applicant for providing the map as requested. She went on to say that she does not feel that parking or traffic Downtown will be affected if the request is approved. There is parking in the area. The applicant wanted office use but an office was not successful possibly because of the location or other uses. In addition, the parking garage is not utilized to its capacity at any time during the year.

Mr. Marincola spoke of the history of the property and the changes in use that has occurred. He mentioned that the property has been cited under the current ownership. Mr. Marincola does not feel that the applicant should be able to come back and ask for a change in use since an agreement was already made.

Ms. Boone feels that the applicant may ask for a change in use if the situation has changed.

Mr. Gimmy agrees with staff's recommendation and does not feel that the request should be approved.

Ms. Boone stated that the applicant did volunteer additional spaces. Secondly, there is a parking garage with available parking spaces in the area.

Mr. Marincola stated that an agreement was made for office uses and the applicant should not be able to make changes.

Mr. Krall stated that there is nothing wrong with the applicant requesting a change of use under these circumstances. The Board can vote in favor of or against the request. He also noted that the request should not be denied based upon the original request.

Mr. Rosen stated that the applicant did attempt to use the space for office but was unsuccessful in leasing the property and would like to change the use to a restaurant.

Mr. Kornblau stated that the applicant was asked to locate additional spaces and has done such. He then asked if the change of use would result in having more than fifty (50) employees.

Mr. Weiner advised that the change of use would not result in having more than fifty (50) employees.

Mr. Aronson stated that there is a possibility there will be more than fifty (50) employees.

Ms. Boone feels that the applicant has done what was asked by the Board.

Mr. Marincola stated that the applicant should abide by the previous agreement in place for office use.

Mr. Weiner stated that there have been applicants that have changed the configuration of buildings on many occasions.

Mr. Stevens asked about the incident that caused the applicant to be cited for having restaurant equipment on site. He wondered if the intent was ever to use the property as an office.

Mr. Weiner advised that the improvements were done and disclosed to the building department. Originally, the applicant wanted to entertain clientele that would visit from around the world. This plan was unsuccessful.

Mr. Lipnick apologized and advised that there was Sunday brunch on site and the restaurant equipment was left over from the event.

Mr. Gimmy stated that he was uncomfortable with voting for the request and would like to speak to the City Attorney.

Mr. Gimmy made a motion to table the item to obtain further information from the City Attorney and/or the Planning & Zoning Department.

Mr. Kornblau stated that the item has been tabled before and would like the Board to take a vote.

Ms. Boone and Ms. Walden stated that they would like to vote on the item.

Mr. Marincola stated that he is unsure as to whether or not the Board can approve the change of use.

Mr. Rosen stated that they are only approving the parking, not changing the use.

Mr. Aronson advised that the Board is a recommending body. He also noted that parking is affiliated with a change of use.

The motion was seconded by Mr. Gergen and denied 9-2 with Mr. Gergen and Mr. Gimmy dissenting.

Mr. Kornblau made a motion to recommend approval of the in-lieu request and payment agreement as submitted. The motion was seconded by Ms. Walden and passed 8-3. Mr. Marincola, Mr. Gimmy and Mr. Gergen dissented.

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

Mr. Morse spoke about a valet queue being in operation by the restaurant formerly known as Cugini's.

Mr. Aronson spoke about a building permit being issued for renovations. The valet service has reduced their cost to \$10.00. In the past, there have been valet queues that have operated during construction of the restaurant.

Mr. Marincola asked that it be stated in the Valet License Agreement that restaurants validate for a maximum of \$5.00.

Mr. Kornblau asked if the valet queues were on a monthly agreement with the City.

Mr. Marincola stated that the agreements are renewed yearly.

Mr. Aronson advised that they were on a month to month agreement during revisions to the Parking Study.

Ms. Boone asked if staff was notified if the valet company is operated by another restaurant.

Mr. Aronson stated that staff would be notified if the valet queue changes hands. He noted that he will report to the Board his findings as it relates to the valet queue.

B. Comments by Citizens

None

C. Comments by Staff

None

There being no further business, Chairperson, Mr. Marincola, declared the meeting adjourned at 7:18 p.m.

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 September 27, 2011, which minutes were formally approved and adopted by the Board on _____.

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