



NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • (727) 853.1016

Land Development Review Board (LDRB) - Minutes

Date: May 17, 2018
Time: 2:00 pm
Location: City Council Chambers
First Floor, City Hall, 5919 Main Street, New Port Richey, FL 34652

Any person desiring to appeal any decision made by the LDRB, with respect to any matter considered at any meeting or hearing, will need a record of the proceedings and may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. The law does not require that the Secretary transcribe verbatim minutes, therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense (FS 286.0105).

I. Roll Call & Pledge of Allegiance

Members Present:

Don Cadle, Chairperson
Dan Maysilles
Nancy MacDonald,
Beverly Barnett

Members Absent:

Louis Parrillo
John Grey
Mary Moran
Bob Smallwood

Others Present:

Debbie Manns, City Manager
Cristian Arias, Senior Planner
Timothy P. Driscoll, City Attorney
Melanie Tyler, Development Technician
Benjamin Kieffer, IT Help Desk Operator

II. Approval of Minutes

Dr. Cadle chaired the meeting. Dr. Cadle made a motion to approve the May 17, 2018 minutes as presented, which was seconded by Ms. McDonald. The motion carried, and the Board approved the minutes 4-0.

III. Presentation: Code Case Amendment COD #2018-02 - Sidewalk Street Cafes.

Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652

Request: Review and recommendation of an amendment to the Land Development Code regulating sidewalk and street cafes, and alcoholic beverages (Ordinance #2018-2142).

Staff Contact: Cristian Arias, Sr. Planner, 727-853-1050, AriasC@cityofnewportrichey.org

Ms. Manns presented the case with a PowerPoint presentation.

Sidewalk and street cafes are currently permitted in the Downtown district. Outdoor dining activities contribute to the vibrancy of a downtown area. Although street cafes are allowed in the downtown, they are not currently being regulated as closely as they should be. The proposed ordinance adds design, operation and application guidelines to the use sidewalk cafes. It also extends the definitions of streets, an example would be parklets that adjoins the Sip establishment would be eligible to serve their offerings in the parklet. And lastly, the current ordinance allows the consumption of alcoholic beverages in approved sidewalk locations if it is connected to a business.

Ms. Manns mentioned an unregulated sidewalk cafe located within the City downtown district, which is currently operating without a sidewalk permit. She presented pictures in her PowerPoint presentation to show the obstructions on the sidewalk. Ms. Manns elaborated that this business has a good number of play equipment for their patrons and are not accommodating to American with Disabilities Act guidelines, which require a four foot clearance path of travel on sidewalks.

Ms. Manns stated that under the proposed ordinance there must be sufficient lighting and a delineation of the service area. In the past the delineation most typically was a fence, we have decided as part of this ordinance that we would like to loosen that standard a bit, and perhaps allow plantings, planters or other types, such as bollards, rather than insisting that it is a fence. Also, there will be no signage within sidewalk or street cafe areas.

Ms. Manns explained the application process, an application shall be submitted and that it will be reviewed by the Development Review Committee.

Ms. Manns asked the commissioners if they had any questions about the ordinance

Mr. Maysilles asked if this was just in the downtown area.

Ms. Manns confirmed that it is specifically for the downtown area.

Ms. Barnett asked as far as alcoholic beverages, they can served outside it as long as it is connected to their business?

Ms. Manns answered, that is correct.

Ms. Barnett asked if they function the same hours as the business?

Ms. Manns answered, yes they would.

Ms. Barnett then asked the sidewalk cafe hours could go beyond the establishment hours, and if the sidewalk cafe has anything to do with food trucks?

Ms. Manns answered no, and does not have anything to do with food trucks and would be happy to talk about this ordinance later in the meeting.

Ms. Barnet asked if the sidewalk cafe permit is it expected to be permanent or does it is it for a certain length of time?

Ms. Manns stated they are to be permanent unless there is some reason that they are not adhering to City standards at which time the City Manager has the authority to cancel their permit.

Mr. Driscoll stated that that was absolutely correct.

Mr. Maysilles raised the question the issue with the fences or barrier, and questioned a section of the proposed ordinance about the 4 foot 3 foot chair clearance and requested clarification on that language.

Ms. Manns stated that the ADA requirement is of 4 feet minimum clearance from the table or the chair.

Mr. Maysilles stated that the language about 3 foot and 4 foot and questioned what does the 3-foot mean?

Mr. Driscoll responded that the ordinance establishes that there should be a 4 foot pedestrian access and that 3 foot distance has to be added for chairs in the 4 foot zone. And it is in the existing ordinance

Mr. Maysilles stated that it was a little confusing the way it was written and suggested to rephrase that section of the ordinance to avoid confusion.

Mr. Driscoll stated that he would be glad to do so.

Mr. Maysilles stated one of the fears of not having a railing or some sort of a barrier is as alcoholic beverages are served and people move from table to table, they bring chairs over and now there's chairs coming over to tables that are not necessarily meant for those and may infringe on those 4 feet.. That is going to be a continuous problem about someone having to monitor that and correct it. Mr. Maysilles expressed that the railing will not let people do that.

Ms. Manns responded that she agrees with Mr. Maysilles, the railing is definitely a feature that restricts patrons from falling over the line or extending the area that they are serving. She used the Stella's as an example to explain that the railings makes it an overly compact space. At this point, Ms. Manns indicated that recommendation is to try it under the relaxed standards guidelines with the understanding that if problems are experienced the matter will be back before the group for an amendment.

Mr. Maysilles commented that from his standpoint he prefers no railings, but from a practical standpoint, he is not sure if the City is creating monster that has to continually come back to. Mr. Maysilles then stated that the parklets would be included.

Ms. Manns responded that the parklets refer to the dining decks similar to the one that is on Grand Boulevard adjacent to Sip.

Mr. Maysilles stated that one of the concerns if there is a restaurant in a situation where there is an overextended area and asked how wide a patio may extend on a large sidewalk area farther than what we want them to and if there is any limitation on how far they can extend?

Ms. Manns responded that there would have to be a lease agreement with the City which dictates how much public space they can encumber. Ms. Manns added that she will make sure that the appropriate clearances are respected.

Mr. Driscoll pointed out that on location guidelines in the ordinance, that it states the width of the sidewalk or street cafe is restricted to the width of the side of the adjoining restaurant that lays out the parameters.

Ms. McDonald expressed concern about vehicles speeding adjacent to the parklets and asked what about the insurance?

Mr. Driscoll responded that there are insurance requirements for the proposed sidewalk and street cafes.

Mr. Maysilles questioned the liability insurance and asked for clarification about the change of the insurance?

Mr. Driscoll confirmed that it was changed from \$500,000 to \$1,000,000.

Mr. Maysilles questioned the fee of \$50 dollars for the sidewalk cafe application fee and suggested to increase the fee to \$100.

The commissioners agreed on this increase.

Mr. Maysilles motioned to approve sidewalk and street cafe ordinance with the concerns expressed. Ms. Barnett seconded the motion.

Mr. Driscoll reaffirmed that the concerns expressed were the permit fee and taking a look at the 4 foot, 3 foot language. Mr. Maysilles agreed.

Dr. Cadle moved for a roll call. All commissioners voted in favor, 4-0 to approve the motion for the proposed ordinance.

Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652

Request: Review and recommendation of an amendment to the Land Development Code to increase the distance for Restricted Personal Uses from 500 to 1000 feet. (Ordinance #2018-2143).

Staff Contact: Cristian Arias, Sr. Planner, 727-853-1050, AriasC@cityofnewportrichey.org

Ms. Manns presented the case with a PowerPoint presentation.

This ordinance relates to distancing requirements for restricted personal uses. The reason this ordinance was drafted was because of commercial blight. In terms of commercial blight it was appropriate to provide a definition of sorts which refers to the deterioration and/or decay of a business district. There is no questions about it, it exists principally in the highway commercial district, which is Highway 19, which expands 3.5 miles in length through the City. Some of the conditions that exist as a result of the commercial blight are vacant buildings, neglected properties, lack of appropriate signs regulation and/or enforcement, outdoor storage and display, and lastly a concentration of problematic uses.

Ms. Manns presented examples with pictures of buildings in significant decline and expressed that this condition disincentivizes positive economic development from occurring on adjacent properties.

Ms. Manns explained the consequences of commercial blight which are related to decline in property values, crime and illegal activity increase, safety of community is threatened and serves a strong deterrent for economic investment. The best way that a city can address this type of severe decay is to adopt ordinances that prevent or abate blight. With the support of the Land Development Review Committee, City Council has adopted a good ordinances that are helping fight this fight. The second condition that is helping is revitalizing vacant and abandoned properties through an active economic development program. The city has an active CRA program that has assisted property owners with reinvestment on their own properties. And lastly, active and engaged citizens that have helped mobilize.

Ms. Manns explained the various types of restricted personal uses, which are blood plasma centers, body piercing establishments, check cashing stores, day labor establishments, pawn shops, tattoo parlors, instant loan stores and processing, cultivating and dispensing of medical marijuana . When the previous ordinance was adopted, loan stores where not addressed properly.

Ms. Manns stated that the current distance requirements are 500 feet and thought this distance was adequate. She proposed to modify this distance from 500 to 1,000 feet. The 1,000 feet allows the City to not be defined by it and allowing these restricted personal uses. There is still some opportunity to introduce some additional uses into the market, but it is not as liberal that would be an impediment to the City's economic development efforts. Ms. Manns stated that she was ready to answer any questions the commission may have.

Mr. Maysilles asked if the restricted personal business that are already operating, if they are going to be grandfathered in and that this will apply to new business?

Ms. Manns answered that this was the purpose of this ordinance to regulate new businesses.

Mr. Driscoll stated that if business cease to exist then when reapplying, they will be restricted under this ordinance.

Ms. Mc Donald made a motion to approve the proposed ordinance as presented. Mr. Maysilles seconded the motion.

Dr. Cadle moved for a roll call. All commissioners voted in favor, 4-0 to approve the motion for the proposed ordinance.

IV. Adjourn:

Dr. Cadle made a motion to adjourn, all commissioners were in favor.

The meeting adjourned at 2:33 pm.

Respectfully submitted,

Cristian Arias, Sr. Planner