

13. East Overlay District Drive-Through Text Amendment

Mr. Max Wemyss, Planner, presented himself and explained that Development Services has received interest for Drive-Through Service within the East Overlay District. In order to accommodate this interest the Zoning Code must be amended to allow Drive-Through Service as an Accessory Use in the East Overlay District (EOD). The Zoning Code does not currently permit Drive-Through Service within the subject zoning district. If the amendment were adopted by the City Commission, it would allow Drive-Through Service for properties abutting Federal Highway, north of Atlantic Blvd, with limitations on the points of access and egress to reduce conflict with pedestrian or similar transit facilities.

Although Drive-Through Service is not currently permitted within the East Overlay District, Drive-Through Service is permitted by the underlying Transit-Oriented Corridor Land Use Designation. The intent of the TO zoning district is to encourage Pedestrian-Oriented, Mixed-Use, and Transit-Oriented Redevelopment. Yet, due to the anticipated changes in social behavior and consumer preferences following the COVID-19 Pandemic, it may be necessary to allow for the adaptive reuse of spaces or redevelopment of properties that better accommodate the recommended guidelines of the Centers for Disease Control and Prevention. As proposed, the drive-through accessory use will be limited to Federal Highway (north of Atlantic Blvd), which is an arterial roadway. The proposed standards also limit drive-throughs to those properties that can accommodate the use internally; thereby reducing potential vehicular conflict with pedestrian, bicycle or transit facilities.

The Code amendment proposes changes to Table 155.3709.E.2 Principal Uses Regulating Table, 155.3709.E.1.d Permitted Accessory Uses and Structures in the East Overlay District, and Section 155.4303. Standards for Specific Accessory Uses and Structures in the General Code. Staff recommends approval.

Mr. Stacer asked if there has been any consideration of a time limit to this change.

Mr. Wemyss responded that no time limit has been considered. He stated that it's his opinion that the limitations imposed would make the redevelopment of a site to accommodate drive-through uses unlikely. This might allow for some businesses to continue, however. He reiterated that this would be limited to certain geographic areas.

Mr. Stacer asked if the City is the applicant for this request.

Mr. Wemyss confirmed this, and explained that there is an economic development response team that has identified this as a possible change.

Ms. Aycock wondered if there was a specific situation that precipitated this request.

Mr. Wemyss responded that staff has not yet received any such application to install a drive through. He added that he expects to see other similar text amendments in the future.

Mr. Stacer asked about the existing drive-through at the bank on 2nd Street.

Mr. Wemyss responded that this would be a legal non-conforming use.

Ms. Coleman asked about a Burger King above Atlantic on Federal.

Mr. Wemyss responded that there are several existing legal non-conformities.

Mr. Stacer asked if anyone in the audience wished to speak. There were none.

MOTION was made by Carla Coleman and seconded by Darlene Smith that the Board recommend approval to the City Commission the proposed text amendment to allow drive-throughs in the East Overlay District. All those voted in favor, with the exception of Fred Stacer.

14. Interim Commercial Use Permits in TO Districts Text Amendment

Ms. Gomez presented this proposed text amendment on behalf Scott Reale, Senior Planner, as he was unavailable to present. She explained that this is mainly a house-keeping measure to deal with an inconsistency in the code, and that Interim Use Permits are typically limited to things like outdoor markets and temporary parking lots and are meant to allow for quasi-temporary approvals for things that support redevelopment. She stated that this kind of use was found recently to not be permitted in the TO district, and that this is a clear oversight that staff proposes to fix.

Mr. Stacer asked if this is in all TO districts.

Ms. Gomez confirmed this.

Mr. Stacer asked if the parking lot in the East CRA is something that this measure is meant to facilitate.

Ms. Gomez responded that this is meant to any new Interim Uses in the TO districts, and that approvals are good for 5 years and can be extended an additional 5 years.

Mr. Stacer asked if anyone in the audience wished to speak. There were none.

MOTION was made by Joan Kovac and seconded by Carla Coleman that the Board recommend approval to the City Commission the proposed text amendment to the TO Districts to allow Interim Use Permits. All those voted in favor.

K. AUDIENCE TO BE HEARD

Mr. Stacer asked if anyone in the audience wished to speak. There were none.