



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

HISTORIC PRESERVATION BOARD STAFF REPORT

Restaurant-Bar Hybrid

Meeting	File No.	Application Type
July 1, 2020	2020-126	Land Development Regulations Amendment
Applicant	Agent	
Tin Roof Acquisition Company, LLC	Matthew Scott, Esq, Dunay, Miskel and Backman, LLP	

Request

Provide a recommendation to the Planning and Zoning Board on Ordinance No. 33-20 regarding a privately initiated amendment to the Land Development Regulations (LDR) to establish a Restaurant-Bar Hybrid Use with associated criteria and requirements.

Description of Proposal

The proposed amendments seek to provide requirements that accommodate restaurant uses that can operate as a use akin to a stand-alone bar, but with a modified restaurant program known as the Restaurant-Bar Hybrid use. The proposal strives to address recent issues with overcrowding at restaurants and to allow for the removal of seating and tables for the conversion to a nightclub or bar, with requirements, including distance separation for such uses.

The proposed Restaurant-Bar Hybrid amendments are summarized as follows:

- Allow the use as a Conditional Use within the Central Core Sub-district of the Central Business District (CBD), and for properties zoned OSSHAD subject to the provisions of the CBD within the Central Core Sub-district (see map);
- Require approval of the restaurant and the hybrid nightclub/bar use floor plans, life safety plans, and create provisions of additional operational information with the Conditional Use request;
- Require Restaurant-Bar Hybrid establishments to operate as a bona fide restaurant from 5pm – 10pm, at a minimum, prior to converting to the hybrid nightclub/bar use;
- Limit hybrid nightclub/bar use hours from as early as 10pm and no later than 2am;
- Allow a reduction of seating during the hybrid nightclub/bar use hours to no less than 25% of the approved restaurant seating, whether indoor or outdoor;
- Require that food service be available during hybrid nightclub/bar use hours of operation with at least a limited menu;
- Limit sidewalk café seating to the bona fide restaurant use hours only; and,
- Limit Restaurant-Bar Hybrid use establishments to one per block face.

The draft ordinance is provided as an attachment, along with the applicant's request letter.



Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is privately-initiated by Matthew Scott, Esq, on behalf of Tin Roof Acquisition Company, LLC.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan. The following GOPs of the adopted Comprehensive Plan are applicable to the proposed amendment:

NOTE: The subject requests were submitted after the adoption of the Always Delray Comprehensive Plan on February 4, 2020. As a result, there are outdated references to the Comprehensive Plan in the LDRs; however, the applicable references or Goals, Objectives, and Policies have been identified.

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5, Update Land Development Regulations: Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.

The proposed amendments are consistent with Objective NDC 3.5 as it strives to address market changes and development trends while providing an innovative solution to combine restaurant uses within an active and vibrant downtown area. The amendments support adaptive reuse efforts of existing buildings, whether located within a historic district or not, and incorporates outdoor use areas. The limitations of one location per block face is consistent with the intent of the distance limitations for stand-alone bars to assist in continuing to provide a mix of active uses in the downtown. Concerns with potential impacts will be addressed through the conditional use review and approval process, which requires final action by the City Commission. Non-compliance with conditions placed upon an approved Restaurant-Bar Hybrid would allow the approval to be revoked. Concerns with noise would be addressed by enforcement of the City's Noise Ordinance.

The overall consideration for the proposed LDR amendments is consistency with the adopted Comprehensive Plan. While a variety of policies throughout the Comprehensive Plan support efforts for adaptive reuse, there is not a specific policy relevant to the subject request. The cited objective most identifies with the intent of the request with respect to changes in the market and development trends.

For the purposes of Historic Preservation Board review, the subject amendments are applicable to properties located within the Old School Square Historic District on the south side of East Atlantic Avenue between South Swinton Avenue and SE 1st Avenue; the Marina Historic District along East Atlantic Avenue on the south side of East Atlantic Avenue, between SE 7th Avenue and the Intracoastal Waterway; and, individually designated sites within the CBD, Central Core Sub-district.

Review By Others

The **Downtown Development Authority (DDA)** will review the proposed LDR amendments at its July 13, 2020 meeting.

The **Planning and Zoning Board** will review the proposed LDR amendments at its July 20, 2020 meeting.

The **City Commission** is tentatively scheduled to review the proposed LDR amendments at the meetings of August 18, 2020 (First Reading) and September 10, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the Planning and Zoning Board of Ordinance No.33-20, amending the Land Development Regulations to establish the Restaurant-Bar Hybrid use and associated criteria and requirements, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the Planning and Zoning Board of Ordinance No. 33-20, **as amended**, amending the Land Development Regulations to establish the Restaurant-Bar Hybrid use and associated criteria and requirements, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development

Regulations.

- C. Recommend **denial** to the Planning and Zoning Board of Ordinance No. 33-20, amending the Land Development Regulations to establish the Restaurant-Bar Hybrid use and associated criteria and requirements, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

☒ Public Notices are not required for this request.