

**From:** [Jacob Patterson](#)  
**To:** [cdd](#)  
**Cc:** [Marie Jones](#)  
**Subject:** Public Comment -- 1/31/24 PC Mtg., Item No. 6A, Outdoor Dining  
**Date:** Friday, January 26, 2024 4:10:41 PM

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Planning Commission,

I don't particularly support the changes you made compared to the City Council initial direction, however, zoning code amendments are within your purview so it makes sense that. That said, one of the changes you recommended relates to the capacity fees but that is fully outside the scope of the Planning Commission's authority. As such, I recommend that the discussion of capacity fees be removed from the PC's recommendations to the City Council. Commissioners can always make individual public comments and recommendations to the City Council when they consider things but the City's zoning code has no reason to address the issue of capacity fees, which is not a land use or zoning concern. If any of you want to make decisions about the City's financial matters, you should run for one of the two City Council seats that will be up for election this year.

To do this, the following language should be removed from the draft code language:

6. Capacity Fees. Outdoor dining facilities shall pay 15% of the regular and normal capacity fee for restaurants. If the property owner decides to remove the outdoor dining facility, a portion of the paid capacity fees will be reimbursed, and the City may retain 5% of the capacity fee for each year that outdoor dining was in operation.

Frankly, this shouldn't be in the ordinance anyway since we don't cover capacity fees in the code like this for other land uses or structures, they are dealt with through the City Council's fee resolution adopting the master fee schedule.

Regards,

--Jacob