

MINUTES
BOARD OF ADJUSTMENT MEETING
February 27, 2018
REGULAR MEETING 5:00 P.M.

CALL TO ORDER: CHAIRMAN IKE FOUNTAIN

INVOCATION AND PLEDGE OF ALLEGIANCE Vice Chair Joyce Schmidt

Those in attendance were Chair Ike Fountain, Vice Chair Joyce Schmidt, Rick Roach, and Luis Diaz. Also in attendance were Community Development Director Ameen Bailey, and Administrative Assistant Mamie Drane.

Board Members absent: Irving Spokony and William Castle

Vice Chair Schmidt made a motion to approve the minutes, from the August 22, 2017 meeting, seconded by **Board Member Roach**. The motion was approved by unanimous voice call vote.

APPROVAL OF MINUTES: AUGUST 22, 2017

The Board of Adjustment welcomed Luis Diaz and he briefly told us about himself. He was born in Puerto Rico. He proudly served the military and he is now retired from the U.S. Army. After retiring, he and his family moved to Lake Alfred and loves living here. He signed up for the Board of Adjustment because he wants to help with the growth of Lake Alfred and support the quality of life found here.

BUSINESS ITEMS

1) PUBLIC HEARING: CONSIDER A SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOL AT A RESTAURANT LOCATED AT 1504 LAKE ALFRED RD.

PUBLIC COMMENTS

No one came forward.

Community Development Director Ameen Bailey read the request:

The applicant is requesting the ability to serve alcohol at a restaurant located at 1504 Lake Alfred Rd. Section 2.03.01 (2) of the ULDC states that the sale of alcohol in a restaurant shall be permitted by Special Exception in C-2, C-3, M-1, I-1, and I-2 districts subject to the following standards:

More than 50% of the establishment's revenues are derived from the sale of food.

- All public entrances of the establishment are located at least 600 feet from a church, day care center or public school.
- All public entrances of the establishment are located at least 150 feet from any residentially zoned property. This distance shall not apply to a vacant residential property. It must be on a road that has functional classification of collector or higher. The location of the application is at the intersection of Highway 17 and 92, which is an arterial, that classification is higher than a collector.

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There was a previous restaurant at this location it was named Grandpas. The existing land use and zoning is commercial the previous zoning was restaurant. This site includes multiple buildings but we will only be addressing one building.

Referring to a handout of a map Director Bailey pointed out that there were no Churches or Schools within the 600-foot area. There is only one residential home in the area but it does not exceed the limit for the license. Based on the seating arrangements and on the State permit, the City recognizes the 50% rule, which states that the establishment will focus mostly on the restaurant versus being a bar. The site meets all the considerations in the Land Development Code, however, it does state that a special exception approved by the Board of Adjustment in order for staff or the Chairman to sign the state application to allow them to move forward.

Chairman Ike Fountain asked if the restaurant will be requesting a full alcohol license or will there be only beer and wine served.

Director Bailey stated that the code is silent on which type of alcohol they will be serving, it's irrelevant, and it doesn't matter which type, the Board is just here to say whether or not alcohol can be served there. There are multiple buildings on site with the same ownership.

Board Member Roach asked if the other buildings were under their ownership as well. Also he asked if this was a leased building for the restaurant.

Board Member Roach asked if the owners of the building knew about the Seymors selling alcohol at their premises. He also asked if the owners had a problem with the sell of alcohol, and what are the hours of operation.

Vice Chair Joyce Schmidt asked if they had operated a restaurant before.

Chair Fountain asked when they were planning on opening.

Nancy and Dwayne Seymore 559 Richford Crossing Blvd., Davenport FL replied the owner knows and he is okay with the sale of alcohol. In answer to Board Member Roach questions Ms. Seymore said the hours will be 11:30 a.m. to 10:00 p.m. and closed Sunday and Monday. Ms. Seymore replied that her family ran a restaurant in Miami FL. They are still getting paperwork together so they would like to open within the next two to three weeks.

Board Member Diaz stated in the ordinance you have to be located 600 feet from a Church to sell alcohol. Next door located at 1502 Lake Alfred Rd. there is a Church, he had a business there at one time and it was next door. They opened around the end of 2017.

Board Member Roach said he had seen the sign and someone should check to see if there is a Church at that property address.

Community Development Director Bailey stated it is definitely something staff should follow up on there being a Church there, as the City does not show it on any listing or registry.

Board Member Roach made a motion to table the issue to collect other information; **Board Member Diaz** seconded the motion. Motion carried by unanimous voice call vote.

Chair Ike Fountain	Yea
Vice Chair Joyce Schmidt	Yea
Board Member Rick Roach	Yea
Board Member Luis Diaz	Yea
Board Member Irving Spokony	Yea

Meeting was tabled until March 6, 2018 at 5:00 P.M.

With there being no further business

Chairman Fountain adjourned the meeting at 5:27 P.M.

Respectfully Submitted,



Mamie Drane
Deputy City Clerk