



# PUBLIC HEARING BA-3-2018

Steven Wherry, Greenspoon Marder, for  
LSREF3 Peppertree, LLC

“Daycare Variance”

March 20, 2018

# Subject Property



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## 3.22(VIII) Distance Restrictions

- ▣ “... For any location within any zone designated under any business classification to which a license for the sale of liquor or beer and wine for consumption on the premises has previously been issued, and which license is subsisting and in use, no house of worship, public or private elementary, middle, or high school, or child care center shall be permitted within one thousand (1,000) feet of said location. ...”

# Existing Businesses in Conflict

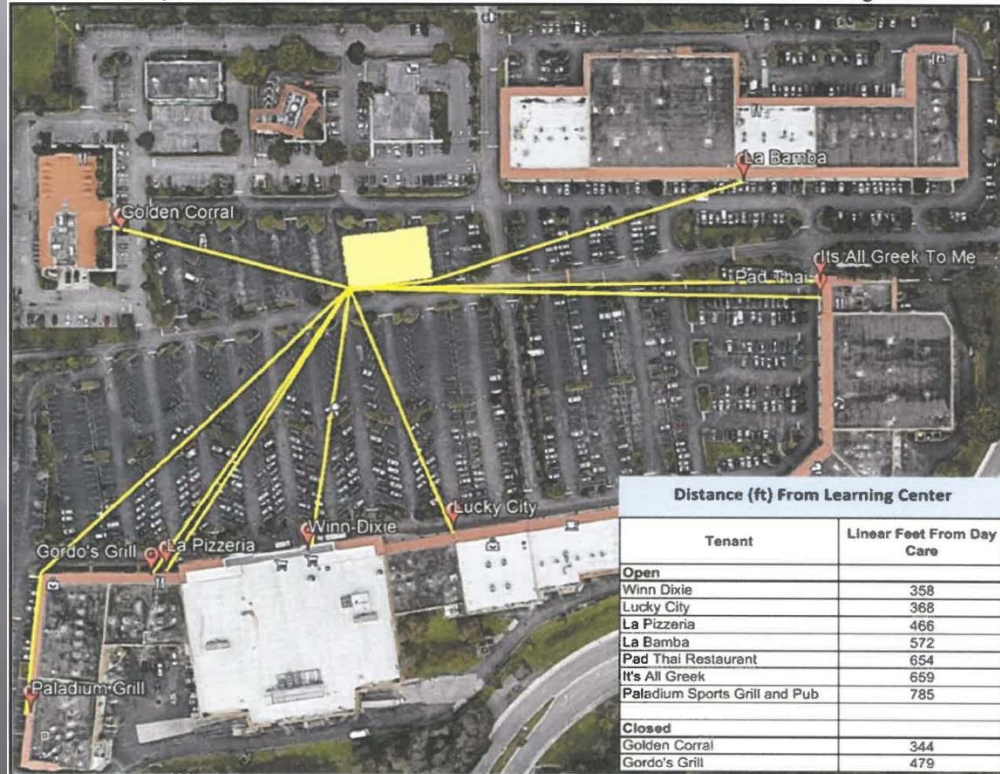
- ▣ Lucky City – 368 feet
- ▣ La Pizzeria – 466 feet
- ▣ La Bamba – 572 feet
- ▣ Pad Thai – 654 feet
- ▣ It's All Greek To Me – 659 feet
- ▣ Paladium – 785 feet



# Distance Exhibit

## Peppertree Plaza – Distance Measurements

### Proposed Child Care Center - Establishments Involved in Sale of Alcoholic Beverages



# Staff Findings

- ▣ Alcohol sales and consumption is an established use in Peppertree Plaza
- ▣ Intent of Code

# Staff Recommendation

- ▣ Approve, subject to the following condition:
  - Waive any separation requirement from this daycare for any future businesses which may open in Peppertree Plaza





# Variance Criteria

- (1) That special conditions and circumstances exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) That the special conditions and/or circumstances do not result from actions of the applicant.
- (3) That granting a variance will not confer a special privilege that is denied by the Code to other lands, buildings or structures in the same zoning district.
- (4) That a literal interpretation of the regulations of the Code would deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of the Code and would cause unnecessary and undue hardship on the applicant.
- (5) That the variance being granted is the minimum variance that will make possible the reasonable use of land, buildings or structures.
- (6) That the approval of the variance will be harmonious with the general intent and purpose of this chapter and that such variance will not degrade the area involved or be detrimental to public welfare.
- (7) That the variance does not serve to permit a use not permitted in the zoning district involved.
- (8) Conditions and safeguards may be prescribed with the approval of a variance, the violation of which would be a violation of the Code. If necessary, a timeline may be established during which a variance may begin and shall be completed.