



Legislation Details (With Text)

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File created: 4/23/2018 **In control:** Regular City Commission Meeting

On agenda: 5/16/2018 **Final action:**

Title: CONSIDERATION OF APPEAL OF PUBLIC HEARING BA-03-2018 - VARIANCE REQUEST FOR PERMISSION TO ALLOW A CHILD CARE CENTER TO BE LOCATED WITHIN 1,000 FEET OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES IN THE PEPPERTREE PLAZA SHOPPING CENTER LOCATED AT 5476 WEST SAMPLE ROAD.

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESOLUTION, 2. APPEAL APPLICATION, 3. BA-03-18 APPLICATION, 4. APPLICANT NARRATIVE, 5. SURVEY, 6. SITE PLAN, 7. STAFF RECOMMENDATION, 8. STAFF PRESENTATION

Date	Ver.	Action By	Action	Result
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TO: Mayor and City Commission

FROM: Samuel A. May, City Manager

DATE: May 16, 2018

CONSIDERATION OF APPEAL OF PUBLIC HEARING BA-03-2018 - VARIANCE REQUEST FOR PERMISSION TO ALLOW A CHILD CARE CENTER TO BE LOCATED WITHIN 1,000 FEET OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES IN THE PEPPERTREE PLAZA SHOPPING CENTER LOCATED AT 5476 WEST SAMPLE ROAD.

BACKGROUND: Petitioner proposes to modify the use of an approved structure within the Peppertree Plaza as a 6,000 square foot child care center with an outdoor play area. There are several businesses within the shopping center that currently serve alcoholic beverages and would be located less than one thousand (1,000) feet from the proposed child care center. Section 3.22 of the Code prohibits a child care center within 1,000 feet of any business classification that holds an active license for the sale of liquor or beer and wine on the premises.

The application was heard at a special Board of Adjustment meeting on March 20, 2018. At this meeting, the variance failed on a 2-2 vote.

RECOMMENDATION: This item was conditionally approved by the Development Review Committee (DRC) on January 23, 2018. A draft copy of the meeting minutes is attached.

See attached Staff Recommendation.

FISCAL IMPACT: N/A

CONTACT PERSON: Robert Massarelli, Director, Development Services.