

## **F. DISCUSSION**

### **1. DISCUSSION: EAST OVERLAY DISTRICT (EOD) – ALCOHOLIC ESTABLISHMENT SEPARATION REQUIREMENT**

Staff is providing additional information on the impact of alcoholic beverage establishment separation requirements from schools, places of worship, and child care facilities. This information was requested by the Planning and Zoning Board at the December 20, 2017 meeting.

Ms. Jean Dolan, Principal Planner, presented herself to the Board. She stated that staff considered the Planning and Zoning Board's concerns about locating alcoholic beverage establishments near schools, day care facilities and churches. She explained that the distance requirements would only apply to bars with no or minimal food, lounges, and small restaurants, noting that a restaurant like Gianni's, that has a full bar, would be exempt. She explained that the next step is looking at how the proposal would impact where alcoholic beverage establishments could be located. She presented a distance separation map to the Board showing the existing schools, daycares, and churches and where the 300' separation buffers would prohibit alcoholic beverage establishments. She pointed out a small church that rents space part-time at a ballroom on the east end of Atlantic Boulevard and noted how much this church would limit the potential for alcoholic beverage establishments to open in the vicinity.

Ms. Dolan explained that the recommendation is based on the fact that requiring the separation distances would prohibit many active uses. She stated that staff would like to see more daycare facilities in the mixed use areas but also does not want to overly restrict small restaurants with full bars from being able to open in the district. She presented the several options that staff had studied, including limiting the study to only stand-alone churches, schools, and daycares or another where the buffers were measured from the use itself rather than from the property boundaries. Ultimately, however, she pointed out that these scenarios only account for the existing conditions and does not take into consideration future development. As such, staff does not recommend implementing these changes and continues to recommend that alcoholic beverage establishments be exempt from the distance requirements in the entire ETOC as they are currently in the AOD.

Mr. Stacer asked if the standard of looking at small restaurants is the same throughout the City.

Ms. Dolan confirmed this. She stated that a slight tweaking to the distance requirements could be City-wide, whereas the currently proposed total exemption would only be in effect for the study area

Mr. Stacer asked if the distance requirements would prohibit small restaurants from being within Atlantic Square.

Ms. Dolan responded that St. Matthew's Church is within the 300' buffer but the 500' door-to-door distance would probably be outside the separation requirement.

Mr. Stacer opened the item to the public. Seeing none, the public hearing was closed.

Ms. Kovac stated that if the area is not exempted there would be a negative impact on what the City is trying to do in the area in redevelopment.

Mr. Hill stated that he feels that the one alternative scenario staff presented is a reasonable compromise. He stated that he was originally against the exemption because all the existing churches, daycares, and schools have the reasonable expectation that the current distance requirements will continue to be in effect. He also reiterated that the standards should be the same throughout the City. He noted that there are currently quite a few daycares in the area and they have the expectation that a nightclub or bar won't be able to open next to them. He feels that the standards for the east Atlantic area should not be different than the rest of the City.

Ms. Kovac stated that the area is different because it is an area that will be redeveloped with mixed uses and the City should not hamper these attempts.

Mr. Hill asked what would be said to the existing daycares or churches that are no longer protected. He stated that perhaps the distance requirements could be changed or reduced, but that this should be done City-wide.

Ms. Eaton stated that she agrees with Mr. Hill that there is a line between redevelopment and removing the protection of the existing businesses. She stated that she supports the overlay districts, but noted that there is currently a mishmash of development in the City. She stated, however, that she feels that the thoughts and concerns of the Board have been made clear and that this matter can be brought to the City Commission.

Mr. Klosiewicz stated that there are many lines of change in the City through the implementation of the zoning code. He stated that this district is a special area and that these standards proposed would be appropriate.

Mr. Stacer asked what would happen in the areas where the EOD and AOD overlap.

Ms. Dolan stated that the AOD will go away.

Mr. Stacer commented that St. Martin's church has lived with Houstons, Umberto's and other large restaurants for years. He also pointed out several other instances where the close proximity of alcoholic beverage establishments does not appear to have caused harm to existing churches, school, or daycares and commented that the uses have lived with each other. He recalled that in past meetings for the EOD/ETOC there was never any discussion of restrictions of alcoholic beverage establishments or restaurants. He noted that restricting small restaurants while allowing larger ones seems absurd on its face. He stated that the EDC and East CRA Board have both written letters of support.

Mr. Hill stated that he agrees with the absurdity of the example of small versus large restaurants, but thinks that the standard should be looked at for what works for the entire City.

**MOTION** was made by Joan Kovac and seconded by Jerry Mills that the properties within the East Overlay District have the same distance requirement exemption as they would in the Atlantic Overlay District. All voted in favor of the motion with the exception of Tony Hill. Therefore the motion passed.