

Planning & Zoning Board Minutes
City of Wauchula
April 19, 2010

The Wauchula Planning & Zoning Board met Monday, April 19, 2010 with the following members present: Patricia Detwiler, Peter Preston, Jan Knight and Ray Graham. Also present were Attorney Cliff Ables, Community Development Director Olivia Minshew and Secretary/Clerk Susie Gibbs. Also present were Roy Brown, Dani Valentim, Julie Watson, Rick Knight, Denise Miller, Janelle & Carlos Beruff, Mike & Patricia Rouse, Linda See, Bob Hemmelstein and Elizabeth Durrance.

Chairman Peter Preston called the meeting to order. Knight made the motion, seconded by Graham to approve the minutes of the February 2010 meeting. Gibbs polled the Board. All were in favor. Motion carried.

Minshew presented a plaque to outgoing Vice-Chairman Janelle Knight Beruff for her past service on the Planning and Zoning Board.

Chairman Preston asked Roy Brown, 1521 Lisa Drive, Wauchula to explain why he is requesting the Special Exception. Mr. Brown explained that he does not have anyone moving in right now, but someone had approached him about renting his property at 121 West Main Street. They had talked about renting the building to have a club, to have weddings or to have Sweet 16 parties, etc., but they could not do any of these without having a drinking establishment. Brown stated that someone from the YMCA had discussed having boxing there, which would require him going before the City Commission to get permission, which would also need to have a bar. Brown stated that the object of him applying is to get the drinking establishment approved for Main Street. He stated that he had already gone before the CRA last Monday and was looking for money to divide the building into something different, but if this request gets approved he wouldn't divide it. He stated that the CRA gave him monies to go ahead and divide one part and to change the facade there, so he is in the process of designing something to make it look different. Preston asked what Brown's next step would be if the Board approved the request. Brown stated that the next step would be to see if he could establish something that would work there; in ways of a bar, weddings or Sweet 16 parties, etc. Preston stated that the building is almost catty-cornered from the Main Street Pub, which already has a bar. Brown stated that it would probably be a nightly thing, something in the evening so the traffic will not be tremendous. Preston refreshed the memory of the Board about a cantina that they had approved as a drinking establishment and had very few police reports, but that they had put restrictions on in way of a yearly review. There was discussion about Director Minshew's report to the Board. One issue was alcohol not being able to be sold within 500' of an established school, but the USF's One Poly Place that is going in across the street from the proposed bar being more of a professional or office use rather than a "school". Minshew stated that there would not be any classes here, but only recruiting. Knight stated that she did not see any hours of operation stated on the application. Brown stated that right now there are no hours of operation because of not knowing what was going into the building and that anyone going in would have to follow the City's regulations. There was discussion about the Director's recommendations in the report. Preston stated that the Board's own moral preferences couldn't be a part of this decision and just because someone doesn't want drinking on Main Street is not a reason to turn down the request. Detwiler brought up the concern about the capacity and concern for the parking. Minshew stated that part of the process for a business registration is that when they go to the City, they will have to have a fire inspection done and that the Fire Marshall will make sure that all of the exits are properly marked and she will be able to assess the capacity at that time. Preston asked Ables about the restrictions that the Board could make. Ables stated that they could have a semi or annual basis to review any police reports, if it becomes a nuisance that they can be terminated, the hours of operation, that their must be a state license to operate, etc. Minshew read Section 7.09.02 (D) *Conditions and Safeguards* of the City of Wauchula Unified Land Development Code. Preston asked about complaints. Ables stated that the Board would

need to state a specific number of police calls, nuisance complaints, noise complaints, etc. in the restrictions. Brown stated that Minsheiw said in order to have boxing that it would have to go before the Commission and wanted to know if that would start with the Planning and Zoning Board. Minsheiw stated that the reason she had said that is because boxing is not a permitted use at all at this point and would have to actually be an amendment to the Unified Land Development Code. She stated that this Board would not make a recommendation or they could, but if the Commission would not even consider making an amendment, it would kind of be a waste of the staff and the Board's time to make a recommendation to the Commission. Minsheiw asked Brown to go before the Commission first and get their feel for it and if they agree to it, then Mr. Ables would have to make up an ordinance to amend the Code to add boxing to be allowed. Ables stated that there are no provisions for boxing, even with a Special Exception, Variance, etc., so they would have to develop this as a permitted use by ordinance. Brown stated that he had had more requests for a boxing place than anything else. Brown stated that he felt like that would be something that would be interesting for Hardee County.

Preston opened the floor to the audience. There were many Main Street business owners/managers present. Some of the concerns were about the type of liquor license that would be acquired, the parking and the safety of the people. Bob Hemmelstein talked about the different types of state licenses and wanted to know what type would be allowed for this request. Julie Watson talked about the hard work that has gone into making a nice Main Street and how letting this type of business, a bar, come to Main Street and trying to have a better image of Wauchula would be going backwards. She stated that there is already a bar on Main Street. The owner works around our Main Street Live that we do the third Friday of every month, where people bring their children and let them enjoy the festivities. She stated that if we let an establishment like Mr. Brown wants to bring in then a year of hard work is down the drain. She stated that Friday Night Live is over at 9:00 p.m., but the workers are there until 10:00 p.m. cleaning up, so she feels that anything before then would be a detriment to our Main Street program. We need to be looking for things to better our community, not bring it down. She stated to Chairman Preston that he brings his child to Friday Night Live and does he want her running around when there is a bar right there, to which he replied that there is a bar right there. Watson stated that the owner keeps that in check and usually doesn't have a band come in until Friday Night Live is closed down. Detwiler stated that the existing bar is actually a restaurant and sells more food than alcohol. There is also Giovanni's, an eating establishment, which does not serve alcohol and there is also a liquor package store on east Main Street. This request is a whole different ballgame. And as for the parking, since the landscaping was done we lost parking and now we will lose more. Watson stated that she knew that it was said that this would be a nighttime thing, but boxing can go on during the day, so I just think that we really need to, when you guys are doing what you're doing, take into count Main Street as a whole for all business owners. Denise Miller stated that she has worked at Royal's Furniture for 25 years and has always felt safe when she came out of the store to go home and it was dark, but to bring some of what Mr. Brown is talking about is a different type of people. I have had the opportunity to have a young man, Edner Cherry, who has boxed and have been to many, many boxing things with him. Some of the facilities, do have bars inside, but if you walk out of some of the classiest places that he has boxed in, some of those people that are drinking are standing outside smoking cigarettes, can hardly stand up, are using foul language and the whole nine yards that goes along with it. Don't get me wrong, I think for the young kids that are into boxing, it keeps them off of the streets and involved in something, but when you put the two together adults can mess up a nice thing when you're allowed to do the drinking and carry on the way that they do. When I get off at 6:00 p.m., it's nice to see couples strolling up and down Main Street and feeling safe to be able to do that. I want something that will compliment downtown Wauchula. There are a lot of people that have been working toward making Main Street nicer and safer. Preston stated that he felt like they are getting strayed in to the boxing and what his question is if they were to approve the drinking establishment with restrictions, where does the boxing part fit in down the road? Ables stated that that might not ever fit in because the City commission would have to approve an ordinance to even allow it. Rick Knight, 110 S Florida Avenue, stated that there is not anybody that would like to see Main Street fill up anymore than he does. Brown's property has been vacant for a long time. He stated that he has heard Mr. Brown talk and he has heard the Board talk about this being a drinking establishment. He asked the question, is it going to be a drinking establishment first that allows

special events or is it going to be just special events? Preston stated that as he understands it, there is really no set thing and Mr. Brown stated not as of right now, but if this passes he would assume that they would have a nightly bar with special events. Brown stated that the building is big enough to have two events in it at the same time. Preston stated to Brown that it sounds like to him that basically he is trying to get this drinking establishment so that he can entice someone to come in and use it for something down the road, whether it is a restaurant or bar. Rick Knight stated that the hours of operation and the number of patrons that are going to be there is extremely important for the Board to know so that they can judge this request properly because if there are going to be 300 to 400 people in there, then it can trigger other things and he thinks the question ought to be asked about the number of people that can use this building. He stated that he knows that Brown can't say for sure, but that he can't see how the Board can act on this without knowing. Preston stated that that would be up to the Fire Marshall. He stated that he agrees that there should be some restrictions there. Detwiler talked about having a bar as opposed to having a restaurant with a bar. When Rick Knight asked Minsheu what she meant by in HC-1 parking is "typically" waived, she explained about the HC-1 parking regulations. Rick Knight stated that he is the past master of the Masonic Lodge and had been asked to come to the meeting tonight on their behalf to express the members' opposition to this drinking establishment that would be going in across the street from them. The members don't think that a drinking establishment goes along with the atmosphere that they would like out front of their building. They also feel like with the USF office coming in downstairs that there will be an amount of junior high kids, possibly younger, through high school that will be coming in and out of there. Granted that this will probably be prior to the hours of 6:00 p.m., but the Masonic Lodge members do not feel like this would be good for that business downstairs. There was discussion about having any repercussions if this Special Exception request was denied without just cause. Knight stated that she didn't understand how they could ignore the parking issue, which is a big issue. Preston stated that it is downtown where parking is without restrictions on where to park. Brown stated that there is also the grassy area that used to belong to the American Legion and now belongs to the City. Preston stated that if the establishment followed the restrictions and became a welcome establishment and is doing well, but needs more parking, then that becomes a City issue. Watson stated that she had heard that if the request was passed and it became a hard liquor facility, the USF Poly One might pull out and decide not to come here. Preston questioned whom she had heard that from. Watson stated that it was just 'hearsay.' Dani Valentim, Interior Designer who is working with Brown, told the Board of some of the plans that they had for the building. Elizabeth Durrance, Cat's On Main, stated that they should let Mr. Brown go in with restrictions and see how things would work out. She wanted the Board to see how concerned the businesses were. Linda See, Java Café, stated that she does have events in her business at night such as the Lionettes and dinners that people schedule at night. She stated that, as always, you have problems with a bar. There are ongoing problems with the restaurant/bar down the street from Java. When alcohol is involved, there can be problems. She stated that she knows some people that let a Sweet 16 party be held there and the people tore their establishment up. She stated that there are always people using the park and wanted to know if people were going to feel safe walking up and down the streets. People from out of town have stated to her that they love the hometown look and feel of Wauchula and we need to be careful not to destroy this or we could lose some others businesses that have worked to keep Main Street what it is. Preston closed the floor to the audience discussion. Detwiler stated that she is really concerned about the safety issue. She is a business owner on Main Street and stated that when there was a bar on East Main Street and being a woman, she felt dirty walking by it and doesn't want her guests to feel that way. She stated that she walks to West Main Street sometimes at 10:00 or 11:00 p.m. at night, which you should always be careful, but she doesn't want to have to walk by a bunch of drunks. She wants it to be a family friendly environment and she may want to walk with her grandbaby at night no matter what time it is. She stated that she is not opposed to a restaurant with a bar in it or dancing down at the Pub now and then with things not spilling out into the streets and does not want to rob anyone of having a viable business, but it concerns her to have just a straight out bar with straight out drinking and she is not going to feel safe. Preston stated that he felt since we are no longer a dry county and someone wants to come in with a bar, that we can't just say no and that the Board should concentrate on the restrictions. Detwiler stated that she didn't know why they couldn't say no and that Brown needs to come in with a concrete plan because right now there are so many unanswered questions. He needs to

come in and say this is exactly what I want to do, we aren't opposed to anything along those lines, but he needs to say this is what we are going to do. Preston stated that he could see Mr. Brown's point of view that if I own an establishment and want to draw people to it, that by allowing drinking at that establishment is going to attract people. When asked about a restaurant/drinking establishment or just a drinking establishment, Minshew explained that there is a difference in the Land Development Code, but both need a Special Exception to serve liquor. After further discussion, Preston asked that the Board concentrate on placing restrictions on this drinking establishment that are in line with what we want in downtown Wauchula. Preston stated that they need to keep the discussion within their powers and he doesn't feel like they can just deny the request. Detwiler stated that she would like to say that the application is incomplete to which Minshew stated that that would have to fall on her office, but then showed Detwiler where some of the information is provided in the paperwork provided and that the Fire Department will determine the capacity when a plan is drawn up. There was discussion about putting restrictions, but not being able to when the specific use is not being stated and discussion about the Florida Statute definition for a Drinking Establishment. Brown stated that he could not invite anyone to come and open a business unless they can have a drinking establishment and that they would not spend \$5,000.00 for a design for nothing. There was discussion about the Special Exception dying if a business is not in operation within 180 days. Detwiler made a motion to table the request because of not having enough specific information at this time, which died due to lack of a second. After Ables read the Florida Statute and it not having a definition for "Drinking Establishment", it was stated that that would be determined by the kind of state license purchased. Graham made the motion, seconded by Knight that the Board approve this request with restrictions, which are to allow the bar to open from 6:00 p.m. to 1:00 a.m. Monday through Friday and 1:00 p.m. to 1:00 a.m. on Saturday and Sunday, if there are 5 police incident reports within 180 days that will be cause for a review and make the determination whether that's a violation sufficient to terminate the Special Exception and if there is a major complaint within a month, the establishment can be shut down. Gibbs polled the Board. Knight, Preston and Graham voted yes, Detwiler voted no. Motion carried.

Being no further business, the meeting was adjourned.

Susie Gibbs, P & Z Secretary