

# City of Tarpon Springs, Florida STAFF REPORT

January 31, 2012

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**TO:** MAYOR AND BOARD OF COMMISSIONERS  
**FROM:** PLANNING AND ZONING DIVISION  
**HEARING DATES:** JANUARY 23, 2012 (PLANNING & ZONING BOARD)  
FEBRUARY 7, 2012 (BOARD OF COMMISSIONERS)  
**SUBJECT:** RESOLUTION 2012-03; APPLICATION #11-61, PAPPAS

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## I. APPLICATION

- A. Application: The applicant is requesting conditional use approval for a Series 2COP (on-premise consumption of beer and wine) alcohol license in the SDb (Marine-Tourist) zoning district.
- B. Applicant: Bill Pappas
- C. Agent: N/A
- D. Owner: John Tsavaris

## II. PROPERTY INFORMATION

- A. Location: 210 Dodecanese Boulevard
- B. Subject Parcel Zoning/ Land Use Plan Designation: SDb (Marine-Tourist) / CRD (Community Redevelopment District)
- C. Surrounding Zoning and Existing Uses:
- |        | <u>Zoning/Land Use Plan</u> | <u>Existing Use</u> |
|--------|-----------------------------|---------------------|
| North: | N/A                         | Anclote River       |
| East:  | SDb/CRD                     | Marina              |
| South: | T5c/CRD                     | Commercial          |
| West:  | SDb/CRD                     | Commercial          |
- D. Tax Parcel ID Number(s): 12/27/15/89982/054/0101

## III. BACKGROUND

The subject property is the location of the Captain Pappas Fish Market restaurant. The applicant would like to have an expanded beverage selection to include the sale of beer and wine for on-premise consumption. The Comprehensive Zoning and Land Development Code requires that a Conditional Use be granted in order to allow the issuance of a 2COP (on-premise consumption of beer and wine) alcohol license.

#### IV. STANDARDS FOR REVIEW

Pursuant to Section 209.01 of the Tarpon Springs Land Development Code, no conditional use shall be recommended for approval or receive a final action of approval unless a positive finding, based upon substantial competent evidence either presented at a public hearing held by the Board or reviewed personally by the Board members is made on each of the following standards:

1. *Conformance with the requirements of the Land Development Code.*

Analysis: The operation of a retail establishment with a Series 2COP alcohol license in this location is in conformance with the requirements of the Comprehensive Zoning and Land Development Code. A Series 2COP alcohol license may not be issued for an establishment that is within 200 feet of a pre-existing church or school of general education. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the principal entrance of the business to the principal entrance of the church, to the nearest property line or play area of the school, whichever is more restrictive. The nearest church is the Unitarian Universalist Church of Tarpon Springs located at 57 Read Street. This particular church is approximately 3,600 feet from the subject property utilizing the most direct pedestrian route. The nearest school of general education is the Tarpon Springs Elementary School located at 525 North Disston Avenue. This elementary school is approximately 4,000 feet from the subject property using the most direct pedestrian route.

The following additional criteria must also be evaluated:

- A. *The functional proximity of the alcoholic beverage use to surrounding or abutting properties and the interaction between the sale or consumption of alcoholic beverages and the existing and planned uses in the area.*

Analysis: Staff does not anticipate any negative impact from the proposed development.

- B. *The primary entrance of the business selling alcoholic beverages and the primary entrances of existing uses in the area.*

Analysis: No issues are anticipated.

- C. *The secondary entrance of the business selling alcoholic beverages and the secondary entrances of existing uses in the area.*

Analysis: No issues are anticipated.

- D. *The presence of minors at existing uses in the area during the business hours of the alcoholic beverage establishment.*

Analysis: No issues are anticipated.

- E. *The proposed method of business operation of the alcoholic beverage establishment regarding: hours of operation, food service with the service of alcoholic beverages and similar factors having a potential impact on existing and planned uses in the area.*

Analysis: No issues are anticipated.

- F. *Traffic flow and pedestrian travel patterns in the area.*

Analysis: There is no evidence that the granting of this license would interfere with pedestrian travel or traffic flow.

- G. *The physical proximity of the alcoholic business establishment to other properties within the area regardless of the distance measurement or criteria (i.e. an abutting or adjacent property that is not protected from adverse impacts by the distance separation measurement methodology because of unique physical conditions).*

Analysis: No issues are anticipated.

2. *The use to which the property may be put is appropriate to the property in question and is compatible with existing and planned uses in the area.*

Analysis: The property in question is located along the Sponge Docks tourist corridor. The surrounding uses are primarily retail businesses and restaurants. A restaurant with an alcohol license permitting the on-premise consumption of beer and wine in this location will not create compatibility issues with adjoining uses or properties.

3. *The conditional use is consistent with the goals, objectives and policies of all Elements of the City Comprehensive Plan.*

Analysis: The request is consistent with the goals, objectives, and policies of the Tarpon Springs Comprehensive Plan.

4. *The conditional use will not result in significant adverse impacts to the environment or historical resources.*

Analysis: No environmental or historical resources will be adversely impacted.

5. *The conditional use will not adversely affect adjoining property values.*

Analysis: No impacts are expected. The proposed use is consistent with the commercial development patterns in this area of the City.

6. *The conditional use will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide available public facilities, including*

transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Analysis: A restaurant with an alcohol license permitting the on-premise consumption of beer and wine at this location will not adversely impact the availability of public facilities.

7. The conditional use shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.

Analysis: No adverse impacts upon growth patterns are expected for the City of Tarpon Springs.

**V. OTHER EVIDENCE**

**A. Technical Review Committee**

The TRC reviewed this application at the January 12, 2012 meeting and had no objections to the request. The TRC comments were as follows:

**PLANNING & ZONING REVIEW COMMENTS:**

APPROVE    DENY    DEFER    SEE BELOW    NO COMMENTS

INITIALS: RSC

1. The applicant is requesting Conditional Use approval for a Series 2COP (on-premise consumption of beer and wine) alcohol license for property located at 210 Dodecanese Blvd.
2. A Series 2COP alcohol license may not be issued for an establishment that is within 200 feet of a pre-existing church or school of general education.
3. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the principal entrance of the business to the principal entrance of the church, to the nearest property line or play area of the school, whichever is more restrictive.
4. The nearest church is the Unitarian Universalist Church of Tarpon Springs located at 57 Read Street. This particular church is approximately 3,600 feet from the subject property utilizing the most direct pedestrian route.
5. The nearest school of general education is the Tarpon Springs Elementary School located at 525 North Disston Avenue. This elementary school is approximately 4,000 feet from the subject property using the most direct pedestrian route.
6. The applicant's request meets the requirements of the Comprehensive Zoning and Land Development Code and the Transect-Based Infill Code for the Community Redevelopment Area and Sponge Docks (SmartCode).

**BUILDING REVIEW COMMENTS:**

APPROVE    DENY    DEFER    SEE BELOW    NO COMMENTS

INITIALS: JAD

**ENGINEERING REVIEW COMMENTS:**

APPROVE  DENY  DEFER  SEE BELOW  NO COMMENTS

INITIALS: RWH

**FIRE DEPARTMENT REVIEW COMMENTS:**

APPROVE  DENY  DEFER  SEE BELOW  NO COMMENTS

INITIALS: RCB

**POLICE DEPARTMENT REVIEW COMMENTS:**

APPROVE  DENY  DEFER  SEE BELOW  NO COMMENTS

INITIALS: JU

**PUBLIC SERVICES REVIEW COMMENTS:**

APPROVE  DENY  DEFER  SEE BELOW  NO COMMENTS

INITIALS: RP

**PUBLIC WORKS COMMENTS:**

APPROVE  DENY  DEFER  SEE BELOW  NO COMMENTS

INITIALS: SW

**B. Public Correspondence**

Notices have been sent to property owners within 200 feet and the property has been posted.

No inquiries have been made concerning this application.

**VI. STAFF RECOMMENDATION**

Staff recommendation is to approve the conditional use to grant a Series 2COP (on-premise consumption of beer and wine) alcohol license for 210 Dodecanese Boulevard in the SDb (Marine-Tourist) zoning district.

**VII. PLANNING AND ZONING BOARD ACTIONS**

The Planning and Zoning Board reviewed this application on January 23, 2012. Discussion points included the requirements for parking and how the number of seats is actually approved. Based upon the SmartCode regulating plan, retail uses (including restaurants) must have 3 parking spaces per 1000 square feet of space. There is more than adequate onsite parking to support the approximate 1,500 square foot building. The proposed 92 seat restaurant was also reviewed by Public Works for compliance with the City's Fats Oils and Grease (FOG) program. Lastly the Fire Department reviewed the seating layout to identify any occupancy issues. The Planning and Zoning Board recommended approval by a unanimous vote.

List of Exhibits:

- 1) Location Map
- 2) Photograph of the Restaurant
- 3) Floor Plan
- 4) Resolution 2012-03

cc: Bill Pappas  
Subject File - Application #11-61

**Location Map**



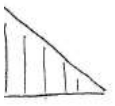
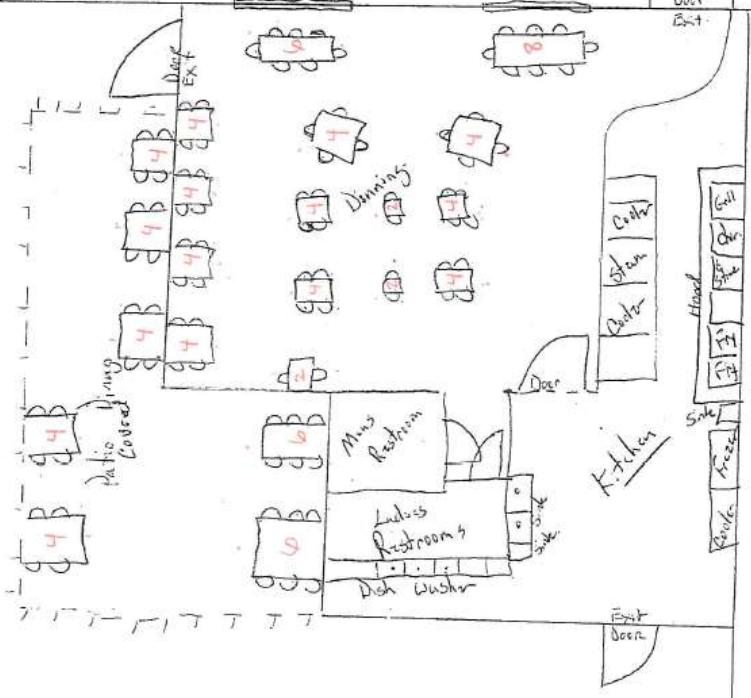
**Photograph of the Restaurant**



Side 1. 11.  
 210 Bodecansse Blvd. Turpin Springs Fl.

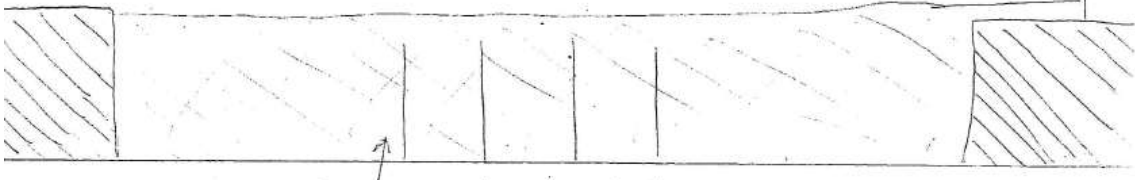
20 more  
 parking spaces  
 across the street

8-1 = 8  
 6-3 = 18  
 4-15 = 60  
 2-3 = 6  
 92 SEATS



For  
 "Capt Pappas  
 Fish Market"

Parking  
 Lot



**RESOLUTION No. 2012-03**

**A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, APPROVING APPLICATION # 11-61 FOR A 2-COP, ON PREMISE CONSUMPTION OF BEER AND WINE LICENSE FOR PROPERTY LOCATED AT 210 DODECANSE BLVD. PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tarpon Springs has received an application for a 2-COP License for property located at 210 Dodecanese Blvd., and

**WHEREAS**, Section 52.00 of the Comprehensive Zoning and Land Development Code requires conditional use approval for a 2-COP license; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on this application at their meeting of January 23, 2012; and,

**WHEREAS**, the Board of Commissioners must approve, deny or approve subject to conditions each application for conditional use approval; and,

**WHEREAS**, written notice and posted legal notice of this action has been provided in accordance with Article XII of the Land Development Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:**

**Section 1. FINDINGS**

Application #11-61 meets the criteria for approving the use as set forth in Sections 52.00 and 209.01 of the Comprehensive Zoning and Land Development Code.

**Section 2. APPROVAL**

Application #11-61 to permit a 2-COP License for on premise consumption of beer and wine to be located 210 Dodecanese Blvd. is hereby approved, subject to the following conditions.

**Section 3. EFFECTIVE DATE**

This Resolution shall be effective upon adoption.