



CITY OF ATLANTIC BEACH
COMMUNITY DEVELOPMENT BOARD
STAFF REPORT

AGENDA ITEM **4.A.**

CASE NO **UBEX-13-00100056**
Request for use-by-exception as permitted by Section 24-111(c), to allow on-premises consumption of alcoholic beverages (liquor) in accordance with Chapter 3 of the Municipal Code and a 4COP SRX alcoholic beverage license issued by the Florida Department of Business and Professional Regulation, Division of Alcohol and Tobacco.

LOCATION **1021 ATLANTIC BOULEVARD (UNIT 1017)**

APPLICANT **CANTINA MAYA SPORTS BAR & GRILLE (JAVIER U PEREZ)**

DATE **JUNE 18, 2013**

STAFF **ERIKA HALL, PRINCIPAL PLANNER**

STAFF COMMENTS

Background

Cantina Maya Sports Bar & Grille is located in the Atlantic Village Shopping Center, in a space formerly occupied by Mimi's Sports Grill. The subject property has a Commercial (CM) Future Land Use Designation and is located within a Commercial General (CG) Zoning District at 1021 Atlantic Boulevard (Unit 1017). A local business tax receipt was obtained from the City of Atlantic Beach on May 7, 2013 and operations commenced with a Series 2COP (Beer and Wine/Package and Consumption) Alcoholic Beverage License shortly thereafter. The applicant now wishes to upgrade to a Series 4COP-SRX (Beer, Wine, and Spirits/Package and Consumption) Special Restaurant Alcoholic Beverage License.

The Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (DBPR-ABT) issues Series 4COP-SRX licenses to a "bona fide restaurant" meeting the following conditions:

- (1) 2,500 square feet of floor space under permanent cover;
- (2) Seating for 150 patrons; and,
- (3) Minimum 51% gross revenue from the sale of food and non-alcoholic beverages.

As part of the application process, the local zoning authority is required to certify to DBPR-ABT that the location of the business establishment complies with zoning requirements for the sale of alcoholic beverages pursuant to the license being sought. Within Atlantic Beach, on-premises consumption of beer and wine only in accordance with a Series 2COP license is permitted-by-right in conjunction with a full service restaurant located within a commercial zoning district, while on-premises consumption of liquor requires an approved use-by-exception.

Analysis

Section 24-111(c) states that on-premises consumption of alcoholic beverages in accordance with Chapter 3 of the Municipal Code may be approved as a use-by-exception where found to be consistent with the uses found in the Commercial General Zoning Districts with respect to intensity of use, traffic impacts and compatibility with existing commercial uses and any nearby residential uses.

Former tenant Mimi’s Sports Grill held a 4COP-SRX license, so this request is not intensification, but continuation of a prior use. However, uses-by-exception do not convey with change or transfer of lease or ownership, and each individual business owner must apply for a UBEX specific to his or her business. As such, the proposed use has previously been deemed compatible with adjacent and surrounding properties, and it was not found to be contrary to public interest or detrimental to the health, safety and welfare of the general public. The subject unit is on the southern corner of the western wing of the shopping center, and is separated from residential uses to the north by less intense retail and service uses. Directly to the west is Aquatic Drive and a vacant wooded lot and a dog park.

The applicant has submitted both a floor plan indicating number and arrangement of seating in compliance with the DBPR-ABT requirements and a site plan demonstrating sufficient parking spaces to meet the minimum number required – thirty-eight (38), or one (1) parking space per four (4) seats. It should be noted that at the time previous tenant Mimi’s obtained a 4COP SRX, the Atlantic Village parking lot contained a total of five hundred forty-four (544) parking spaces, with eleven (11) of those being ADA-compliant. Recent parking lot reconfiguration in association with the build-out of the LA|Fitness resulted in an additional forty-two (42) parking spaces, for a total of five hundred eighty-six (586), of which twelve (12) are ADA-compliant. At the time of review, it was determined that the parking lot has more than 100 surplus parking spaces.

REQUIRED ACTION

The Community Development Board may consider a motion to recommend approval of the Cantina Maya Sports Bar & Grille Use-by-Exception (Application UBEX-13-00100056) to the City Commission, to permit on-premises consumption of alcoholic beverages in association with a full-service restaurant to be located within the Commercial General Zoning District at 1021 Atlantic Boulevard (Unit 1017), provided the following, or similar findings of fact:

- (1) Approval of this Use-by-Exception is in compliance with the requirements of Section 24-63, Zoning and Subdivision and Land Development Regulations, and is also consistent with Section 24-111 defining the Commercial General Zoning District.
- (2) The request is not contrary to public interest and is not detrimental to the health, safety and welfare of the general public.
- (3) The proposed use is compatible with adjacent properties and other properties in the surrounding area.

The Community Development Board may consider a motion to recommend denial of the Cantina Maya Sports Bar & Grille Use-by-Exception (Application UBEX-13-00100056) to the City Commission, to permit on-premises consumption of alcoholic beverages in association with a full-service restaurant to be located within the Commercial General Zoning District at 1021 Atlantic Boulevard (Unit 1017), provided the following, or similar findings of fact:

- (1) The request is contrary to public interest and may be detrimental to the health, safety and welfare of general public because _____.
- (2) The proposed use is not compatible with adjacent properties and other properties within the surrounding area because _____.

ATTACHMENTS *None.*