



Bogey Bay, LLC

Special Exception Use

Project No. P24-161

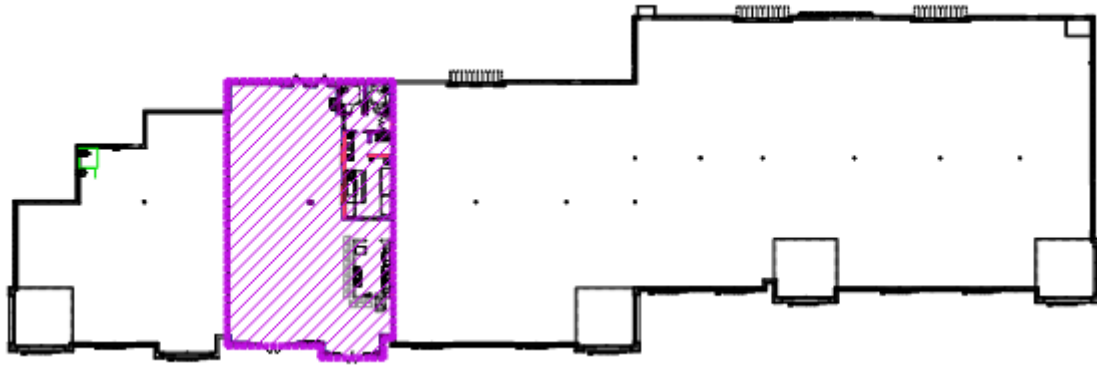
City Council Meeting
Daniel Robinson, Planner III
November 25, 2024

Request Summary

- Owner: CDNK, LLC.
- Applicant(s): Aaron Livingston of Bogey Bay LLC.
- Location: The property is located at 1449 SW Gatlin Blvd.
- Request: The request is for a Special Exception Use (SEU) to allow a bar to be located in the General Commercial Zoning District as per Section 158.124 (C) (6) of the Zoning Code.

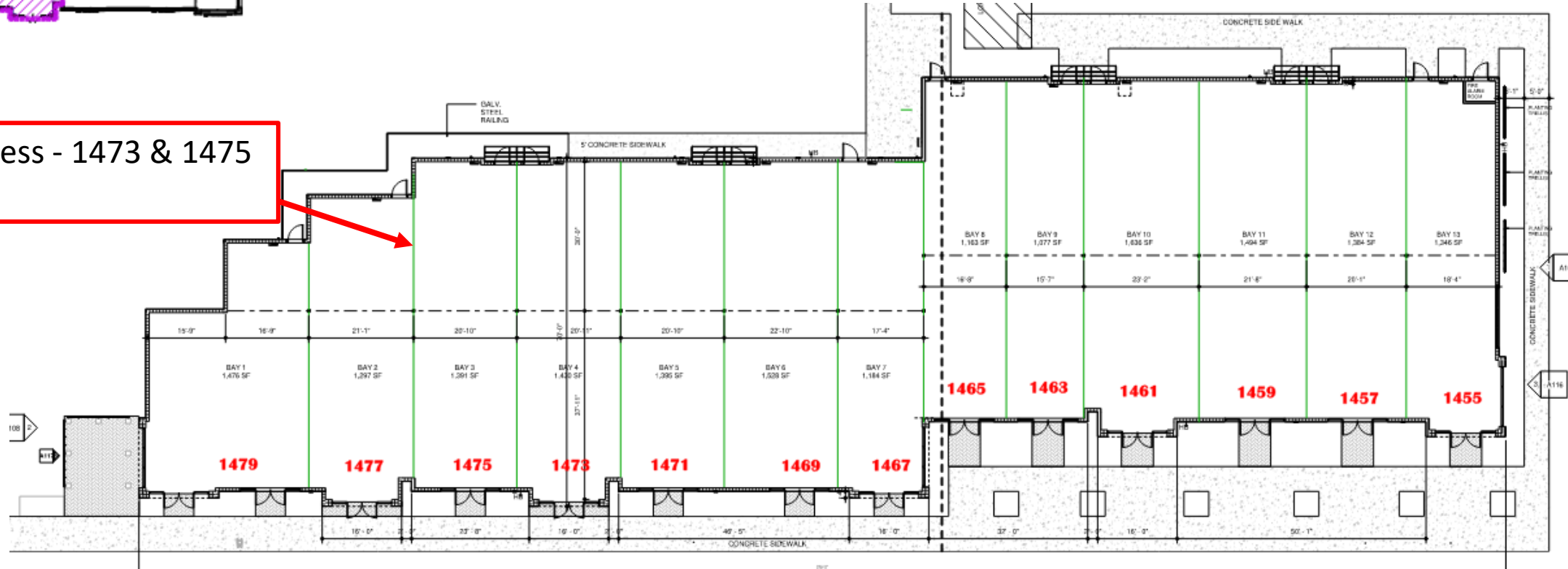
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Proposed location

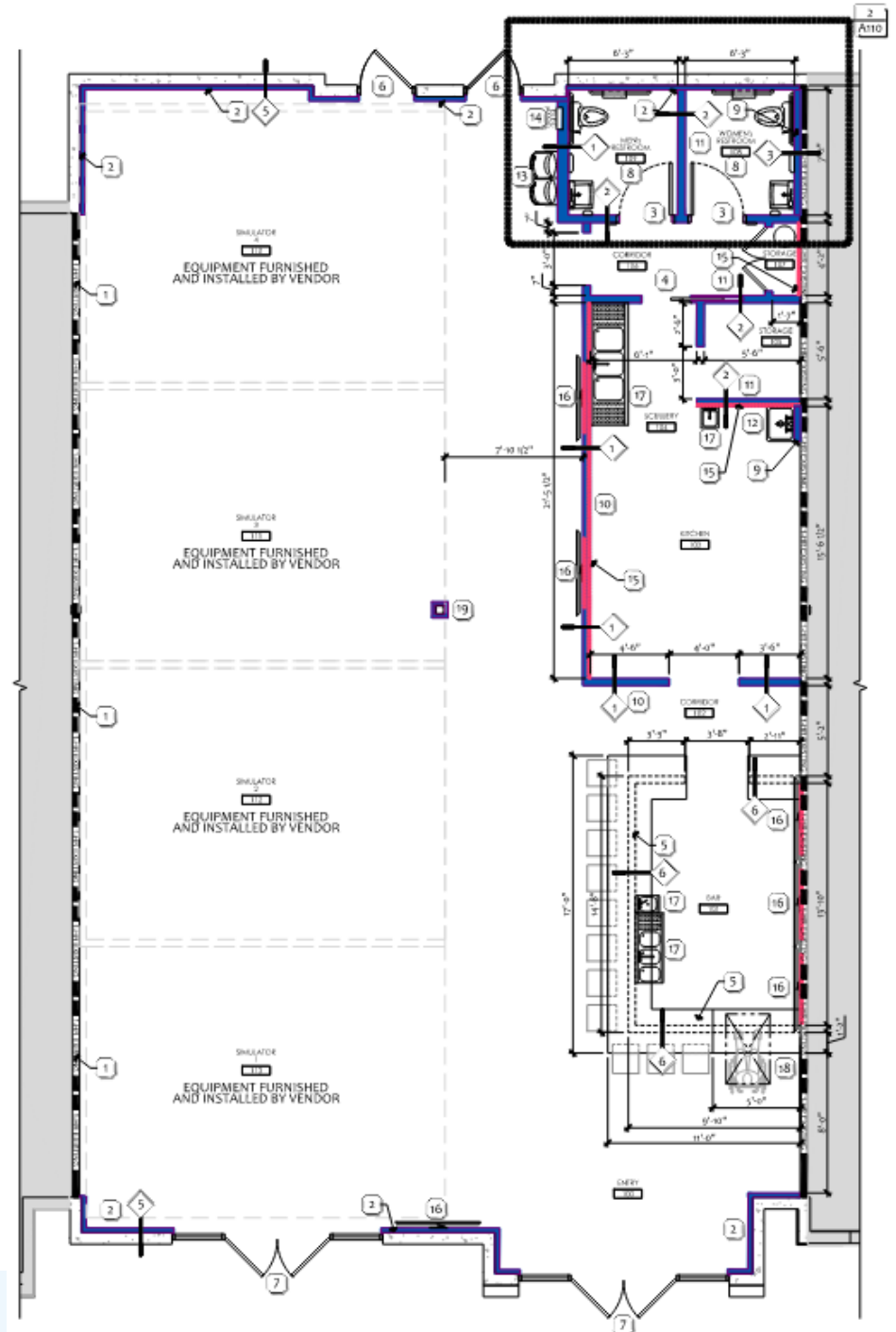


Proposed Business - 1473 & 1475
SW Gatlin Blvd.

1449 SW Gatlin Blvd.



Conceptual Floor Plan



Business proposed

Bogey Bay is a golf simulator facility with four simulators and a bar. It does have a kitchen but is not a primary restaurant use. The food service is an ancillary use specifically to serve the simulator rooms and the bar. No other seating service areas are proposed.

The simulators are a recreational use and this type of use falls under the definition of enclosed assembly use, which in the case of this facility is permitted by Section 158.124 (B) (9) because the business is less than 3,000 square feet.

The bar use is not associated with a restaurant use as the sale of food is specifically to serve the recreational use and not a restaurant.

The facility is not exempt to the required distance from religious institutions or schools as per Chapter 110 for the sale of alcoholic beverages. The facility does meet the distance requirements as there are no religious institutions or schools within 1,500 feet of the property that the business is proposed.

<u>Evaluation of SEU CRITERIA</u> <u>(Section 158.260)</u>	<u>FINDINGS</u>
ADEQUATE INGRESS AND EGRESS (§ 158.260 (A))	The site plan demonstrates that the site has adequate ingress and egress for vehicles, the proposed development will allow for pedestrian safety and convenience. The site plan was approved by City council on May 24, 2021. Public Works Department reviewed the transportation element of the project and found it to be in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd..
ADEQUATE OFF-STREET PARKING AND LOADING AREAS (§ 158.260 (B))	Adequate off-street parking is provided as per the approved site plan. No outside changes to the site are proposed with the proposed SEU. The proposed use of a bar requires one space per each 200 square feet of building, which is the same as a retail/office use. Therefore, no additional parking is required as the site plan is already parked at the one space per 200 square feet of building.
ADEQUATE AND PROPERLY LOCATED UTILITIES (§158.260 (C))	Adequate utilities are available to service the development.
ADEQUATE SCREENING OR BUFFERING (§158.260 (D) (F))	The approved existing landscape provides adequate buffering. Yard setbacks and open space are adequate, to properly serve the proposed development and to ensure compatibility with adjoining properties.

<u>Evaluation of SEU CRITERIA</u> <u>(Section 158.260)</u>	<u>FINDINGS</u>
SIGNAGE AND EXTERIOR LIGHTING (§158.260 (E))	Signs shall meet the requirements of Chapter 155 of the Code of Ordinances.
Conformance with all Code of Ordinances requirements (§158.260 (G))	The proposed use of a bar per Section 158.124(C)(6)- CG (General Commercial) Zoning District is a special exception use and shall conform to all provisions of the City’s Zoning Code if approved.
COMPATIBILITY WITH SURROUNDING USES (§158.260 (H) (I) (J))	<p>(H) By adhering to City Code of Ordinances and Regulations, the establishment and operation of the proposed use are not anticipated to impair the health, safety, welfare, or convenience of residents and workers in the City.</p> <p>(I) The business shall abide by the City’s noise ordinance and the entirety of the proposed business is proposed within the enclosed building. Section 110.03 of the Code of Ordinances states: It shall be unlawful for any person to sell or serve, or to permit the sale or service of any alcoholic beverages in any place holding an alcoholic beverage license under the regulation of the Florida Department of Alcoholic Beverages and Tobacco, within the territorial limits of the city between the hours of 2:00 a.m. and 9:00 a.m., each day. Further, no consumption of alcohol shall occur after 2:30 a.m. and no persons, not to include employees, shall be present in the establishment after 2:30 am.</p> <p>(J) Section 110.02 of the City’s Code of Ordinances states that no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution unless the business meets specific exemptions. The proposed use does not meet the criteria of being exempt from this regulation per Section 110.07. The property is not within 1,500 feet of a school or religious institution, so it qualifies per the distance requirement to obtain a liquor license.</p>

The Planning and Zoning Board Action:

The Planning and Zoning Board made a recommendation of approval with the condition that the approval does not stay with the land as it usually would but with the business type itself. The condition recommended is as follows:

The approval of a bar is conditioned to be permitted for the type of business proposed.