

RESOLUTION 2016-04

A RESOLUTION OF POLK CITY, GRANTING A VARIANCE TO THE ALCOHOL DISTANCE REQUIREMENT OF 300 FEET FOR PROPERTY LOCATED AT 221 NORTH COMMONWEALTH AVENUE, POLK CITY TO ALLOW FOR A DISTANCE SEPARATION OF APPROXIMATELY 277.4 FEET FROM A SCHOOL INSTEAD OF THE REQUIRED 300 FEET (PARCEL ID# 25-26-33-296500-086110).

WHEREAS, Joel Vann, (hereinafter referred to as the 'Applicant') has requested a variance to allow for a distance separation of approximately 277.4 feet from a school instead of the required 300 feet.

WHEREAS, the variance requested is needed to allow the applicant to sell beer and wine within an existing restaurant that is located within the 300 foot separation distance requirement for a school; and

WHEREAS, notice of the Public Hearing was advertised in The Ledger and notification was mailed to each real property owner within a 300 foot radius of the affected property of the requested variance; and

WHEREAS, the City Commission held a public hearing on October 17, 2016: and

WHEREAS, City Commission may authorize variances from specific provisions of the Land Development Code (Code) as will not be contrary to the public interest and the intent of the Code; and

WHEREAS, based on the evidence, testimony, exhibits, comments of public officials and agencies, comments from the applicant, and comments from all interested parties, the City Commission finds as follows:

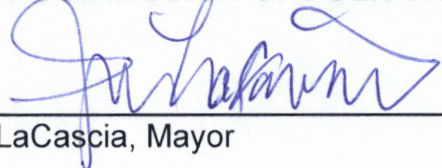
1. That the proposed public notice of this hearing was provided as required by law.
2. That the hearing before this Board was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at said hearing.
3. That special conditions and circumstances exist that are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same land use classification.
4. That the special conditions and circumstances do not result from the actions of the applicant.

5. That the requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
6. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
7. That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
8. That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Polk City that a variance to allow for a distance separation of approximately 277.4 feet from a school instead of the required 300 feet is hereby granted.

APPROVED AND ADOPTED after conducting a Public Hearing this 17th day of October, 2016, in Polk City, Florida.

CITY COMMISSION OF POLK CITY



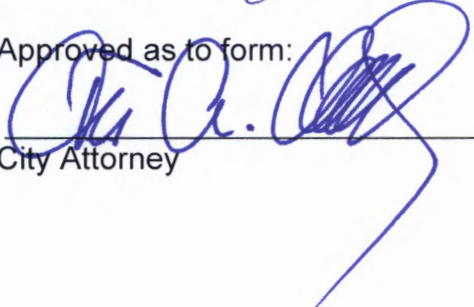
Joe LaCascia, Mayor

Attest:



Patricia Jackson, City Manager

Approved as to form:



City Attorney