

Cornelius, Brad

Subject: FW: 6706 US 19 - Coastal Wine & Liquor - 4COP License
Attachments: Zoning Verification Letter Approval - C Bowman 082019.pdf; Amer Legion Liquor License Details.pdf; American Legion Screenshot.pdf

From: "Baker Law, P.A." <bakerlawpa@gmail.com>
Date: 10/12/20 7:17 PM (GMT-05:00)
To: Brad Cornelius <CorneliusB@CityofNewPortRichey.org>
Cc: cwliquor@gmail.com, Chris Bowman <BowmanC@CityofNewPortRichey.org>, Lisa Algieri <AlgieriL@CityofNewPortRichey.org>, Debbie Manns <MannsD@CityofNewPortRichey.org>
Subject: Re: 6706 US 19 - Coastal Wine & Liquor - 4COP License

Good Evening Mr. Cornelius,

Thank you for the information. It is our understanding that the Genesis location has not operated in at least a year; the Florida statute refers to real property comprising a school, not real property that declares itself a school via a Business Tax Receipt. If the BTR incorrectly identifies the current use of the property, it should be corrected by the owners and should not affect the surrounding properties. The school's own web site at <https://www.genesiselementary.com/> does not even list the River Road location as part of the school.

Moreover, my client specifically requested zoning verification for this location at 6706 US 19, and use as a liquor lounge was confirmed as a permitted use by Planner Christopher Bowman on 08/17/2019 – see attached documentation. As you can see, the attachments include the NPR Revised Plan and show multiple aerial shots of the surrounding areas. No mention was made of any adjacent properties prohibiting increase to a 4COP liquor license.

Lastly, as you may know, American Legion Paradise Post 79 is directly adjacent to both properties and holds a current 11C alcoholic beverage license allowing for the sale of beer, wine and liquor including consumption on the premises – I have attached the license verification details hereto.

Accordingly, please let me know what steps must be taken for approval of the increase in series. Thanks very much and if you have any questions or require further information do not hesitate to contact me.

Yours Very Truly,
Jonathon

--

Jonathon W. Baker, Esq.
Baker Law, P.A.
27251 Wesley Chapel Blvd., Suite 1044
Wesley Chapel, FL 33544

P: 813-388-9457
BakerLawPA@gmail.com
BakerLawPA.com

On Mon, Oct 12, 2020 at 4:37 PM Brad Cornelius <CorneliusB@cityofnewportrichey.org> wrote:

Mr. Patel,

The City of New Port Richey is in receipt of your application to the Florida Division of Alcoholic Beverages and Tobacco to change your license from 3PS to 4COP. In review of your application, it was determined that the location of your business is less than 500 feet from a private school and does not meet the locational requirements of Section 562.45(2)(a), F.S. The Genesis School (Genesis School, Inc.) owns property that is adjacent to the southeast corner of 6706 US 19 (subject property). The Genesis School owns the property and has a valid Business Tax Receipt for this property (Pasco County Business Tax Account #02160).

See the picture below for the proximity of the Genesis School property to 6706 US 19:



Due to the proximity of the Genesis School property to 6706 US 19, the City cannot approve the local zoning for the proposed 4COP license.

Regards,

Brad Cornelius, AICP

Contracted Community Development Director



City of New Port Richey

5919 Main Street, New Port Richey, FL 34652

City Hall: 727-853-1016 * Fax: 727-853-1052

Web: cityofnewportrichey.org * Email: corneliusB@cityofnewportrichey.org

Development Department - *Building a better tomorrow, starting today*

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NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • (727) 853-1016

August 17, 2019

Kevin Patel
6706 US Highway 19
New Port Richey, FL 34652

Subject: Zoning Verification -- 6706 US Highway 19, New Port Richey, FL 34652
(Parcel ID: 05-26-16-0030-20200-0190)

Dear Mr. Patel,

The purpose of this letter is to confirm that the zoning for the above referenced property is in the Highway Commercial District. The underlying land use is Highway Commercial Category. This Zoning Verification letter has been requested to see if a "Liquor Lounge" type use is permitted in the Highway Commercial District. Per section 7.09.01.1 states that service establishments and section 7.09.01.2 states any retail or wholesale business are permitted under this code.

Please refer to the attached Land Development Code, Section 7.09.00 Highway Commercial Zoning District, for permitted uses & the Future Land Use zoning map with the abutting properties.

City's Code Enforcement Department - Code Violations - (727) 232-8945

Billing & Finance - Lien information - (727) 853-1057
Abyl Santiago at Santiagoa@cityofnewportrichey.org

Planning & Development Department - Permit information - (727) 853-1047
Tammy Ledford at Ledfordt@cityofnewportrichey.org

If you have any questions, or if you need any additional information, please contact me at (727)853-1044.

Sincerely,

Christopher Bowman
Planner

CB/CB

ZONING VERIFICATION LETTER



City of New Port Richey
Development Department
City Hall, 5919 Main Street, 1st Floor
New Port Richey, FL 34652
Phone: (727) 853-1047 • Fax: (727) 853-1052

Date Received:

RECEIVED

AUG 06 2019

DEVELOPMENT DEPARTMENT
CITY OF NEW PORT RICHEY

\$100 Zoning Verification Letter Fee

Zoning verification letters identify the legal zoning classification for the requested property. Additional applications are required for questions related to code enforcement violations and building records requests. All applications are to be filled out completely and correctly. Applications are submitted to the City of New Port Richey, Planning and Development Department, located at 5919 Main Street, New Port Richey, Florida.

General Information

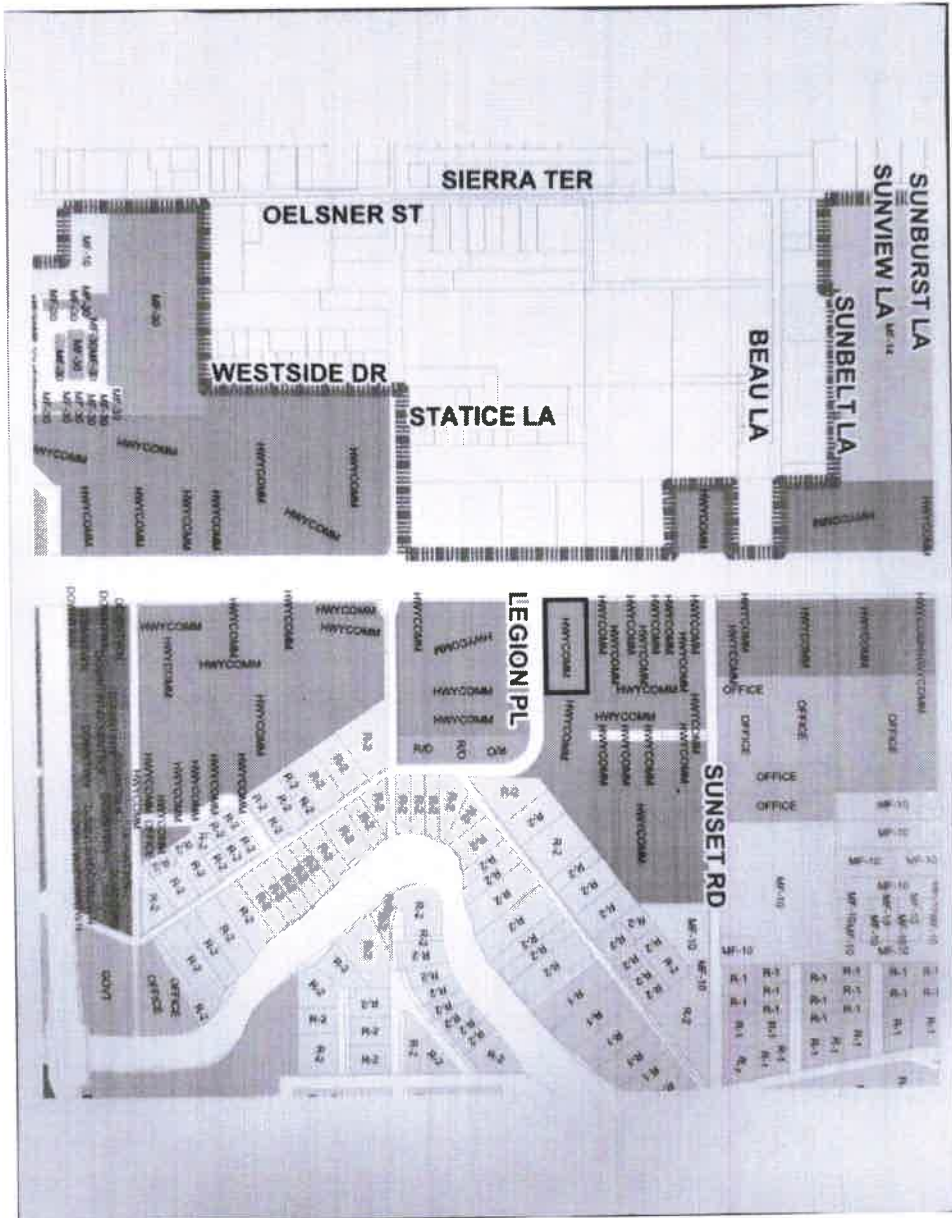
Applicant Name: HEVIN PATEL	Phone: (727) 844-0976
Applicant Email Address: CWLIQUOR@GMAIL.COM	
Property Owner Name: UP PASCO LLC	Phone: (727) 844-0976
Property Owner Email Address:	
Subject Property Information - Address and Parcel Number 6706 U.S. HIGHWAY 19 New Port Richey, FL 34652	

** For additional information request, please attach a letter to specify required information.

Authorization

Signature of Owner/Applicant: *Hevin Patel*

Date: 08/06/19



7.09.00 Highway Commercial Zoning District

In the highway commercial zoning district, no minimum lot size is specified for commercial establishments, since floor space requirements differ widely, being dependent upon the size and nature of the businesses involved.

7.09.01 Permitted uses

In the Highway Commercial District, the following land uses are permitted:

1. Hotels, theaters, businesses and professional offices, private or public schools, auto sales, repair and service establishments.
2. Any retail or wholesale business not specifically restricted or prohibited under this code.
3. Manufacturing and/or industrial business operations which are not prohibited under the provisions of this section.
4. Churches, synagogues, temples or similar places of worship and their accessory uses.
5. Restricted personal service uses.
6. Urban agriculture (indoor crop production prohibited).
7. Medical marijuana treatment center dispensing facility.
8. Beer gardens, tap rooms, brewpubs, nanobreweries, microbreweries and breweries.
9. All uses which further the adopted comprehensive plan, upon approval by the development review committee. The applicant shall demonstrate that the use is consistent with the comprehensive plan.

7.09.02 Conditional Use

The land development review board may recommend to the city council for their approval the location of the following uses in the Highway Commercial Zoning District. These uses differ from special exceptions in that the use may not be appropriately placed in all areas of this commercial zoning district and has little to no impact on residential uses. Conditions may be placed depending on the specific location of the intended use.

1. Children day care centers (including nursery or kindergarten schools), provided that:
 - a. The property, parcel, or lot proposed for the location of this use is not located or has frontage on U.S. Highway 19, and
 - b. A fenced area is provided; and
 - c. Adequate on-site driveway access is provided for the queuing of drop-off and pick-up traffic; and
 - d. Additional conditions may be applied depending on site conditions and location.

7.09.03 Land uses prohibited

In the highway commercial zoning district, the following land uses are prohibited:

1. Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra cotta, tile, or pottery (except in handcrafts); cement, gypsum, lime, plaster of paris, coke, creosote, dextrin, glucose, starch, dye, explosives, fireworks or storage thereof, fertilizer, manufacture of fuel or illuminating gas, gelatin, hydrochloric, nitric, sulfuric or sulphurous acids, lampblack, linoleum or oilcloth, matches, pyroxylin materials or articles composed thereof, or storage in excess of five hundred (500) pounds, rubber or treatment thereof involving offensive odor, tar, turpentine, or varnish; manufacture of blast furnace products, coal chemicals, distillation of bones, coal, wood or tar, fat, gum, null, hot rolling mill or drop forge, incineration, reduction or dumping of dead animals, oil, or refuse except by the city or its agents, or when accumulated and consigned on the same premises without the emission of odor; petroleum or other flammable liquids production or refining, storage of above ground petroleum, flammable liquids, fuel gasses are permitted provided:
 - a. Said products are used on site for purposes of heating, cooking, emergency power generation or similar uses.

- b. Are not intended for resale purpose; and
 - c. Meet all state and local codes and requirements applying to the protection of the underground water aquifer, containment against spillage, damage, fire and for the protection of surrounding properties; slaughtering or stockyards; tanning, curing or storage of raw hides or skins; tire recapping; or exterior storage of more than one hundred (100) scrap or used tires; junk or wood yards.
2. All sanitariums, hospitals.
 3. No privately owned access roads to any use in this district shall be permitted through any property in a residential district.
 4. No single-family, two-family, triplex, townhouse or multi-family apartments.

7.09.04 Yard regulations

1. Setbacks:
 - a. *Front setback:* The minimum setback of the front building line from U.S. Highway 19 shall be no less than thirty-five (35) feet, measured to the nearest permanent part of projection of the structure.
 - b. *Rear setback:* The minimum setback of the rear building line shall be no less than ten (10) feet on an alley. If the property to be developed is abutting a different land use district, the rear setback shall be at least the required buffer space as defined in the buffer matrix.
 - c. *Side setback:* The minimum setback of the side building line shall be no less than five (5) feet on an alley. If the property to be developed is abutting a different land use district, the side setback shall be at least the required buffer space as defined in the buffer matrix.

7.09.05 Area and lot width requirements

1. Because of previous development patterns and the various nature of permitted land uses, no specific minimum width or lot size requirements are required in the highway commercial zoning district.

7.09.06 Maximum height of structures

In the highway commercial zoning district, the following provisions shall apply for all structures:

1. All plans and specifications for structures must be signed by a registered architect or engineer, duly registered in the State of Florida. During construction of approved structures, supervision by a competent registered engineer or architect at the expense of the owner/developer must be supplied by the builder.
2. All plans and specifications must include all provisions provided by the building department.
3. No building may be higher than five (5) stories or seventy-five (75) feet without the prior written approval of the city council.

CITY OF NEW PORT RICHEY RECEIPT

RECEIPT # _____

DATE 8/1/19

No. _____

853-1061

ived From KEVIN PATRICK

tion Address 6106 W. Highway 19

l-Sub _____

Lot(s) _____

Blk _____

	Code	Amount
Utility Deposit Acct# _____ Cy _____ Rt _____	UD	\$ _____
Meter Installation (Type) _____ Size _____	WM	_____
Reclaimed Water Connection-Size _____	WR	_____
Water Impact Fees _____	WI	_____
Sewer Impact Fees _____	SF	_____
A/R Miscellaneous _____ Cust.# _____ TP _____	AR	_____
Building - Plan Review/Red Tags BP # _____	BP	_____
Development Review: Site Plan/Variance _____	DF	_____
Notary Fees _____	NS	_____
Copies _____	CE/CP	_____
Business Tax Receipt # _____	OR/OL	_____
Hazardous Permit # _____	OR/OL	_____
Residential Rental Permit # _____	OR/OL	_____
Clearing Account / Clearing - W/S _____	CA/CW/CS	_____
OTHER: <u>22</u> _____	-	_____
OTHER: _____	-	_____
TOTAL \$		<u>100.00</u>

CITY OF NEW PORT RICHEY
*** CUSTOMER RECEIPT ***
Oper: NPRNxB Type: DC Drawer: 1
Date: 8/06/19 01 Receipt no: 89886

Description	Quantity	Amount
ZF ZONING FEES	1.00	\$100.00

ender detail
CA CASH \$100.00
Total tendered \$100.00
Total payment \$100.00

Trans date: 8/06/19 Time: 14:10:27

Licensee Details

Licensee Information

Name: **PARIDISE POST AM LEG #79 AM LEG DEPT FL (Primary Name)**
AMERICAN LEG PARADISE #79 (DBA Name)

Main Address: **P O BOX 113**
NEW PORT RICHEY Florida 346560113

County: **PASCO**

License Mailing: **P O BOX 113**
NEW PORT RICHEY FL 346560113

County: **PASCO**

LicenseLocation: **5329 LEGION PL**
NEW PORT RICHEY FL 34652

County: **PASCO**

License Information

License Type: **Retail Beverage**

Rank: **11C**

License Number: **BEV6100122**

Status: **Current,Active**

Licensure Date:

Expires: **09/30/2021**

Special Qualifications **Qualification Effective**

Alternate Names

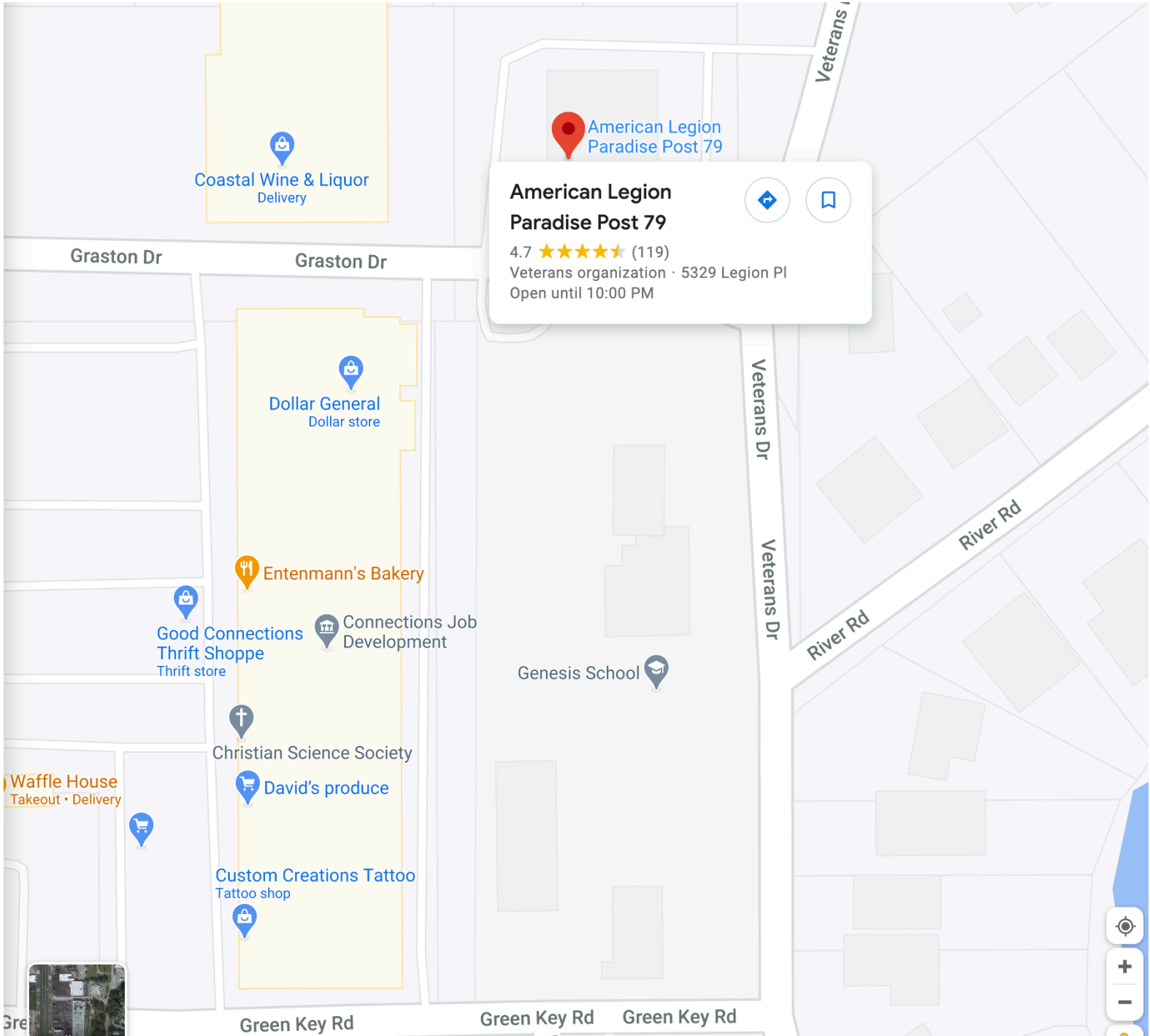
[View Related License Information](#)

[View License Complaint](#)

[2601 Blair Stone Road, Tallahassee FL 32399](#) :: Email: **[Customer Contact Center](#)** :: Customer Contact Center: 850.487.1395

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American Legion
Paradise Post 79

**American Legion
Paradise Post 79**



4.7 ★★★★★ (119)

Veterans organization · 5329 Legion Pl

Open until 10:00 PM

Coastal Wine & Liquor
Delivery

Dollar General
Dollar store

Entenmann's Bakery

Good Connections
Thrift Shoppe
Thrift store

Connections Job
Development

Genesis School

Christian Science Society

David's produce

Custom Creations Tattoo
Tattoo shop

Waffle House
Takeout · Delivery

Gre

Green Key Rd

Green Key Rd

Green Key Rd

River Rd

River Rd

Veterans Dr

Veterans Dr

Veterans

Graston Dr

Graston Dr



Cornelius, Brad

Subject: FW: 6706 US 19 - Coastal Wine & Liquor - 4COP License

From: "Baker Law, P.A." <bakerlawpa@gmail.com>

Date: 10/15/20 11:53 AM (GMT-05:00)

To: Brad Cornelius <CorneliusB@CityofNewPortRichey.org>

Cc: Chris Bowman <BowmanC@CityofNewPortRichey.org>, Lisa Algieri <AlgieriL@CityofNewPortRichey.org>, Debbie Manns <MannsD@CityofNewPortRichey.org>, smastison@wadetrim.com, Coastal Wine & Liquor <cwliquor@gmail.com>

Subject: Re: 6706 US 19 - Coastal Wine & Liquor - 4COP License

Hi Brad,

Thank you for the info again. We appreciate all the work being put into this. However, I'm aware of the statutory standards and I do not believe it is in our best interest to wait over a month to go before the city council to argue that having a bar within 500 feet of a school promotes "public health, safety, and general welfare of the community", the standard in F.S. 562.45(2)(a), as I cannot in good conscience advise my client there is any likelihood of approval.

I spoke with Genesis Elementary myself this morning and confirmed that the property located at 6609 River Road is not operating and is in fact for sale. You can find proof of the listing at <https://www.loopnet.com/Listing/School-Office-Building-on-2-Acres/17450365/> for your records. Accordingly, my client's location at 6706 US 19 is not located within 500 feet of a school and thus conforms with the requirements of F.S. 562.45(2)(a). Based on this information, please let me know if we can move forward with obtaining Zoning signoff and if so please email me back the signoff page. If you have any questions or need further information just let me know.

Thanks,
Jonathon

--

Jonathon W. Baker, Esq.
Baker Law, P.A.
27251 Wesley Chapel Blvd., Suite 1044
Wesley Chapel, FL 33544
P: 813-388-9457
BakerLawPA@gmail.com
BakerLawPA.com

On Thu, Oct 15, 2020 at 11:25 AM Brad Cornelius <CorneliusB@cityofnewportrichey.org> wrote:

Jonathon,

I discussed this issue with the City Manager. Consistent with Section 562.45(2)(a), F.S., please submit a request to the City Manager for this item to be placed on the November 19, 2020, City Council agenda. The City Council will hold a hearing to review the 4COP license request, consistent with the standards provided in Section 562.45(2)(a), F.S., to consider waiving the 500 foot separation requirement for the City's zoning approval of the 4COP license request.

You may submit your request to:

Debbie Manns, City Manager

City of New Port Richey

5919 Main Street

New Port Richey, FL 34652

You may also submit your request via email to the following email addresses:

mannsd@cityofnewportrichey.org

algierel@cityofnewportrichey.org

bowmanc@cityofnewportrichey.org

Please submit your request for the City Council hearing to the City by October 23, 2020, at 5:00 p.m.

Thank you,

Brad Cornelius, AICP

Contracted Community Development Director



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Lastly, as you may know, American Legion Paradise Post 79 is directly adjacent to both properties and holds a current 11C alcoholic beverage license allowing for the sale of beer, wine and liquor including consumption on the premises – I have attached the license verification details hereto.

Accordingly, please let me know what steps must be taken for approval of the increase in series. Thanks very much and if you have any questions or require further information do not hesitate to contact me.

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Jonathon

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Jonathon W. Baker, Esq.

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See the picture below for the proximity of the Genesis School property to 6706 US 19:



Due to the proximity of the Genesis School property to 6706 US 19, the City cannot approve the local zoning for the proposed 4COP license.

Regards,

Brad Cornelius, AICP

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Cc: smastison@wadetrim.com, Coastal Wine & Liquor <cwliquor@gmail.com>, Brad Cornelius <CorneliusB@CityofNewPortRichey.org>

Subject: Re: 6706 US 19 - Coastal Wine & Liquor - 4COP License

Good Afternoon,

Please let this correspondence serve as a request for the below item to be placed on the November 19, 2020 New Port Richey City Council agenda.

- Distance separation requirement waiver for Increase in Series from 3PS to 4COP of liquor license for Romanika, Inc., a Florida corporation doing business as Coastal Wine & Liquor, located at 6706 U.S. 19, to allow for consumption of alcoholic beverages on the premises.

If you could please let me know whether there are any additional prerequisites or requirements we need to meet such as notice requirements, advertisements, etc. in advance of the hearing we would greatly appreciate it. If you have any questions or require further information please do not hesitate to contact me.

Yours Very Truly,
Jonathon W. Baker

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bowmanc@cityofnewportrichey.org

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