

RESOLUTION NO. _____

PROPOSED RESOLUTION NO. 23-033

A RESOLUTION RELATING TO ZONING; APPROVING THE TRANSFER OF A CONDITIONAL USE FOR A RESTAURANT LOCATED AT 733 EAST PALMETTO STREET TO PEACH HOUSE LAKELAND, LLC; ADOPTING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 21, 1994, the City Commission adopted Ordinance No. 3504, granting conditional use approval for a neighborhood convenience center at 733 East Palmetto Street (the "Property"); and

WHEREAS, on December 3, 2012, the City Commission adopted Resolution No. 5040, transferring the conditional use to VinoVibe, LLC (also known as the Red Door Wine Market); and

WHEREAS, VinoVibe, LLC previously operated a restaurant at this location with a maximum indoor seating capacity of 47 seats, associated alcoholic beverage sales of beer, wine and liquor, and outdoor seating; and

WHEREAS, Palmetto Hospitality, LLC is the new owner of the Property and Peach House Lakeland, LLC proposes to continue the operation of a restaurant at this location; and

WHEREAS, the City's Land Development Code provides that a conditional use shall be approved for the benefit of the applicant only and that the character or benefit of a conditional use shall not be changed or transferred without a new conditional use approval or without City Commission approval by resolution; and

WHEREAS, restaurants and associated alcoholic beverage sales are permitted in a neighborhood convenience center; and

WHEREAS, the City Commission finds that the transfer of the existing conditional use for a neighborhood convenience center at 733 East Palmetto Street to Peach House Lakeland, LLC in order to allow Peach House Lakeland's proposed use is in the best interests of the City of Lakeland;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are adopted herein by reference.

SECTION 2. The City Commission hereby approves the transfer of the existing conditional use for a neighborhood convenience center at 733 East Palmetto Street to Peach House Lakeland, LLC in order to allow Peach House Lakeland, LLC to operate a restaurant at this location with a maximum indoor seating capacity of 47 seats, associated alcoholic beverage sales of beer, wine and liquor, and outdoor seating, all in accordance with the conditions set forth on Attachment "A," attached hereto and made a part hereof by reference.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. If any word, sentence, clause, phrase or provision of this Resolution is for any reason held unconstitutional or otherwise invalid, the validity of the remainder of this Resolution shall not be affected thereby.

SECTION 5. This Resolution shall take effect upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 19th day of June,

A.D. 2023.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

PEACH HOUSE LAKELAND CONDITIONS

1. The premises located at 733 E. Palmetto Street shall be developed in accordance with the proposed site development plan attached hereto.
2. Permitted Uses: A restaurant with a maximum indoor seating capacity of 47 seats and associated alcoholic beverage sales (beer, wine, and liquor). Outdoor seating, located within the open-air covered porch and the paved patio area adjacent to E. Palmetto Street, shall be limited to a maximum seating capacity of 43 seats. The total seating capacity, both indoors and outdoors, shall not exceed 90 seats.
3. Hours of operation shall be limited as follows:

Sunday through Wednesday	11:00 a.m. to 10:00 p.m.
Thursday through Saturday	11:00 a.m. to 12:00 a.m. (midnight)

Outdoor music, amplified or non-amplified, shall be permitted within the exterior patio and shall only be allowed during the following hours of operation:

Sunday through Wednesday	11:00 a.m. to 9:00 p.m.
Thursday through Saturday	11:00 a.m. to 11:00 p.m.

4. Parking shall be provided in accordance with the Land Development Code. Shared parking may be used to provide the minimum number of required spaces provided that:
 - a. such parking is accessory to an existing non-residential use;
 - b. the nearest boundary of the property upon which the parking is located is within 300 feet of the boundary of Parcel "A"; and
 - c. a written agreement allowing the use of the parking is obtained from the owner of the property on which the parking is located. All such agreements shall be recorded with the Polk County Clerk of Courts.

5. In the event that the Code Enforcement Board determines that a significant number of violations of any provision contained herein have occurred and/or a significant number of calls for service involving the establishment are reported by the Lakeland Police Department, the use of the premises as a restaurant may be revoked upon consideration by the City Commission. In addition, should one or more citations be issued in violation of the City Noise Control Ordinance, the City Commission may impose conditions which restrict outdoor music.

Site Plan

