CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 02/07/06

SUBJECT: SPECIAL EVENT REQUEST – FIRST TURN STEAKHOUSE & LOUNGE
5236 SOUTH RIDGEWOOD AVENUE & 5204 RIDGEWOOD AVENUE

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To approve the Special Event request for the First Turn Steakhouse & Lounge located at 5236 & 5204 South Ridgewood Avenue, subject to twenty-five (25) conditions outlined in the attached report.

SUMMARY:

Mr. Rick Hilliard, owner of the First Turn Steakhouse & Lounge, located at 5236 and the adjacent lot at 5204 South Ridgewood Avenue, requests approval of a Special Event to be held during Bike Week 2006. The proposed event is planned for a ten (10) day period from Friday, March 3 through Sunday, March 12, 2006. The proposed hours for the event are from 8:00 a.m. until 2:00 a.m., daily.

ATTACHMENTS: [ ] Ordinance [ ] Resolution [ ] Budget Resolution

[X] Other [ ] Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD		Donna J. Steinebach, Director	Date 1-27-06
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY	N/A	Approved as to Form and Legality	Date
CITY MANAGER		Approved Agenda Item For:	2/7/06

COUNCIL ACTION: [ ] Approved as Recommended [ ] Disapproved

[ ] Tabled Indefinitely [ ] Continued to Date Certain

[ ] Approved with Modification:

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Aaron Pool, Community Improvement Manager
FOR: KENNETH PARKER, CITY MANAGER
FROM: Deborah Faircloth, Compliance Inspector D. Faircloth
SUBJECT: **SPECIAL EVENT REQUEST – FIRST TURN LOUNGE 5236 and 5204 RIDGEWOOD AVENUE**
DATE: January 24, 2006

Please schedule this item for City Council consideration on February 7, 2006.

Overview
Mr. Rick Hilliard, owner of the First Turn Steakhouse & Lounge, 5236 Ridgewood Avenue, requests approval for a Major Special Event to be held during Bike Week 2006. The proposed event is planned for a ten (10) day period from Friday, March 3 through Sunday, March 12, 2006. The requested hours for the event are from 8:00 a.m. to 2:00 a.m., daily.

The event is proposed for the entire site of the First Turn Lounge and the parking lot of 5204 Ridgewood Avenue, Mr. Hilliard's adjacent business property. Fifteen (15) vendors shall be in place throughout the site. Vendors are required to obtain a Temporary Merchant License from the City for $250 to participate in this event. Normal operations of the lounge will continue. The outdoor activities for this event are intended to target the crowd attending Bike Week 2006 and will include the sale of such items as T-shirts, leather, bike accessories, food, and alcohol. Live outdoor music is proposed at the permanently licensed Tiki Bar. Port-o-let facilities are proposed for the event, along with private security provided by the Bar. No additional temporary signage has been requested in association with the event. Additional parking is available at 5204 Ridgewood Avenue as depicted on the attached site sketch.

Chapter 42, Article I. Noise Regulations, Section 42-80. General Restrictions of the City of Port Orange Code of Ordinances describes the acceptable sound level limit dBA. The ambient noise level of the Special Event exceeds the acceptable sound level limit dBA. It shall be the responsibility of the permit holder to monitor for noise violations. Any noise complaints shall be verified by a Code Compliance Inspector or a Police Officer and dealt with accordingly. A warning shall be issued and if not corrected or the violation recurs, the Special Event may be terminated. All previous noise violations will be taken into account before permitting future events. Based on the City Council's previous approvals for Biketoberfest 2005, it is staff's understanding that all out door music shall cease by 10:00 p.m.

Discussion
The subject proposal has been reviewed by the Community Development, Police, and Fire Departments. These Departments had several comments, which are included in the conditions listed below.

This event is being held in conjunction with the community-wide special event, Bike Week 2006, with recognized dates of March 3, through March 12, 2006. This is the first Special Event for The First Turn Steakhouse & Lounge in 2006.

Code Violations
There were no apparent code violations in the event area at the time of pre-inspection.

Special Note
Staff recommends that the surety bond fee be waived. The site is kept in good order with no apparent trash or debris problems. The applicant has expressed his appreciation.

Recommendation
Staff recommends **approval** of the First Turn Lounge's Major Special Event request, subject to the following conditions:

1. Hours for the event shall be from 8:00 a.m. to 2:00 a.m. The applicant also shall not serve alcohol indoors or outdoors past 2:00 a.m., as required by the Code of Ordinances.
2. Where fences are required to delineate outdoor alcohol serving areas, as well as parking areas for automobiles, motorcycles and the handicapped, a four (4)-foot high orange construction fence shall be erected to enclose the event area. All fencing must be in place prior to the site inspection for the event.
3. All outdoor cooking equipment involving liquefied petroleum gas and/or storage cylinders shall comply with NFPA #58 Liquefied Petroleum Gas Code and be approved by the Fire Marshall.
4. A copy of the applicant's liquor license for outdoor sales of alcohol during this event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, prior to the event.
5. The applicant shall be responsible for all participating vendors with respect to any permit conditions which may be imposed during permit approval or compliance with applicable state, county and city laws, rules, regulations, codes and ordinances. Therefore, the applicant must screen all participating vendors to ensure compliance with but not limited to the following:
    a. Article VI of Chapter 18 of the City Code of Ordinances, relating to peddlers and transient merchants.
    b. Temporary event permits issued by the Department of Business and Professional Regulation, Division of Hotels and Restaurants for all food vendors.
    c. Required liquor license for a temporary event shall be obtained from the Department of Business Regulation, Division of Alcoholic Beverages and Tobacco.

d. Coordination with the Port Orange Police Department, Volusia County and/or the Florida Department of Transportation with respect to traffic control devices or plans
e. Provisions and Standards of the City's Body Art Ordinance, as adopted May 18, 1999.
f. Provisions and Standards of the City's Sexually Oriented Businesses Code as adopted June 3, 1997.
g. Special Event Fee Resolution 02-3, establishing $250.00 Temporary Merchant Fee, as adopted January 29, 2002

6. Tents or canopies being used in association with this event shall comply with the requirements set forth in NFPA #102 Standards for Tents and Membrane Structures. Tents or canopies cannot be erected more than forty-eight (48) hours prior to the event, and must be removed within twenty-four (24) hours after the duration of the event. All tents/canopies must maintain at least two (2) exitways in an unobstructed fashion to allow for a continuous path of travel.
7. If any outdoor lighting or other structural features are to be installed in association with this event, the applicant shall obtain the proper Building Permits from the Community Development Department. Such lighting must be a minimum of twenty (20) foot candles in power to provide a safe environment at night.
8. Temporary electrical wiring shall be installed by a certified electrician and shall comply with Article 527 of the NFPA #70 National Electrical Code. This includes (F) Lamp protection: Any temporary lamps shall be protected from accidental contact or breakage by a suitable fixture or lampholder with a guard.
9. Fire extinguishers shall be provided as outlined in accordance with the NFPA #10, Standard for Portable Fire Extinguishers.
10. All exits and means of egress shall remain accessible and unobstructed and it shall be the responsibility of the applicant to maintain access for emergency vehicles.
11. The applicant shall provide four (4) port-o-let facilities, with two (2)) for females and two (2) for males during the event. A minimum of five percent (5%) of the portable toilets, but no less than one (1) for each sex, shall comply with section 4.22 or 4.23 of the Florida Accessibility Code, i.e. must be handicapped-accessible. Handicapped accessible restrooms are available in the Lounge.
12. All areas being used for this function shall be handicapped-accessible. Handicapped parking is to remain open and accessible for this event.
13. Tripping hazards shall be removed or isolated from pedestrian traffic. Vehicle areas, including parking, shall be physically separated from pedestrian areas.
14. Based on the City Council's previous approvals for Biketoberfest 2005, it is staff's understanding that all outdoor music shall cease by 10:00 p.m. Applicant shall take care in the placement of speakers for amplified music by adjusting them away from residential areas.
15. If there are calls for police service, or if security threats develop, the Police Department shall require additional officers to provide security for this event. The additional officers will be hired at the applicant's expense at $27.00 per hour with a minimum of three hours.

16. The applicant will hire a police officer to cross pedestrians and monitor congestion during periods of heavy traffic flow, while the event traffic plan is in operation. The anticipated dates, times, and charges for such detail and traffic control devices will be agreed upon by the applicant and the Police Department and paid to the City prior to issuance of the permit.
17. The City's Code of Ordinances prohibits the exposure of any sexual organs at commercial establishments that serve alcoholic beverages. Furthermore, the Florida Statutes prohibit any type of public nudity at such an event.
18. A temporary sign permit shall be required for the one-(1) banner permitted for this event.
19. No trees shall be removed and care shall be taken to protect landscaped areas.
20. The applicant shall contact the Community Development Department to schedule an inspection of the property prior to the start of the event to ensure that the construction fence and any canopies or tents are well secured, and that all other safety measures are in place.
21. Any disturbance of public right-of-way shall be the sole responsibility of the applicant.
22. It is the applicant's responsibility to contact the Community Development Department for an inspection of debris removal within 48 hours after the event. Pending the Council's waiver of the surety bond fee, failure to properly remove debris and restore site to its original condition could require the deposit of a surety bond on any future permits.
23. No more than fifteen (15) vendors shall be on this site.
24. Signs stating "No Alcoholic Beverages Beyond This Point" shall be placed between 5204 and 5236 Ridgewood Avenue.
25. Lounge shall comply with the approved maximum capacity occupancy requirements within the confines of the lounge.

DJF/df

Attachments

DISTRIBUTION LIST
Chris Weir, Fire Marshal
Sgt. Marko Galbreath, Police Dept.
Applicant
File

CITY OF PORT ORANGE

Department of Community Development

DATE APPLICATION RECEIVED:
PERMIT NO.:
APPLICATION RECEIVED BY:

1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 (386) 506-5600 FAX: (386) 506-5699

SPECIAL EVENT PERMIT APPLICATION

(City Ordinance No. 1998-61& Fee Resolution No. 98-45)

Name of Business/Organization Hosting Event: First Furry Steakhouse

Event Site Address: 5236 U.S.1 — Port Orange 5204 U.S.1.

Event Contact Person: Rick Hilliard

Address: 229 Sandy cir. S.D. Fla. 32119 Phone: 386-451-1531 cell 7885434 Bus.

SPECIAL EVENT APPLICATION REQUIREMENTS

Application must be submitted at least forty five (45) days in advance of the requested event and must include the following documents:

1. A letter of request outlining the complete event details (e.g. the proposed location and description of the event, days and hours proposed, types of temporary structures or use of temporary electrical power, number of port-o-lets proposed (if any), security, number and types of vendors, general description of the kinds of proposed activity such as musical entertainment, egg wrestling or any other activity associated with the event, special signage and any other devices necessary to maintain public safety).
2. A sketch specifying the location and contour of the special event area, pedestrian access, number and location of the vendor display areas, barricade locations, special signage locations, traffic and parking patterns (include handicap accessibility), location of port-o-lets, location of outdoor music or other devices necessary to maintain public safety.
3. Proof of ownership, or written lease or notarized authorization from the owner of the property designated for the special event.

Note: Event must be approved by City Council. Staff will advise on Council meeting date and time. If there are outstanding code violations on site, application will be denied. Any temporary exterior wall sign or banner sign requested requires a separate sign permit, as per the Land Development Code, Chapter 15, Section 5(b)(c).

PERMIT FEES

MINOR SPECIAL EVENTS (Seven days or less)	MAJOR SPECIAL EVENTS (Seven days or less)	or	MAJOR SPECIAL EVENTS (More than seven days)
☐ $100.00	☒ $300.00		☒ $500.00

Revised 9/05

March 2006

First turn steak house & Lounge
5236 Ridgewood AVE. + 5204
Request for special Event
permit for Bike week 2006

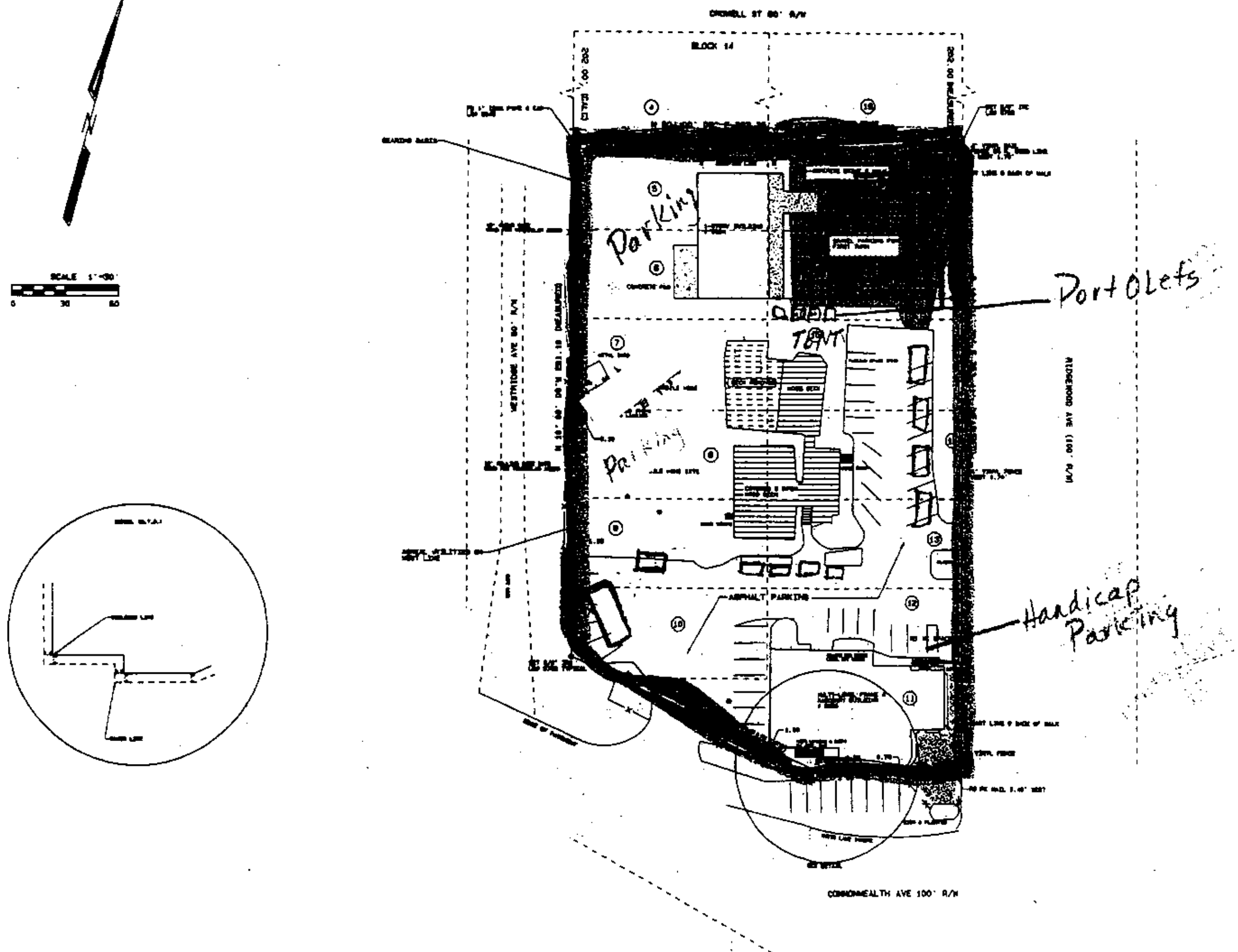
March ~~[illegible]~~ 3RD – 12th
8:00 AM – 2:00 AM
outside music will end at 10:00 PM
4 portalets provided during Event
+ Request 15 vendors spaces

Business – 788-5434
Cell – 451-1531
Home – 788-3995

Rick Hilliard

~~JAN. 13 – 2005~~
JAN. 16, 2006

MAP OF BOUNDARY SURVEY FOR: RICK HILLIARD



LEGAL DESCRIPTION (FURNISHED BY CLIENT)

LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, AND UNNUMBERED LOT, BLOCK 14, MAP OF ALLADALE AS RECORDED IN MAP BOOK 4, PAGE 145 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA (COPY IN MB. 17 PAGE165)

NOTES

THIS SURVEY DOES NOT REFLECT OWNERSHIP

THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE SEARCH REPORT

THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON, MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

THERE MAY BE ADDITIONAL RESTRICTIONS AND / OR OTHER MATTERS NOT SHOWN ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

BOUNDARY SURVEY DATED 12/[illegible]/04 IS FOR THE BENEFIT OF: MR. RICK HILLIARD AND HIS EXCLUSIVE USE. USE BY ANY OTHER INDIVIDUAL OR ENTITY IS NOT VALID WITHOUT THE CONSENT OF WILLIAM E. LUCAS & ASSOC., P.A.

BEARING BASIS IS ASSUMED AND IS SHOWN FOR ANGULAR DEFINITION.

UNDERGROUND IMPROVEMENTS NOT SHOWN ON THIS DRAWING SUCH AS FOUNDATIONS AND UTILITIES WERE NOT LOCATED.

DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

SURVEY OF DEED WAS BASED ON OCCUPATION DUE TO LACK OF PLAT INFORMATION AND MONUMENTATION.

WILLIAM E. LUCAS & ASSOC., P.A.

PROFESSIONAL SURVEYORS AND MAPPERS

JOB DATA

REVISIONS

ABBREVIATIONS

N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM
F.A.C. - FLORIDA ADMINISTRATIVE CODE
P.L.S. - PROFESSIONAL LAND SURVEYOR
P.S.M. - PROFESSIONAL SURVEYOR AND MAPPER
P/P - POWER POLE
IRC - IRON ROD WITH PLASTIC CAP
LS - LAND SURVEYOR
N.T.S. - NOT TO SCALE

LEGEND

●	POWER POLE
●	SET IRC # 5782
○	PROPERTY CORNER
—x—x—	FENCE (X) LINE
←——→	DIMENSION LINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPLIES IN FORM WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER [illegible] F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WILLIAM E. LUCAS, P.S.M. NO. 5782 — 12/15/04 DATE SIGNED

NOT VALID UNLESS SIGNED AND SEALED WITH EMBOSSED SEAL

SHEET 1 OF 1