

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 09/22/09

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, and to waive the \$250 surety bond, 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 5204 South Ridgewood Avenue, requests approval of a Special Event to be held during Bike Week 2009. The proposed event is planned for a seven-(7) day period from Sunday, October 11, through Saturday, October 17, 2009. The proposed hours for the event are from 11:00 a.m. until 2:00 a.m., daily. This will be the second Special Event for the First Turn Steakhouse & Lounge in 2009.

ATTACHMENTS: Ordinance Resolution Budget Resolution

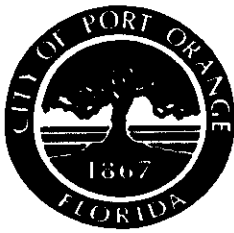
Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	<i>[Signature]</i> FOR WAYNE CLARK	Wayne Clark, Director	Date 09/11/09
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY	N/A	Approved as to Form and Legality	Date
CITY MANAGER	<i>[Signature]</i>	Approved Agenda Item For:	9/22/09

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 *[Signature]*
FOR: KENNETH W. PARKER, CITY MANAGER
FROM: DEBORAH FAIRCLOTH, CODE COMPLIANCE INSPECTOR *[Signature]*
SUBJECT: SPECIAL EVENT REQUEST – FIRST TURN STEAKHOUSE
5236 and 5204 RIDGEWOOD AVENUE
DATE: SEPTEMBER 9, 2009

Please schedule this item for City Council consideration on September 22, 2009.

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 Biketoberfest 2009. The proposed event is planned for a seven (7) day period from Sunday, October 11 through Saturday, October 17, 2009. The requested hours for the event are from 11:00 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. Six (6) vendors have been requested and may 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 Biketoberfest 2009 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 2009, it is staff's understanding that all out door music shall cease by 10:00 p.m.

- 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 2008, 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 can opt to 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 and shall be applied for by October 1, 2009.
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 six (6) 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. Chris Besuden, Police Dept.
Applicant
File



CITY OF PORT ORANGE

Department of Community Development

RECEIVED
SEP 02 2009

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: Rick Hilliard First Turn Steakhouse & Lounge
 Event Site Address: 5236 + 5204 Ridgewood
 Event Contact Person: Rick Hilliard
 Address: 229 Sandy Cir Port Orange Phone: 386-451-1531

SPECIAL EVENT APPLICATION REQUIREMENTS

Application for **Major Special Events** must be submitted at least **forty-five (45)** days in advance of the requested event. **Minor Special Events** must be submitted at least **seven (7)** days in advance.

A **Major Special Event** is a special event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide special event), is likely to have a major impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. **Major Special Events** must be approved by City Council. Staff will advise on Council meeting dates and times. If there are outstanding code violations on site, the application will be denied.

A **Minor Special Event** is any special event other than a major special event that has a minor impact on the community and does not require additional city resources such as public safety or public works personnel.

Required Documents:

1. A letter of request.
2. A sketch of the event layout on the property.
3. Proof of ownership.
4. Completed application checklist (attached).

PERMIT APPLICATION FEES

- MINOR SPECIAL EVENTS** (Seven days or less)
\$100.00
- MAJOR SPECIAL EVENTS** (Seven days or less)
\$300.00
- MAJOR SPECIAL EVENTS** (More than seven days)
\$500.00

FIRST TURN STEAKHOUSE
5236 RIDGEWOOD AVENUE
PORT ORANGE, FLORIDA 32127
386.788.5434
FAX 386.756.2653

September 1, 2009

City of Port Orange

1000 City Center Circle

Port Orange, FL 32129

Attn: Deborah Faircloth

Re: Biketoberfest 2009

Location: Rick Hilliard Property

5236 – 5204 Ridgewood Ave.

Port Orange, FL 32127

Request Special Event permit for Biketoberfest 2009 - *OCTOBER 11-17, 2009*

Hours: 11 am – 2 am

There will be music on this location from 4 pm – 10 pm

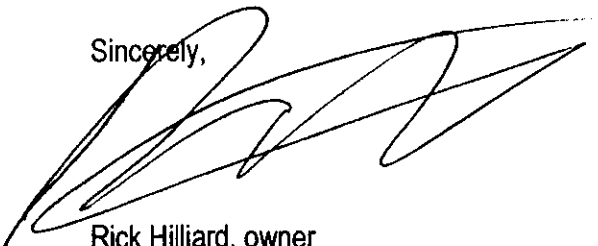
I am requesting 6 vendors spots

I show handicap parking

2 portolets, 1 handicap

Contact numbers: Business 788.5434, cell 451.1531

Sincerely,



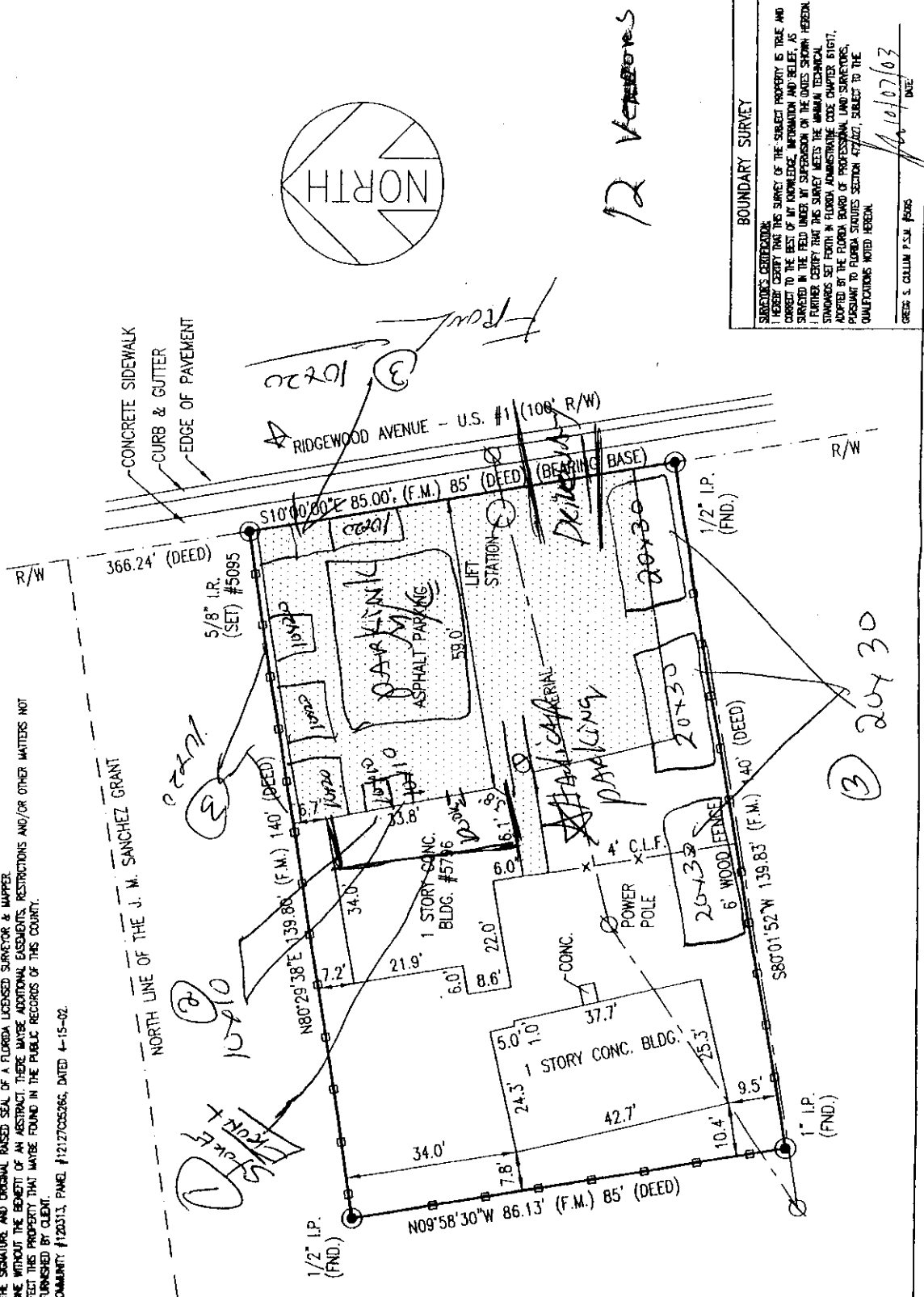
Rick Hilliard, owner

First Turn Steakhouse

GENERAL NOTES:

1. DATE OF FIELD SURVEY: 10/02/03
2. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION.
4. ALL UNDERGROUND FOUNDATIONS WERE LOCATED.
5. ALL UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
6. BEARINGS ASSUMED FOR THE WEST R/W LINE OF RIDGEWOOD AVENUE, BEING N10°00'00"W.
7. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT, THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN THAT COULD AFFECT THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. LEGAL DESCRIPTION FURNISHED BY CLIENT.
10. FLOOD ZONE "X", COMMUNITY #120311, PANEL #1212705286, DATED 4-15-02.

LEGAL DESCRIPTION AS FURNISHED:
 PART OF THE J. M. SANCHEZ GRANT, SECTION 40, TOWNSHIP 16 SOUTH, RANGE 33 EAST,
 DESCRIBED AS FOLLOWS: THE EASTERLY 140 FEET OF THE SOUTHERLY 85 FEET OF THE
 NORTHERLY 451.24 FEET OF THE SAID J. M. SANCHEZ GRANT, LYING WESTERLY OF RIDGEWOOD
 AVENUE, (U.S. HIGHWAY NO. 1), PUBLIC RECORDS OF VOLUSA COUNTY, FLORIDA.



BOUNDARY SURVEY
 SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY THAT THIS SURVEY OF THE SUBJECT PROPERTY IS TRUE AND
 CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AS
 SHOWN IN THE FIELD UNDER MY SUPERVISION ON THE DATES SHOWN HEREIN.
 I FURTHER CERTIFY THAT THIS SURVEY LIES WITHIN THE MARSH TOWN PLAT
 STAMPS SET FORTH IN FLORIDA STATUTES, TITLE CHAPTER 47, ARTICLE
 2, PART 1, AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS,
 PURSUANT TO FLORIDA STATUTES SECTION 47.402, SUBJECT TO THE
 QUALIFICATIONS NOTED HEREIN.

DATE: 10/07/03

LEGEND / ABBREVIATIONS R/W RIGHT OF WAY LIFT STATION CONC. CONCRETE ASPHALT ASPHALT 1\" I.P. 1\" IRON PIPE 1/2\" I.P. 1/2\" IRON PIPE 5/8\" I.P. 5/8\" IRON PIPE 6\" WOOD FENCE W/W WOOD PAVING CONC. CONCRETE 20\" ASPHALT S/W SIDEWALK F.F.E. FINISHED FLOOR ELEVATION M.M. MOUNTAIN N.D. NORTH O.E. OTHER EASEMENTS	CERTIFIED TO: RICHARD HILLARD SUNSHINE COMMUNITY BANK COLUMBIA TITLE RESEARCH CORPORATION	JOB # 2003-495 DATE 10/07/03 SCALE 1" = 20' DRAWN BY GSC CHECKED BY GSC REVISION/DATE: 36/46 SHEET 1 OF 1
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CULLUM LAND SURVEYING INC.
 GREGG S. CULLUM
 PROFESSIONAL SURVEYOR & MAPPER #5095
 LICENSED BUSINESS #7129
 8689 AIRPORT ROAD
 SUITE 1405
 PORT ORANGE, FLORIDA 32128
 386-761-7668
 (FAX) 386-761-7809



NOT VALID UNLESS SIGNED BY A PROFESSIONAL SURVEYOR AND MAPPER AND SEALED WITH AN EMBOSSED SEAL.



PARCEL # 401630000110 297111

41:38

W City of Port Orange
*** CUSTOMER RECEIPT ***
Oper: HEATHERM Type: DF Drawer: 1
Date: 9/03/09 20 Receipt no: 253177

Description	Quantity	Amount
SE SPECIAL EVENTS	1.00	\$300.00

Trans number: 4386496
G/L account number:
00100003699000
00100001040000

5236 & 5204 RIDGEWOOD AVE
RICK HILLIARD

Tender detail		
CK CHECK	8412	\$300.00
Total tendered		\$300.00
Total payment		\$300.00

Trans date: 9/02/09 Time: 14:35:54