

CITY OF VINELAND

ORDINANCE NO. 2017-_____

ORDINANCE AMENDING ORDINANCE 2004-25, AS AMENDED, ENTITLED AN ORDINANCE ADOPTING THE CENTER CITY REDEVELOPMENT PLAN CONSISTENT WITH RESOLUTION 6238 OF THE PLANNING BOARD OF THE CITY OF VINELAND SO AS TO PROHIBIT ANY PLENARY RETAIL LIQUOR DISTRIBUTION LICENSED PREMISES OR ANY PLENARY RETAIL LIQUOR CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LICENSED PREMISES WHERE THE PRIMARY USE IS PACKAGE GOODS WITHIN THE CENTER CITY REDEVELOPMENT PLAN AREA.

WHEREAS, on March 23, 2004, the City of Vineland adopted Ordinance 2004-25, An Ordinance Adopting the Center City Redevelopment Plan consistent with Resolution 5203 of the Planning Board of the City of Vineland; and

WHEREAS, the City Council acknowledges that a Redevelopment Plan is meant to be an evolving plan subject to amendment from time to time consistent with the interest to revitalize the Center City area; and

WHEREAS, two questions arose before City Council; (1) whether plenary retail liquor distribution licensed premises are permitted within the Center City Redevelopment Area and (2) if permitted, whether the location of such a package goods store would frustrate the redevelopment efforts in the Redevelopment Area and therefore should be prohibited; and

WHEREAS, Kathleen Hicks, City Planner, has confirmed that the Redevelopment Plan does not address plenary retail distribution licenses in the Center City Redevelopment Plan but permits retail sales which would include the sale of liquor package goods;

WHEREAS, on October 10, 2017, City Council passed a Motion to Request the Planning Board review the concern presented herein above regarding the location of a package goods store in the Redevelopment Area and present its findings and conclusions to City Council for consideration; and

WHEREAS, the Planning Board adopted Resolution No. 6238, Resolution of Findings and Conclusions and Decision of the Vineland Planning Board wherein they found the following

1. Permitting a retail liquor package goods store within the Center City Redevelopment Area may discourage other businesses from locating within the Center City Redevelopment Area (Redevelopment Area).
2. The result of allowing package goods stores in the Redevelopment Area would be to frustrate the purpose of the Redevelopment Plan.
3. There are numerous other areas within the City that permit plenary retail distribution premises and premises with broad package privileges.
4. The Master Plan does not address the plenary retail liquor distribution license.

WHEREAS, the Planning Board recommended an amendment to the Center City Redevelopment Plan so as to prohibit any plenary retail liquor distribution licensed premises or any plenary retail liquor consumption with broad package privilege licensed premises anywhere within the Center City Redevelopment Plan area so as to prohibit the sale of package goods; and

WHEREAS, City Council has reviewed the recommendations of the Planning Board and its intent to prohibit the sale of package goods in the Redevelopment Area and further acknowledges that a plenary retail consumption with broad package privilege licensed premises would be permitted to sell package goods and therefore has recommended the prohibition of this license as well; and

WHEREAS, City Council does not wish to discourage retail liquor consumption licenses, which would include restaurants; and

WHEREAS, it is the intent of the Center City Redevelopment Plan to encourage restaurants which rely on the sale for on- premises consumption of alcoholic beverages by the glass or other open receptacle as part of the sale of dinners and City Council therefore disagrees with the prohibition of plenary retail liquor consumption with broad package privilege in the Redevelopment Area provided the primary use is for on premises consumption by the glass or other open receptacle and not for package goods.

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WHEREAS, the City Council hereby adopts and incorporates by reference the Findings and Conclusions and Decision of the Vineland Planning Board specified in Planning Board Resolution No. 6238 with respect to the prohibition of the sale of alcoholic beverages for off premises consumption in the Redevelopment Area but finds that a plenary retail liquor consumption with broad package privilege licensed premises which is limited to the sale of alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle as its primary use and not as a package goods store would not negatively impact the intent and purpose of the Center City Redevelopment Plan or intent of the recommendations of the Planning Board to prohibit package goods sales ; and

WHEREAS, City Council finds it in the best interest of the City to amend the Redevelopment Plan to prohibit any plenary retail liquor distribution licensed premises or any plenary retail liquor consumption with broad package privilege licensed premises whose primary business is package goods in the Center City Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland as follows:

1. The Center City Redevelopment Plan shall be amended to prohibit plenary retail liquor distribution licensed premises in the Center City Redevelopment Area.
2. The Center City Redevelopment Plan shall be amended to prohibit plenary retail liquor consumption with broad package privilege licensed premises whose primary use is the sale of any alcoholic beverages in original containers for consumption off the licensed premises in the Center City Redevelopment Area.
3. For purposes of this Ordinance, any licensed premises whose gross sales of alcoholic beverages in original containers for consumption off the licensed premises exceeds 30% shall be considered a primary use and therefore prohibited.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk



RESOLUTION NO. 6238

**RESOLUTION OF FINDING AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD**

WHEREAS, City Council of the City of Vineland has directed the Planning Board of the City of Vineland to review a proposed change to the Center City Redevelopment Plan and provide comments regarding consistency of the proposed amendment with the Master Plan of the City of Vineland; and

WHEREAS, City Council has requested that the Planning Board provide comments regarding a proposed amendment to the Center City Redevelopment Plan which would prohibit any plenary retail liquor distribution licensed premises or plenary retail consumption with broad package privilege, licensed premises, anywhere within the Center City Redevelopment Plan area; and

WHEREAS, the Planning Board, having considered the sworn testimony of Kathleen Hicks, PP, Supervising Planner, City of Vineland, and having considered the request from City Council, made the following factual findings:

1. The proposal is to prohibit anywhere within the Center City Redevelopment Plan area, any premises for plenary retail distribution of alcoholic beverages or plenary retail consumption of alcoholic beverages with broad package privilege.
2. The concern is that permitting such licensed premises within the Center City Redevelopment area may discourage other businesses from locating within the Center City Redevelopment area.
3. The result is that the purposes of the Center City Redevelopment Plan, which is to encourage business growth within the Center City area, would be frustrated by permitting such licensed premises.
4. There are numerous other areas within the City that permit plenary retail distribution premises and plenary retail consumption premises with broad package privileges.
5. The Master Plan does not address the type of uses noted herein.

NOW, THEREFORE, BE IT RESOLVED by the City of Vineland Planning Board that a proposed amendment to the Center City Redevelopment Plan so as to prohibit any plenary retail liquor distribution licensed premises or any plenary retail liquor consumption with broad package privilege licensed premises anywhere within the Center City Redevelopment Plan area should be adopted by City Council.

The Planning Board recommends that City Council approve this amendment to the Center City Redevelopment Plan for the reasons cited herein.

The Planning Board finds that the proposed change is not inconsistent with the City's Master Plan as the Master Plan does not address these types of licensed premises.

The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on October 11, 2017, as reflected in the recorded minutes of said meeting.

ADOPTED DATE: 10-11-17

Attest:

YASMIN RICKETTS, Secretary

PLANNING BOARD OF THE
CITY OF VINELAND

DAVID MANDERS, Chairman

ROLL CALL VOTE

VOTING IN FAVOR

DAVID MANDERS
SANDY VELEZ
STEPHEN PLEVINS
MICHAEL PANTALIONE
GARY STANKER
JOHN CASADIA

ABSTAINING

DAVID ACOSTA

ABSENT

MARIA PEREZ
KEITH SALERNO
CHRISTNE SCARPA

OPPOSED

NONE