



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert J. Bradshaw, City Manager
THROUGH: Rebecca Grohall, AICP, Planning Manager
FROM: Kori Benton, Historic Preservation Officer
RE: **Application for Waiver of Distance – SRX Alcoholic Beverage License
Celebrity Peacock Jazz and Blues Club
510 Orange Avenue**
DATE: April 9th, 2015

STAFF REPORT

Applicant/Business Owner: Robert L. Smith
2451 North Seacrest Blvd.
Boynton Beach FL 33435

Property Owner: Bunwin Inc.
4521 PGA Blvd Suite 201
Palm Beach Gardens FL 33418

Requested Action: Approval of a Waiver of Distance for an Alcoholic Beverage License

Type of License: SRX: Special Restaurant License allowing Beer, Wine & Liquor sales for on premise consumption only

Name of Establishment: Celebrity Peacock Jazz and Blues Restaurant

Type of Establishment: Restaurant

Site Location: 510 Orange Avenue

Parcel ID: 2410-606-0004-000-3

Current Zoning: C-3, General Commercial Zone

Future Land Use: CG, General Commercial

Surrounding Zoning:

North	East	South	West
C-3	C-3	C-3	C-3

Staff Analysis:

The property owner and applicant are seeking to adaptively reuse a two-story structure, formerly known as the Grant Department Store, at 510 Orange Avenue to establish a restaurant. The proposal encompasses renovations to accommodate dining and entertainment on the first floor and a commercial kitchen and additional dining on the second floor of the structure. The site is located on Orange Avenue, between 5th and 7th Streets, within an extension of the Downtown area described as "Midtown".

Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages by retail for consumption on the premises where a proposed establishment is located within 1,600 feet of other licensed establishments, a church, or a school, unless a Waiver of Distance is granted by the City Commission.

The applicant is requesting a SRX: Special Restaurant License to serve beer, wine, and liquor for consumption on-premises in conjunction with the presented restaurant.

There are six (6) churches and eight (8) licensed establishments located within 1,600 feet of the proposed establishment. Therefore, in accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the minimum required distance of 1,600 feet between the applicant's establishment, and these noted establishments.

As specified by Section 3-11 of the City Code, a waiver of distance shall be granted only if it does not adversely affect community health, safety or general welfare and that the following are considered:

a. **The actual location and distance of the proposed establishment with respect to other places of business licensed to sell intoxicating beverages, whether on or off the premises, as well as churches and schools;**

Per the manner of measurement outlined in City Code Section 3-8, there are six (6) churches and eight (8) licensed establishments located within 1,600 feet of the proposed establishment. The First United Methodist Church complex is abutting the proposed establishment to the west, and Common Ground Vineyard Ministries is located in close proximity, under 250 feet to the south of the proposed location. Notre Dame Mission, Ft. Pierce Haitian, St. Mark's and Greater New Bethel churches are located within 900 to 1,300 feet from the proposed establishment.

The licensed establishments, offering on-premise consumption, within 1,600 feet are located within the Downtown Business & Entertainment District. These establishments include Thai Pepper, Bangkok, Lorenzo's, Yellowtail Grill, Krazy Fish, 2nd Street Bistro, Zelmo's, and the Sunrise Theatre.

b. **The type and size of the establishment, including any bar floor space and seating capacity, and whether, in view of such type or size, the proposed establishment is likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building;**

The proposed establishment, as presented, encompasses approximately 24,000 square feet of floor area presented as a restaurant and entertainment venue. The first floor presents seating, bar area, dance floor, stage, DJ Booth, restrooms, staircases, and elevator access to the second floor. The second floor plan includes a commercial kitchen, additional dining area, an enclosed dance floor extension to the north, restrooms and support office. The open layout offers expansive areas for abundant seating and capacity for a sizable volume of patrons.

The application estimates the capacity to hold approximately 500 patrons with the proposed renovations. Staff is unable to verify this represented capacity, in the absence of complete architectural and life safety plans. Final capacity of the structure is contingent upon a finalized interior layout, fire safety provisions, restrooms, and other aspects of the extensive renovations necessary for the presented reuse of the structure.

Provided the type and size of the proposed establishment, and absence of defined occupancy of the structure, Staff finds a significant capacity for increased vehicle and pedestrian traffic through this corridor, creating potential for traffic impediments by drawing crowds outside the building, and identified parking areas which are predominantly off-site. The prospect may be most comparable to the Sunrise Theatre in scale. The subject site is located along the pedestrian oriented segment of Orange Avenue, lying two blocks west of Downtown, where this activity, if controlled and monitored for safety, may be desirable.

The capture of parking facilities in close proximity to the establishment could further the ability to concentrate increased traffic, minimizing interference with neighboring establishments and residential streets. The establishment of private shared parking agreements for have been predominantly unsuccessful, or have been dismissed based upon concerns of the scale and type of establishment.

The formal hours of operation, presented by the applicant, for the establishment are presented as follows:

Primary Restaurant Hours of operation:

Monday : 11 am - 11pm
Tuesday: 11 am - 11pm
Wednesday: 11 am - 11pm
Thursday: 11am -9 pm
Friday: 11am - 9 pm
Saturday: 11am - 9 pm
Sunday: Closed

Extended Restaurant & Entertainment nights:

Thursday: 9 pm - 2am
Friday: 9 pm - 2am
Saturday: 9 pm - 2am
Sunday: Closed

The regular hours of operation proposed seek to avoid conflict with church services conducted on Sunday, further concentrating entertainment hours to Thursday, Friday, and Saturday evenings.

c. Whether adequate parking and landscaping for the facility are provided so as to meet the requirements set forth in sections 22-59 through 22-61;

Per Section 22-60(d)(2)a. 2. of the City Code, restaurants and bars are required to provide one parking space for each 100 square feet of gross floor area. Given this requirement, the total off-street parking requirements for this establishment are nearly 230 spaces (seven (7) of which will need to be handicapped accessible). The subject site currently contains fifteen (15) parking spaces with an absence of handicapped accessible spaces.

The applicant has presented a proposal to utilize available off-site public parking lots in varying proximity to the establishment, as well as, a shared parking agreement with a neighboring site. These parking areas, the available parking spaces, and walking distance from the establishment are as follows:

Parking Lot	Parking Spaces	Walking Distance from Establishment
On-street (5 th through 7 th St)	26	Variable
City Lot at Orange & 7 th St	15	410 ft.
701 Orange Avenue	20	450 ft.
North Avenue A/Arcade Overflow	55	740 ft.
Downtown Parking Garage	450	825 ft.

It is noted that the initial submittal included a preliminary agreement with Common Ground Vineyard Church to utilize their 34 parking spaces, adjacent to the south of the proposed establishment, however the agreement has been terminated.

City Code Section 22-60 (b)(1) guides that off-lot spaces be provided on other property located within three hundred (300) feet of the main entrance of the establishment utilizing the spaces. The safe walking distances from the identified lots exceed this established distance, presenting potential concerns related to availability, safety, and noise.

The applicant is requesting the City Commission accept the proposed off-site parking plan, in conjunction with a plan to implement handicap accessible spaces within the on-site parking lot to meet local and federal requirements.

Additionally, per Section 22-60(g)(1) of the City Code, off-street parking for the proposed establishment shall be provided with a minimum of three (3) foot-candles of site lighting. A site lighting plan has not been included with the application package to address lighting of the subject lot, or the off-site lots to be included. Staff has notified the applicant of this minimum requirement for parking lots utilized in connection with this establishment, however no agreements with the City of Fort Pierce or Fort Pierce Utilities Authority have been formulated to review and potentially upgrade lighting within the City owned lots presented.

The proposed plan does not incorporate a parking plan to meet the requirements of the City Code.

d. Whether the facility is physically separated or well buffered from all adjacent residentially zoned areas;

The proposed establishment is surrounded entirely by commercially zoned property. Residential homes begin one block to the west of 7th Street, north and south of Orange Avenue.

e. Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhoods;

The proposed establishment's main access is from Orange Avenue, a principal arterial road, and should not directly generate additional traffic in low or moderate density residentially zoned neighborhoods for pickup/delivery vehicles; however limited access of parking within close proximity of the establishment may place unwanted trips within adjacent streets as patrons search for parking.

f. Whether, if the facility is located within sixteen hundred (1,600) feet of a church or school, it will generate traffic which may adversely affect the safety of persons attending such church or school.

The proposed establishment is located in close proximity to two church facilities, most notably First United Methodist Church abutting to the west. The site is located within the "Midtown" redevelopment area, on the outskirts of Downtown. The proposed hours of operation, as presented by the applicant and its location within the designated commercial zone should not adversely affect the safety of persons attending said churches, with the exception of overlapping hours of operation or events. Concerns do exist regarding the spillover of vehicle parking to the private parking lots adjacent to the establishment, and other vacant property, not authorized for use by patrons. This is a common nuisance if adequate parking facilities are not provided on-site or within close proximity to an establishment of high volume.

Planning Board Recommendation:

The Planning Board, at their November 11th, 2014 meeting, voted nine to one to recommend approval of the requested Waiver of Distance in accordance with the proposed site improvements and parking plan, with the following conditions:

- 1) The applicant meets the City parking requirements contained in 22-60, by providing payment in-lieu for the space deficiency, or secure shared parking agreements with neighboring property owners, ensuring hours of operation do not overlap and satisfactory legal evidence is presented to the city commission to confirm authorization of use; and
- 2) The applicant certifies that the parking lot lighting requirement (3 foot candle average) is met for the parking lot areas to be utilized in connection with the establishment.

The applicant has established preliminary parking agreements to utilize parking located at 701 Orange Avenue and a portion of the lot at 410 Avenue A, and upgrade site lighting in conjunction with the establishment. The preliminary agreements with Common Ground Vineyard Church, to utilize their 34 parking spaces, and the Notre Dame Catholic Mission's portion of the Avenue A public parking lot, have been terminated since the project was presented to the Planning Board.

The use of the City's Parking areas in conjunction with this establishment would necessitate the review and possible upgrade of lighting facilities to meet the minimum 3 foot candle average required by City Code.

Property Owner Response Summary:

A total of 32 notifications of the proposed Waiver of Distance were mailed to the owners of property located within 500 feet of the subject property. As of April 9th, 2015, 12 responses have been received of which 9 respondents supported and 3 opposed the request.

Staff Recommendation:

The proposed establishment presents factors that may adversely affect community health, safety or general welfare, and presents various concerns related to criteria a., b., and c. within Section 3-11 of the City Code based upon the type, scale, potential capacity, and limited parking presented with the requested establishment; therefore Staff recommends that the City Commission **deny** the Waiver of Distance request as presented.