



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

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

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TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

RE: Application for Waiver of Distance - 11C Alcoholic Beverage License  
Fraternal Order of Eagles Aerie #3582  
1717 S. US Highway 1

DATE: December 11, 2015

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### STAFF REPORT

Applicant/Organization Name: Fraternal Order of Eagles Aerie #3582  
Walter M. Griffith  
510 S US Highway 1  
Fort Pierce, Florida 34950

Property Owner: Bamboo Palms LLC  
Anne S Freeman, Esq.  
300 Turner St  
Clearwater, FL 33756

Requested Action: Approval of a Waiver of Distance for an alcoholic beverage license

Type of License: 11C - Club: Beer, wine and liquor. Issued to non-profit clubs for consumption by the drink for members and members' guests only. No package sales allowed. Unless otherwise noted, must be in continuous active existence and operation for a period of two years in the county where it exists.

Name of Establishment: Fraternal Order of Eagles Aerie #3582

Site Location: 1717 S. US Highway 1

Parcel ID: 2415-311-0004-000-3

Current Zoning: C-3, General Commercial Zone

Surrounding Zoning

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

## Staff Analysis:

The Fraternal Order of Eagles Aerie #3582 is seeking to relocate their non-profit club from the Denmark Building at 510 S US Highway 1, to the Royal Palms Shoppes Plaza located at 1717 S. US Highway 1. The Eagles hold an 11C alcohol license to provide their non-profit clubs the capacity for consumption of alcohol on premises, by the drink, for members and members' guests only. Section 3-7 of the City Code restricts the sale or distribution of alcoholic beverages for consumption on the premises where the establishment is located within 1600 feet of a church, school or other licensed establishment; unless a Waiver of Distance is granted.

The applicant is requesting the waiver based upon the presence of two (2) other licensed establishments that are located within 1,600 feet of the proposed site. 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 proposed establishment and the other established uses.

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;

The proposed establishment is located approximately 1,100 feet from Pueblo Viejo Restaurant and approximately 1,300 feet from China Star. There is not a heavy concentration of alcoholic beverage establishments within the vicinity of this proposed location.

- 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 is a non-profit, philanthropic organization occupying a gross floor area of approximately 1,800 square feet and seating for approximately 30 members and guests. The subject parcel is approximately .77 acres in size. Given the type and size of the proposed establishment, staff finds that it is not likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building. No package sale of alcohol is permitted with this license.

- 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;

The subject suite is located within an established commercial plaza, containing a variety of retail and service related tenants. Per Section 22-60(a)(4) of the City Code, if several uses occupy a single parcel, the total requirements for off-street parking and loading shall be the sum of the uses, calculated separately. However, per Section 22-60(a)(5) of the City Code, owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap. The property

owner has provided a statement indicating that the hours of operation of the other tenants and the proposed establishment will not overlap and therefore the parking will be shared amongst the different tenants.

Additionally, per Sections 3-14(2) and 22-60(g)(1)d. of the City Code, off-street parking for an establishment that serves beer, wine and liquor for on-premise consumption shall be provided with a minimum of three (3) foot-candles of site lighting. A site lighting plan is being commissioned to accompany the request to ensure the site will meet the minimum Code requirements.

The site landscaping will be augmented by the installation of a vegetative hedge along US Highway 1, within 30 days, in order to screen the site parking area.

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

The proposed establishment is entirely surrounded by commercial property.

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

The proposed establishment's vehicular access is from South US Highway 1 and should not generate any additional traffic by patrons or pickup/delivery vehicles in low or moderate density, residentially zoned neighborhoods.

- 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.

Given the proposed establishment's size, its location proximate to South US Highway 1 and that it is located within the City's urban core, staff finds that the establishment is not likely to adversely affect the safety of persons attending a nearby church or school.

#### Technical Review Committee:

All affected City Departments have reviewed the proposed Waiver of Distance and have provided conditional approval based on compliance with requirements of the City Code. The comments generated from the technical review, and responses by the applicant are provided for review.

#### Property Owner Response Summary:

A total of 31 notifications of the proposed Conditional Use were mailed to the owners of property located within 500 feet of the subject property. As of December 11, 2015, 0 responses have been received. An update will be provided to the City Commission at the public hearing.

#### Planning Board Recommendation:

The Planning Board, at their December 8<sup>th</sup>, 2015 meeting, voted unanimously to recommend approval of the request with the recommended conditions presented by Staff.

**Staff Recommendation:**

The requested Waiver of Distance is consistent with City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare; Staff recommends the City Commission approve the requested Waiver of Distance for an 11C Alcoholic Beverage License for the proposed establishment, with the following conditions:

- 1) The applicant provides a site lighting assessment, and upgrade the lighting if necessary, to ensure the site lighting meets the minimum average of three (3) footcandles, as required by City Code, prior to release of the alcohol license;
- 2) The applicant integrates two (2) additional handicap parking spaces within the parking area, to meet the requirements of City Code Section 22-60 – Off-street Parking, as presented; and
- 3) The applicant completes the proposed landscape improvement plan to provide a vegetative screening along the vehicular use area abutting US Highway 1, as presented.