



# 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 – 4COP Alcohol License  
The Smoke Shop  
1001 S US Highway 1

DATE: January 22, 2016

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### STAFF REPORT

Applicant: S&M Smoke Shop LLC  
1001 S US Highway 1  
Fort Pierce, FL 34950

Property Owner: SC and MS Smoke Shop LLC  
914 SW Gatlin Blvd  
Port St Lucie, FL 34952

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

Type of License: 4COP - Beer, Wine, and Liquor; sale by the drink for consumption on premises and package sales in sealed containers.

Name of Establishment: The Smoke Shop

Site Location: 1001 S US Highway 1

Parcel ID: 2415-601-0180-000-0

Current Zoning: C-3, General Commercial Zone

Surrounding Zoning

North	East	South	West
C-3	C-3	C-3	R-4

## Staff Analysis:

The Smoke Shop is a new tobacco store which is seeking to expand its operation to include a lounge, and retail beverage component to serve alcohol on-site, and sell cigar and alcohol pairing to customers. The current retail operation opened in mid-2015, after purchase and renovations to the former Coast Gas showroom and service center. The applicants have enhanced the building façade and landscaping, in conjunction if the City's commercial façade grant program.

The request is to secure a 4COP - Beer, Wine, and Liquor License to offer sales by the drink for consumption on premises and package sales in sealed containers at the subject location. 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 a church, school, and other licensed establishments that are located within 1,600 feet of the proposed site. City Code Section 3-11 of the City Code specifies that 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 400 ft. from Parkview Baptist Church and School, and nearly 1,200 ft. from the existing Daniel M. Foundation Specialized Childcare Facility (subject to relocation). The site is also located approximately 400 ft. from Antojito's Restaurant, 900 ft. from Pueblo Viejo Restaurant, 1,000ft. from the American Legion Post #40, and 1,500 feet from Roy's Liquors and the Boozgeois Saloon.

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 cigar bar and lounge occupying approximately 4,300 square feet with seating for approximately twenty-five (25) guests and capacity for fifty (50). The subject parcel is approximately .7 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 large crowds or persons milling about outside the building. The hours of operation presented are quite conservative in comparison to a more traditional bar. The proposed hours of operation are 10 AM to 7 PM, Monday – Saturday and 11 AM to 7 PM on Sunday. The Commission may establish parameters based upon the presented hours of operation.

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 site provides twenty-six (26) parking spaces on-site for customers, exceeding the City Code requirement. Minor landscaping infill is required to enhance the buffering between the commercial parking lot and adjacent sites.

Pursuant to City Code Sections 3-14(2) and 22-60(g)(1)d. of the City Code, off-site lighting will need to be provided, and verified, at a minimum of three (3) foot-candles of site lighting. A site lighting plan is being commissioned to accompany the application to ensure the site will meet the minimum Code requirements.

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

The proposed establishment is along the US Highway 1 corridor, only abutting the R-4, Medium Density Residential District the west. A landscape buffer is requested to screen the site from three existing homes to the southwest corner of the 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 primary vehicular access is from South US Highway 1, with secondary access to Pinewood Drive at the rear. The facility should not generate notable 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 adjoining South US Highway 1, and the operation details presented, staff finds that the establishment is not likely to adversely affect the safety of persons attending the nearby church and 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 39 notifications of the proposed Conditional Use were mailed to the owners of property located within 500 feet of the subject property. As of January 22, 2016, 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 January 12, 2016 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; therefore Staff recommends approval of the requested Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment, with the following conditions:

- 1) The applicant provides a site lighting assessment to ensure the site lighting meets the minimum average of three (3) footcandles, as required by City Code, and upgrade the lighting if necessary, prior to release of the alcohol license; and
- 2) The applicant completes landscape improvements along the southern property line to bring the site landscaping into compliance, further improving the buffer between the site and abutting residential homes.