



TO: Rebecca Grohall, AICP, Planning Director

FROM: Maria Lewicka, AICP, Historic Preservation Planner

RE: **Application for Waiver of Distance – 2COP Alcoholic Beverage License
 Wood Fyah Bar & Grill
 2164 North US Hwy 1**

DATE: September 23, 2016

STAFF REPORT

Applicant/Business Owner: Wood Fyah Bar & Grill
 2164 North US Hwy 1
 Fort Pierce, FL 34946

Property Owner: Dover-Neal Development Inc.
 4261 13th Street
 Wyandotte, MI 48192

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

Type of License: 2COP: Sale of Beer and Wine for Consumption On Premises and Package Sales of Sealed Containers.

Name of Establishment: Wood Fyah Bar & Grill

Type of Establishment: Restaurant

Site Location: 2164 North US Hwy 1

Parcel ID: 1433-440-0009-010-1

Current Zoning: C-3, General Commercial Zone

Future Land Use: CG, General Commercial

Surrounding Zoning:

North	East	South	West
C-3	C-3/C-6	C-3	C-3

Staff Analysis:

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 the establishment is located within 1,600 feet of other licensed establishments, a church, or a school unless a Waiver of Distance is granted.

The applicant is requesting a 2COP license to serve beer and wine for consumption on premises in a restaurant. However, (2) licensed establishments are 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 two neighboring licensed establishments.

As specified by Section 3-15 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 two (2) similar licensed establishments located within 1,600 feet of the proposed establishment. The existing site of St. Lucie Inn Lounge & package maintains an active license to sell alcoholic beverages and is approximately 650 feet away. Touch of Brooklyn Pizza is located approximately 1,100 feet away from the 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 restaurant has a gross floor area of approximately 3,440 square feet. The restaurant is planned to seat 53 patrons via traditional dining tables and 12 via bar stools. Given the type and size of the proposed establishment (typical restaurant serving lunch and dinner), 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.

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 existing site contains adequate parking and landscaping.

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. The perimeter landscaping and abutting roadways offer a sufficient landscape buffer for the surrounding uses.

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

The proposed establishment's access is from US Hwy 1 and from A-1-A. It would not be necessary for either customers or commercial vehicles to pass through low or moderate density residentially zoned neighborhoods.

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- 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.**

This establishment is not located within 1,600 feet of a church or school.

Planning Board Comments:

At their September 13th, 2016 meeting, the Planning Board voted unanimously, to recommend approval of the Waiver of Distance with the following condition:

The applicant provides a site lighting assessment to ensure the site lighting meets the minimum average of two (2) foot-candles, as required by City Code, and upgrade the lighting if necessary, prior to release of the alcohol license.

Property Owner Response Summary:

A total of 13 notifications of the proposed Waiver of Distance were mailed to the owners of the properties located within 500 feet of the subject property. As of September 23, 2016, no responses have been received.

Staff Comments:

As the proposed establishment does not present factors that adversely affect community health, safety or general welfare, meets the above-summarized criteria, Staff recommends **approval** of the Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed Wood Fyah Bar & Grill establishment with the following condition:

The applicant provides a site lighting assessment to ensure the site lighting meets the minimum average of two (2) foot-candles, as required by City Code, and upgrade the lighting if necessary, prior to release of the alcohol license.