

ROCK CHURCH INTERNATIONAL

"TRANSFORMING LIVES THROUGH CHRIST"

REV. ANDREW JEFFERSON, PASTOR

617 Orange Avenue
FORT PIERCE, FL 34950

September 23, 2016

Mayor Linda Hudson
Commissioner Edward Becht, Commissioner Thomas Perona
Commissioner Reginald Sessions, Commissioner Rufus Alexander, III
100 North U.S. Highway 1
Fort Pierce, FL 34954

Dear Mayor and Commissioners:

Please find attached to this document our letter of September 22, 2016 to the City of Fort Pierce Board of Adjustments members. In this letter you will find our request for relief and direction as it relates to the issues and concerns expressed.

We have been informed by Kori Benton that the Board of Adjustments' role does not include addressing our concerns. He indicated that the matter should be directed to the City Commission. Consequently, we are asking for your review and assistance; further we are seeking to be scheduled for a hearing at your first available meeting.

Thanks for your consideration and review. If questions arise, please do not hesitate to contact me at (772) 633-5070.

Sincerely,



Rev. Andrew Jefferson, Pastor

Attachments:

1. September 22, 2016 – Letter Board of Adjustments
2. February 19, 2015 Staff Report/ 510 Orange Avenue

ROCK CHURCH INTERNATIONAL

"TRANSFORMING LIVES THROUGH CHRIST"

REV. ANDREW JEFFERSON, PASTOR

617 Orange Avenue
FORT PIERCE, FL 34950

September 22, 2016

City of Fort Pierce Board of Adjustments
Ms. Joyce Calvert, Mr. William Nunn, Mr. Bennie Clark,
Mr. Bret. McCain, Mr. James Crist, Mr. Ryan Collins
100 North U.S. Highway 1
Fort Pierce, FL 34954

Dear Board of Adjustment Members:

As you know, our application for variance was scheduled to be reviewed at tonight's meeting. We will attend the meeting, but we have been informed that we are unable to present information at the meeting. Consequently we have elected to send this document for your review and consideration prior to the meeting tonight.

Rock Church acquired the property located at 617 Orange Avenue with the understanding that the property could be used as a church, the zoning is permitted, and that with a shared parking agreement, the parking deficiency would be resolved. With this understanding, we moved forward with site plan design, permitting, and have already spent several thousand dollars in renovations.

The church, as required, sought and obtained to-date 3 parking agreements:

Fort Pierce Utilities Authority. FPUA was the first to enter an agreement (see attached) without reluctance and in our opinion welcoming Rock Church to the area. We were told the property is wide open, not used by FPUA on Sundays and as a result FPUA issued an agreement for the parking. After a call was made to FPUA by we believe, Steve Tarr, FPUA revoked their agreement.

PNC Bank issued a parking agreement without reluctance, in my opinion welcoming Rock Church to the area. On September 21, 2016, PNC Bank Representative Jennifer Lockwood indicated that she received a call from the Fort Pierce City staff, you would have to assume in an effort to sway PNC's decision, and consequently, PNC Bank revoked our parking agreement.

At this point with the undermining going on even from within the City of Fort Pierce staff, we are uncertain on how to move forward. We are hereby asking for relief and direction from you, the Board of Adjustments on how to proceed.

It has been suggested that we seek to use the downtown parking garage and be granted a special exception due to the hardship created in this situation. There are 450 spaces - we would only need 48 for 2 hours once a week on Sunday mornings providing shuttle service to and from for parishioners. This was considered an option in the February 19, 2015 variance application (see attached) and we note it was recommended by Kori Benton for approval. Perhaps we can utilize the FPUA parking lot, since Mr. Jason Hoffman verbally stated that we could. St. Mark Missionary Baptist Church has issued a parking agreement. Although this property is less than one mile, we have been told by Kori Benton that he feels this will not be a viable solution; with shuttle service, it seems like it would be viable, but we are told it would not?

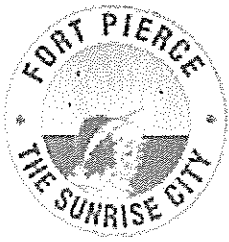
How do we proceed is now the question? We cannot back out of the property, we are committed with a substantial financial investment already spent. We have done everything possible to meet all requirements. Can you please give us direction in this matter.

Thanks for your consideration and review. If questions arise, please do not hesitate to contact me at (772) 633-5070.

Sincerely


Rev. Andrew Jefferson, Pastor

cc: Kori Benton, Senior Planner
Nick Mims, City Manager



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
SUBJECT: Application for Waiver of Distance – 4COP Alcoholic Beverage License
Celebrity Peacock Jazz and Blues Club
510 Orange Avenue
DATE: February 19, 2015

STAFF REPORT

Applicant: 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: 4COP: Beer, Wine and Liquor—Consume on Premises and Package Sales license

Name of Establishment: Celebrity Peacock Jazz and Blues Club

Type of Establishment: Phase 1: Jazz and Blues Bar & Club
Phase 2: 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 bar and eventual restaurant. The first phase of the proposal is to complete extensive first floor renovations to open a jazz and blues club, offering live entertainment. The subsequent phase of the proposal would expand into the second floor of the structure to develop the establishment into a restaurant and bar. Preliminary floor plans have been provided by the applicant to conceptualize the proposed establishment, in the absence of complete architectural and life safety plans. The site is located on Orange Avenue, between 5th and 7th Streets, within an extension of the Downtown area.

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 Beer, Wine and Liquor—Consume on Premises and Package Sales (4COP) license to serve beer, wine, and liquor for consumption on premises in the bar. There are presently six (6) churches and eight (8) 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 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 and Common Ground Vineyard, and churches are located in close proximity, under 250 feet, 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, Crazy 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 bar is presented to encompass approximately 12,000 square feet, initially, with the capacity to expand to 19,000 sq. ft. with the improvement of a restaurant on the second floor. The establishment is estimated to hold 300 patrons with the renovations of the first floor, Phase 1, of the project. The establishment is estimated by the applicant to hold an additional 200 patrons with the completion of the second floor restaurant, Phase 2 of the proposal. Staff is unable to confirm the represented capacity in the absence of architectural and life safety plans. Final capacity of the structure is contingent upon final interior layout, fire safety provisions, restrooms, and other aspects of extensive renovations necessary for the adaptive 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. The prospect may be most comparable to the Sunrise Theatre and Zelmo's Coffee Shop (albeit Zelmo's is much smaller), located in Downtown, based upon the proposed entertainment offering, and size of the structure. 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 furthers the capacity to concentrate increased traffic to minimize interference with neighboring establishments and residential streets.

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 for the initial phase are 120 spaces (five of which will need to be handicapped accessible). The subject site currently contains fifteen (15) parking spaces with an absence of handicapped accessible spaces. Staff has coordinated with the applicant to prepare a proposal, which incorporates the use of available public parking lots in close proximity to the establishment, as well as, shared parking areas with select neighboring establishments. 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.

If the proposed parking plan is accepted by the City Commission, the applicant would implement five (5) handicap accessible spaces in the on-site parking lot to meet local and federal requirements. In addition, the proposed plan would establish twelve (12) short term bicycle parking spaces adjacent to the front entrance of the establishment.

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 indicating 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.

Furthermore, the applicant has presented a preliminary plan to bring the site landscaping into compliance, specifically with the infill of buffering between the vehicular use area and Orange Avenue, as well as, the installation of interior parking lot landscape islands.

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 generate any additional traffic in low or moderate density residentially zoned neighborhoods for pickup/delivery vehicles based upon identified parking areas.

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 the boundaries 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 spill over of vehicle parking to the private parking lots adjacent to the establishment, not authorized for use by patrons.

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 410 Avenue A, and upgrade site lighting, in conjunction with the establishment. The preliminary agreement with Common Ground Vineyard Church, to utilize their 34 parking spaces, has been terminated since the project was presented to the Planning Board.

The use of the City's Parking areas in conjunction with this establishment may necessitate the review and 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 February 19, 2015, 0 responses have been received. An update will be provided to the City Commission at the meeting.

Staff Recommendation

The proposed establishment does not present immediate factors that adversely affect community health, safety or general welfare, generally meets the above-summarized criteria; therefore Staff recommends that the City Commission consider approval of the Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment in accordance with the proposed site improvements and parking plan, with the following conditions:

- 1) The applicant meets the City parking requirements securing shared parking agreements with neighboring property owners, ensuring hours of operation do not overlap, and providing satisfactory legal evidence to the city commission to confirm authorization of use prior to the release of Zoning Approval of the Alcoholic Beverage License or a Business Tax License; 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 prior to the release of Zoning Approval of the Alcoholic Beverage License.