



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: Application for Waiver of Distance – 2APS Alcohol License  
 Save More Meat and Grocery  
 2010 Avenue D

DATE: November 21, 2016

STAFF REPORT

Applicant: Amar Shreiteh  
 Save More Meat and Grocery  
 2010 Avenue D  
 Fort Pierce, FL 34950

Property Owner: Nael Shreiteh  
 153 NW Dorchester ST  
 Port St Lucie, FL 34983

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

Type of License: 2APS – Beer and Wine; sale for off premises only and package sales in sealed containers.

Name of Establishment: Save More Meat and Grocery

Site Location: 2010 Avenue D

Parcel ID: 2409-602-0214-000-2

Current Zoning: C-3, General Commercial Zone

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

## Staff Analysis:

The subject site located at 2010 Avenue D is 13,300 sq. ft., consists of an approximately 2,530 sq. ft. structure; and is located at the northwest corner of Avenue D and North 21<sup>st</sup> Street. The existing structure is a 1 story building with a flat tar and gravel roof; constructed in 1963. The property was originally established as a restaurant with a fully equipped kitchen by standard. The subject site has since been several different establishments; such as Siam's Cuisine (1992-2007), Joe Bell Mobile Auto Cleaners –on site (2001-2002), Island Fish and Chicken (2008-2009), and Yalonda's Beauty Supply (2010-2011). Save More Meat and Grocery is a convenience store which is seeking to sell packaged beer and wine for consumption off-premises. The current retail operation opened in mid-2016, after purchase and renovations to the existing site. The applicants have enhanced the building façade, interior, and re-paved and striped the site's parking lot.

The request is to secure a 2APS – Beer and Wine License to offer sale of packaged alcohol, at the subject location, for consumption off premises. Section 3-7 of the City Code restricts the sale or distribution of sealed alcoholic beverages for consumption off the premises where the establishment is located within 500 feet of a church, or school; unless a Waiver of Distance is granted.

The applicant is requesting the waiver based upon the presence of (2) churches that are located within 500 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 144 ft. from Plant A Seed Ministries, and nearly 241 ft. from Family Affair Worship Center. The site is also located approximately 1,290 ft. from Hot Stop Food Mart, 1,471 ft. from Golden Snacks, and 1,455 ft. from Dixon Food Mart.

b. 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 eight (8) parking spaces and (1) handicap space on-site for customers, exceeding the City Code requirement of 6 spaces. Minor landscaping infill is required to enhance the buffering between the commercial parking lot and adjacent sites.

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

The proposed establishment is along the Avenue D corridor, only abutting the R-4, Medium Density Residential District the north. The subject site includes a painted brick wall to provide a buffer between the adjacent residential zoning.

d. 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 Avenue D, with secondary access to North 21<sup>st</sup> Street to the west. The facility should not generate notable traffic by patrons or pickup/delivery vehicles in low or moderate density, residentially zoned neighborhoods.

e. Whether, if the facility is located within sixteen hundred (500) 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 Avenue D, and the operation details presented, staff finds that the establishment is not likely to adversely affect the safety of persons attending the nearby churches.

#### 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 City of Fort Pierce Police Department acknowledges the proximity of two churches and has some concerns. However, the police department does not object to granting this request for waiver of distance. The City of Fort Pierce Engineering Department has concerns with the unused drop curb and driveway apron located within the 21<sup>st</sup> Street Right-of-Way. The engineering department stated that the unused drop curb and driveway shall be removed and a new Type "F" curb and gutter along with Bahia sod shall be constructed at this location. The comments generated from the technical review, and responses by the applicant are provided for review.

#### Property Owner Response Summary:

A total of 54 notifications of the proposed Waiver of Distance were mailed to the owners of property located within 500 feet of the subject property. As of November 21, 2016, 5 responses in opposition have been received. An update will be provided to the City Commission at the public hearing.

#### Planning Board Recommendation:

The Planning Board, at their November 8<sup>th</sup>, 2016 meeting, voted 9 in favor and 1 in opposition to recommend approval with the recommended conditions presented by staff and a condition that the applicant bring the off-street parking lighting up to a 2 foot candle average level that is required for a 2APS alcohol license.

#### 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 a 2APS Alcoholic Beverage License for the proposed establishment, with the following conditions:

1) The applicant completes landscape improvements along the southern and western property line to bring the site landscaping into compliance with City Code Section 22-187;

2) The applicant removes the unused drop curb and driveway apron located within the 21<sup>st</sup> Street Right – of – Way and install a new Type “F” curb and gutter along with Bahia sod at the same location. Per City Code Section 22-61 (b) (2) a. – All driveways shall conform to the minimum distance requirements; and

3) The applicant provides a site lighting assessment, and upgrade the lighting if necessary, to ensure the site lighting meets the minimum average of two (2) foot-candles, as required by City Code Section 22-60 (j), prior to release of the alcohol license.