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**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Application for Waiver of Distance – 2COP Alcohol License  
Sweetie’s Diner  
2625 S. US Highway 1**

**DATE:** March 22, 2017

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**STAFF REPORT**

**Applicant:** Sweetie’s Diner, LLC  
2625 S. US Highway 1  
Fort Pierce, FL. 34982

**Property Owner:** Fort Pierce, LLC  
7241 High Ridge Road  
Boynton Beach, FL. 33426

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

**Type of License:** 2COP – Beer and Wine; sale for on premises consumption.

**Name of Establishment:** Sweetie’s Diner

**Site Location:** 2625 S. US Highway 1

**Parcel ID:** 2422-602-0249-000-7

**Current Zoning:** C-3, General Commercial Zone

**Surrounding Zoning:**

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

## Staff Analysis:

Sweetie's Diner is a restaurant which is seeking to sell beer and wine for consumption on-premises. The restaurant opened in the place of the Golden Bear Restaurant for operation within latter part of the year 2016. The restaurant is located at the northwest corner of Maple Avenue and South US Highway 1.

The request is to secure a 2COP – Beer and Wine License to offer sale of alcohol, at the subject location, for consumption on-premises. Sections 3-7 and 3-15 of the City Code restrict the sale or distribution of sealed alcoholic beverages for consumption on the premises where the establishment is located within 1,600 feet of a church, school, or other licensed establishments; unless a Waiver of Distance is granted.

The applicant is requesting the waiver based upon the presence of a church that is located within 1,600 feet of the proposed site. City Code Section 3-15 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 1,200 ft. from First Church of the Nazarene.

**b. Whether adequate parking and landscaping for the facility are provided so as to meet the requirements set forth in sections 22-187 and 22-59 through 22-61;**

The existing plaza site contains adequate parking and landscaping to meet City Code.

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

The site is well buffered from all adjacent residentially zoned areas.

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

This property is accessible from South US Highway 1. It would not be necessary for either customer or commercial vehicles to pass through residentially zoned areas.

**e. 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 located within 1,600 feet of First Church of the Nazarene and is not located within 1,600 feet of a school.

Section 3-14 of the City Code states that an applicant holding a 2-COP license must be engaged in conduction a bona fide restaurant operation. The code further states that such a restaurant must:

- (1)
  - a. Have tables capable of seating not fewer than thirty-five (35) persons simultaneously, for the purpose of serving meals;
  - b. Must dispense sales of beer and wine only to persons patronizing the establishment for the main purpose of ordering and consuming food;
  - c. Have permanent kitchen facilities located within the premises in which meals are regularly prepared for service to patrons of the establishment.
- (2) An applicant holding a “Beer, Wine and Liquor -2-COP License must demonstrate that any parking area provided for is illuminated by not less than three (3) footcandles per square foot of parking lot area.

The application as submitted meets the necessary requirements for holding a 2-COP license. The restaurant, with seating for approximately 125 people; will serve breakfast, lunch and dinner meals. The hours of operation are 6am to 8pm. It is understood by the applicant that service of alcohol is to be with meals only. The applicant has states that LED lighting has been installed in the parking lot area. No comment of a lighting deficiency was received by the Fort Pierce Police Department during the Technical Review Committee meeting.

**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 any responses by the applicant are provided for review.

**Planning Board Recommendation:**

The Planning Board, at their March 14<sup>th</sup>, 2017 meeting voted in favor unanimously to recommend approval for a 2COP 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 that the Planning Board forward a recommendation to the City Commission for **approval** of the requested Waiver of Distance for a 2COP Alcoholic Beverage License for the existing establishment.