



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

RE: **Application for Waiver of Distance – 2COP Alcoholic Beverage License
 Pelican Seafood Restaurant
 733 North US Highway 1**

DATE: December 6, 2017

STAFF REPORT

Applicant/Business Owner: Brian Paul
 735 North US Highway 1
 Fort Pierce, Florida 34950

Property Owner: Fifer Partners 1 LLC
 165 Anchor DR
 Vero Beach, FL 32963

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

Type of License: 2COP: Beer and Wine for Consumption on Premises

Name of Establishment: Pelican Seafood Restaurant

Type of Establishment: Restaurant

Location: 733 North US Highway 1

Parcel(s): 2403-717-0002-000-8, 2403-705-0024-000-1, & 2403-717-0007-000-3

Current Zoning: C-3, General Commercial

Surrounding Zoning:

North	East	South	West
C-3	I-1/C-6	C-3	C-3/R-4

Site Size: 2.94* acres

Utilities: Located within the FPUA Service Area

Staff Analysis:

Request

In accordance with Section 3-7 & 3-9 of the City Code, the applicant is requesting the review and approval of a waiver of distance restrictions provided by subsection 3-7(b) to establish a forty (40) seat restaurant capable of beer and wine service for consumption on premises at 733 N US Highway 1. The subject property is approximately 2.94 acres in size and is located within the General Commercial (C-3) zoning district.

The City Code requires a waiver of established distance requirements, 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, churches, or schools. The applicant is requesting a 2COP license to serve beer and wine for consumption on premises in a restaurant which will provide full service meals via a commercial kitchen and traditional seating. The establishment will contain approximately 2,200 square feet of gross floor area to include a kitchen, outdoor dining, an office, and restroom facilities for integration with the applicant's existing retail seafood store.

Four (4) licensed establishments are located within 1,600 feet of the proposed establishment, therefore a waiver of the minimum required distance of 1,600 feet between the applicant's establishment, and said licensed establishments is sought.

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;

Four (4) licensed establishments, Crocodillo's, the Tiwsted Tiki, Tillman's, and Captain's Galley, located within Egdartown to the east are located within 1,600 feet from the establishment. If serves remain active, one existing church, Apostolic Crossroads Church of Jesus located at 812 North 7th Street is approximately 1,200 feet from the establishment.

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 establishment is currently a retail seafood store with approximately 875 square feet of gross floor area, with the proposal to expand to roughly 2,200 square feet to accommodate the restaurant, with the capacity to sell beer and wine with meals. The attached floor plan shows the plan layout and seating for forty (40) patrons. The type and size of this proposed establishment 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 applicant and property owner have provided preliminary plans to expand and reconfigure the parking area to provide adequate parking to support the plaza and the restaurant addition. Landscaping and lighting consistent with provisions of the land development code are required for permitting and completion of these necessary improvements. Upon completion of the parking lot expansion, sufficient parking would exist to accommodate the variety of uses within the plan and this restaurant request.

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

The establishment is not immediately adjacent to any residentially zoned property, and fronts on US Highway 1. Additional landscaping will be required to screen the parking and refuse collection areas.

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

The proposed establishment is accessible from US Highway 1 and traffic generated will not be required to pass through any 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.

The facility is located approximately 1,200 feet from an existing church, Apostolic Crossroads Church of Jesus, located at 812 North 7th Street. The facility should not generate traffic which may adversely affect the safety of persons attending the church. No schools are located within 1600 feet of the facility.

In addition, Section 3-14 (1) of the City Code indicates the "Minimum requirements for an on premises consumption" license must be engaged in conducting a "bona fide restaurant establishment" defined as such by meeting the following criteria:

- a. Have tables capable of seating not fewer than twenty (20) 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.**

The proposed establishment will have seating for at least 20 persons and permanent kitchen facilities (floor plan is attached). Sales of beer and wine will be to persons patronizing the establishment for the purpose of ordering and consuming food.

Technical Review Committee

All affected Departments have reviewed and identified required adjustments to the proposed site improvements to expand parking at the commercial center. Said requirements are integrated as recommended conditions of approval for integration into site work permits for completion of parking, landscaping, and lighting upgrades to accommodate this business development in the plaza.

Property Owner Response Summary:

A total of 60 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. As of December 6, 2017, 0 responses have been returned. An update will be provided to the City Commission at the public hearing.

Planning Board Recommendation:

The Planning Board, at their November 14th meeting, voted unanimously to recommend **approval** of the request with the conditions presented by staff, as incorporated below.

Staff Recommendation:

The proposed Waiver of Distance generally meets the requirements of the City Code and is found to be consistent with the City's Comprehensive Plan; therefore Staff recommends **approval** with the following conditions:

- 1) The proposed parking lot expansion, to support the restaurant and plaza, complies with minimum dimensions, curbing, and drainage provisions of City ordinance;
- 2) Site landscaping is in compliance with City Code Sections 22-187 General landscaping requirements (4), (6), and (7). , prior to zoning release of the alcohol license.
- 3) Site lighting is affirmed to be in compliance with City Code Sections Sec. 22-60 (j) & Sec. 22-59 (g)(6) Lighting, providing a minimum average of two (2) footcandle lighting, prior to zoning release of the alcohol license; and
- 4) The presented dumpster enclosure is screened with landscaping, pursuant to City Code Section 22-187 (11) Screening of refuse collection areas, prior to zoning release of the alcohol license.