



**TO:** Members of the City of Fort Pierce Planning Board

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

**FROM:** Brandon Creagan, LEED Green Associate, Planner

**RE:** **Application for Waiver of Distance – 4COP Alcohol License**  
**The Backyard Pub**  
**658 N 2<sup>nd</sup> Street**

**DATE:** September 5, 2017

**STAFF REPORT**

**Applicant:** Kevin Degolier  
 7248 Maidstone Drive  
 Port St. Lucie, FL. 34986

**Property Owner:** Taryn, Tyler, & Trevor Horvath  
 2301 River Hammock Lane  
 Fort Pierce, FL 34981

**Requested Action:** Recommendation of Approval to the City Commission for a Waiver of Distance for an Alcoholic Beverage License

**Type of License:** 4COP – Beer, Wine, and Liquor; sale for on premises consumption.

**Name of Establishment:** The Backyard Pub

**Site Location:** 658 N. 2nd Street

**Parcel ID:** 2403-801-0006-000-4

**Current Zoning:** C-6, Marine Commercial Zone

**Future Land-Use** MC, Marine Commercial

**Surrounding Zoning:**

North	East	South	West
C-6	C-6/OS1	C-6	C-6

## Staff Analysis:

The Backyard Pub is a restaurant and bar which is seeking to have beer, wine, and liquor for consumption on-premises. The last active establishment to be in operation at the address was Bottoms Up Raw Bar and Grill. They did hold a 4COP alcohol license and their business tax license expired at the end of September 2015. The restaurant and bar is located at the northern portion of the parcel between North 2<sup>nd</sup> Street and North Indian River Drive. The parcel is shared with Captain's Galley, which is on the southern portion of the parcel. There is an unimproved shared parking area that both establishments will use.

The request is to secure a 4COP – Beer, Wine, and Liquor License to offer sale of alcohol, at the subject location, for consumption on-premises. Section 3-7 of the City Code restricts the sale or distribution of 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 4 other licensed establishments that are located within 1,600 feet of the proposed site. Those 4 other licensed establishments are, Crocodillos, Tillman's Famous BBQ, Captain's Galley, and 12A Buoy. 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: 360 ft. from Captain's Galley, 615 ft. from Tillman's Famous BBQ, 620 ft. from Crocodillos Bar & Grill, & 1,200 ft. from 12A Buoy

**b. Whether adequate parking and landscaping for the facility are provided so as to meet the requirements set forth in sections 22-60 (Off Street Parking and Loading) and 22-187 (General Landscaping Requirements);**

The existing site contains adequate parking to meet City Code 22-60. The parking lot is undeveloped. The City Engineering Department has deemed that the parking area does not have to be improved and will consider the parking area to be grandfathered in. The landscaping will need to be brought into compliance with City Code 22-187. The owners are aware of this and will take the necessary steps to bring the site into full compliance. A 10 foot landscape buffer must be installed.

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

There are no residential zoning districts around the site, however there are residential structures near the site along North 2<sup>nd</sup> Street. The Police Department has offered to conduct a Crime Prevention Through Environment Design (CPTED) survey that will help to ensure that sound levels are checked and set pursuant to the City's noise ordinance so nearby businesses and residents are not affected. The survey will also provide recommendations for lighting and landscaping (to assist with noise abatement), and other crime prevention recommendations.

**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 North 2<sup>nd</sup> Street, unimproved Avenue G, and North Indian River Drive. It would not be necessary for either customer or commercial vehicles to pass through residentially zoned districts. While there are no residentially zoned districts, there are residential structures near the site along North 2<sup>nd</sup> Street. Customers and commercial vehicles could pass by these structures, but they also have access to the parking area from North Indian River Drive where there are no residential structures.

**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 not located within 1,600 feet of a church or school.

Section 3-14 (2) of the City Code states that an applicant holding a 4COP license (Beer, Wine and Liquor) 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 4COP license. The restaurant and Bar, has seating for approximately 70 people, with a maximum occupancy of 185 people. The hours of operation are from Sunday to Thursday 11am – 12am & Friday to Saturday 11am to 1am. It is understood by the applicant that lighting in the parking area must not be less than three (3) footcandles per square foot of parking lot area. This will be verified when the Police Department conducts its CPTED survey.

**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.

**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 4COP Alcoholic Beverage License for the proposed establishment with the following conditions:

1. A Crime Prevention Through Environment Design (CPTED) survey must be conducted by the City of Fort Pierce Police Department before the grand opening of the establishment.
2. Before the grand opening, the site must be in compliance with City Code 22-187, General Landscaping Requirements. This would include a 10 foot landscape strip between streets right-of-way and the vehicular use area.
3. A copy of the Shared Parking Agreement between Captain's Galley & The Backyard Pub should be provided to the City Planning & Engineering Departments. This must be provided when the applicant applies for a business tax license.
4. The two concrete driveway aprons constructed as part of the North 2<sup>nd</sup> Street Roadway project shall extend 10' into the property to aid in the reduction of sediment tracking into the right-of-way of Indian River Drive and North 2<sup>nd</sup> Street. This must be constructed by the owner/applicant prior to the grand opening

5. Provide stop signs and stop bars at the North Indian River Drive and North 2<sup>nd</sup> Street driveways prior to the grand opening.