



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

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

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

**RE:** **Application for Waiver of Distance**  
**515 S. Indian River Drive**

**DATE:** June 29, 2018

**STAFF REPORT**

**Property Owner/Applicant:** Crownman FL LLC  
 10380 SW Village Center Drive, Suite 310  
 Port St. Lucie, FL 34987

**Representative:** Kris Einstein  
 207 ½ Orange Avenue Suite K  
 Fort Pierce, FL 34950

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

**Site Location:** 515 S. Indian River Drive

**Parcel ID:** 2410-810-0001-000-9

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

**Establishment Name:** Crownman Bed & Breakfast (Formal Name to Be Determined Later)

**Current Zoning:** C-1, Office Commercial

**Future Land-Use** CBD, Central Business District

**Proposed Zoning:** PD, Planned Development

**Surrounding Zoning:**

North	East	South	West
C-1	Indian River	C-1	C-1

**Staff Analysis:**

The Crownman Bed & Breakfast is seeking to have a beer, wine, and liquor for consumption on-premises. The location has never held an alcohol license and the applicants are requesting it in conjunction with their request for Zoning Atlas Map Amendment for a Planned Development.

The request is to secure a 4COP – Beer, Wine, and Liquor License to offer sale of alcohol, at the Bed & Breakfast, 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 the St. Andrews Episcopal Academy Upper School. 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;**

There are no nearby businesses selling alcohol with-in 1,600 feet of the subject site.

**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. A Landscape Plan will need to be submitted with the Planned Development Plan so that it demonstrates compliance with City Code 22-187. The owners are aware of this and will take the necessary steps to have the Landscape Plan prior to the City Commission meeting.

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

There are no residential zoning districts immediately around the site, however the R-4, Medium Density Residential zoning district and E-1, Single Family Estate Density areas are close by to the south of the property. Because there are commercial uses surrounding the site the area is considered to be well buffered from residential property.

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

The property is accessible from South 2<sup>nd</sup> Street and areas that patrons and pickup/delivery vehicles will pass through are all mostly commercial in nature. The only way patrons will be passing through a primarily residential area is if they are traveling north bound on South Indian River Drive. The nature of a Bed & Breakfast is most similar to a hotel and guests will be staying overnight on the property. Because of this it is not expected that there will be an adverse effect on patrons traversing through any residential neighborhoods.

**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.**

The proposed establishment is located approximately 1,041.75 ft. from St. Andrews Episcopal Academy Upper School. As stated the primary use is for a Bed & Breakfast with small restaurant for patrons of the Bed & Breakfast. It is not expected that there will be any adverse affect to the safety of persons attending the school. This is because the nature of a Bed and Breakfast and how it is most closely associated with a hotel use as patrons will be staying and sleeping onsite.

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 applicant is aware that they will need to submit a lighting plan or photometric survey demonstrating the above regulation prior to the City Commission meeting.

The application as submitted meets the necessary requirements for holding a 4COP license. The restaurant component of the Bed & Breakfast has seating for approximately 24 people, with a maximum occupancy to be determined by the St. Lucie County Fire District upon completion of the renovations to the Bed & Breakfast site. The hours of operation for the Bed and Breakfast are 24 hours, while the restaurant hours are still to be determined. It is understood by the applicant that they must follow all city and state regulations regarding the hours that alcoholic beverages are allowed to be served. It is also understood by the applicant that the lighting in the parking area must not be less than three (3) footcandles per square foot of parking lot area.

#### **Technical Review Committee**

All affected departments have reviewed and given conditional approval to the proposed Waiver of Distance with regards to the requirements of the City Code. Findings from the review by corresponding departments and any associated responses by the applicant are provided for review

#### **Planning Board**

At their May 8, 2018 meeting the Planning Board voted 7-0 to recommend approval of the application as presented.

#### **Public Notification**

20 notification letters have been mailed out to owners of property within 500 feet of the Bed & Breakfast. As of May 22, 2018 two (2) letters have been received in support to the request. An update will be given at the City Commission meeting on June 7, 2018.

#### **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 City Commission approve the requested Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment with the following conditions:

1. Provide a lighting plan or photometric survey that demonstrates compliance with City Code 22-60(j)(1)(d). This must be coupled with the forthcoming Planned Development Plan prior to the PDs City Commission Hearing.
  
2. Provide a Landscape Plan that demonstrates compliance with City Code 22-187, General Landscaping Requirements. This must be coupled with the forthcoming Planned Development Plan prior to the PDs City Commission Hearing.