



**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**  
**Alabon Haitian Restaurant - 1409 Delaware Avenue**

**DATE:** November 2, 2018

**STAFF REPORT**

**Property Owner:** Xiang Lin  
 1850 US Hwy 1  
 Vero Beach, FL 32960

**Applicant:** Claufene Belizaire  
 1409 Delaware Avenue  
 Fort Pierce, FL 34950

**Requested Action:** Recommendation of Approval for a Waiver of Distance for an 2COP Alcohol Beverage License

**Site Location:** 1409 Delaware Avenue

**Parcel ID:** 2409-818-0003-000-3

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

**Establishment Name:** Alabon Haitian Restaurant

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

**Future Land-Use** GC, General Commercial

**Surrounding Zoning:**

North	East	South	West
C-3	C-3	C-3/R-3	C-3

**Staff Analysis:**

The Alabon Haitian Restaurant is seeking to secure a 2COP – Beer and Wine license, to offer sale of alcohol, at the restaurant, 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 Creative Arts Academy of St. Lucie (CAST). 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 that are licensed to sell intoxicating beverages for on premise consumption. There two businesses that are licensed to sell intoxicating beverages for off-premise consumption. Those two businesses are the Circle K gas station and the La Placita grocery store. Both of these businesses are with-in 1,600 feet of the Alabon Haitian Restaurant. The restaurant is also located within 1,600 feet of the Creative Arts Academy of St. Lucie (CAST).

**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 will need landscaping and parking improvements. The applicant is aware of this and is in the process of obtaining both a landscape plan and a parking plan.

**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-3, Intermediate Density Residential zoning district is close to this site. 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 15<sup>th</sup> Street and Delaware Avenue. Also the 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 15<sup>th</sup> Street. Very close to this site was another establishment (Guadalajara Mexican Restaurant) that had an alcohol license for on premise consumption located at 1702 Delaware. They ceased operation during the spring of 2018.

**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 1,200 ft. from the Creative Arts Academy of St. Lucie (CAST). Delaware Avenue is one of the main corridors in the City of Fort Pierce and sees a high level of traffic daily. The addition of this restaurant would not have an adverse effect on the level of service on this corridor nor will it have an adverse effect on the safety of students attending CAST. With-in 1,600 feet of CAST are also the Circle K gas station, McDonalds, and the La Placita grocery store.

Section 3-14 (1) of the City Code states that an applicant holding a 2COP license (Beer & Wine) must be engaged in conducting a bona fide restaurant establishment. To qualify as a bona fide restaurant an establishment must meet the following criteria:

1. Have tables capable of seating not fewer than twenty (20) persons simultaneously, for the purpose of serving meals;
2. Must dispense sales of beer and wine only to persons patronizing the establishment for the main purpose of ordering and consuming food;
3. Have permanent kitchen facilities with a commercial stove, refrigerator and oven located within the premises in which meals are regularly prepared for service to patrons of the establishment.

The application as submitted meets the necessary requirements for holding a 2COP license. The restaurant has seating for approximately 24 people. The hours of will be Monday-Sunday 8am- 10pm. 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. They must also submit a landscape plan that is compliant with City Code 22-187, General Landscaping requirements as well as a site plan that details that their parking will be compliant with City Code 22-60, Off Street Parking and Loading.

**Public Notice:**

52 letters were sent to property owners with-in 500 feet of the subject property. As of November 2, 2018 0 letters have been returned. An update will be given at the City Commission meeting.

**Planning Board:**

At their meeting on October 9, 2018 the Planning Board voted 7-0 to approve the request as presented.

**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

**Staff Recommendation**

The requested Waiver of Distance is consistent with the 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 2COP Alcoholic Beverage License for the proposed establishment.