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

**THROUGH:** Rebecca Guerra, AICP, LEED-AP, CPD, Interim Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Application for Waiver of Distance – 2COP Alcohol License**  
**The Truth Restaurant**  
**1721 Avenue D**

**DATE:** April 24, 2019

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### STAFF REPORT

**Owner:** Alia Qasem  
103 SW Essex Drive  
Port St Lucie, FL 34984

**Applicant:** Vincent Barnett  
2000 N 60th Street  
Fort Pierce, FL 34942

**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:** The Truth Restaurant

**Site Location:** 1721 Avenue D

**Parcel ID:** 2409-601-0013-000-0

**Current Zoning:** C-2, Neighborhood Commercial Zone

**Future Land Use:** Neighborhood Commercial (NC)

**Surrounding Zoning:**

North	East	South	West
C-2	C-2	C-2	C-2

**Utilities:** FPUA

**Staff Analysis:**

***Request***

The Truth Restaurant is a restaurant which is seeking to sell beer and wine for consumption on-premises. The restaurant opened in the place of the Chef Griot Restaurant for operation within the year 2018. Prior to the Chef Griot Restaurant; the subject site was operated by Mr. Vincent Barnett and occupied by The Spot Jamaican Restaurant. The restaurant is located at the southeast corner of Avenue D and North 18<sup>th</sup> Street.

The request is to secure a 2COP – Beer and Wine 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 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 churches that are located within 1,600 feet of the proposed site. City Code Section 3-11 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 245 ft. from Apostle Faith Church of Jerusalem, approximately 590 ft. from Triumph the Church and Kingdom, and approximately 1,200 ft. from Plant a Seed Ministries.

**b. 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 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 not well buffered from adjacent residential 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 Avenue D. 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.**

The establishment is located approximately 245 ft. from Apostle Faith Church of Jerusalem, approximately 590 ft. from Triumph the Church and Kingdom, and approximately 1,200 ft. from Plant a Seed Ministries 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 conducting a bona fide restaurant operation. The code further states that such a restaurant must:

- 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 restaurant, with seating for approximately 30 people; will serve lunch and dinner meals. There are three (3) employees; Mr. Vincent Barnett and two (2) part-time employees. The hours of operation are 11am to 10pm (Monday through Friday) and 11am to 11pm (Saturday and Sunday). It is understood by the applicant that service of alcohol is to be with meals only.

In the Fall of 2015, Code Enforcement received multiple complaints from the Fort Pierce Police Department due to The Spot Jamaican Restaurant operating as a night club and a bottle club as they did not have a license to sell alcohol. The primary parties associated with this business were Alia Qasem and Vincent Barnett, who are the applicants for the waiver of distance. A code enforcement action was initiated on 9/11/2015 with a hearing held before the Special Magistrate. The Special Magistrate ultimately found The Spot Jamaican Restaurant and Mr. Vincent Barnett guilty of all the aforementioned violations. Based on this and the safety of the community due to the applicant's previous disregard for the neighbors by playing loud and disruptive music and the other nuisance conditions evidenced by the large crowds, late night operations and ultimately an employee of the establishment being shot; staff recommends denial of the request for a waiver.

**Technical Review Committee:**

All affected City Departments have reviewed the proposed Waiver of Distance and have provided comments based on compliance with requirements of the City Code and Comprehensive Plan. The comments generated from the technical review, and any responses by the applicant are provided for review.

**Property Owner Response Summary:**

A total of 78 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

**Planning Board Recommendation:**

The Planning Board, at their April 9th, 2019 meeting, voted to recommend approval of the request.

**Staff Recommendation:**

The requested Waiver of Distance is not consistent with the Comprehensive Plan, and does adversely affect the public health, safety, convenience and general welfare; Staff recommends that the City Commission **deny** the requested Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment.