





TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebeca Guerra, AICP, LEED-AD, CPD, Interim Planning Director 

FROM: Maria Lewicka, AICP, Historic Preservation Planner 

RE: **Application for Waiver of Distance – 2 COP Alcoholic Beverage License**
Ando Ramos Restaurant
850 S 21st Street, Suite A

DATE: July 25, 2019

STAFF REPORT

Applicant/Business Owner: Ando Lilian Ramos
 1921 Grand Club Blvd.
 Fort Pierce, FL 34952

Property Owner Saucier Realty LLC
 8351 Chinaberry Road
 Vero Beach, FL 32963

Applicant's Request: Approval of a Waiver of Distance for an Alcoholic Beverage License

Type of License: 2COP: Sale of Beer and Wine for Consumption On Premises and Package Sales of Sealed Containers.

Type of Establishment: Restaurant

Site Location: 850 S 21st Street, Suite A

Parcel ID: 2416-504-0079-000-4

Current Zoning: C-3, General Commercial

Future Land Use: RH, High Density Residential

Site Size: 1.08 acres

Surrounding Zoning	North	East	South	West
	C-3/R-3	R-4	OS1	C-3

Request:

Application for a Waiver of Distance for Beer and Wine Consumption. The applicant is seeking to utilize one of the suites within the commercial plaza for a new sit down restaurant.

Background:

The proposed restaurant is located approximately 1,400 feet from the Fort Pierce Korean Baptist Church and in proximity of *Pupuseria* and *Taqueria* restaurants located within the same commercial plaza.

Staff Analysis:

Section 3-7 of the City Code prohibits the City from granting approval for the sale of alcoholic beverages for consumption on the premises when the establishment is located within 1,600 feet of other licensed establishments, a church, or a school unless a Waiver of Distance is granted.

The applicant is requesting a "2COP" license to serve beer and wine for consumption on premises in a restaurant. However, two (2) licensed establishments and a church are located within 1,600 feet of the proposed establishment. Therefore, in accordance with Section 3-9 of the City Code, the applicant is requesting a waiver of the minimum required distance of 1,600 feet between the applicant's establishment, the two neighboring licensed establishments, and the Fort Pierce Korean Baptist Church.

As specified by Section 3-15 of the City Code, a Waiver of Distance shall be granted only if it does not adversely affect the community health, safety or general welfare and 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.**

Per the manner of measurement outlined in City Code Section 3-8, there are two (2) similar licensed establishments located within 1,600 feet of the proposed establishment. The Pupuseria Restaurant and Taqueria Restaurant are in closed proximity, within the same plaza. The Fort Pierce Korean Baptist Church is located approximately 1,400 feet away from the proposed restaurant location.

- 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 proposed restaurant is planned to seat 32 patrons via traditional dining tables. Given the type and size of the proposed establishment (typical restaurant serving lunch and dinner), staff finds that it 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 existing site contains adequate parking and landscaping, consistent with City applicable Codes.

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

The proposed establishment is physically separated from residentially-zoned areas by the street and alley right-of-ways and a six-foot high chain link fence. The perimeter landscaping and abutting roadways offer a sufficient landscape buffer for the surrounding uses.

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

The proposed establishment's access is from South 21st Street. It would not appear to be necessary for either customers or commercial vehicles to pass through low or moderate density residentially zoned neighborhoods.

Technical Review Committee

The Technical Committee reviewed the request for a Waiver of Distance at their June 20, 2019, meeting. All provided comments were acknowledged by the applicant.

Planning Board

At their July 9, 2019, meeting, the Planning Board voted unanimously to recommend approval of the requested Waiver of Distance with the following Condition of Approval:

Provide a lighting plan with a minimum average of two (3) footcandles, consistent with Section 22-60. *Off-street parking and loading (j) Lighting (1) d.*

Staff Recommendation

The requested Waiver of Distance does not present factors that adversely affect the community health, safety or general welfare, and meets the criteria set by City Code. Therefore, staff recommends Approval of the Waiver of Distance subject to one (1) Condition of Approval.