



TO: Nicholas Mimms, PE, City Manager

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Maria Lewicka, AICP, Historic Preservation Planner

RE: **Application for Waiver of Distance – 2 COP Alcoholic Beverage License
 Angelina’s Brick Oven Pizza
 1126 Colonnades Drive**

DATE: August 7, 2019

STAFF REPORT

Applicant: Robert Musser
 1126 Colonnades
 Fort Pierce, FL 34949

Property Owner B & L Development LLC
 1102 Colonnades Drive
 Fort Pierce, FL 34949

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: 1126 Colonnades Drive

Parcel ID: 2401-501-0331-220-2

Current Zoning: C-5, Tourist Commercial

Future Land Use: CG, General Commercial

Site Size: 0.95 acres

Surrounding Zoning

| | | | |
|-------|------|-------|------|
| North | East | South | West |
| C-5 | R-4A | C-5 | C-5 |

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 (previously occupied by a restaurant) for a new restaurant.

Background:

The proposed restaurant is located approximately 600 feet from the Pelican Yacht Club, 1,150 feet from On the Edge Bar & Grill, and 1,200 feet from Goodfellas Pizza.

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, three licensed establishments 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 and the three neighboring licensed establishments.

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 three similarly licensed establishments located within 1,600 feet of the proposed establishment: the Pelican Yacht Club, On the Edge Bar & Grill, and Goodfellas Pizza.

- 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 anticipated to seat 30 patrons via traditional dining tables and 14 at the bar area. Given the type and size of the proposed establishment, staff finds that it is not likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about the outside of 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 applicable City 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 two parking lots and two right-of-ways. The existing perimeter landscaping, abutting roadways, and parking lots offer a sufficient 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 Colonnades Drive and Carlton Court. 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 August 13, 2019, meeting, the Planning Board voted unanimously to recommend approval of the requested Waiver of Distance subject to one Condition of Approval:

Provide a lighting plan with a minimum average of three 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 with the stated Condition provided above.