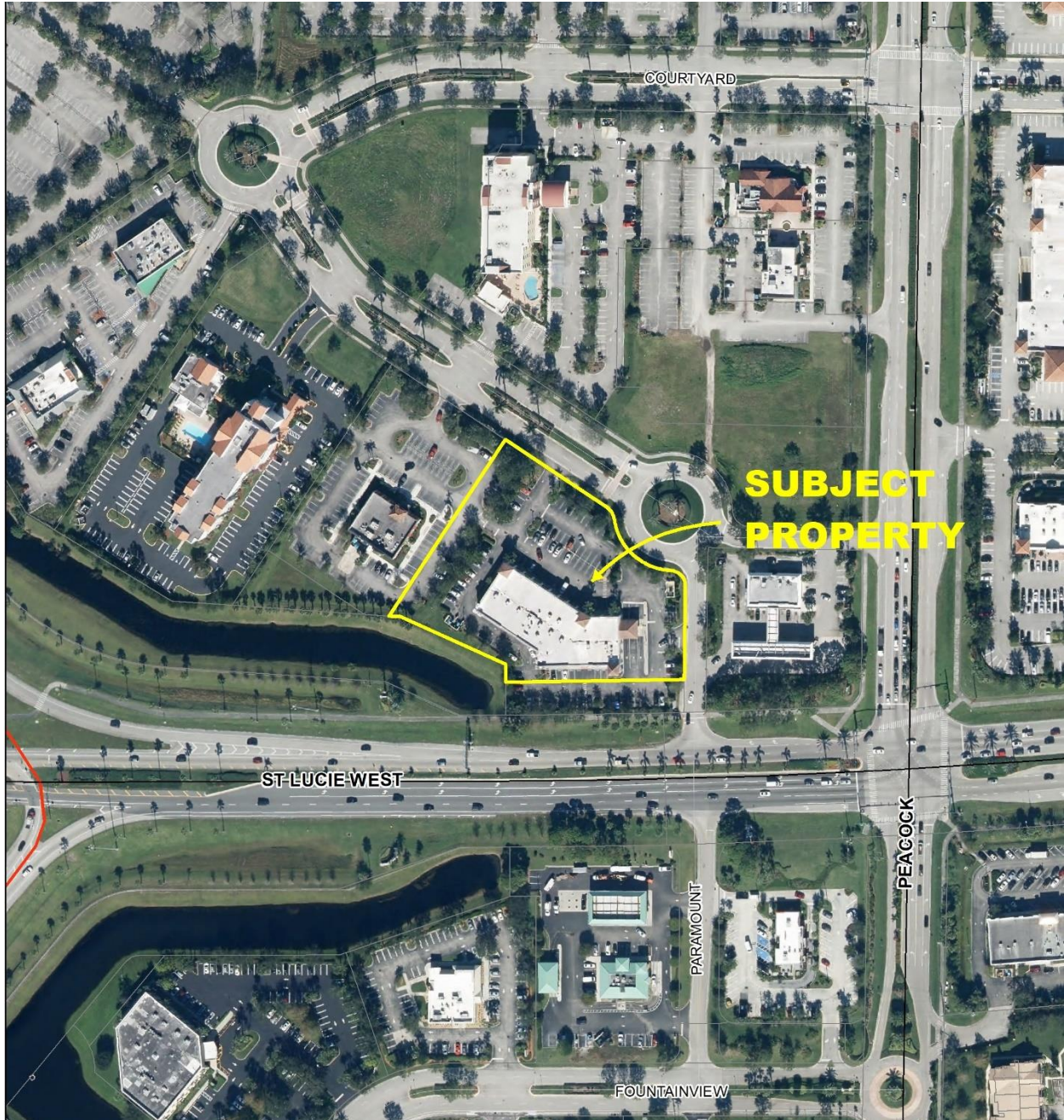




**OMI Investments LLC-Vybz Lounge
Special Exception Use
P21-020**



Aerial Map

SUMMARY

Applicant's Request:	A Special Exception Use (SEU) request to allow the use of a lounge per Section 158.124(C)(6) of the General Commercial Zoning Code.
Applicant:	Tod Mowery, Red Tail DG
Property Owner:	OMI Investments, LLC
Location:	East of I-95, west of Peacock Blvd, and north of St. Lucie West Blvd
Address:	2100 NW Courtyard Circle
Project Planner:	Isai Chavez, Planner I

Project Description

The applicant is requesting a special exception use to allow the use of a lounge per Section 158.124(C)(6) of the General Commercial Zoning Code. The proposed special exception use is proposed in a building that is zoned General Commercial (CG). Section 158.124(C)(6) of the General Commercial Zoning Code lists bars, lounges, and night clubs as special exception uses that may be permitted only following the review and specific approval thereof by the City Council.

Under Section 153.01 Definitions, bars, lounges, and night clubs are defined as an area primarily devoted to the serving of alcoholic beverages and in which the service of food and/or entertainment is only incidental to the consumption of beverages.

The applicant indicates that the special exception use would occupy 4,118 square feet of an existing 16,090 square foot retail building in Courtyard Circle, near the intersection of St. Lucie West Blvd and Peacock Blvd. The proposed hours of operation for the special exception use are 5 pm to 2 am.

Background

This space was occupied by Good Times, a lounge, from March 11, 2011 to March 17, 2020. Good Times received Planning and Zoning approval in 2011, before bars, lounges and night clubs became a special exception use under General Commercial zoning. Therefore, it was permitted to be there as a legal non-conforming use that was grandfathered in.

Per Section 158.281 of the Zoning Code, after a nonconforming use ceases for any reason, the code allows a six-month period for another similar use to apply to be granted similar status. Since Good Times vacated the space on March 17, 2020, the six-month period would have expired on September 17, 2020. No application was made prior to September 17, 2020, therefore, the legal nonconforming status was not transferrable per the code and the proposed use of a lounge reverts back to the zoning code requirements of a special exception use.

Public Notice Requirements

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning and Zoning Board's agenda.

Location and Site Information

Parcel Number:	3323-896-0002-000-85
Property Size:	1.96 acres
Legal Description:	St. Lucie West Plat #84 Parcel 24 Commercial S/D Lot 1-Less That Part MPDAF
Future Land Use:	CH/CG (Highway Commercial/General Commercial)
Existing Zoning:	CG (General Commercial)

Existing Use:	Retail Building
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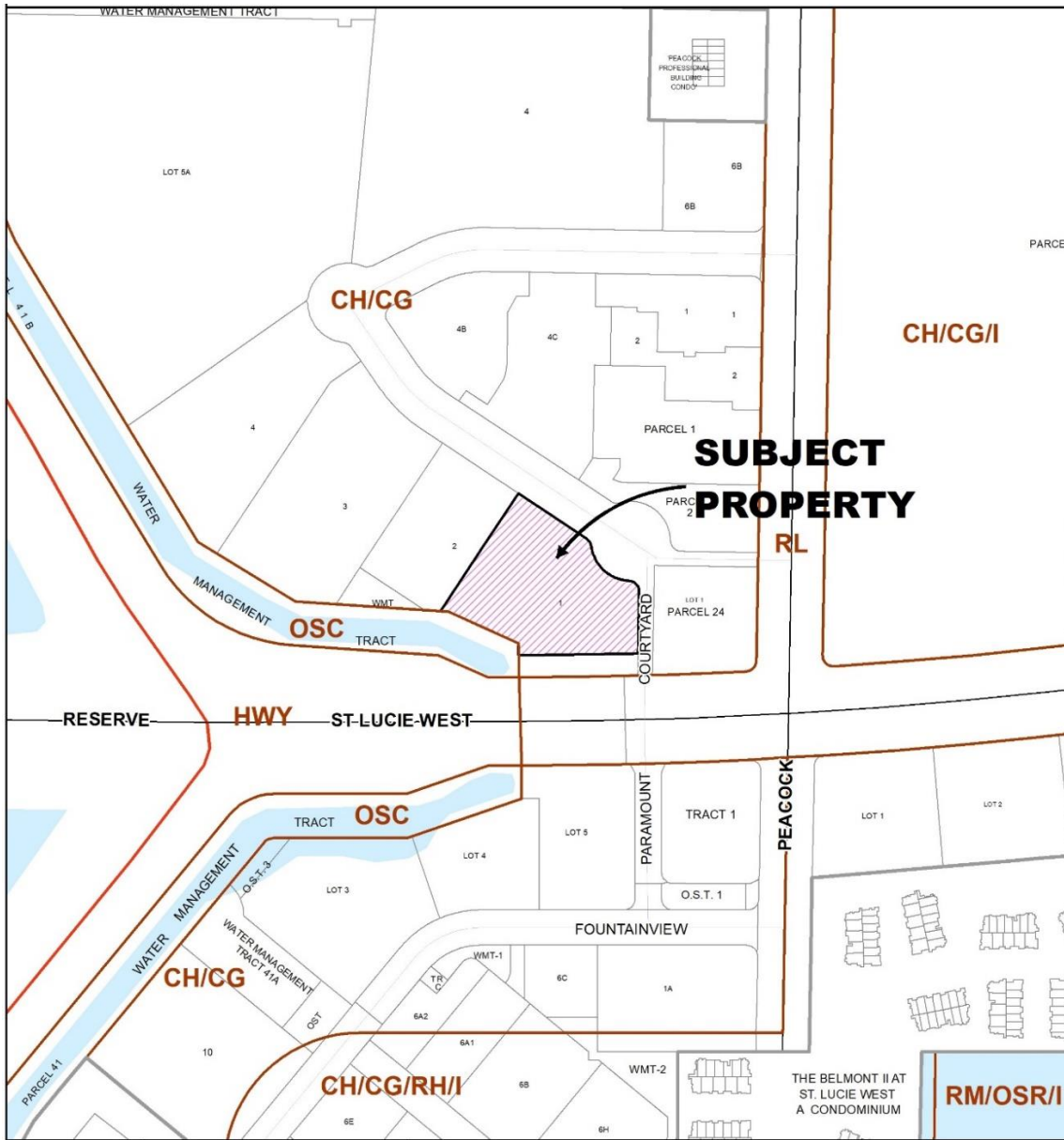
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CH/CG	CH/PUD	Restaurants/Hotel
South	CH/CG	CH	Gas Station
East	CH/CG	CG	Gas Station
West	CH/CG	CG	Restaurant

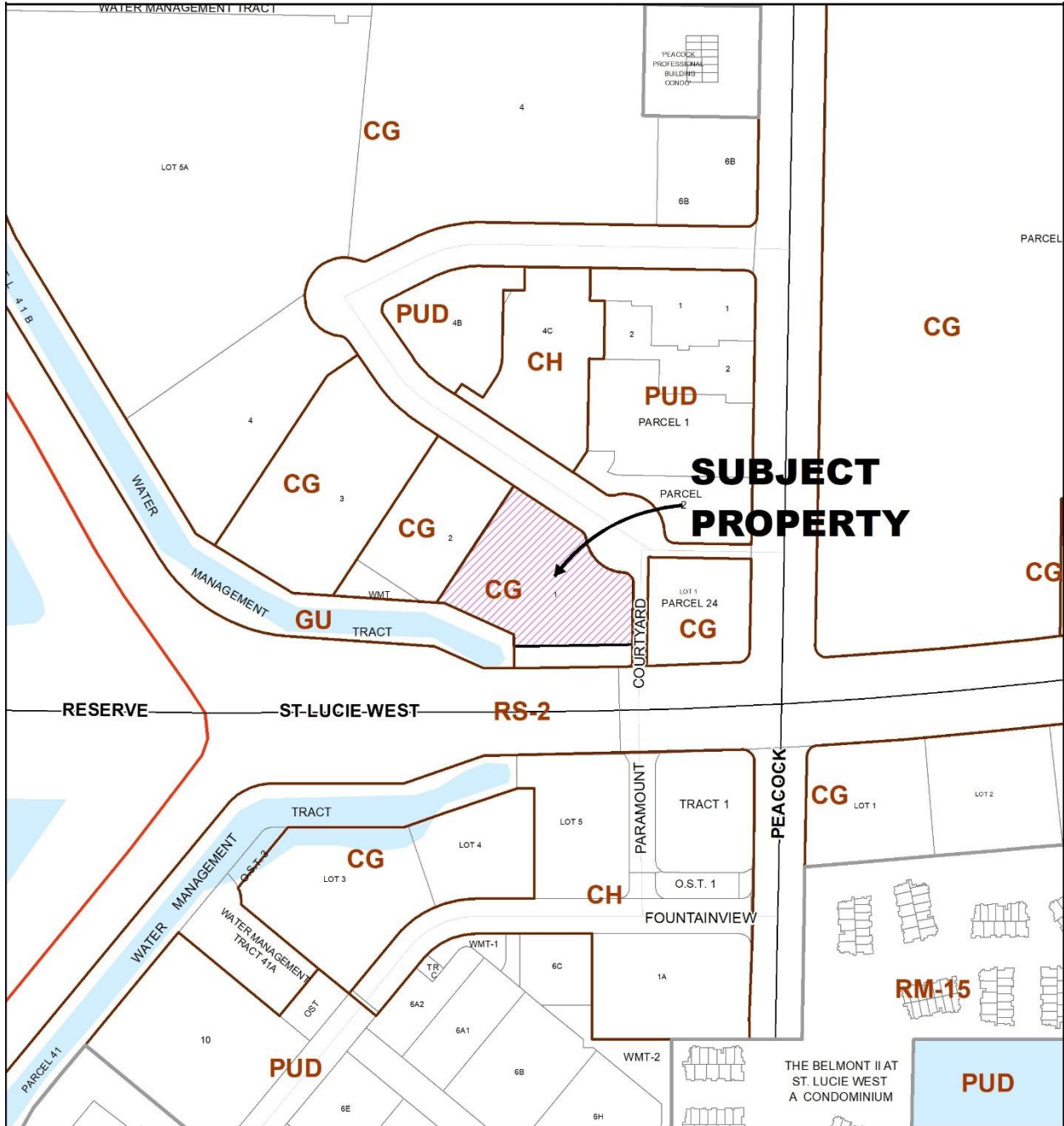
CH=Highway Commercial

CG=General Commercial

PUD=Planned Unit Development



Future Land Use Map



Existing Zoning Map

PROJECT ANALYSIS

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. Approval of a special exception application shall only be granted by the City Council if it meets the criteria established under Section 158.260 (A) through (L) as noted below. The applicant’s response to the criteria is attached to the application. Staff’s review is provided below.

Evaluation of Special Exception Criteria (Section 158.260)

- A. Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - Since it abuts the Courtyard Circle roundabout nearest to Peacock Blvd, there is adequate ingress and egress to and from St. Lucie West Blvd and Peacock Blvd. There is a crosswalk that connects the sidewalk along St. Lucie West Blvd to the sidewalk of the back of the building and a crosswalk that connects the sidewalk along Courtyard Circle to the sidewalk in front of the building.

- B. Adequate off-street parking, loading areas, and adequate stacking may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - Staff Findings: Off-street parking is calculated based upon the provisions identified within Section 158.221. The required parking equates to 80 parking spaces, of which 3 must be ADA compliant. The site plan was approved with 100 parking spaces, of which 5 were ADA compliant. Parking was calculated based on retail use, which requires 1 space per 200 square feet. The special exception use being proposed falls under the same parking calculation and so no additional parking is required.

- C. Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
 - Staff Findings: Sufficient utilities are available to service the proposed development.

- D. Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.
 - Staff Findings: Buffering of intensity is not necessary as residential uses do not abut the property as demonstrated by the following chart:

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CH/CG	CH/PUD	Restaurants/Hotel
South	CH/CG	CH	Gas Station
East	CH/CG	CG	Gas Station
West	CH/CG	CG	Restaurant

CH=Highway Commercial
 CG=General Commercial

PUD=Planned Unit Development

- E. Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.
- Staff Findings: Outdoor lighting complies with the requirements of City Zoning Code Section 158.221. Any outdoor signs shall comply with the Chapter 155 Sign Code.
- F. Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- Staff Findings: Front, side, and rear yard building setbacks that conform with General Commercial zoning have been met.
- G. The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- Staff Findings: The proposed special exception use falls under Section 158.124(C)(6) of the General Commercial Zoning Code which lists bars, lounges, and night clubs as a special exception use that may be permitted only following the review and specific approval thereof by the City Council.
- H. Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.
- Staff Findings: No adverse impacts are anticipated to affect the overall health, safety, welfare, or convenience of residents or workers of the city.
- I. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity. The City may require certain uses such as car washes, gas stations, and other potential noise generating uses submit a noise impact analysis prepared by a qualified professional.
- Staff Findings: Vybz Lounge hours of operation will be 5 pm to 2 am. Good Times, the previous tenant of the space and a similar establishment, had hours of operation from 6 pm to 2 am. The establishment will be inside the enclosed building and is not expected to generate any noise.
- J. The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes, changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood. To minimize exposure to excessive noise, the City may require noise control features, limit hours of operation, and other mitigation methods.
- Staff Findings: See “Surrounding Uses” chart under criteria (D). The proposed use is not expected to adversely impact surrounding properties.
- K. As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria above, the City may deny the request for the proposed use if the use is considered incompatible, too

intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

- Staff Findings: Please note this code requirement as a point of consideration.

L. Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

- Staff Findings: Please note this code requirement as a point of consideration.

PLANNING AND ZONING BOARD ACTION OPTIONS

If the Board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions

If the board finds that the special exception use application is inconsistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend denial to the City Council

Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.