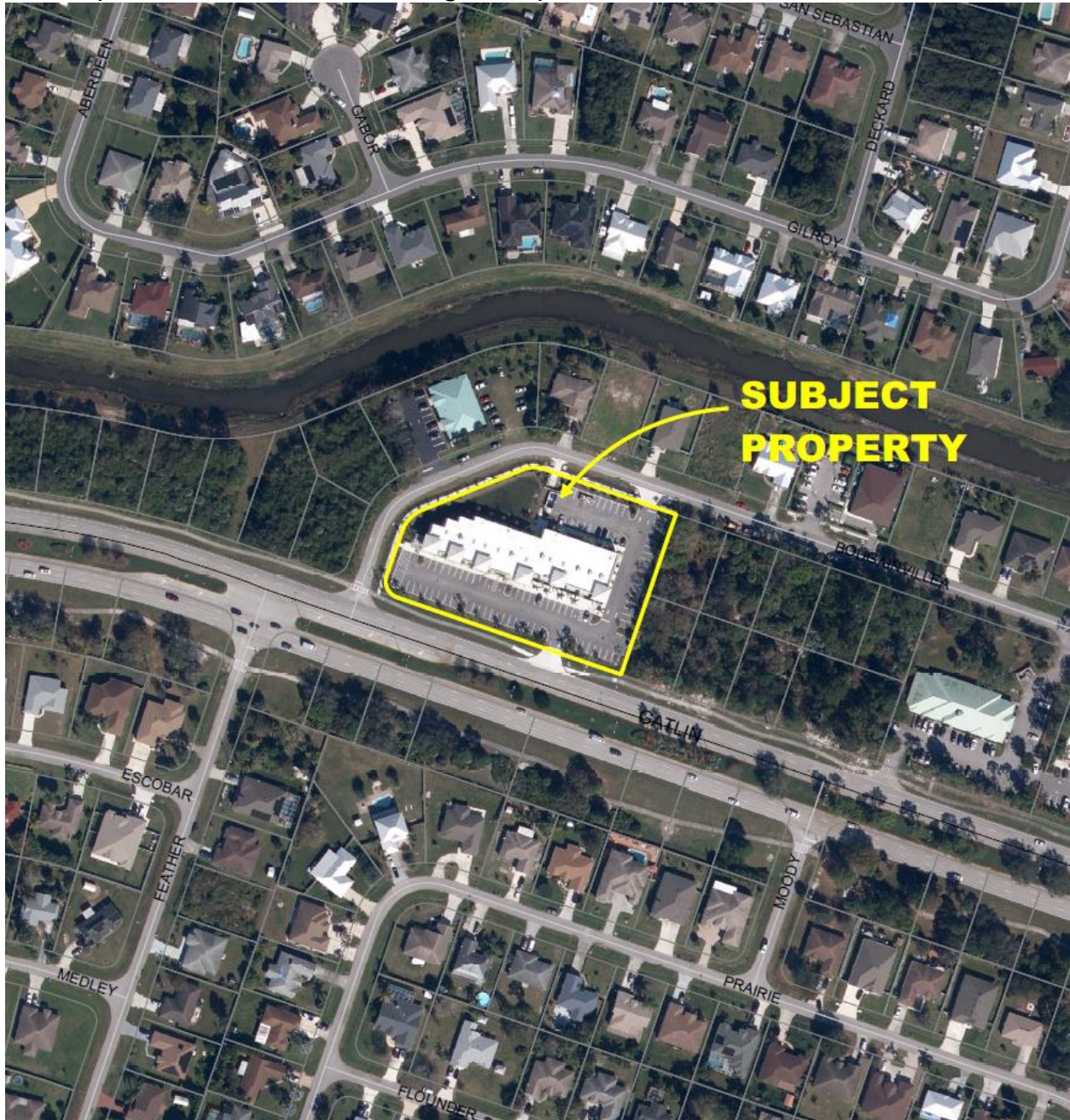


Bogey Bay LLC
Special Exception Use
P24-161 (Bar in General Commercial Zoning District)



SUMMARY

Applicant's Request:	The request is for a Special Exception Use (SEU) to allow a bar to be located in the General Commercial Zoning District as per Section 158.124 (C) (6) of the Zoning Code.
Applicant:	Aaron Livingston of Bogey Bay LLC
Owner:	CDNK, LLC.
Location:	The property is located at 1449 SW Gatlin Blvd.
Project Planner:	Daniel Robinson, Planner III

Project Description

The applicant is requesting a special exception use (SEU) to allow a bar in the General Commercial Zoning District. Section 158.124(C)(6) of the Zoning Code lists bar as a special exception use within the General Commercial (CG) Zoning District. The Zoning Code lists a special exception use as a use that may be permitted only following the review and specific approval thereof by the City Council. The proposed special exception use will allow the operation of a bar at this location.

Background

The site plan was approved by City Council on May 24, 2021. (P21-011) The building is a retail strip center known as Gatlin Square and consists of 17,802 square feet of retail/office space. The business proposing the bar use will occupy 2,821 square feet of retail/office space in the building. No outside changes are proposed to the site for the business. The proposed business may have food service but will not meet the definition of full-service restaurant as per Section 110.07 (B) of the City's Code of Ordinances; therefore, it is considered a bar per the Zoning Code.

Public Notice Requirements

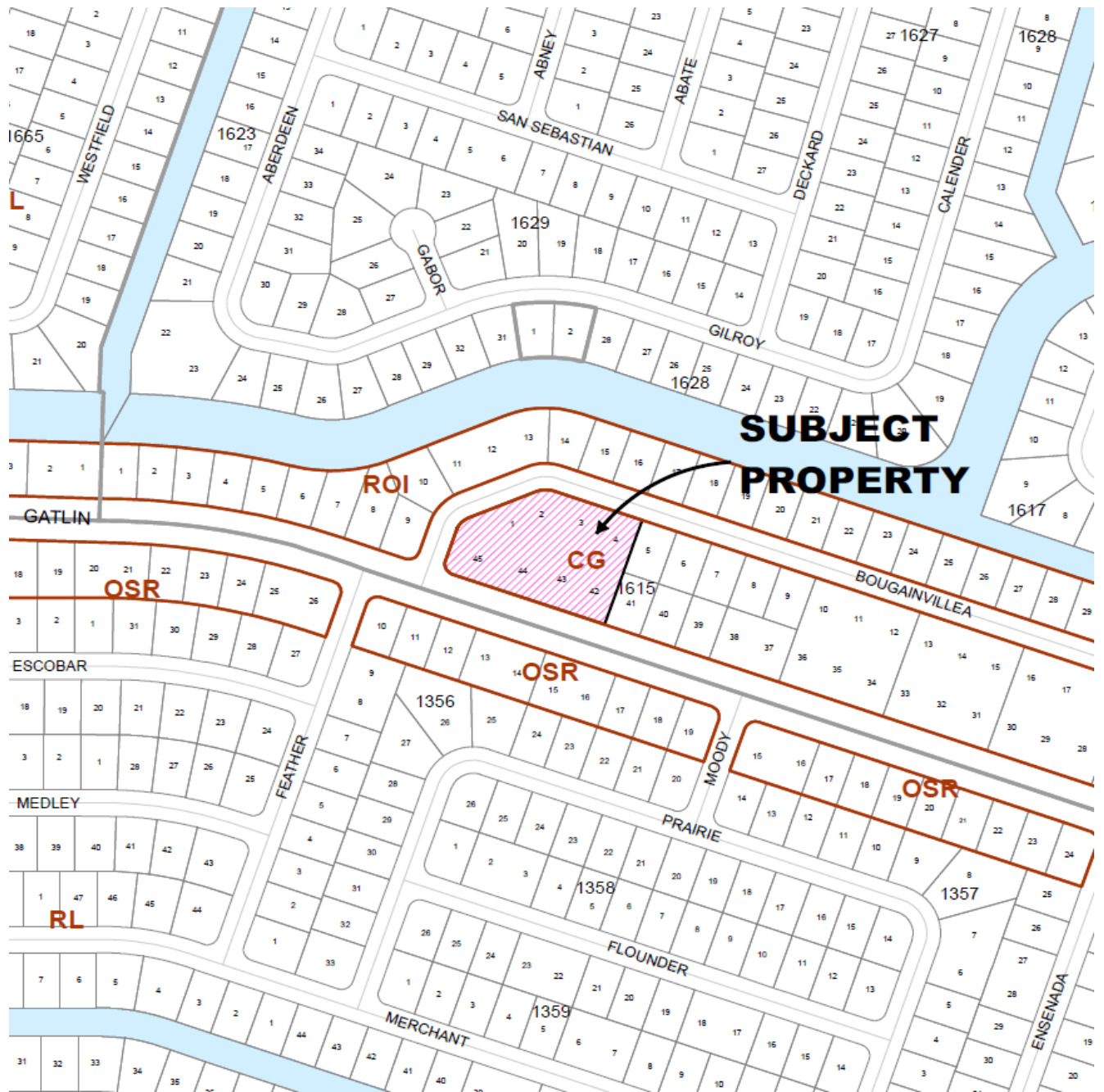
Public notice was sent to owners within 750 feet.

Location and Site Information

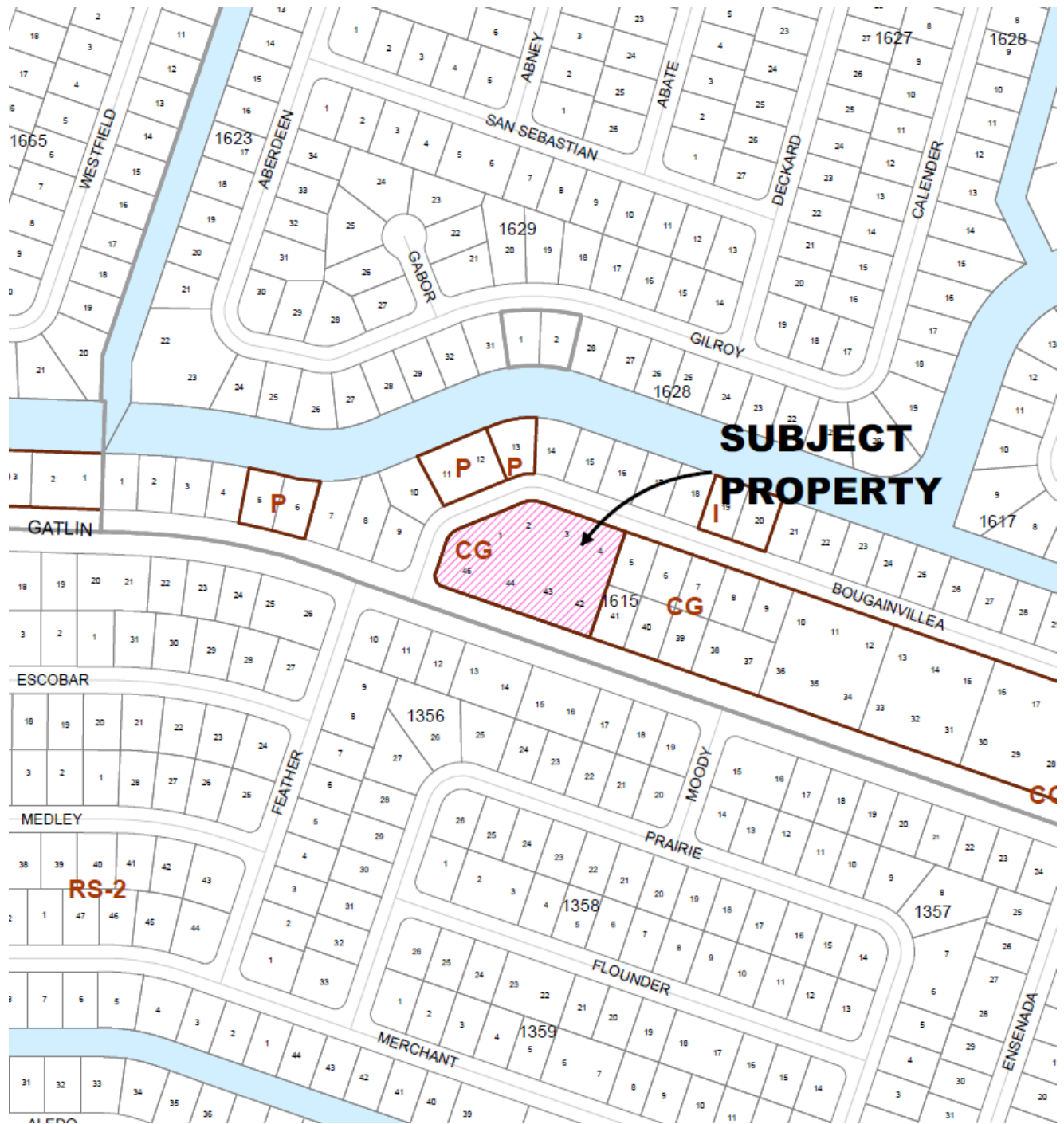
Parcel Number:	3420-610-0665-000-1
Property Size:	1.92 Acres (83,690 square feet)
Legal Description:	Port St. Lucie Section 23, Block 1615, Lots 1-4 & 42-45 (OR 4366-2714)
Current "Future Land Use:"	General Commercial (CG)
Existing Zoning:	General Commercial (CG)
Existing Use:	Retail/office Building

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	ROI	RS-2 & P	Residential and Commercial Uses
South	OSR	RS-2	Sidewalk/open space
East	CG	CG	Vacant
West	ROI	RS-2	Vacant



Existing Land Use



Existing Zoning

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. 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.

- Applicant Reply: Automotive and pedestrian safety and convenience will not be changed in any way as the property already exists with great flow of traffic. Public safety is very high on our property.
- Staff findings: The site plan demonstrates that the site has adequate ingress and egress for vehicles, the proposed development will allow for pedestrian safety and convenience. The site plan was approved by City council on May 24, 2021. The Public Works Department reviewed the transportation element of the project and found it to be in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

- Applicant Reply: The parking lot of Gatlin Square is plenty big enough to handle all parking needs, including deliveries of food and alcohol using the back parking lot accessible from SW Bougainvillea Ave.
- Staff findings: Adequate off-street parking is provided as per the approved site plan. No outside changes to the site are proposed with the proposed SEU. The proposed use of a bar requires one space per each 200 square feet of building, which is the same as a retail/office use. Therefore, no additional parking is required as the site plan is already parked at the one space per 200 square feet of building.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

- Applicant Reply: The utilities are already in place at Gatlin Square.
- Staff findings: Adequate utilities are available to service the 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.

- Applicant Reply: There will not be a need for additional buffering or screening.
- Staff findings: The approved existing landscape provides adequate buffering.

(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.

- Applicant Reply: We will only have the sign above the entry door stating “Bogey Bay Golf Simulator Bar & Grill”.
- Staff findings: Signs shall meet the requirements of Chapter 155 of the Code of Ordinances.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

- Applicant Reply: Gatlin Square is already in place and Bogey Bay does not have any yard or open space outside.
- Staff findings: Yard setbacks and open space are adequate, to properly serve the proposed development and to ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

- Applicant Reply: Bogey Bay will apply for states 2COP liquor license once the build out is within 30 days of completion for inspection purposes.
- Staff findings: The proposed use of a bar per Section 158.124(C)(6)- CG (General Commercial) Zoning District is a special exception use and shall conform to all provisions of the City’s Zoning Code if approved.

(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.

- Applicant Reply: Bogey Bay will not impair the residents of PSL in any way. It will give a new and exciting venue for entertainment for all residents. Both golfers and non- golfers looking for a fun escape.
- Staff findings: By adhering to City Code of Ordinances and Regulations, the establishment and operation of the proposed use are not anticipated to impair the health, safety, welfare, or convenience of residents and workers in 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.

- Applicant Reply: The number of people will be omitted to a max of 6 players per golf simulator. Having only 4 sims the traffic will be significantly lower than most golf sim businesses within 10-15 sims.
- Staff findings: The business shall abide by the City’s noise ordinance and the entirety of the proposed business is proposed within the enclosed building. Section 110.03 of the Code of Ordinances states: It shall be unlawful for any person to sell or serve, or to permit the sale or service of any alcoholic beverages in any place holding an alcoholic beverage license under the regulation of the Florida Department of Alcoholic Beverages and Tobacco, within the territorial limits of the city between the hours of 2:00 a.m. and 9:00 a.m., each day. Further, no consumption

of alcohol shall occur after 2:30 a.m. and no persons, not to include employees, shall be present in the establishment after 2:30 am.

(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 or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

- Applicant Reply: The adjacent property is on the Gatlin Square shopping center and will not encounter any negative impacts from Bogey Bays customers only positive impacts due to increased traffic and happy customers.
- Staff findings: Section 110.02 of the City's Code of Ordinances states that no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution unless the business meets specific exemptions. The proposed use does not meet the criteria of being exempt from this regulation per Section 110.07. The property is not within 1,500 feet of a school or religious institution, so it qualifies per the distance requirement to obtain a liquor license.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) 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.

(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.

PLANNING AND ZONING BOARD ACTION OPTIONS

Section 158.260 (A) through (L) of the City code, then the Board may pass a:

- 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 pass a:

- 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.