

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00600001: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at 2507 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: April 5, 2023

Property Owner/Applicant: Family Dollar Stores of Florida, LLC

Address: 2507 North Dixie Highway

PCNs: 38-43-44-16-25-001-0000

Size: 6.6-acre lot / ±10,500 square feet of existing structure

General Location: 2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal

Existing Land Use: Retail

Current Future Land Use Designation: Mixed Use East (MU-E).

Zoning District: Mixed Use – Dixie Highway (MU-DH)



RECOMMENDATION

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the conclusion.

PROJECT DESCRIPTION

The applicant, Family Dollar Stores of Florida, LLC, is requesting an alcohol beverage distance waiver to allow beer and wine packaged sales (2APS License) at the existing Family Dollar. The property, 2507 North Dixie Highway, is a plaza known as Arbor Square located at the 2500 block of North Dixie Highway, southwest corner of North Dixie Highway and the West Palm Beach Canal. Family Dollar currently occupies 10,500 square feet of the existing building.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

Below is a timeline summary of the commercial property based on Palm Beach Property Appraiser's records and City records:

- 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
- 1980 – the retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- March 4, 1980 – a Certificate of Final Completion and Occupancy was issued to the building at 2507 North Dixie Highway. The retail space was originally constructed as an 8,450 square foot Shoppers Drug store.
- August 27, 1985 - January 15, 2009 to September 30, 2009 – Sav Mart Inc (retail) held an active business license at 2507 North Dixie Highway.
- March 20, 2009 – A building permit was issued to revise the parking lot striping plan, which includes 372 parking spaces on Tract A, 11 spaces being ADA spaces.
- December 9, 2010 – A building permit was issued to for the interior build-out of a 10,450 square foot Dollar General store. The space appears to expand into the entire 2,000 square foot unit to the north, 2509 North Dixie Highway.
- February 25, 2011 to September 30, 2016 – Dollar General (retail) held an active business licenses at 2507 North Dixie Highway.
- May 28, 2020 - there are no active business licenses associated with 2507 North Dixie Highway.
- May 28, 2020 – there is one active code case and one open lien in relation to the entire plaza, 2505 North Dixie Highway. The details of these cases are described within Staff's analysis of the project's consistency with the City's LDRs.
- June 17, 2020 – Conditional Use Permit to allow a single destination retail use at 2507 North Dixie Highway is approved at the Planning and Zoning Board meeting.
 - The conditions of approval indicate a distance proximity waiver will be requires if packaged alcohol sales are proposed.
- An active business license has been maintained since 2020.
- There are no active code cases or open liens associated with the property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU provides for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed alcohol distance waiver allows the single destination retail use (Family Dollar) within the Arbor Square shopping plaza to further expand its offering of products. Therefore, it is consistent with the intent of the MU-E FLU. The subject alcohol distance waiver

allows the packaged sales of beer and wine (accessory use to the principal retail use). As such, review of the strategic plan is not applicable to an application of this scale.

Consistency with the City's Land Development Regulations

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Staff Analysis: Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The City's Spillway Park is located within five hundred (500) of the subject parcel. Additionally, residential uses in the Sunset Ridge and College Park neighborhoods are located five (500) feet from the parcel. Within the existing plaza, an existing restaurant (Don Juan Pizzeria) is licensed for on-site consumption of beer only within five hundred (500) feet of the proposed packaged alcoholic beverage sales. Therefore, the alcohol distance waiver is required since Family Dollar will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties. However, the parcel size, plaza orientation, and the location of the business in the plaza is such that the proposed alcohol beverage establishment's location is greater than 500ft in travel distance on existing roads and sidewalks to protected land uses. Based on the location of Family Dollar within the plaza, direct impacts to protected use are not anticipated. The other businesses in the plaza are not engage in off-premise alcohol consumption.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Staff Analysis: The proposed beer and wine packaged sales will be an accessory use to the existing Family Dollar. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Staff Analysis: The subject property is does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Staff Analysis: The waiver is necessary to allow the packaged sales of beer and wine at the subject Family Dollar. This accessory use was already envisioned in the previously approved conditional use as reflected in the conditions of approval. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare and surrounding community.

CONCLUSION AND CONDITIONS

Based on the location of the Family Dollar within the plaza, the proposed alcoholic beverage establishment is not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Further, there are no other off-premise alcoholic sales in the same plaza. Therefore, staff recommends approval with conditions listed below to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties.

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the existing business.
2. On-site alcohol consumption is not permitted.
3. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 22-00600001 of the alcohol distance waiver for the sale of packaged beer and wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 22-00600001 of the alcohol distance waiver for the sale of packaged beer and wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

ATTACHMENTS

- A. Application Package