

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-00500009: Consideration of a **Conditional Use Permit** for a 5,827 square foot ballroom/banquet/meeting room and bar with or without live entertainment (bar/ lounge grill) located at 2141 10th Avenue North. The property is zoned Mixed Use - West (MU-W)

Meeting Date: April 6, 2022

Property Owner: Finski LLC & Neptune Docks LLC

Applicant: Armando Gonzalez – Impact Group, Inc.

Address: 2141 10th Avenue North

PCN: 38-43-44-20-01-032-0010

Size: 2.6395-acre site / 31,092 sf. building

General Location: South side of 2000 Block on 10th Ave N

Existing Land Use: Commercial Retail/Personal Service

Current Future Land Use Designation: Mixed-Use - West (MU-W)

Zoning District: Mixed-Use - West (MU-W)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit uses are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 5 of this report.

PROJECT DESCRIPTION

The applicant, Armando Gonzalez, on behalf of Impact Group, Inc., is requesting a **Conditional Use Permit** for a 5,827 square foot *ballroom/banquet/meeting room, and bar with or without live entertainment (bar lounge grill)*. The request would include the build out of a kitchen, bathrooms and bar area at the property located at 2141 10th Avenue North. The location of the use will be at the south side of the structure. The use area will be within the 14,000 square foot bay at the rear. The proposal would also include a valet parking area and parking plan for events. The property is zoned Mixed-Use West (MU-W) and has a Future Land Use designation (FLUM) designation of Mixed-Use West (MU-W). The proposed uses are a high-intensity commercial and personal service type use that are anticipated in the MU-W zoning district. No site improvements to the structure or parking areas are proposed as part of the subject request.

Although no site modifications or improvements to the parking areas are being proposed, the uses will rely on a parking plan that will include valet parking. The valet parking plan will be operated and supervised by a private company. Designated parking areas related to Impact Banquet operations are included in the parking plan. A total of 80 valet spaces are being proposed during the hours of operation. The proposed hours of operation are from 11AM to 9PM Monday to Thursday; 10am to 12am Friday and Saturday; and 10am to 10 pm on Sunday.

A Ballroom/banquet/meeting room and bar with or without live entertainment are allowed in the MU-W zoning district and require a Conditional Use Permit (CUP) as the use can be a high-intensity use.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Existing Development: The site was constructed in 1982. The 31,092 square feet subject site currently has a total of 14 tenant spaces ranging from 800 to 14,000 square feet with approximately 147 off-street parking spaces.

Land Use: The site has active business licenses for commercial uses in 9 of the tenant spaces. The site has a history of being occupied by different commercial, retail, and services type uses. The current 14,000 square foot bay does not have an active business license.

Landscaping: The site has existing landscape buffers along the entire perimeter including provided screening from the right-of-way. Additionally, the site has adequate interior landscaping.

Code Compliance: There are no open code compliance cases on the property.

ANALYSIS

[Consistency with the Comprehensive Plan and Strategic Plan](#)

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the MU-W land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. The proposal would allow for the establishment of a high intensity personal service use within a mixed-use building along one of the City's Major Thoroughfares, 10th Avenue. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-W FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. The proposed ballroom/banquet/meeting room use will activate a tenant space which is currently vacant, and therefore it will help stimulate the economy and will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit to establish a ballroom/banquet/meeting room at the subject location is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

[Consistency with the Land Development Regulations](#)

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29.a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29.b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29.c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property was constructed in the 1980's. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the

subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs on the following data and analysis:**

Off-Street Parking

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The request is for the two additional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. The existing site has 31,092 square feet of multiple-use tenants. The site currently has approximately 147 parking spaces and will be able to accommodate event parking during operating hours. The event parking will be handled by a private company with staff present.

Major Thoroughfare Design Guidelines

No modifications to the building or site are proposed as part of this conditional use. However, Page 24 of the Major Thoroughfare Design Guidelines recommends *the pedestrian environment and scale shall be protected and enhanced, and compatibility between adjacent uses, especially residential.* Although the requested use is in the rear of the site, conditions of approval are being proposed to enhance the right-of-way landscape buffer on the north property line and the south property line adjacent to the existing mobile home park. The conditions will enhance the pedestrian environment along the major thoroughfare and promote compatibility of the entire site.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. A *Ballroom/banquet/meeting room and bar with or without live entertainment* uses are anticipated uses in the Mixed-Use - West (MU-W) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject property.

Alcohol Distance Requirements (Section 5-5 Zoning Regulations and limitations; exceptions.)

The proposed banquet hall and bar use does not comply with Section 5-5 as the business/use is within five hundred (500) feet of another place of business of a person holding a beverage license. Therefore, an alcohol distance waiver

application is required as a consequent action for this approval to be comment effective. Staff has drafted a condition of approval relating to the alcohol distance waiver requirement.

CONCLUSION AND CONDITIONS

Per LDR Section 23.3-18, the MU-W mixed use district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

The proposed *Ballroom/banquet/meeting room and bar with or without live entertainment* uses are appropriate for this zoning district. These uses are located adjacent to compatible uses and along a major thoroughfare. These uses will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29.

The following conditions are recommended:

1. The Conditional Use (CUP) approval shall not be effective until/unless the City Commission approves an alcohol distance waiver.
2. A minor site plan amendment shall be submitted to address the following:
 - a. Show the location of the meter center on the site plan.
 - b. Show the location of lighting on the site plan.
 - c. Show the location of grease traps installed on all kitchen lines, sized per FAC 64E-6.013.
 - d. Show the existing dumpster to complies with LDR Section 12-7.
3. Landscaping, where possible, shall be planted along the north and south property lines. The property owner has agreed to the following landscape revisions in an effort to provide appropriate location and planting material based on the requirements in the Major Thoroughfare Design Guidelines. The conditions will enhance the existing landscaping at the north and south property lines. A permit to install landscaping shall be submitted and issued within 6 months of this approval date.
4. All activities at 2141 10th Avenue North, including any live entertainment, shall occur indoors and shall not occur in the parking lot or any exterior areas.
5. All noise shall be reasonably confined to the interior of the space and excessive noise shall not be permitted outside of the premises.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 2141 10th Avenue North, and will not constitute approval for any new location or unit.
7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the either the banquet hall or bar uses.
8. The proposed use will require a change of occupancy for the tenant space to comply with the Florida Building Code.

Water & Sewer Utilities

1. Prior to Certificate of Occupancy (C.O.):
 - a. A Bill of Sale for the public water mains or sewer mains must be recorded.
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- b. A final electrical inspection must be done.
2. Prior to the issuance of a building permit, the commercial kitchen will be required to install grease traps on all kitchen drain lines. The grease trap(s) shall be sized per FAC 64E-6.013.
3. Capacity fees for water and sewer must be paid in full in accordance with current City Ordinance.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer to show the location of the meter center on the site plan.
3. Developer will be responsible for installing their own lightning for the parking areas.
4. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
5. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 21-005000009 with staff recommended conditions for a **Conditional Use Permit** request to establish a *Ballroom/banquet/meeting room and bar with or without live entertainment* is allowed in the MU-W zoning district at 2141 10th Avenue North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 21-005000009 for a **Conditional Use Permit** request to establish a *Ballroom/banquet/meeting room and bar with or without live entertainment* is allowed in the MU-W zoning district at 2141 10th Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The alcohol distance waiver will be scheduled before the City Commission if the Planning & Zoning Board approves the CUP request.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, request letter)

C.

ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	In compliance

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance