

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600001: Consideration of a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use – West (MU-W) and has a future land use designation of Transit Oriented Development (TOD).

Meeting Date: May 3, 2023

Applicant: William Davis – Fun Guys of West Palm LLC

Property Owner: Paise Associates 2 LLC

Address: 1974 Lake Worth Road

PCNs: 38-43-44-21-02-031-0020

Size: 8.3-acre lot / ±1,790 square feet of existing structure

General Location: Bounded to the south by Lake Worth Road, to the north by 2nd Avenue North, and to the west by Detroit Street.

Existing Land Use: Community Retail Plaza

Current Future Land Use Designation: Transit Oriented Development (TOD)

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

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, and recommends that the Planning and Zoning Board reviews this information to determine if the proposed distance waiver meets the criteria of the Comprehensive Plan and LDRs.

PROJECT DESCRIPTION

The applicant, William Davis on behalf of Fun Guys of West Palm LLC, is requesting a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. A day care and school (Paradise Learning Center) is located within 900 feet from the nearest boundary of the subject parcel, John Prince Park is also within 900 feet. The proposed pinball/game room would occupy ±1,790 square feet of existing structure within the Town & Country Shopping Center Plaza.

COMMUNITY OUTREACH

Staff had not received letters of support or opposition from adjacent or nearby neighbors prior to the publication of this report.

BACKGROUND

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

Use/Construction: The existing Town & Country Shopping Center Plaza was constructed in 1967.

Code Compliance: There are no active code cases on the subject site.

Chronology:

- On February 21, 2023, an administrative use permit for an indoor recreational use was submitted
- On March 2, 2023, a completeness review is issued identifying that the proposed use would require a distance waiver
- On March 8, 2023, the application was deemed complete for processing based on the additional documentation that was provided

ANALYSIS

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

The subject site has a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Policy 1.1.1.8, the TOD FLU is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The proposed distance waiver allows the establishment of a new pinball/game room within the existing commercial plaza. Therefore, it is consistent with the intent of the TOD FLU which envisions a mix of commercial uses. 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 pinball/game rooms.

Section 14.72 – Location

No license shall be granted for a pinball and/or game room located within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room as defined herein; provided, however, the city commission may permit a lesser distance after review and recommendation of the waiver request by the planning and zoning board, taking into consideration the nature of the business and neighborhood.

Staff Analysis: The City's pinball/game room regulations were established in the early 1980s. In 2004, Ordinance 2003-41 was passed which revised the location requirements to allow a waiver review process.

Section 14-73 restricts how pinball/game rooms operate. These restrictions include hours of operation (must be closed between the hours of 11 PM and 9 AM, and prior to 12 PM on Sundays), and prohibiting any gambling and the consumption of alcoholic beverages within the licensed premises. If the applicant proceeds with the administrative use permit for the indoor recreational use, the business will be conditioned to satisfy all the requirements listed in Article IV, including the restrictions noted above.

A day care and school (Paradise Learning Center) is located within 900 feet from the nearest boundary of the subject parcel, John Prince Park is also within 900 feet. However, the park is located outside of City limits. Staff has not identified any schools, churches, playgrounds, recreation facilities, and other pinball/game rooms within the required distance separation. Therefore, the distance waiver is required since a school is located within 900 feet of the new pinball/game room.

CONCLUSION AND CONDITIONS

Staff recommends that the PZB discuss the applicant's request for a distance waiver. If the PZB recommend approval, the board will need to determine that the proposed pinball/game room use will not negatively impact the public park and day care/school uses that located within 900 feet. Staff has drafted the following conditions should the PZB recommend approval of the distance waiver to the City Commission:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the indoor recreational use.
2. The distance waiver shall be null and void of the administrative use permit (AUP) is not approved for the indoor recreational use.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600001 of the distance waiver for the establishment of a pinball/game room as the subject use will not negatively impact the proximate park and daycare/school use 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 23-00600001 of the distance waiver for the establishment of a pinball/game room 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