



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 26-00500002: a request for a Conditional Use Permit to allow a Bar with Live Entertainment and Alcohol Distance Waiver to allow non-package sales of wine for on-site consumption at Latitude 26 Art Gallery & Wine Bar at 804 Lake Avenue. The subject property is located in the Downtown (DT) Zoning District and has a future land use designation of Downtown Mixed Use (DMU). The property is a contributing resource in the Old Town Historic District.

Meeting Date: March 11, 2026

Property Owner: Cimaglia Holdings Number One LLC

Applicant: Kelly Absher – Latitude 26 Art Gallery & Wine Bar

Address: 802-804 Lake Avenue

PCN: 38-43-44-21-15-507-0090

Size: 0.16 acre / 7,000 sf

General Location: Northeast corner of Lake Avenue and North J Street

Existing Land Use: Art Gallery

Current Future Land Use Designation: Downtown Mixed Use (DMU)

Zoning District: Downtown (DT)

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. Staff recommends that the Historic Resources Preservation Board (HRPB) approve the proposed Conditional Use Permit (CUP) and Alcohol Distance Waiver to permit the existing Art Gallery to operate a Bar with Live Entertainment use and to allow for non-package sales of wine for on-site consumption, as they meet the criteria provided in the LDRs. If the HRPB approves the request, conditions of approval have been provided on pages 4-5 of this report.

PROJECT DESCRIPTION

The applicant, Kelly Absher, is requesting a **Conditional Use Permit (CUP) and Alcohol Distance Waiver** to establish a bar with live entertainment use in addition to the existing Art Gallery use at 804 Lake Avenue. The subject site is located in the Downtown (DT) zoning district and is a contributing resource in the Old Town Historic District.

COMMUNITY OUTREACH

At the time of publication, staff have not received any letters of support or opposition for this application.

BACKGROUND

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

- Development History
 - Circa 1915 – Construction of 804 Lake Avenue for First National Bank
 - Circa 1925 – Construction of 802 Lake Avenue (eastern half of the existing building at 802-804 Lake Avenue)
 - Major interior and exterior renovations: 1940, 1941, 1945, 1947, 1955, 1973, 1989, 1991, 1992, 2005
- Business License History (Excludes records prior to the year 2000)
 - The Sunflower Room was licensed from 2011-2015.
 - Cherry Pickings Antiques was licensed from 2015-2017.
 - E-Gear Media was licensed from 2017-2020.
 - V Gallery was licensed from 2023-2024; this business previously received HRPB approval for an Alcohol Distance Waiver to permit sales of wine under HRPB 24-00600001.
 - Latitude 26 Art Gallery & Wine Bar requested a business license on July 29th 2025. At this time, the application was approved for an Art Gallery with a note from Planning & Zoning Staff that no live entertainment or bar was permitted as this would require a Conditional Use approval and updated Alcohol Distance Waiver. The property was subsequently inspected on December 17th, 2025 for Use and Occupancy and disapproved for operating outside of the scope of their business license.
- Recent Code Enforcement History
 - There is currently an active code enforcement case (25-2672) for this property; the property owner was cited for operating outside of the scope of their approved City of Lake Worth Beach business license as the property was not approved for operation as a Bar with Live Entertainment. The subject request will therefore facilitate the applicant in clearing their existing code enforcement citations and allow them to obtain an updated business license.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). Per Policy 1.1.1.7, *the DMU FLU is established to provide for the establishment and expansion of a broad range of office, retail and commercial uses,*

and some residential within the traditional downtown core of the City. The proposed request is seeking to allow an art gallery with a bar with live entertainment in the existing building.

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. Pillars II.D, IV.A, and IV.D of the Strategic Plan state that the City shall preserve and protect historic resources, achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use permit will allow for the continued use of a historic building, enhance the cultural environment of the city, contribute towards the City's tax base, and sustain or increase jobs, the proposal is consistent with Pillar II.D, Pillar IV.A, and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit requests are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

The **Downtown (DT) zoning district** is designed to regulate the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The Downtown zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the Downtown Mixed Use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit to serve wine and offer live music performances, therefore operating as a bar with live entertainment within the existing gallery space. Based on staff analysis, the proposed uses are not anticipated to impact the surrounding area greater than uses permitted by right or the current Art Gallery use. The existing site is served by municipal services, including water, sewer, refuse, fire and police. The site is located at the intersection of a local roadway and an FDOT roadway. Therefore, no additional public expenditure is required to service the proposed use.

Per the City's Use Table (LDR Section 23.3-6), a medium intensity bar with or without live entertainment use requires Conditional Use Permit approval. The proposed use, as conditioned, is consistent with the intent of the DT zoning district.

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.

The analysis for the Conditional Use Permit is provided in the section below and is consistent with the review criteria located in **Attachment A**.

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 historic resources preservation 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 5 of this report.

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.*

Analysis: The existing structure was built c. 1915 and existing site conditions do not conform to the current LDRs with regard to impermeable surfaces, setbacks, parking and landscape; 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 uses are consistent with the City's LDRs as conditioned based on the following data and analysis.**

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: The proposed uses, as conditioned, are in general harmony with the surrounding area and consistent with the development of the corridor. The existing art gallery use is permitted by-right in the Downtown (DT) zoning district, and a number of other bar and bar with live entertainment uses are located in the surrounding vicinity. The proposed uses will not result in less public benefit or more intensive development than anticipated in the zoning district in the comprehensive plan. Please see **Attachment A** for specific review criteria analysis.

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

Analysis: The proposed conditional uses are not anticipated to impact the surrounding area greater than uses permitted by-right. The site is already served by municipal services, including water, sewer, refuse, fire and police. The site is also located at the intersection of a local roadway and an FDOT roadway. Therefore, no additional public expenditure is required to service the proposed use. Staff has included a condition of approval regarding compliance with City Code Section 15-24, *Noise control*. Please see **Attachment A** for specific review criteria analysis.

Section 23.2-29.(g) Additional requirements.

Analysis: There is currently one (1) open code compliance case for the subject property. Staff has added a condition of approval to ensure that code violations are resolved prior to the issuance of a business license on the property; approval of this CUP and distance waiver request is necessary to resolve the existing code violation.

Chapter 5 – 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 have 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 uses;*

Analysis: The subject property is located within the City's downtown area, where there are numerous existing establishments with alcoholic beverage licenses within a 500-foot radius. Properties zoned for residential uses within the Downtown (DT) and Mixed-Use East (MU-E) zoning districts will also be within 500 feet of the proposed wine sales at 804 Lake Avenue. Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries; based on staff research of the surrounding area no protected uses will be located within 500 feet of the proposed wine sales.

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;*

Analysis: The proposed non-package wine sales will be offered by the existing art gallery business at 804 Lake Avenue, which has an existing City of Lake Worth Beach business license. The subject property previously received approval for an Alcohol Distance Waiver in 2024 under a different business owner. If approved, staff has added a condition of approval that the Applicant shall submit their Development Order to the City of Lake Worth Beach Business License staff to reflect the approval of non-packaged alcohol sales at the proposed business.

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*

Analysis: The subject property is classified as a contributing resource to the Old Town National and Local Historic District. The Applicant is not proposing any exterior alterations under the subject request.

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

Analysis: The waiver is necessary to allow non-package sales of wine at the subject property and will not be detrimental to the health, safety or welfare of the neighborhood and public. Staff has added several conditions of approval in order to ensure the business operates within the allowed hours of sale, levels of noise, and to ensure the proposed use is not detrimental to the health, safety, and welfare of the surrounding community.

CONCLUSION AND CONDITIONS

The Downtown district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including bar with live entertainment uses subject to Conditional Use approval. Based on the data and analysis in this report and the supporting documents provided by the applicant, the proposed use of an art gallery with bar with live entertainment and alcohol distance waiver, as conditioned, are not anticipated to negatively impact adjacent properties. The proposed uses will be compatible with other uses provided within the DT zoning district. **Therefore, staff is recommending APPROVAL of the subject application with the following conditions:**

Planning, Zoning, and Historic Preservation:

1. The Applicant shall submit their Development Order to the City of Lake Worth Beach Business License staff to reflect the approval of non-packaged alcohol sales and a bar with live entertainment as an amended use to the existing Art Gallery business.
2. This approval only applies to the subject property (804 Lake Avenue) and will not constitute approval for any new location, unit or operator.
3. Prior to the issuance of a City of Lake Worth Beach business license, any code violations shall be resolved.
4. All sales transactions, except during city approved special events shall take place within the building.

5. 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.
6. Any future proposed sidewalk café will require a separate permit.
7. No exterior alterations to the structure are included in the scope of this approval. Future exterior alterations shall require a Certificate of Appropriateness (COA) for historic approval.
8. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
9. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Lake Worth Beach Business License.
10. 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 requested uses.

Electric Utility Comments:

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 the cost of Lake Worth Beach's materials and labor for this project.
4. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTION:

I move to **APPROVE** HRPB Project Number 26-00500002 with staff recommended conditions for a Conditional Use Permit to allow a Bar with Live Entertainment and Alcohol Distance Waiver to allow non-package sales of wine for on-site consumption at Latitude 26 Art Gallery & Wine Bar at 804 Lake Avenue based on the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **DISAPPROVE** HRPB Project Number 26-00500002 for a Conditional Use Permit to allow a Bar with Live Entertainment and Alcohol Distance Waiver to allow non-package sales of wine for on-site consumption at Latitude 26 Art Gallery & Wine Bar at 804 Lake Avenue. The applicant has not established competent and substantial evidence for the subject request for the following reasons [Board member please state reasons].

Consequent Action: *The Historic Resources Preservation Board's decision will be the final decision for the Conditional Use Permit and Alcohol Distance Waiver. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (Survey, Justification Statement, Supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

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 demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance