

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 23-00600003:** Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 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:** June 28, 2023

**Property Owner:** ARBOR SQUARE REALTY CO LLC

**Applicant:** Ariel Martinez – Presidente Supermarket

**Address:** 2505 North Dixie Highway

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

**Size:** 6.6-acre lot / ±25,600 square feet of use area

**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:** Shopping Center

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

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

Location Map



## RECOMMENDATION

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs, considering that an alcohol distance waiver for a similar use (Family Dollar) was recently granted in the same plaza. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided on page 4 of this report.

## PROJECT DESCRIPTION

The applicant, Ariel Martinez on behalf of Presidente Supermarket, is requesting an **alcohol beverage distance waiver to allow beer and wine packaged sales** (2APS License) for Presidente Supermarket. The property, 2505 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. Presidente Supermarket occupies 25,600 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:

- Development History
  - 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.
- Business License History (Excludes records prior to the year 2000)
  - Monterey Market was licensed in 2013 and 2014.
  - Sedano's Supermarket was licensed in 2001, and between 2008 and 2013.
  - President Supermarket applied for a business license on May 22, 2023. The use and occupancy inspection was conducted on June 13, 2023, and the business license was issued on June 20, 2023.
- Recent Building Permit History
  - March 10, 2023 – Building Permit #23-407 was issued for commercial fire sprinklers.
  - January 13, 2021 – Building Permit #20-3392 was issued for a new dumpster enclosure.
  - July 17, 2021 – Building Permit #20-1431 was issued for major interior renovations.
  - September 4, 2020 – Building Permit #20-306 was issued for façade renovations.
- Recent Code Enforcement History
  - There are no active code cases associated with this property.
- Other Alcoholic Beverage Approvals
  - At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway.
  - Within the existing plaza, an existing restaurant at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only.

## 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 Presidente Supermarket 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 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 at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only within five hundred (500) feet of the proposed packaged alcoholic beverage sales. At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway. Therefore, the alcohol distance waiver is required since Presidente Supermarket 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 Presidente Supermarket within the plaza, direct impacts to protected use are not anticipated. Furthermore, an anchor grocery store with accessory package alcohol sales historically took place at this location.

- 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 Presidente Supermarket. 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 Presidente Supermarket. 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 Presidente Supermarket within the plaza, the proposed accessory packaged alcoholic beverage sales are 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, an anchor grocery store with accessory package alcohol sales historically took place at this location. Staff recommends that the Planning and Zoning Board reviews this information to determine whether 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. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided below:

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 23-00600003 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 23-00600003 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