



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 24-00600001: Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown (DT) zoning district. The future land use designation is Downtown Mixed Use (DMU).

Meeting Date: March 13, 2024

Applicant: Steven Sposato, V Gallery

Property Owner: Cimaglia Holdings Number One, LLC

Address: 804 Lake Avenue

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

Lot Size: 0.16 acre / 7,000 sf

General Location: North side of Lake Avenue between North Dixie Highway and North J Street

Existing Land Use: Art Gallery

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

Zoning District: Downtown (DT)



RECOMMENDATION

The documentation and materials provided with the application 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.

Staff recommends that the Historic Resources Preservation Board reviews this information to determine if the proposed alcoholic beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board moves to approve the request, conditions of approval have been provided on pages 6 and 7 of this report.

PROJECT DESCRIPTION

The applicant, Steven Sposato, is requesting an alcoholic beverage distance waiver to allow non-package sales of wine for on-premises consumption at 804 Lake Avenue.

PUBLIC COMMENT

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

PROPERTY DEVELOPMENT HISTORY

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 applied for a business license on November 11, 2023. The use and occupancy inspection was conducted on December 11, 2023, and the business license was issued on December 14, 2023.
- Recent Code Enforcement History
 - There are no active code cases associated with this property.

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 intended 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. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The proposed alcohol distance waiver will allow V Gallery at 804 Lake Avenue to offer sales of wine by the glass as part of their art gallery use. Therefore, it is consistent with the intent of the DMU FLU. The subject alcohol distance waiver allows non-package sales of 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 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. The applicant's responses to the standards can be found in their Justification Statement (**Attachment A**).

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 in 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; 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 an accessory use to the existing art gallery business at 804 Lake Avenue, which has an existing City of Lake Worth Beach business license. 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 as an accessory use to 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 as part of the request for wine sales for on-site consumption.

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. Per the applicant's justification statement, the waiver will enable V Gallery to be a safe, friendly space for local artists and visitors. 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 of the surrounding community.

CONCLUSION AND CONDITIONS

The proposed accessory non-package sale of wine for on-site consumption 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. Staff recommends that the HRPB review this information to determine whether to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other places of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the HRPB moves to approve the request, conditions of approval have been provided below.

Conditions of Approval:

1. The on-site consumption of wine or other forms of alcohol is not allowed as a principal use.
2. 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 as an accessory use to the proposed business.
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 **APPROVE** HRPB Project Number 24-00600001 for an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at **804 Lake Avenue**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 24-00600001 for an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at **804 Lake Avenue**, because the application is not consistent with the waiver criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Historic Resources Preservation Board's decision will be final decision for the alcohol distance waiver for on-site consumption of wine. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Justification Statement and Floor Plan