

Zoning Board of Adjustments and Appeals Meeting Agenda ****Special Called Hearing****

**April 18, 2019 9:00 a.m.
in the City Hall Commission Chamber**

The Zoning Board of Adjustments and Appeals will convene for its regular meeting for the purpose of hearing and acting upon the following:

- ITEM 1:** Call to Order
- ITEM 2:** Roll Call
- ITEM 3:** City Attorney explains purpose and authority of the Board
- ITEM 4:** **Craig Morby** requests a 279' variance to allow a minimum separation distance of 221' from a church, synagogue or other house of worship; and a 231' variance to allow a minimum separation distance of 269' from another church, synagogue or other house of worship in lieu of the 500' minimum separation distance for alcoholic beverage establishments specified by Section 5.4 of the Land Development Code in order to establish a craft beer tap room and outdoor food truck event site on property located at 802 N. Massachusetts Avenue. Owner: Lakeland Community Redevelopment Agency. (VAR19-006) ([pg. 1-5](#))
- ITEM 5:** Adjournment

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jenny.sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-9558771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

Community and Economic Development Variance Application

General Information:

Project No: VAR19-006 **Application Date:** 3/5/2019
Project Name: The Yard on Mass
Subject Property
Address: 802 N. Massachusetts Avenue **Parcel ID:** 242818203000019022
Applicant Name: Craig Morby **Owner Name:** Lakeland Comm. Redevelopment Agency

Request:

Applicant Type: Variance

Current

Zoning: C-2 (Highway Commercial)

Context: Urban Corridor (UCO)

Lot Dimensions: 125 x 183 **Square Footage:** 24,393

Present Use: Single Family Home

Explanation of Request: Apply for distance variance to accommodate a 4COP license to serve alcohol for Craft Beer Tap Room and Food Truck at approved site.

Justification of Request: Thank you for considering our application for variance for 802 N. Massachusetts Ave. As you know, this is a designated CRA site in midtown Lakeland. The CRA has put a plan in place to have a food truck park and tap house on this site, neighboring Haus 820. We have signed the lease with the CRA and architectural plans are currently in review for construction. The business is to be called **The Yard on Mass**, www.theyardonmass.com. Our concept and vision is based on a similar concept, in which 3 of the founders are also involved, called The Rayback Collective in Boulder Co. www.therayback.com. We intend to bring craft beers, wine and cocktails, and provide a multi-cultural, multi-generational and dog friendly place destination for Lakelanders, with the hope to be a positive player in the neighborhood. We will have live music, and bring many other events to the site, including yoga, small private events, children's events, pop up markets, games and the list goes on.

The building we will be erecting will be 2600 Sq Ft building, which will compliment Haus 820 and be another cog in this midtown site revitalization. We will have cabanas for either private or public use running south to north along Mass Ave. We will also have 4 food truck sites, with electrical hook ups. The yard itself will be off the back patio, and provide a seating area for guests and yard activities.

As we are within a certain amount of feet from a house of worship, we are applying for a variance. Our plan to be a partner in this neighborhood, and although we plan to be open 7 days a week from 11am, our closing times will be reasonable, with the latest times being Fridays and Saturdays at approx. 11pm. We will not be a "late night bar". We cannot be more excited for this project, and even more so be a partner with the City of Lakeland.

Thank you again for your consideration.

Letter from the Community and Economic Development department to surrounding homeowners

RE: Variance Request - Project No. VAR19-006

Dear Property Owner:

This notice is to advise you that Craig Morby requests a 279' variance to allow a minimum separation distance of 221' from a church, synagogue or other house of worship; and a 155' variance to allow a minimum separation distance of 345' from another church, synagogue or other house of worship in lieu of the 500' minimum separation distance for alcoholic beverage establishments specified by Section 5.4 of the Land Development Code in order to establish a craft beer tap room and outdoor food truck event site on property located at 802 N. Massachusetts Avenue. The subject property is legally described as:

SCHIPMANS SURVEY DB G PG 360 361 BLK 19 LOT 2 & LOT 4 LESS R/W FOR LAKELAND IN-TOWN BYPASS AS DESC IN OR 4397 PG 169 (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

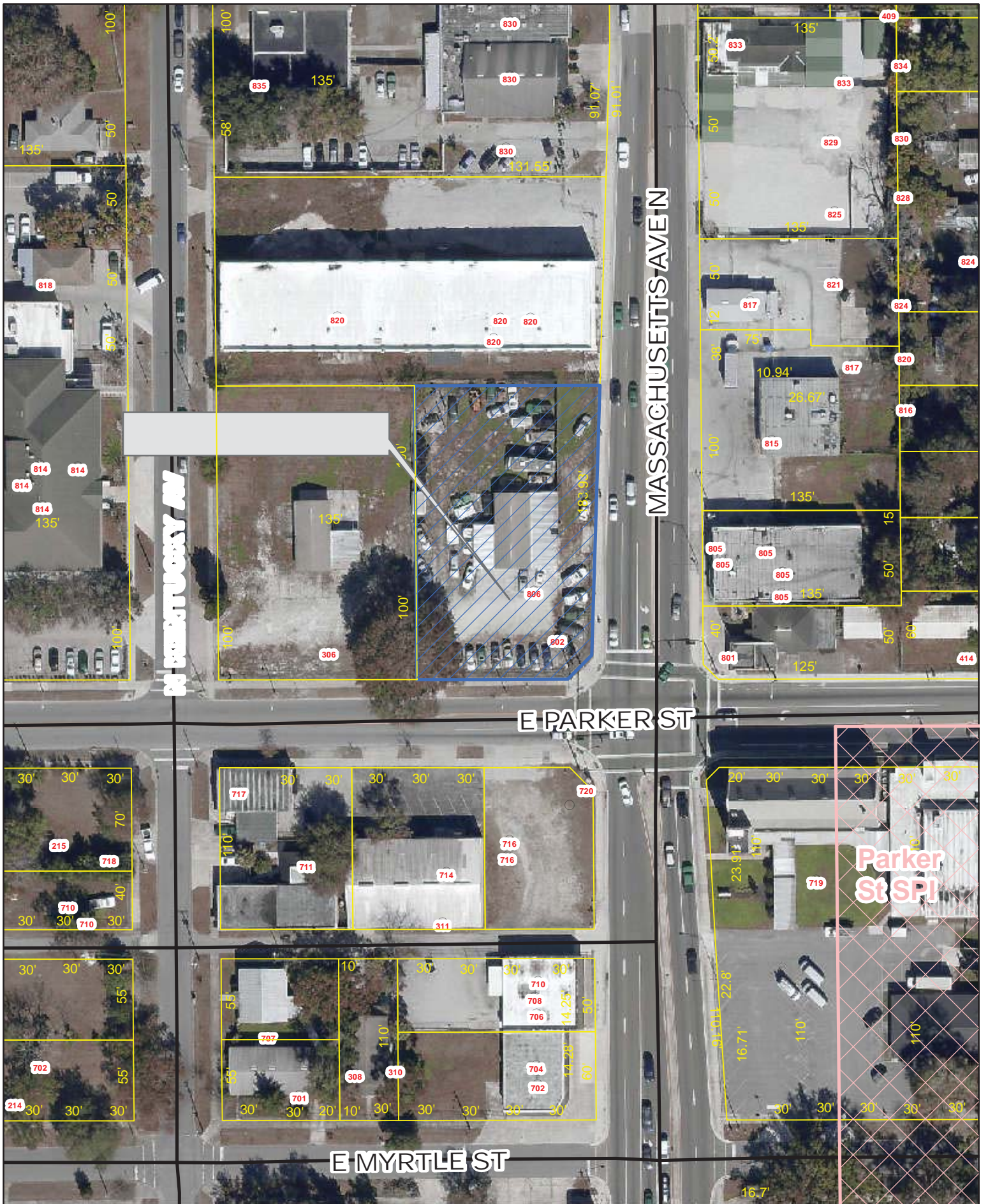
The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 4/2/2019** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue.

As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW



MASSACHUSETTS AVENUE

MASSACHUSETTS AVENUE

E PARKER ST

E MYRTLE ST

Parker St SPI



802 N MASSACHUSETTS AV
Parcel ID# 242818203000019022



No.	FOR BUILDING PERMIT	DATE	BY
1		03/05/19	BAR

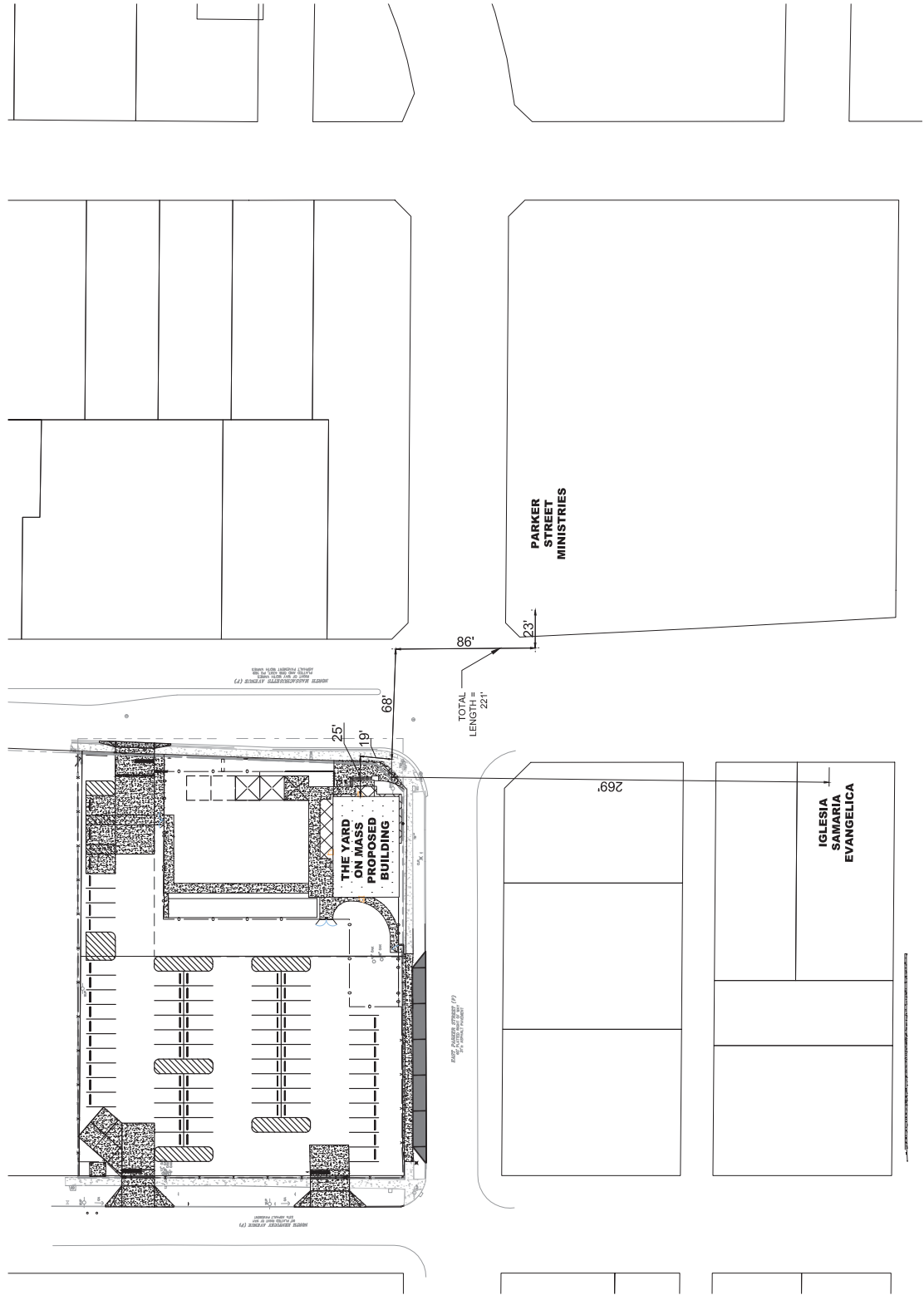
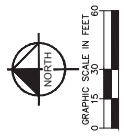
Kimley-Horn
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 116 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
 PHONE: 863-701-8702
 WWW.KIMLEY-HORN.COM CA 00006986

KHA PROJECT
 DATE 04/19/2018
 SCALE AS SHOWN
 DESIGNED BY BAR
 DRAWN BY BAR
 CHECKED BY ETH
 DATE 05/21/19
 FL LICENSE NUMBER 65710
 ELSA T. HARDEN
 LICENSED PROFESSIONAL

THE YARD ON MASS
 PREPARED FOR
 LAKELAND CRA
 LAKELAND
 FL

SHEET NUMBER
C200

Site Address
**802 N Massachusetts Avenue
 Lakeland, FL 33801**



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Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing: 4/2/2019

Reviewer: Phillip Searce

Project No: VAR19-006

Subject Property: 802 N. Massachusetts Avenue

Owner: Lakeland Community Redevelopment Agency

Applicant: Craig Morby

Current Zoning: C-2 (Highway Commercial)

Context District: Urban Corridor (UCO)

Request: Requesting a 279' variance to allow a minimum separation distance of 221' from a church, synagogue or other house of worship; and a 231' variance to allow a minimum separation distance of 269' from another church, synagogue or other house of worship in lieu of the 500' minimum separation distance for alcoholic beverage establishments specified by Section 5.4 of the Land Development Code in order to establish a craft beer tap room and outdoor food truck event site.

1.0 Background

The subject property consists of two parcels with a total area of 1.18 acres located at the northwest corner of N. Massachusetts Avenue and E. Parker Street. The applicant, in coordination with the Lakeland Community Redevelopment Authority (CRA), requests variance approval to develop a permanent outdoor food truck court with a craft beer tap room and bar. As specified by Section 5.4 of the Land Development Code, a variance is necessary because the type of alcoholic beverage sales license required to operate the facility (4 COP) is subject to a 500' separation distance from any existing churches, synagogues, or other houses of worship.

The proposed project is located within the Midtown CRA redevelopment district. Formerly a used auto sales lot, the CRA acquired the property in the summer of 2017 with an eye towards redevelopment. The subject property is located immediately adjacent to other recent CRA redevelopment projects such as Mass Market to the north and Crystal's World of Dance located to the east across N. Massachusetts Avenue. The substantial amount of new investment and activity in the area has brought the interest of an experienced team willing to partner with the CRA in a new venture for a food truck park. The site is zoned C-2 which allows a broad range of office and retail uses primarily oriented toward the motoring public and development on relatively small individual lots with exposure to high traffic volumes. The site is presently vacant and awaiting development following the recent demolition by the CRA of a 2,700 sq. ft. automobile service/repair garage that previously sat on the site.

2.0 Discussion

The "Yard on Mass" will be home to food trucks, craft beer and events in a unique family-friendly "backyard" setting. The project team includes a group of Lakeland natives and experienced entrepreneurs with a proven business model. Their first location in Boulder, CO, called The Rayback Collective, has seen strong financial performance since opening in 2016. The Team is seeking an opportunity to bring their experience to Lakeland and see Midtown as a chance to provide a unique experience that is in line with the redevelopment vision for the area. This would be their second location and is expected to be a valuable asset to the Mass Market tenants and visitors to the community alike. The Planned improvements to the site include a new 2,500 square foot building to be located at the corner of E. Parker Street and N. Massachusetts Avenue, outdoor seating and permanent, improved parking for both food trucks and patrons.

The subject property is located within 500' of two churches, measured using the shortest legal route of pedestrian travel from the centerline of the principal entrance of the proposed food truck court to the centerline of the principal entrance of each church. The two churches are, Parker Street Ministries, located 221' to the southeast at 719 N. Massachusetts Avenue, and Iglesia Samaria Evangelica, located 269' to the south at 700 N. Massachusetts Avenue. Parker Street Ministries is located in a historic African American church that was originally constructed in 1900. Iglesia Samaria Evangelica, a more recent addition to the neighborhood, is located within a 1950s era, one-story, concrete block commercial building at the northwest corner of N. Massachusetts Avenue and E. Myrtle Street.

3.0 Recommendation

The particular hardship suffered is related to the presence of two churches which predate the proposed redevelopment project. This hardship is not the result of any action taken by the applicant. The 500' separation requirement, when applied to a commercial corridor, requires certain alcoholic beverage sales licenses to apply for variance whenever a church is located nearby. The proposed use, since it will be located on property owned by the CRA, will be subject to significant oversight which will ensure that any externalities are minimized. The project will bring substantial economic development benefits to an area that has long suffered from disinvestment and is a key component of the CRA's redevelopment vision. As such, staff finds the proposed variance request to be reasonable and not contrary to the public interest. Staff, therefore, recommends that the variance be considered for approval.