

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 23-001

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW A BAR AND SPECIAL EVENT VENUE ON PROPERTY LOCATED AT 417 N. MASSACHUSETTS AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application has been filed by Stuart Simm for a conditional use to allow a bar and special event venue on property located at 417 N. Massachusetts Avenue, as more particularly described on Attachment “A” and graphically depicted on Attachments “B” and “C,” attached hereto (the “Property”); and

WHEREAS, on December 20, 2022, the Planning and Zoning Board held a public hearing on the request of the applicant to have such conditional use granted; and

WHEREAS, the Planning and Zoning Board approved the request on December 20, 2022 and recommended to the City Commission that the conditional use be granted; and

WHEREAS, following a duly-noticed public hearing at which all interested persons were afforded the opportunity to be heard, the City Commission finds that the request of the applicant for a conditional use as described above should be granted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF LAKE LAND, FLORIDA:**

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. A conditional use for a bar and special event venue on the Property is hereby approved, subject to the following conditions:

General Conditions:

- A. Permitted Uses: A bar and a special event venue (banquet hall) for hosting large social and business events such as weddings, baby and bridal showers, private parties, meetings, presentations, award dinners and other similar type events.
- B. Site Development Plan: The project shall be developed in substantial accordance with the site development plan included as Attachment "C." With the approval of the Director of Community & Economic Development, minor adjustments may be made at the time of site plan review without requiring a modification of this conditional use. The site's Massachusetts Avenue driveway shall be removed, restored with a sidewalk and any other permitting requirements from the City's Public Works Department. Limits and timing of any frontage sidewalk construction shall be in compliance with the City's Land Development Code. All site improvements shall be completed prior to the issuance of a business tax receipt for the new use.
- C. Development Standards: In accordance with C-6/Urban Center context sub-district standards.
- D. Performance Standards:
 - 1. All activities associated with the use shall occur indoors within the principal structure.
 - 2. The performance of music outdoors, either live or prerecorded, shall be prohibited.
- E. Off-street Parking: In accordance with Section 4.11 of the Land Development Code and as follows:
 - 1. The existing off-street parking area shall be maintained as a durable, dust free surface at all times.

2. All off-street parking spaces shall be delineated through the use of pavement striping and/or wheel stops.
- F. Landscaping and Buffering: In accordance with Section 4.5 of the Land Development Code and as follows:
1. As specified in Section 4.5.5, foundation landscaping shall be installed along the north and west sides of the existing building.
 2. In accordance with Table 4.5-1 of the Land Development Code, a frontage buffer shall be required where any off-street parking is adjacent to a street.
- G. This conditional use shall be for the benefit of Stuart Simm or any legal entity of which he is the majority owner. Should the ownership of the bar/special event business change or the business tax receipt allowing for the bar/special event venue at this location lapse for a period of 365 days or longer, a bar and/or a special event venue shall not be re-established without the approval of the City Commission.
- H. The City Commission may revoke this conditional use upon the occurrence of more than one (1) violation of the provisions of this Ordinance or upon the occurrence in any twelve (12) month period of more than five (5) City of Lakeland Code violations, Lakeland Police Department registered incident reports, or any combination thereof.
- I. The conditions contained herein are intended to operate cumulatively. In the event of a conflict between any of the above conditions, the more restrictive condition(s) shall apply.

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885.

SECTION 4. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 17th day of January, A.D.

2023.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

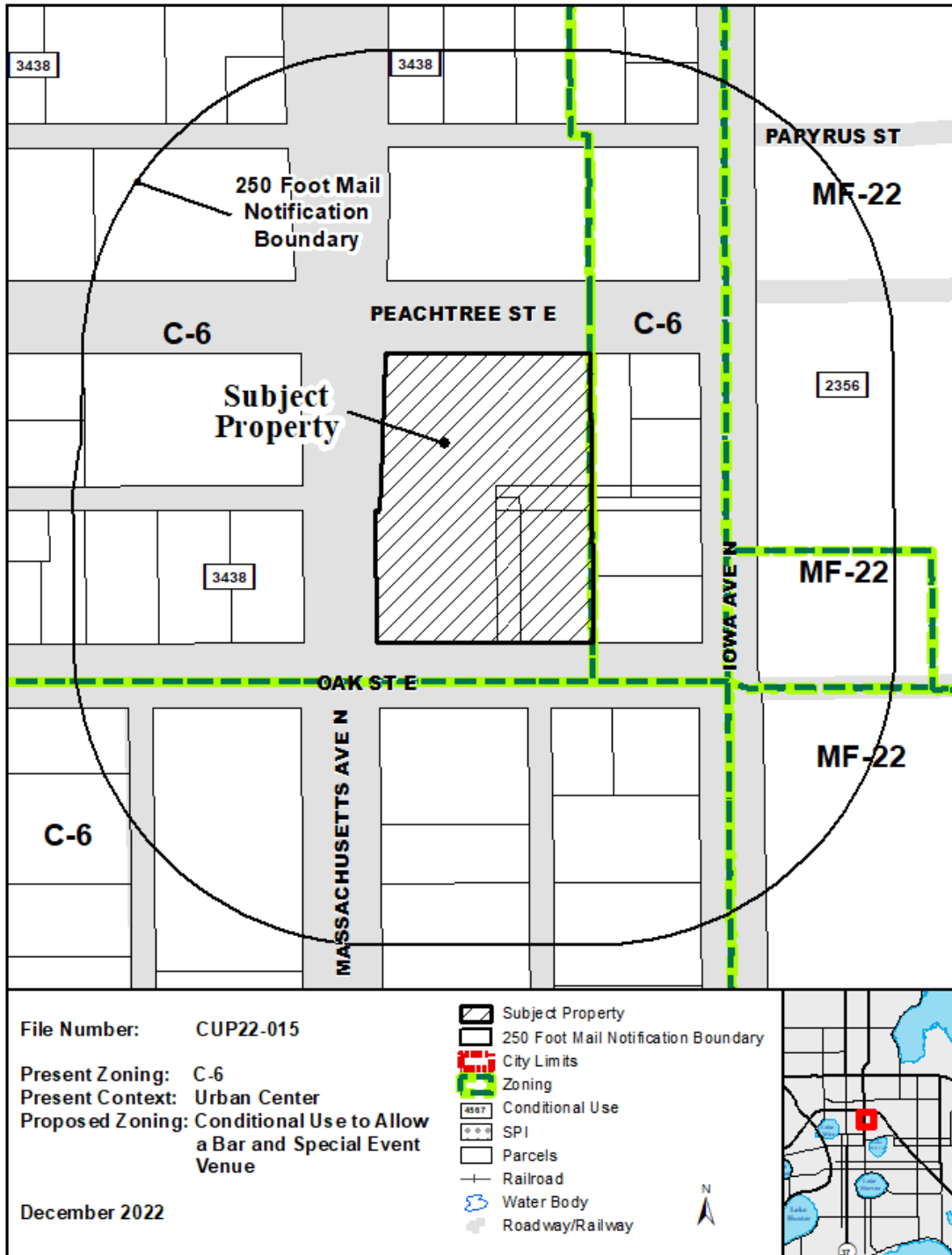
APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

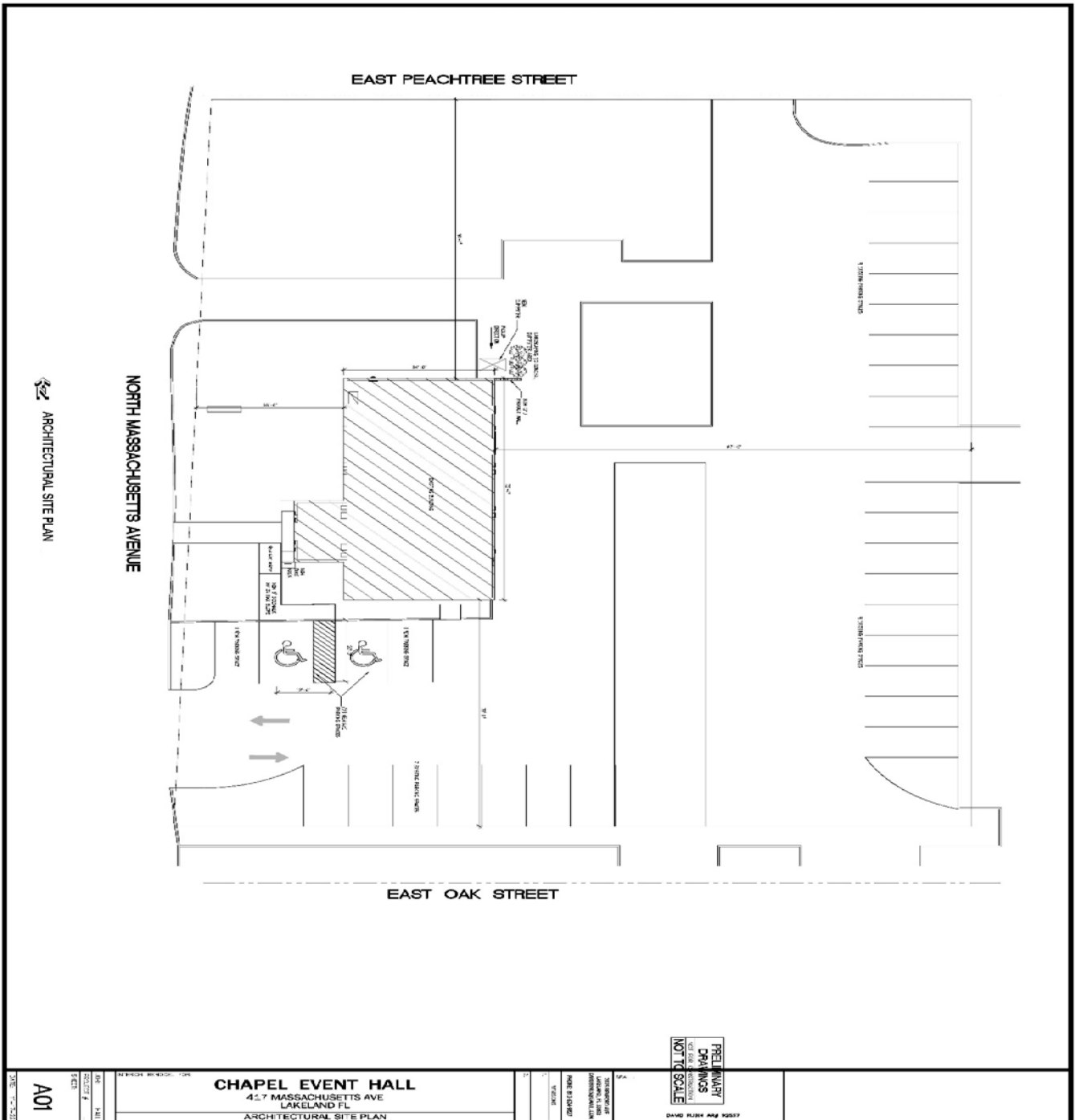
Legal Description:

SCHIPMANS SURVEY DB G PG 360 361 BLOCK 4 LOTS 1 THRU 4 & LOTS 5 & 6 & BEGIN NORTHWEST CORNER LOT 1 RUN NORTH 20 FEET EAST 100 FEET SOUTH 20 FEET WEST 100 FEET TO POB LESS THAT PART OF R/W FOR LAKELAND IN-TOWN BYPASS AS DESCRIBED IN OR 4562 PG 306 LYING WITHIN ABOVE DESCRIBED PARCEL & LOTS 13 THRU 18 LESS THAT PART OF R/W FOR LAKELAND IN-TOWN BYPASS AS DESC IN OR 4562 PG 306 LYING WITHIN LOT 18 & THAT PART OF VACATED ALLEY LYING NORTH OF LOTS 5 & 6 & SOUTH OF LOTS 13 & 14 & N1/2 OF VACATED ALLEY LYING SOUTH OF LOT 15 PER OR 11586-48

ATTACHMENT "B"



ATTACHMENT "C"



ARCHITECTURAL SITE PLAN

NORTH MASSACHUSETTS AVENUE

EAST PEACHTREE STREET

EAST OAK STREET

CHAPEL EVENT HALL
 417 MASSACHUSETTS AVE
 LAKELAND FL
 ARCHITECTURAL SITE PLAN

PRELIMINARY
 DRAWINGS
 NOT TO SCALE
 DAVID BLAKE ARCH 92557

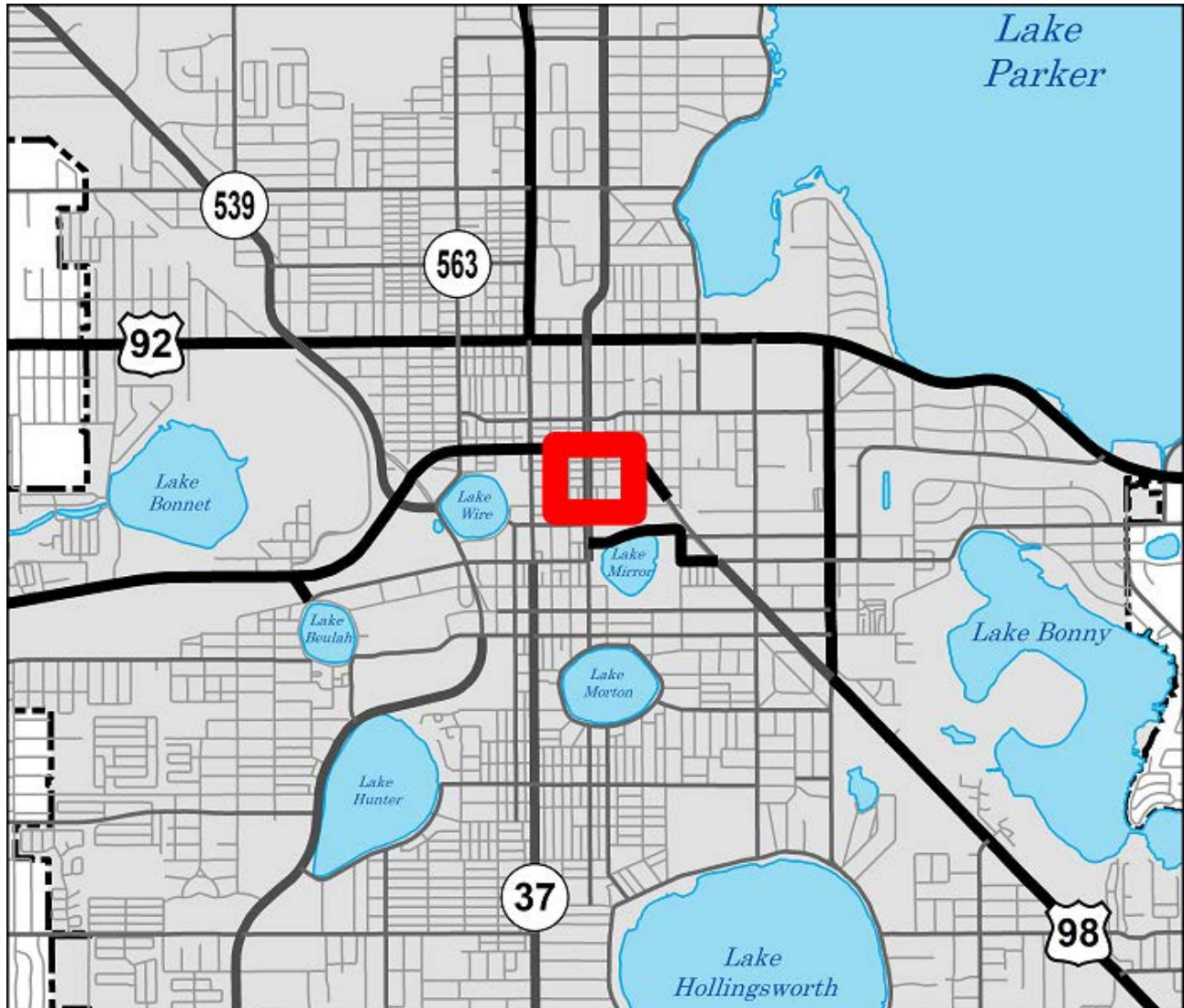
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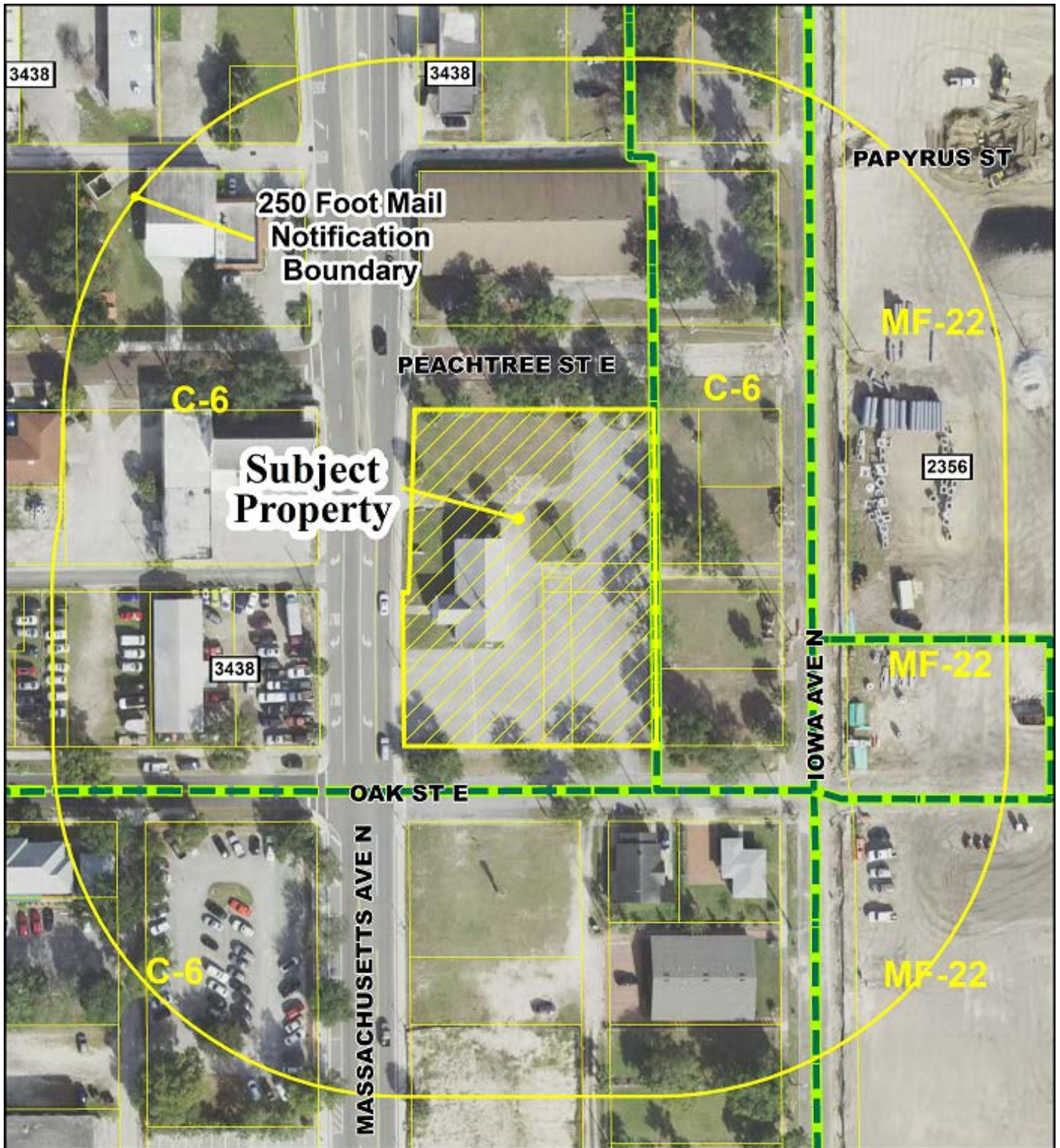


Planning & Zoning Board Recommendation

Date:	December 20, 2022	Reviewer:	Damaris Stull
Project No:	CUP22-015	Location:	417 N Massachusetts Av
Owner:	FURC1 LLC		
Applicant:	Stuart Simm		
Current Zoning:	C-6 (Downtown Commercial)	Future Land Use:	Regional Activity Center (RAC)
Context District:	Urban Center (UCT)		
P&Z Hearing:	December 20, 2022	P&Z Final Decision:	December 20, 2022
Request:	Conditional use to allow a bar and special event venue on property located at 417 N. Massachusetts Avenue		

1.0 Location Maps





2.0 Background

2.1 Summary

Stuart Simm requests a conditional use to allow a bar and event space located at 417 N Massachusetts Av. A map of the subject property is included as Attachment “B”.

2.2 Subject Property

The subject property, approximately 0.95 acres in area, consists of a vacant 2,728 sq. ft. building with associated off-street parking which was constructed in 1964. The subject property, which was last used in 2017 as a church, is currently zoned C-6 (Downtown Commercial)/Urban Center with a Future Land Use designation of Regional Activity Center (RAC). The subject property is located within the boundaries of both the Lakeland Downtown Development Authority (LDDA) and the Downtown Community Redevelopment Agency (CRA).

2.3 Project Background

The applicant proposes to utilize the subject property primarily as a private event space for catered events such as baby showers, birthdays, retirement parties, corporate events, networking events, wedding receptions, holiday parties, etc. with typical attendance for an event estimated to be between 15 and 100 people. On weekends, when no special events are scheduled, the building space would be operated as a bar open to the general public. If approved by the City Commission, this request will allow for the sale of beer, wine and liquor for consumption on premises as either a bar or a special event venue. Prior to October of this year, the applicant previously operated the Federal Bar located at 124 S. Tennessee Avenue. A site plan showing the location of the building and existing off-street parking is included as Attachment “C.”

2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Community Facility	RAC	C-6	UCT
South	Vacant/ Single-family residential	RAC	C-6	UCT
East	Multi-family residential	RH	MF-22	UCT
West	Commercial/church	RAC	C-6	UCT

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Site Development Plan

3.0 Discussion

Within the C-6 and C-7 zoning districts, bars and banquet halls are only permitted through a conditional use. In accordance with Table 2.3-1 of the Land Development Code, the proposed facility is classified as Bars, Lounges, and Related Entertainment Uses NOT located within building containing at least 50,000 sq. ft. of floor area occupied by hotel, theater, retail shopping, and/or office facilities.

According to the applicant, the business concept is primarily focused on private events serving as a banquet hall utilizing outside vendors to cater for events. The facility will function as a bar that is open to the public for organized events Friday and Saturday evenings utilizing the applicant's 4COP license.

While the C-6 zoning designation provides for a broad range of office, retail and residential uses appropriate for a central city business district, Section 5.4 of the Land Development Code, a conditional use for a bar within Downtown is subject to the following review criteria:

a. Whether the proposed use will result in a concentration of such uses within a particular block or part of a block so as to be detrimental to the growth and revitalization of downtown.

A total of eight bars with conditional use approvals are located within Downtown. All these establishments are located south and west of the subject property and generally concentrated around Main Street and S. Kentucky Avenue (Molly McHugh's, Lakeland Loft, Hookah Palace, Revival Bar, Linksters Taproom, Dissent Brewing, and the Rec Room). As such, approval of this Conditional Use Permit would not result in a concentration of bars within this block of S. Massachusetts Avenue so as to be detrimental to the growth and revitalization of Downtown.

b. Whether the proposed use is in close proximity to other land uses that may be particularly sensitive or unduly harmed by the negative impacts of the proposed use, such as facilities for children or for the elderly.

The Chapel is located south of the Lakeland Grand Lodge of Free & Accepted Masons (F. & A. M.) No. 91. The members are involved in array of community events and meet at the lodge twice a month. To the east, the subject abuts the recently constructed Mirrorton multi-family residential project. The nearest church, located across the street on the west side of N. Massachusetts Ave, has been inactive for several years and is currently vacant. The nearest major public recreation facility is Munn Park, a civic green space that serves as the primary public gathering space within Lakeland's historic commercial core. The potential impacts to Munn Park, which is approximately 1,200 feet to the south of the proposed business is minimal.

c. Whether the size or scale of the proposed use is appropriate at the specific location.

At 2,728 sq. ft. the proposed one-story establishment is comparable in size to other bars within downtown, as shown below. The applicant's business plan presented to the LDDA indicates an occupancy of approximately 140 persons. Any food served will be prepared off-site and served by local catering services.

Business	Sq. Ft
Linksters Taproom	2,185
Revival Cocktail Bar	2,600
The Rec Room	3,000
Federal Bar	3,880
Molly McHugh Pub	3,952
Lakeland Loft	4,100
Hookah Palace	4,200
Dissent Craft Brewing	4,400

d. Whether the owners and operators of the establishment are unlikely to manage and control negative impacts as evidenced by prior criminal records, code enforcement citations or police service calls concerning other properties owned or operated by them, citizen complaints, or similar indicators.

A background check provided by the Florida Department of Law Enforcement revealed no evidence of any criminal history or other indicators that would suggest that the applicant will have difficulty managing and controlling the impacts of the establishment. The Lakeland Police Department provided

a list of calls for service over a two-year period for eight downtown bars/event space. During the two-year time period, Federal Bar had 57 incident reports while the other locations (Dissent Craft Brewing- 10, Lakeland Loft- 11, Revival Cocktail Bar- 15, Hookah Palace- 30, Linksters Taproom- 45, Rec Room- 77, and Molly McHugh Pub-78) vary on the number of calls for service. Of the 57 calls for service, there were seven calls pertaining to fights, seven calls pertaining to a disturbance, one call for sexual battery/assault and one call for assault/battery. The remaining 47 calls were either of a more general nature (i.e. Police Service, General Alarm, Trespassing Guest, Drunk Driver, Shoplifter, Traffic Complaint, Suspicious Person, and Crime Miscellaneous) or unspecified (i.e. Community Service, Unconfirmed 911/Emergency, Subject Stop, and Assist Other Agency). While relatively high when compared to specialty bars such as Revival, Lakeland Loft and Dissent Craft Brewing, the overall number of calls and the types of calls are comparable to those that were received from other full-service bars in downtown such as Linksters Taproom and Molly McHugh Pub.

e. Whether the Board of Directors of the Lakeland Downtown Development Authority supports the proposed use.

The applicant presented the project to the Lakeland Downtown Development Authority (LDDA) at its regular meeting on Thursday, November 17, 2022. As presented to the LDDA, the establishment will be open seven days a week as an event space (booked events only) between the hours of 9:00 am and 10:00 pm on weekdays and 9:00 am to 5:00 pm on Sundays. The venue will then open to the general public for retail alcoholic beverage sales on Friday and Saturday from 5:00 pm to closing time. At that LDDA meeting, the LDDA Board of directors voted unanimously (6-0) to recommend that the Planning & Zoning Board approve a conditional use permit for “a bar/event space concept named The Chapel” and as described in the application. The LDDA basis for support is as follows:

- The owner has experience in beer sales service and distribution and managing staff as a manager/owner
- Calls for service at Federal Bar for fights and/or assaults were slightly higher but not egregiously higher than other similar establishments in Downtown.
- The proposed capacity – approximately 140 - does not present a high risk for unmanageable externalities.
- The business concept is primarily focused on private events.
- The property owner is supportive of the use.

The LDDA letter of recommendation notes the withdrawal of the boards’ support if changes occur to the concept as it was presented, and those changes impact the board’s basis for support.

f. Other criteria which the City Commission shall consider appropriate in the particular case.

No public comment or objections were received at the Planning & Zoning Board public hearing. To address impacts on adjacent properties, improve pedestrian access and the physical appearance of the property, staff is recommending certain site improvements and performance standards as conditions for approval.

The State statutes that regulate alcoholic beverage licenses include provisions for minimum hours of operation to ensure the licensed premises is maintained in an active manner in which it is open to the public [§ 561.29(h) and (i)]. Although this is a matter of State licensing, the City will need to verify appropriate zoning on the State application form for the alcoholic beverage license to be applied at the subject property. Accordingly, the applicant will be responsible for ensuring compliance with the State regulations for alcoholic beverage licenses.

It should be noted that, under the City of Lakeland Code of Ordinances, alcoholic beverage establishments may operate seven days a week between the hours of 7:00 am and 2:00 am. Although the applicant proposed fewer hours of operation to the LDDA, approval of a bar/special event under the

proposed conditional use ordinance would allow the applicant to potentially operate as a bar open to the general public seven days a week from 7:00 am to 2:00 am.

3.1 Transportation and Concurrency

Using average rates published in the Institute of Transportation Engineers' Trip Generation Manual (11th Edition), a 2,728 square foot Drinking Place (Code 975) would generate an estimated 31 PM Peak Hour Trips on a Weekday between 4 pm and 6 pm. Vehicular trip generation estimates were not available for Saturday or Sunday operations. The development plan is not expected to create any transportation concurrency failures on the surrounding street system.

Since the site's existing Massachusetts Avenue driveway does not meet the City Land Development Code's spacing standards relative to the Oak Street intersection, it will have to be removed and restored with sidewalk and other permitting requirements from the City Public Works Department.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community and Economic Development Department and the Board reviewed this request and recommended approval of the conditional use. Letters of notification were mailed to 52 property owners within 250 feet of the subject property and no objections were received.

4.2 The Planning & Zoning Board

This recommendation was approved by a 6 – 0 vote of the Board.

It is recommended that the request for a conditional use, as described above and in Attachments "A", "B," and "C," be approved with the following conditions:

General Conditions:

- A. Permitted Uses: A bar and a special event venue (banquet hall) for hosting large social and business events such as weddings, baby and bridal showers, private parties, meetings, presentations, award dinners and other similar type events.
- B. Site Development Plan: The project shall be developed in substantial accordance with the site development plan included as Attachment "C." With the approval of the Director of Community & Economic Development, minor adjustments may be made at the time of site plan review without requiring a modification of this conditional use. The site's Massachusetts Avenue driveway shall be removed, restored with a sidewalk and any other permitting requirements from the City's Public Works Department. Limits and timing of any frontage sidewalk construction shall be in compliance with the City's Land Development Code. All site improvements shall be completed prior to the issuance of a business tax receipt for the new use.
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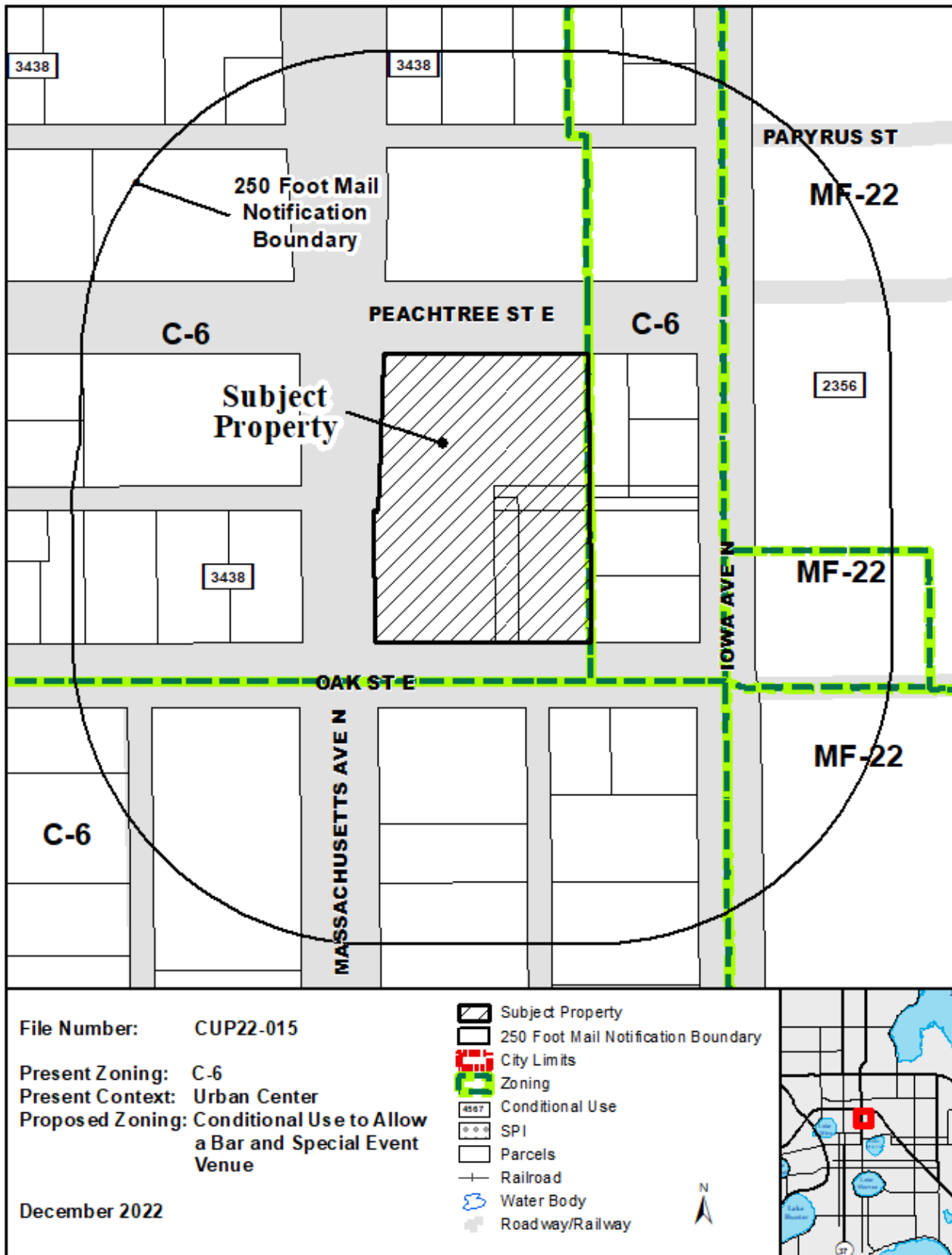
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ATTACHMENT "A"

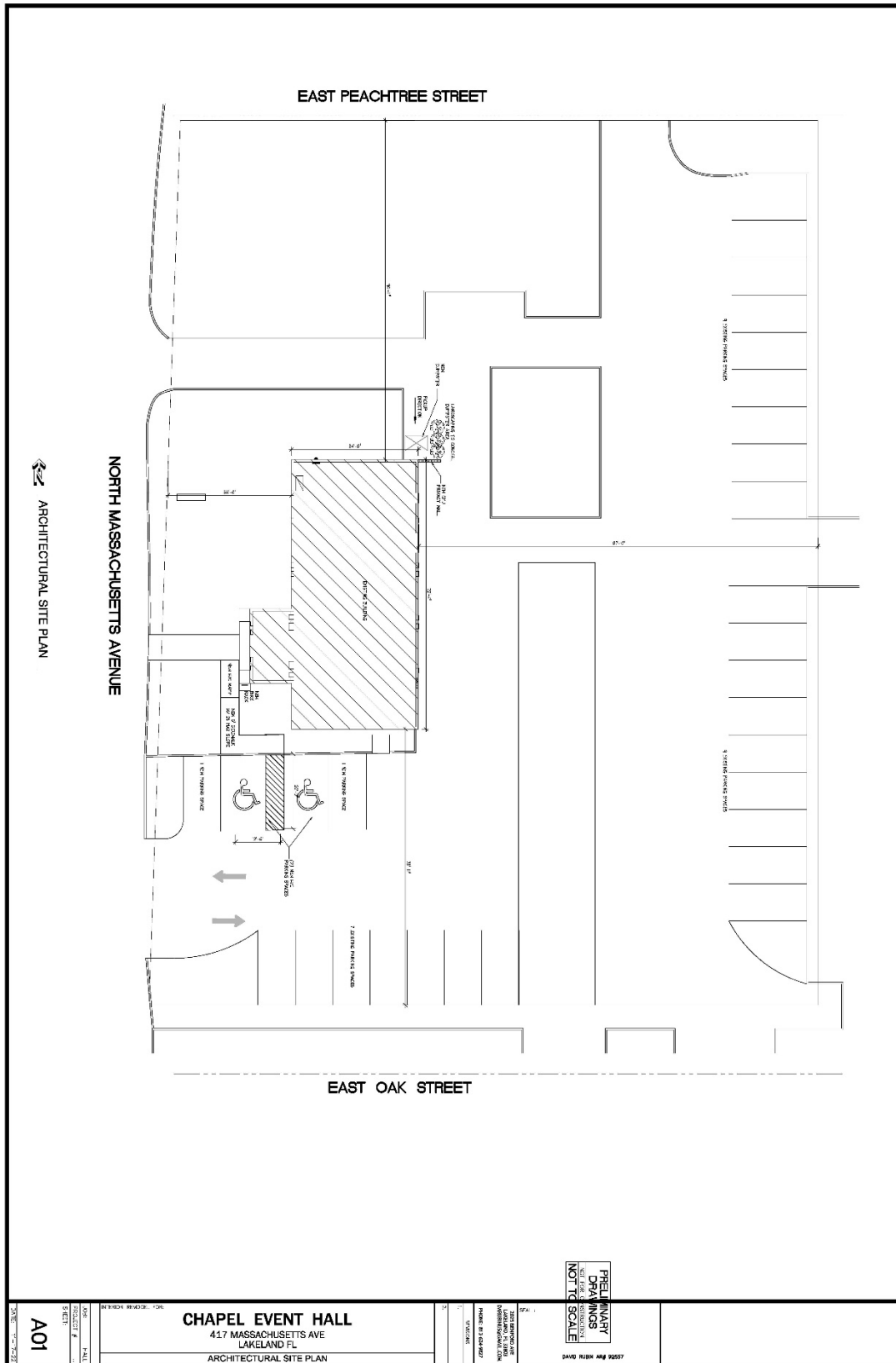
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ATTACHMENT "B"



ATTACHMENT "C"



PRELIMINARY
DRAWINGS
NOT TO SCALE

DAVID RUBIN ARCH 02557

CHAPEL EVENT HALL
417 MASSACHUSETTS AVE
LAKELAND FL

A01

DATE	1/11/17
PROJECT #	17-001
SHEET #	1
TOTAL SHEETS	1