

# Mayor and Council Communication

**DATE:** 01/10/23

**M&C FILE NUMBER:** M&C 23-0007

**LOG NAME:** 06AA22-00008 FOR 4450 BOAT CLUB ROAD

## **SUBJECT**

(CD 2 / Future CD 2) Conduct Public Hearing to Consider Variance from Section 4-4 of the City Code to Allow Mixed Beverage Sales for On-Premise Consumption with Late Hours at Valli's International Kitchen Located at 4450 Boat Club Road (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Report of City Staff: Beth Knight; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

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## **RECOMMENDATION:**

It is recommended that the City Council consider a request from Aziz Valli, lessee of Valli's International Kitchen, located at 4450 Boat Club Road for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of Lake Worth High School located at 4210 Boat Club Road.

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## **DISCUSSION:**

Aziz Valli, lessee of Valli's International Kitchen, is requesting a variance to sell mixed beverages for on-premise consumption in a restaurant located at 4450 Boat Club Road. The restaurant is located immediately adjacent to the Lake Worth High School, located at 4210 Boat Club Road, as depicted on the attached map.

Section 4-4(a) of the City's Alcoholic Beverages Code, Chapter 4 of the City Code, provides that it is unlawful to sell alcoholic beverages at a place of business that is located within 300 feet of any church, public school, or public hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and a school shall be from the property line of the school to the property line of the place of business requesting the variance.

Section 4-4(f) of the City Code provides that the City Council may grant a variance from the 300-foot regulation as follows: The City Council may allow a variance to this section if it determines that the enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable, or for any other reason the City Council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community. Mr. Valli requests that the City Council grant a variance from the 300-foot distance regulation.

This Mayor and Council Communication (M&C) requires a public hearing to get input from the applicant and surrounding property owners. Notice of the hearing has been sent to owners of property within 300 feet as required by Section 4-4(f) of the City Code and to registered neighborhood organizations within 1/2 mile of 4450 Boat Club Road. A letter from the Lake Worth High School has been requested from the applicant.

This property is located in COUNCIL DISTRICT 2 / FUTURE COUNCIL DISTRICT 2.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that approval of this recommendation will have no material effect on City Funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** D.J. Harrell 8032

**Additional Information Contact:** Daniel Leal P. 6214