

# *City of Lauderdale*

Special Exception Application No. 23-SE-002

Jamaica Ex- Police Association of South Florida, Inc.

## ***I. APPLICANT INFORMATION***

### PETITIONER

Alphonso Dunn

### STATUS OF PETITIONER

Member

## ***II. BACKGROUND INFORMATION***

### Requested Action

The petitioner requests approval of a Special Exception Use Application to allow alcohol sales exclusively to members and guests of Jamaica Ex- Police Association of South Florida, Inc. (JEPA), an existing Club, Social Use within the General Commercial zoning district.

### Applicable Land Development Regulations & City Codes:

Article IV, Part 4, Section 4.4. Approval for Special Exception Uses.

Article III, Section 2.3. Allowable land uses.

Article IV, 4.3 B. Existing zoning provisions and uses.

## ***III. SITE INFORMATION***

### Location/Legal Description

Portion of Tract B of Plat of Inverreality Tract 1 Plat as recorded in Plat Book 111 Page 46 of the Public Records of Broward County, Florida.

# FIGURE 1

## OAKBROOK PLAZA



7153 W. OAKLAND PARK BLVD

The site is a 1,500 square foot unit located within a 71,002 square foot commercial plaza within the General Commercial (CG), zoning district. The plaza is generally located on the North side of West Oakland Park Blvd and is a rectangle shaped building with parking in front of the building and throughout the plaza. Figure 1 is an aerial photograph highlighting in red the subject property and showing the general location of the property in relation to the surrounding roadways and uses.

According to Broward County Property Appraiser, the building was erected in 1986. Based on City of Lauderhill records the subject bay within the plaza has been the site of JEPa since 2011.

Land Use/Zoning:

Existing Land Use: Commercial

Future Land Use Designation: Commercial

Zoning Designation: General Commercial (CG)

**IV. ZONING HISTORY**

Existing Special Exceptions

Yes, 11R-10-232.

A Resolution granted a Special Exception Use development order to the Jamaica Ex-Police Association of South Florida, Inc., subject to conditions, to allow a +/- 1,500 square foot non-profit social club with indoor live entertainment and accessory on premises consumption of alcoholic beverages in the General Commercial (CG) zoning district.

Violations

None.

Existing Variances

None

**V. PLANNING ANALYSIS**

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, the Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.
7. Factors relating to safety, health, and general public welfare.

The subject site is a commercial plaza building abutting a canal to the east followed by Residential Multi-Family homes further east across the canal. To the North of the subject site is Environ Blvd followed by Residential Multi-Family homes further North. To the West of the commercial plaza is Inverrary Blvd West followed by another commercial plaza further West. To the South is the W. Oakland Park Blvd right of way followed by another commercial Plaza.

The applicant, Jamaica Ex-Police Association of South Florida, Inc., currently operates a Social Club, Use with alcoholic beverage consumption to members and guests at the subject site. On October 31, 2011, the City of Lauderhill City Commission granted to Jamaica Ex Police Association of South Florida a Special Exception Use Resolution providing that alcohol consumption is allowable, but prohibiting the sale of alcoholic beverages. The Jamaica Ex-Police Association of South Florida, Inc. is an existing non-profit organization that promotes fundraising events that awards scholarships and school supplies to students, provides assistance to the Lauderhill and Jamaican communities, supports other non-profit entities that provide assistance to local communities, and operates as a charity organization in South Florida and Jamaica. JEPA has been operating since 1992. This location will serve as a meeting place for members and invited guests, fundraising event space, and social space for club members and invited guests.

The Land Development Regulations provides the definition of Clubs, Athletic, Country, Fraternal, Private, and Social as follows:

CLUBS, ATHLETIC, COUNTRY, FRATERNAL, PRIVATE, SOCIAL: A commercial recreation use where the primary emphasis is on providing a facility and services, catering primarily to its members, families and guests, and organized and operated primarily for fraternal, social or recreational purposes. This land use typically operates in conjunction with another principal use, such as a golf course, and allows as accessory and incidental uses such uses as food and beverage service

The proposal includes the continued operation of a Social club, exclusive to club members and their guests and for the club to be able to fundraise through alcoholic beverage sales. The existing SEU approval provides for the consumption of alcoholic beverage but prohibits the sale of alcoholic beverages. JEPA is requesting to amend the SEU to allow them to sell beer, wine and other alcoholic beverages to member and invited guests in order to fund raise, thus allowing the club to be more effective in the communities that they serve.

The application requests the sale of alcoholic beverage on premises to JEPA members and invited guests. The Florida Division of Alcoholic Beverages and Tobacco (ABT) may grant an alcohol license to Non-profit Corporations or Clubs devoted to community, municipal, or county development, who have been in existence for at least two (2) years, if the sales are to members and nonresident guests only and the consumption is on the premises. The sale of alcohol is limited to fundraising purposes.

The club's operating expenses will be paid through fundraising events throughout the year. Members are not paid, they are strictly volunteers. Rent for the location is \$1,373.75 per month.

JEPA has expressed an interest in being supportive of the Lauderhill community through charity events and charitable contributions. JEPA has hosted multiple community safety events in collaboration with the Lauderhill Police Department and the Lauderhill Fire Department.

Based upon its review, staff finds the proposed use of a Club, Social for fundraising purposes only to be consistent with the above considerations. As such, staff recommends approval of the special exception request subject to the recommended conditions.

#### **VI. RECOMMENDATION/ACTION**

Division recommendation. The Planning and Zoning Division recommends the City Commission adopt a resolution granting to Jamaica Ex-Police Association of South Florida Inc. an amended Special Exception Use development order to amend the existing use to also allow a social club use with sales of alcoholic beverages solely for fundraising purposes on a 1,500 square foot site zoned General Commercial (CG) district and legally described as Portion of Tract B of Plat of Inveready Tract 1 Plat as recorded in Plat Book 111 Page 46 of the Public Records of Broward County, Florida and more commonly known as 7153 W. Oakland Park Blvd, Lauderhill, Florida, subject to the following conditions:

1. This amended special exception use development order to add alcoholic beverage sales to the existing use by a Social Club, is specifically granted to Jamaica Ex-Police Association of South Florida, Inc. and such amended development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this amended special exception use development order shall automatically expire and become null and void if change of ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision, if the use shall cease to operate or if Jamaica Ex-Police Association of South Florida, Inc. is sold, assigned, transferred or otherwise conveyed to another person.
2. The alcoholic beverage sales by a Social Club is restricted to a total of 1,500 square feet site located at 7153 W Oakland Park Blvd. Consistent with the Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location.
3. Alcoholic Beverage Consumption is permitted and is limited to indoors.

4. Alcoholic Beverages Sales, solely for the purpose of charitable fundraising, is limited to operating a maximum of twelve (12) one to three day temporary permits per year. Under an approved State of Florida Temporary Permit for alcohol sales.
5. JEPA must obtain a City of Lauderhill Special Event permit approval for each event, prior to obtaining zoning approval of a Temporary Permit for alcohol sales for such event, subject to the maximum of twelve (12) fundraising events per calendar year.
6. Day and Hours of operation are as follows:
  - a. Social Club: Sunday through Thursday from 11:00 a.m. to midnight. Friday and Saturday from 11:00 a.m. to 2:00 a.m. the following day.
  - b. Indoor Live Entertainment: Sunday through Thursday from 11:00 a.m. to 10:30 p.m. Friday and Saturday from 11:00 a.m. to 1:30 a.m. the following day
  - c. Accessory alcoholic beverage consumption and/or sales: Sunday through Thursday from 11:00 a.m. to 11:30 p.m. Friday and Saturday from 11:00 a.m. to 1:30 a.m. the following day.
7. If there are any code enforcement violations or liens, this Special Exception Use Development Order may be brought before the City Commission to be reconsidered, at which time the development order, or the conditions of approval, may be subject to modification, suspension and/or revocation.
8. If the City's Police Department or Code Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
9. Any violation of the conditions of this amended special exception use development order approval and/or any violation of the terms and conditions relating to the temporary permit for the sale of alcohol for fundraising purposes only may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this amended special exception use development order or its conditions or both.
10. If the use which has been granted a Special Exception shall cease to operate for a period of one (1) year, the Special Exception Use approval shall expire.
11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

## **VII. ATTACHMENTS**

Attachment A: SEU Application

Attachment B: Floor plan

Attachment C: Affidavit of Conditions

Attachment D: Resolution 11R-10-232