

TAB 16

TOWN OF LAKE PARK

MEMO

To: Mayor and Town Commissioners
From: Doug Drymon, Town Manager *D.D.*
Date: March 30, 2004
Subject: Kelsey Club
CC: Tom Baird, Town Attorney
Jamie Gentile, Calvin, Giordano & Associates

The attached memo from Jamie Gentile, CGA, outlines some very significant issues pertaining to the operation of the Kelsey Club, located at 700 Park Avenue. It is my understanding that these issues have been discussed with our Town Attorney, Tom Baird, and Tom is of the opinion that this matter should be brought before the Town Commission for your consideration and direction. The owner of the Kelsey Club property, Sue Ellen Mosler, is also aware of these issues.

Jamie has explained to me that shortly after he was assigned by CGA to work with the Town on planning & zoning matters he was approached by a citizen who inquired if the use of the property was permitted in light of some of the on-going activities taking place in the building. It was decided after discussion with the previous Town Manager, Jason Nunemaker, and the Town Attorney that the [then] use of the property was appropriate for the Occupational License issued to Ms. Mosler's business.

Over the past year, however, it appears that the club has continued to transition further from [primarily] a theater and art gallery to a nightclub operation. As noted by Jamie this type of activity is not listed as a permitted use in the PADD. Additionally, neither Jamie nor I can fathom the reasoning behind the previous Community Development Director's decision to sign off on the Kelsey Club's state liquor license in view of the close proximity of the club to the First Baptist Church and its associated school. While the Commission has the authority to amend the Town's ordinances to remove the prohibition on the sale or consumption of alcohol within 500 feet of a public place, park or church, state law would still prohibit the sale or consumption of alcohol within 500 feet of a school.

During the past several months we have received a number of complaints from nearby residents who are upset over the consumption of alcohol by minors in and around the immediate vicinity of the Kelsey Club, as well as problems related to littering, illegal parking, and rude and disruptive behavior exhibited by individuals who have been asked to leave the resident's property. I have discussed this situation with Captain John Carroll, PBSO, and he is working to increase patrolling in and around the Kelsey Club on the nights when there are significant numbers of patrons present at the club. Again, as a point of information, this growing problem has been brought to the attention of the property owner, Ms. Mosler.

Staff is requesting direction from the Commission as to how you wish us to proceed in addressing the licensing of the Kelsey Club and its current activities.



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Memorandum

DATE: 1/20/04
TO: Doug Drymon, Town Manager
FROM: Jamie A. Gentile
SUBJECT: Kelsey Club
PROJECT: 02-4100
CC: Mayor Castro and Town Commission
Tom Baird, Town Attorney

Pursuant to several inquiries regarding the sale of alcohol at the Kelsey Club, Staff has reviewed the documentation regarding this site and has found that following information:

The Kelsey Club is located at 700 Park Avenue, within the Park Avenue Downtown Zoning District (PADD). The previous Community Development Director issued an occupational license on April 25, 2002 at this address for a business known as the Mosart Center. There is no record of a Kelsey Club on the occupational license at this location. The authorized occupational license for the Mosart Center permits an art gallery, theatre and ticket sales.

Section 32-50 of the Town's Code of Ordinances defines theatre as "an enclosed building which, offers to the public live performances or motion pictures." It is Staff's determination that the business at 700 Park Avenue, does not qualify as a theatre as defined by code, but appears to be a nightclub, which is not listed as a use permitted in the Town's Code. As this appears to be an unlicensed business within the Town and a use not recognized in the Park Avenue Downtown Zoning District, the Kelsey Club is in violation of Section 32-50 and Section 31.1-50 of the Town's Code of Ordinances.

Additionally, on January 14, 2002, the previous Community Development Director, also signed the State of Florida's Alcohol and Tobacco License, signifying that this location was appropriate for retail alcohol sales. Section 4-3 of the Town's Code states that "no retail dealer license for the sale of alcoholic beverages to be consumed either on or off the premises shall be issued where the proposed place of business is within five hundred (500) feet of a church, public or private school, park or place of business of another licensed retail alcoholic beverage dealer." Furthermore, Chapter 562.42 (2)(a) of the Florida Statutes, states the following: "...a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school." The Kelsey Club is located approximately 99 feet from the Kelsey Club to the Lake Park Baptist School, as measured from property line to



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property line. The previous determination made on this property was in violation of the Town's Code of Ordinances and the Florida State Statutes.

Therefore, Staff is requesting direction and guidance from the Town Commission on the issues outlined in this memorandum. If you have any additional questions please contact me at 561-684-6161 or 561-881-3318.