

# Tab 4

FLORIDA COMMERCIAL LAUNDRY  
INC. CU-2011-04

(Recreational/Amusement-Prepaid Phone-time  
Sweepstakes)

**Staff Report**  
**Conditional Use Permit (CU-2011-04)**  
**Prepaid Phone Time Sweepstakes**  
**1527 8<sup>th</sup> Avenue West**

**BACKGROUND**

Florida Commercial Laundry Equipment, Inc., the owner of a Laundromat located at 1527 8<sup>th</sup> Avenue W is the applicant of this Conditional Use (CU) for approximately 784 square feet (20% of the building square footage) of prepaid phone time sweepstakes space within the General Commercial (CG) zoning district. In addition to the laundromat, 5% of the 4,000 square foot building is used for ice cream sales and 5% for an office.

Phone-Sweeps, LLC is in the business of selling pre-paid long distance telephone cards within various internet café business center vendor store-fronts in 7 states including Florida and within nearly 40 cities including Jacksonville, Gainesville, Alachua, Lake City, Daytona, Sarasota, Ft. Lauderdale and others. Like McDonalds, Chile's, Visa, Pepsi and 6700 other retailers in Florida, Phone-Sweeps, LLC operates promotional sweepstakes which by law are licensed and regulated by the Florida Department of Agriculture and Consumer Services. They are designed to undersell the big box stores because they market using a game promotion.

**PARCEL ID/SIZE/LOCATION**

Parcel ID: 2663400006  
Size: 0.4 acres  
Location: W side of 8<sup>th</sup> Ave., S of 17<sup>th</sup> St. W

**EXISTING LAND USE/ZONING CATEGORY**

Future Land Use: General Commercial (GCOM)  
Zoning: Commercial General (CG)

A Recreation and Amusement Service is permitted only as a Conditional Use in the CHI and CG zoning districts subject to public hearings by the Planning and Zoning Board and the City Commission. Recreation and Amusement Services is defined in the Zoning Code as:

*A commercial facility providing recreational activities, including, but not limited to, swimming pools, tennis clubs, gymnasiums, amusement arcades, discotheques, bowling alleys, bingo halls, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, billiards or pool halls, dance schools or classes, skating rinks, zoos, indoor movie theaters, and other similar recreation and amusement uses.*

**REQUESTED APPROVAL**

The following conditions have been analyzed in reviewing this request:

CU-2011-04  
Prepaid Phone Time Sweepstakes  
1527 8<sup>th</sup> Ave W  
9/8/2011

- 1) The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan.

**The proposed request for a prepaid phone time sweepstakes is permitted within the CG zoning as a Conditional Use. The CG zoning district is consistent with the proposed Future Land Use Element and GCOM plan category on the Future Land Use Plan map.**

- 2) The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values.

**The surrounding uses in the immediate area are predominantly light or general commercial uses such as offices, restaurants, personal and professional services and retail uses. The CG zoning district in which the subject property is located extends along both sides of 8<sup>th</sup> Avenue from 17<sup>th</sup> Street south of 9<sup>th</sup> Street. Recreation and Amusement Service uses are not be permitted south of 9<sup>th</sup> Street as they are not allowed in the CC zoning district.**

- 3) The Conditional Use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact.

**The proposed prepaid phone time sweepstakes is generally considered a light commercial use since the business will be comprised of computer terminal stations for individual use. In addition, the proposed business will occupy space within a building with other uses including a laundromat and ice cream store under common ownership.**

- 4) The Conditional Use is not discriminatory, considering similar situations in the general area and in past decisions under this article.

**The Conditional Use is not discriminatory. There are other commercial facilities providing recreational activities and services in the City.**

- 5) The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case.

**Recreation and Amusement Service uses defined in the Zoning Code vary significantly in scale and intensity. Consideration of each use is the same Conditional Use process.**

- 6) The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this article.

**All recreation and amusement services within the city, including the subject property must comply with the following requirements pursuant to Sec. 6.22 of the Zoning Code:**

- All sites for recreation and amusement services uses shall front on a principal arterial roadway, and shall utilize such arterial roadway as the primary access for the site.
- All recreation and amusement services uses shall provide a six-foot perimeter wall or opaque fence for all portions of the site which are adjacent to residential uses or residentially-zoned property.
- Hours of operation for recreation and amusement services uses shall be limited to the hours between 8:00 a.m. and 12:00 a.m.

The proposed site is located on 8<sup>th</sup> Avenue, a principal arterial roadway. There are no residential uses or zoning adjacent to the property. The laundromat's hours of operation are from 7 am to 10 pm daily.

- 7) The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

The proposed use is considered a Recreation and Amusement Service which is permitted only with a CU in the CG and CHI districts. The proposed use will operate within an existing building in which business has been conducted for years. Besides the proposed use, the City Commission approved a 5 year Conditional Use permit for 870 square foot of video amusements/computer slots/games space within the CHI zoning district at Palm Plaza I located at 1035 Hasko Road.

- 8) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition.

The existing Laundromat and ice cream store and the proposed prepaid phone time sweepstakes business will be accessed from 8<sup>th</sup> Avenue. Because the existing 4,000 sq. ft. building contains more than one use, internal trip capture is likely. The required parking for the existing and proposed uses is at least one parking space for each 400 square feet of floor area or fraction thereof, or 10 spaces. There are 18 parking spaces onsite.

**STAFF RECOMMENDATION:**

Considering that the proposed use is not the primary use of this commercial building and that it takes up 20% of the total floor area, staff recommends approval of the proposed Conditional Use permit with the following conditions:

1. The use will be limited to selling pre-paid long distance telephone cards only;
2. A maximum space of 784 sq. ft. which shall be limited to adults only;
3. Hours of operation shall be from 8 am to 8 pm;

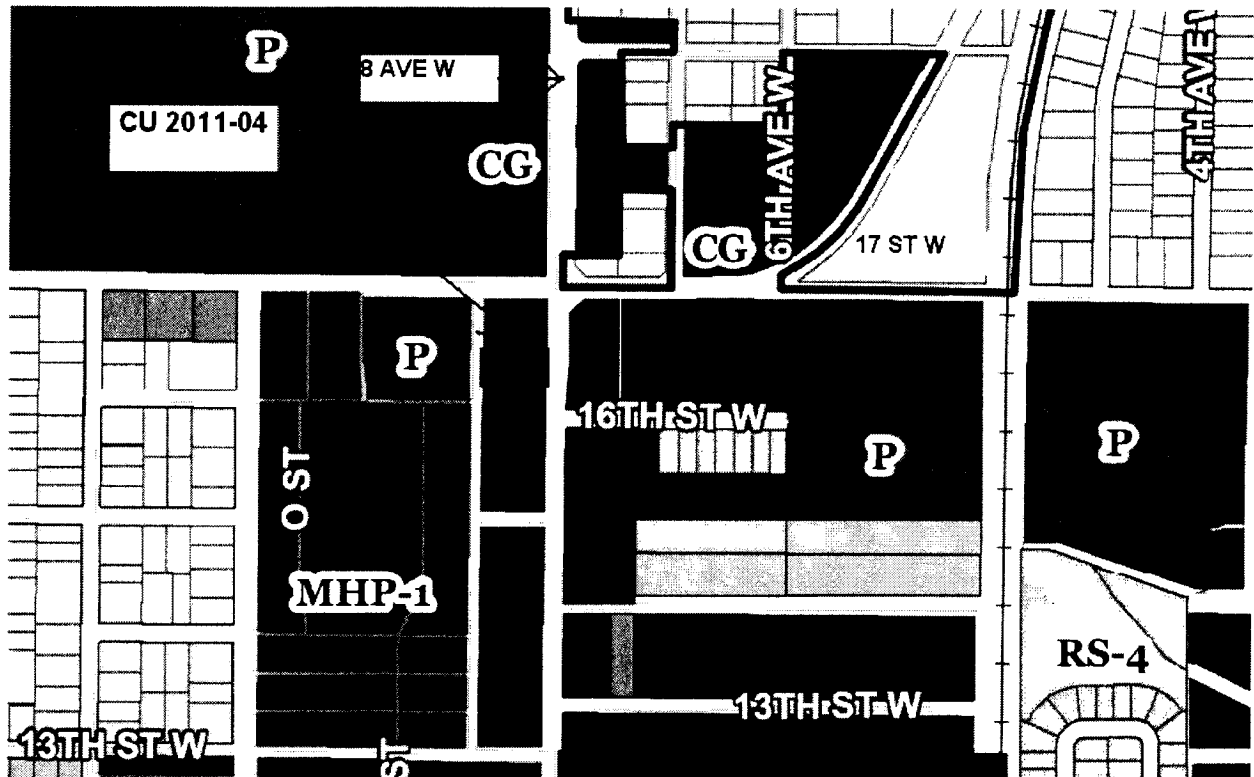
**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITION(S) or DENIAL** of the proposed Conditional Use permit.

**Basic procedures for purchasing phone card and playing promotional  
sweepstake game provided by the applicant  
Conditional Use 2011-04**

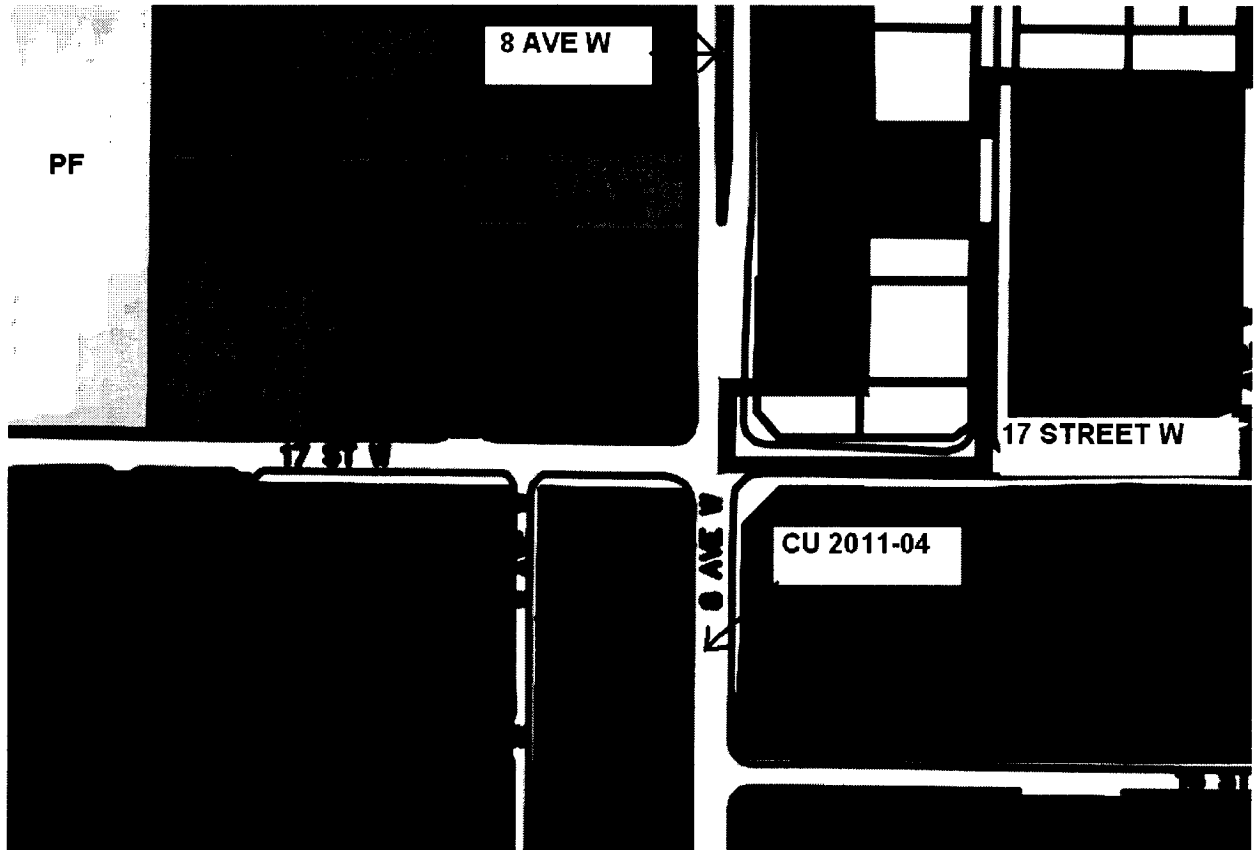
1. Consumer physically visits the retail vendor site (ie. Internet Café)
2. Consumer purchases a \$10 phone-card and receives \$10 worth of competitive long-distance phone time and 1000 free sweepstake points.
3. Consumer swipes phone-card thru READER located next to any on-site computer terminal he/she selects. READER communicates with database confirming that Consumer's phone-card has 1000 points to redeem
4. Consumer selects game style (in reality, simply the terminal screen graphics) and redeems 100 tickets @ 10 points each.
5. Graphics on terminal screen spin like games while terminal communicates through the Local Database (located in that Internet Café location) to the Sweepstakes Ticket Pool Database for the determination of the 10 tickets and then displays the outcome on the terminal screen.
6. Each terminal serves as a conduit to the Sweepstakes Ticket Pool. The terminal DOES NOT determine the game outcome.
7. The Local Database notifies the Sweepstakes Ticket Pool Database of the tickets that have been drawn by Consumer and thus removed from the Sweepstakes Ticket Pool Database.

ZONING MAP FOR CONDITIONAL USE 2011-04  
RECREATIONAL/AMUSEMENT SERVICE  
1527 8<sup>TH</sup> AVENUE



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CU 2011-04

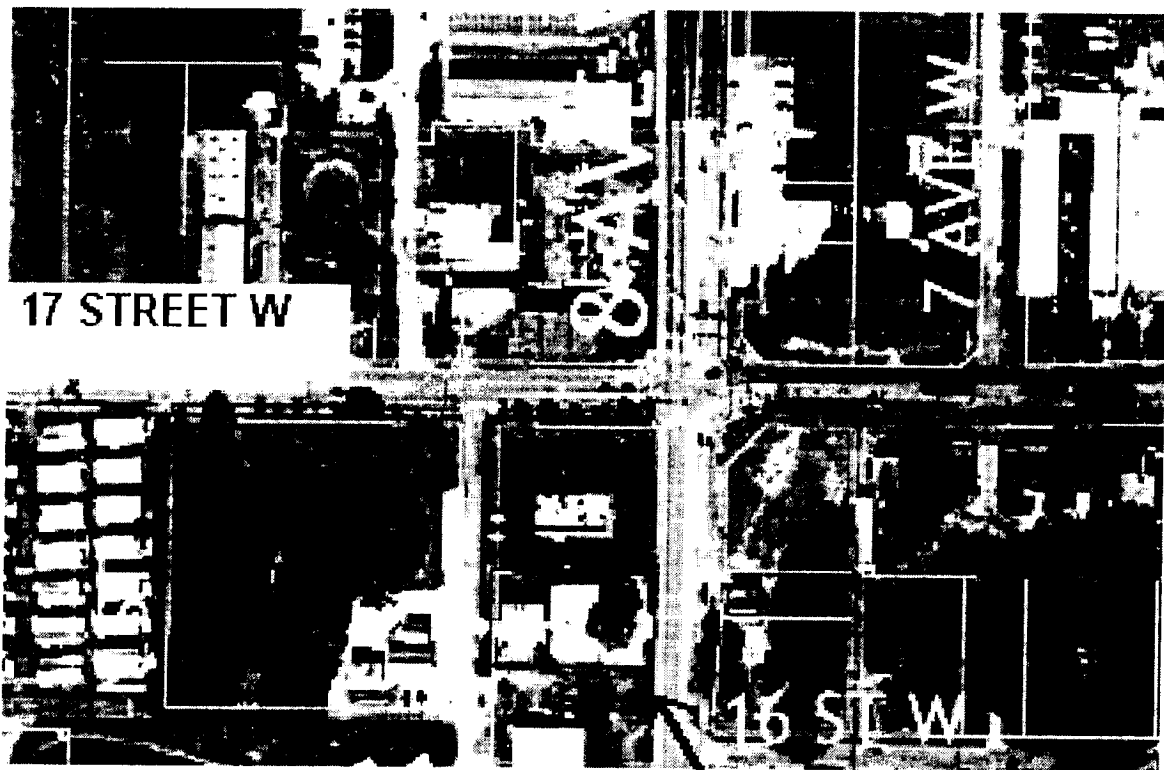
**LAND USE PLAN MAP FOR CONDITIONAL USE 2011-04  
RECREATIONAL/AMUSEMENT SERVICE  
1527 8<sup>TH</sup> AVENUE**



*Florida Commercial Laundry Equipment, Inc.  
CU 2011-04*

# Florida Commercial Laundry Inc.

1527 8<sup>th</sup> Ave W.



1527 8TH AVE W