



Hallandale Beach
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City of Hallandale Beach City Commission Agenda Cover Memo

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|---|----------------------------------|-----------|--|---|------------------------|--------------------------|
| Meeting Date: | August 1, 2018 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other X |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading |
| | | X | | Public Hearing: <i>(Enter X in box)</i> | Yes X | No |
| Funding Source: | N/A | | Advertising Requirement: <i>(Enter X in box)</i> | Yes X | No | |
| Account Balance: | N/A | | Quasi-Judicial: <i>(Enter X in box)</i> | Yes | No X | |
| Project Number: | RD-18-01652 | | RFP/RFQ/Bid Number: | N/A | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: <i>(Enter X in box)</i> | | | |
| | | X | Safety | <input type="checkbox"/> | | |
| | | | Quality | <input checked="" type="checkbox"/> | | |
| | | | Vibrant Appeal | <input type="checkbox"/> | | |
| Sponsor Name: | Roger M. Carlton City Manager | | Department: Development Services | Keven Klopp, Development Services Director | | |

Granicus Item # 18-327

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, GRANTING AN ALCOHOL DISTANCE WAIVER TO DOORSIDE, LLC, D/B/A OUTBACK AND CARRABBAS EXPRESS, LOCATED AT 2307 E. HALLANDALE BEACH BLVD FOR APPLICATION #RD-18-01652, IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION OFF-PREMISES WITHIN SIX HUNDRED (600) FEET OF PLACES OF BUSINESS LICENSED TO SELL BEER, WINE AND LIQUOR WITH CONSUMPTION OFF-PREMISES, AND WITHIN ONE THOUSAND (1,000) FEET OF A CHURCH; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background

The applicant, DoorSide, LLC, doing business as Outback and Carrabbas Express, submitted an application for alcohol beverage license to sell beer and wine for consumption off-premise at the property located at 2307 E. Hallandale Beach Blvd in the Seawalk Pointe Shopping Center. Nearby major businesses include Burger King, Wal-Mart, CVS Pharmacy and PNC Bank.

Why Action is Necessary

Section 5-6(b)(2) of the City's Code of Ordinances prohibits a place of business to sell beer, wine and liquor with consumption off-premises within 600 feet from another place of business licensed to sell beer, wine and liquor with consumption off the premises; and, Section 5-6(d) prohibits a place of business to sell beer, wine and liquor with consumption off-premises within 1,000 feet from a church or place of worship. These provisions do not apply to restaurants that serve alcoholic beverages for consumption on-premise or establishments that sell beer for take-out only. Since the subject establishment is a take-out restaurant, it is still subject to the distance requirements as its sales of food and alcoholic beverages (beer and wine) is for consumption off-premise only.

The subject establishment is located within 600 feet from Gold Star Liquor Store, and Walmart, two establishments licensed to sell beer, wine and liquor, and within 1,000 feet from Sephardic Congregation of Hallandale, an Orthodox Jewish synagogue. Therefore, an alcoholic beverage establishment distance waiver is required. The City Commission may grant a waiver to provisions listed above, pursuant to limitations provided in Section 5-6(h). Accordingly, the applicant is requesting a waiver from the above requirement, pursuant to Section 5-6(h).

Analysis

The subject property is zoned Central City Business (CCB) zoning district and is also located within the Redevelopment Overlay (RDO) zoning district. Restaurants and alcoholic beverage establishments are uses permitted within this zoning district and overlay. DoorSide, LLC, doing business as Outback and Carrabas Express intends to operate as a take-out only restaurant that also sells beer and wine for consumption off-premise. As previously mentioned, the establishment is not exempt from the distance separation required by Section 5-6 of the City's Code of Ordinances. The applicant has applied for a distance separation waiver pursuant to Section 5-6(h) (Exhibit 2).

The attached liquor survey (Exhibit 3) shows the subject establishment located approx. 431 feet from Goldstar Liquor store and approx. 531 feet from Walmart, which is licensed to sell beer and wine for consumption off-premise, when the minimum distance required is 600 feet. Additionally, the subject establishment is located 824 feet from the Sephardic Congregation of Hallandale, an Orthodox Jewish synagogue or place of worship, when the minimum distance required is 1,000 feet.

The establishments listed on the following table are eat-in restaurants which are exempt from the distance separation per Section 5-6 of the City's Code. The list also includes an off-premise sale of beer only establishment which are exempt from local regulations on distance separation requirements pursuant to F.S. 563.02 :

| Establishment Name | Address | Use | Type of License | Required Distance Separation | Actual Distance Separation |
|---------------------------|----------------|------------|------------------------|-------------------------------------|-----------------------------------|
| Goldstar Liquor Store | 2511 E. HBB | Retail | 3APS | 600 feet | 431 feet |
| Walmart | 2551 E. HBB | Retail | 2APS | 600 feet | 531 feet |
| Tobacco Town | 2500 E. HBB | Retail | 1APS | Exempt* | N/A |
| Nando Italian Restaurant | 2500 E. HBB | Restaurant | 4COP | N/A | N/A |

| | | | | | |
|---|-------------|------------------|--------|------------|----------|
| Padrino's Cuban Restaurant | 2500 E. HBB | Restaurant | 2COP | N/A | N/A |
| Sephardic Congregation of Hallandale | 1930 E. HBB | Place of Worship | Church | 1,000 feet | 824 feet |
| BurgerFi | 1955 E. HBB | Restaurant | 2COP | N/A | N/A |
| Wapo Taco | 1955 E. HBB | Restaurant | 2COP | N/A | N/A |
| License Types | | | | | |
| 1APS: Beer, package sales for off-premises consumption. (*Note: Per F.S. 563.02, off-premise sale of beer establishments is exempt from municipalities' distance separation requirements) | | | | | |
| 2APS: Beer; Wine, package sales for off-premises consumption. | | | | | |
| 3APS: Beer; Wine; Liquor, package sales for off-premises consumption. | | | | | |
| 2COP: Beer, Wine; Liquor, by the drink for consumption on the premises where sold. | | | | | |
| 4COP: Beer; Wine; Liquor, by the drink for consumption on the premises where sold. | | | | | |

As it relates to this application, similar waivers have been granted in the area within the past few years in the same zoning district:

1. Mas Vino- *which is no longer in operation*-, located at 704 E. Hallandale Beach Blvd., was granted an alcohol beverage establishment distance waiver on April 27, 2012, to sell beer, wine and liquor off premises with an associated wine-tasting area, at a distance of 445 feet from Masoret Yehudit School;
2. Walmart located at 2551 E. Hallandale Beach Blvd. was granted a waiver on October 19, 2011 to sell beer and wine for consumption off-premises at a distance of 165 feet from Goldstar Liquor Store;
3. Julio Berrio's gourmet market- *which is no longer in operation*- located at 1630 E. Hallandale Beach Blvd. was granted a waiver on October 5, 2011 to sell beer, wine, and liquor with consumption off-premises at a distance of 294 feet from St. Matthew's Church; and
4. Publix Liquor store located at 1400 E. Hallandale Beach Blvd. was granted a waiver on January 17, 2007 to sell beer, wine and liquor with consumption off-premises at a distance of 330 feet from St. Matthew's Church and 660 feet from the Congregation Levi Yitzchok Lubavitch.
5. Xavier Cigar Lounge located at 800 E. Hallandale Beach Blvd. was granted a waiver on April 15, 2015 to sell beer and wine for consumption on-premises, at a distance of 280 feet from Big Daddy's/ Flanigan's, and 546 feet from Masoret Yehudit school.

The City of Hallandale Beach Code of Ordinances, Section 5-6 (h)(1) lists the requirements and limitations to grant a waiver from the distance requirements for alcoholic beverage establishments. A summary of the requirements and limitations addressed by the applicant are stated below:

1. *The applicant shall file an application for the waiver and pay an application fee.*

Staff's Response: The application was filed by DoorSide, LLC, doing business as Outback and Carrabas Express. Application fees in the amount of \$295 have been received by the City of Hallandale Beach Planning and Zoning Division.

2. *The Code requires that prior written notice of the public hearing for an alcoholic waiver be sent by certified mail to affected parties no later than 10 days from the date of City Commission meeting when the matter will be heard.*

Staff's Response: As required, notices of the public hearing for the application have been sent by certified mail to the affected parties.

3. *All waivers granted are subject to revocation by the City Commission if adverse effects on the affected parties result.*

Staff's Response: The applicant is aware of this limitation.

4. *The Code requires the applicant to demonstrate that approval of the alcoholic waiver will not have any substantial or material adverse effect on the parties sought to be protected by the particular provision sought to be varied, and that the spirit and intent of the distance separation requirements will not be violated.*

Staff's Response: The applicant has indicated that the intent and spirit of the distance separation provisions will not be violated. The primary purpose of the establishment will relate to the sale of food with beer and wine offered as supplementary to the food served.

Proposed Action:

The City Commission may:

1. Approve the request for waiver.
2. Approve the request for waiver with amendments.
3. Deny the request for waiver.

Attachment(s):

- Exhibit 1 – Resolution
- Exhibit 2 – Applicant's Letter
- Exhibit 3 – Liquor Survey
- Exhibit 4 – Location Map
- Exhibit 5 – Aerial Map

Prepared by: 
Vanessa Leroy,
Associate Planner

Concurred with: 
Keven R. Klopp, Director
Development Services