



City of Hallandale Beach

Planning and Zoning Board Agenda Cover Memo

Applicant:	Jerios Elchaer	Meeting Date:	November 30, 2021	
Project Name:	Amsterdam Restaurant	Property Address:	100 South Federal Highway	
Application#:	CL-21-03344	Application Type:	Nightclub License	
Planning District:	Southeast	Quasi-Judicial: (Enter X in box)	YES X	NO
Parcel Size:	.93 acre	Public Hearing: (Enter X in box)	YES X	NO
Existing Zoning:	Central RAC- Regional Activity Center/RAC Corridor subdistrict			
Existing Use:	Restaurant			
Proposed Use:	Restaurant/Nightclub – 6 A.M. closing			
Comprehensive Plan Future Land Use Designation:	Regional Activity Center (RAC)			
Surrounding Zoning:		Surrounding Existing Land Use:		
North: RAC-C South: RAC-C East: RAC-C West: RAC-C		North: Commercial- Gas Station South: Commercial- Restaurant East: Commercial uses West: Residential Uses		
Staff Recommendation:		Strategic Plan Priority Area:		
<input type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input checked="" type="checkbox"/> Deny		<input checked="" type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal		
Sponsor Name:	Vanessa Leroy, Director, Development Services	Prepared By:	Christy Dominguez Planning and Zoning Manager	

REQUEST

Application # CL-21-03344 by Jerios Elchaer, requesting a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances in order to serve alcoholic beverages 7 days a week until 6 A.M. at the Amsterdam Restaurant located at 100 South Federal Highway.

STAFF SUMMARY

Summary

The Applicant, Jerios Elchaer, representing the Amsterdam Restaurant Inc. is requesting a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances in order to conduct business as a nightclub and serve alcoholic beverages 7 days a week until 6 A.M. at the Amsterdam Restaurant. The establishment is an existing restaurant located at 100 South Federal Highway within the Central Regional Activity Center (RAC) Zoning District.

Background

The property consists of a 6,062 square feet restaurant building with a maximum occupancy of 281 persons.

The most recent nightclub license for this property was issued to Thira Taste of the Greek for a 4:00 A.M. closing. The license expired in September 2006.

Analysis

Interdepartmental Review

The subject application was reviewed by related Departments/Divisions which provided comments as follows:

1. The Building Division and Fire Department had no objections to the closing time of 6:00 A.M. as the extended hours will not change the occupancy or the maximum capacity of the business.
2. The Police Department reported that there have been 27 service calls to the property within approximately a 2-month period of the business operation. Two of the calls were of concern, one involving shots fired at the business manager and the other involving an intoxicated patron who violently resisted arrest. The Department has recommended denial of the subject application.

They commented that a minimum of at least 6-month evaluation period of the establishment's operation before a 6:00 A.M. license be granted. They further commented that, should the application be granted, the Department will require two detail officers at all times until 6:30 A.M. (See attached Exhibit 5).

3. The Code Compliance Division requested a hold on the application until the following active code issues are resolved (See Exhibit 6):
 - A courtesy notice has been issued for storing a party bus on the property.
 - A notice (Case CEC-21-01814) was issued on October 28, 2021, for the removal and replacement of a dead tree with a compliance date of November 17, 2021.

Applicable Codes and Ordinances

1. The intent The Central RAC District is to guide the redevelopment of land within the boundaries of the RAC land use category and the surrounding properties into a vibrant area that provides for a mix of uses, promotes transit while also protecting residential areas.
2. Alcoholic Beverage Establishments in the Central RAC District/RAC Corridor subdistrict are permitted per standards in Chapter 5, Alcoholic Beverages.
3. Chapter 5 Section 5-9 of the Hallandale Beach Code of Ordinances permits Nightclub licenses: issuance and renewals subject to certain conditions. An application for a nightclub license is required to go before the Planning & Zoning Board for recommendation of approval or denial to the City Commission. The City Commission may then grant the license, deny the license, or grant the license subject to specific conditions.
4. The Amsterdam Restaurant is 6,062 square feet in gross floor area with 119 parking spaces on site and a maximum capacity of 281 persons.
5. The Amsterdam Restaurant currently has a maximum rated capacity of 281 patrons. The business serves beer, wine, and liquor (4COP license) and its current operating hours are from 7 P.M. to 2 A.M. daily.
6. The owner is requesting a Nightclub license to allow the business to remain open until 6:00 A.M. The sale of alcoholic beverages in the City is not permitted after 2:00 A.M. unless a Nightclub License for a later closing time is approved by the City Commission. There are no other changes to the business requested. The granting of a Nightclub license to allow the expanded operating hours requires approval per Section 5-9 in the RAC-C Zoning District.
7. According to the Hallandale Beach Code of Ordinances. Chapter 5, Section 5-9, nightclub licenses are not transferable and are granted at the City Commission's discretion to the operator of an establishment which serves alcoholic beverages after 2:00 A.M.

Review of Application Criteria

Section 5-9 Nightclub Licenses, Issuance and Renewal, sets forth the following criteria for Planning and Zoning Board recommendations and for City Commission considerations in making decisions on Nightclub Licenses:

- (1) The amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to any spill-over effect creating illegal or hazardous parking or parking in adjacent residential areas.

The Restaurant property has a total 119 parking spaces available to serve the patrons. However, the Police Department has advised that overflow parking does occur onto other properties and swale areas.

- (2) The amount and degree of law enforcement activities generated by the extra hours of operation, both inside and outside the particular location, with particular reference to noise, vehicular use by patrons, and illegal activity of any kind of employees, patrons or others associated with the establishment, during or within one hour after the extended hours of operation.

The Amsterdam Restaurant presently utilizes off-duty police officers at the property. One officer works Monday through Wednesday and two officers work Thursday through Sunday between the hours of 11 PM until current closing time of 2:30 A.M.

According to the Memorandum from the Interim Chief of Police (Exhibit 5), the Amsterdam Restaurant has generated twenty-seven (27) calls for service within a two-month period. The Chief of Police has reviewed the application and has objections to the request as commented under Interdepartmental Review, hence, has recommended denial of the application.

- (3) The adverse effects, if any, that the extended hours of operation will have on neighboring properties, especially with respect to the effects of noise, parking, and glare from headlights or exterior lighting, on nearby residential properties.

Most of the business is conducted indoors, with 12 seats out of the total 281 seats located in an outdoor patio area fronting on South Federal Highway. There are existing residential uses to the west of the Restaurant.

The property is screened by a masonry wall on the west which shields the residential uses from glare of headlights. The Applicant proposes to secure, after 10 P.M., the two ingress/egress locations to the west, (SE 5th Avenue) to avoid traffic accessing SE 5th Avenue and provide for all vehicles to enter and exit from Federal Highway after that time. However, overflow parking from the business onto other properties has been observed by the Police Department.

In accordance with Section 5-9(b), the City Commission may require, as a condition of the privilege of extended hours of operation, compliance with any reasonable conditions deemed by the Commission to be necessary to mitigate or eliminate the adverse effects of that operation. These conditions may include, without being limited to, provision by the owner or operator of the licensee, at his expense, of additional off-street parking, security personnel, and screening and buffering from nearby properties.

Furthermore, according to Section 5-9(c), the granting of extended hours of operation is a privilege subject to modification or termination by the City Commission each year at renewal time, and no person may reasonably rely on the continuation of that privilege. Further, pursuant to Section 5-9(e), the license may be revoked at any time if the licensee either violates a condition of renewal or is operating in a harmful manner to the public health, safety, or welfare.

Why Action Is Necessary:

Pursuant to Section 5-9, of the Hallandale Beach Code of Ordinances, Planning and Zoning Board recommendation and City Commission approval is required for Nightclub License applications to serve alcoholic beverages in the City after 2:00 A.M.

STAFF RECOMMENDATION

There are outstanding code violations at the property that have not been resolved. In addition, although there are detail officers that currently work at this establishment until 2:30 A.M., the Police Department has reported that there have been 27 calls for service to the subject property within approximately a 2-month period, two of concern. As a result, the Police Department has objections to the approval of the 6:00 A.M. Nightclub License for the Amsterdam Restaurant and has recommended denial of the application.

Accordingly, staff does not recommend approval of the application. However, should the City Commission decide to approve the application, the Police Department will require detail officers' hours be extended to end at 6:30 A.M.

PROPOSED ACTION

Staff recommends the Planning and Zoning Board **recommend denial** to the City Commission of Application #CL-21-03344 for a Nightclub License with 6:00 A.M. closing for the Amsterdam Restaurant.

ATTACHMENT(s)

Exhibit 1 - Aerial Map
Exhibit 2 - Location Map
Exhibit 3 - Applicant's Letter and Backup Information
Exhibit 4 - Survey/Site Plan
Exhibit 5 - Memorandum from Chief of Police
Exhibit 6 – Memorandum from Code Compliance Official