



Hallandale Beach
PROGRESS. INNOVATION. OPPORTUNITY.

City of Hallandale Beach

Planning and Zoning Board Agenda Cover Memo

Applicant:	Jerios Elchaer	Meeting Date:	May 25, 2022	
Project Name:	Amsterdam Restaurant	Property Address:	100 South Federal Highway	
Application#:	CL-22-01814	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 checked="" type="checkbox"/> Approve with Conditions <input 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-22-01814 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.

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.

On November 21, 2021, the Planning and Zoning Board held a public hearing on application # CL-21-03344 by the Jerios Elchaer requesting a Nightclub license with a 6:00 AM closing/7 days per week for the Amsterdam Restaurant. At the hearing, the Interim Police Chief stated that calls for service report reflected there were 44 incidents at the establishment from July 15, 2021, through November 29, 2021.

At the meeting, during public participation, several residents of the residential properties on SE 5th Avenue west of the restaurant, expressed concerns resulting from the establishment. The comments included noise emanating from the establishment, inebriated customers outside the premises, and parking on their swale by restaurant patrons. The Planning and Zoning Board recommended denial of the application by a vote of 3 to 0.

On February 2, 2022, at the City Commission hearing, the application (#CL-21-03344) was denied by the City Commission by a vote of 5 to 0.

On April 21, 2022, the applicant filed a new request, (Application #CL-22-01814) for a nightclub license to conduct business to serve alcoholic beverages 7 days a week until 6 A.M.

Analysis

Interdepartmental Review

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

1. The Building Division had no objections to the closing time of 6:00 A.M. as the extended hours does not change the occupancy or the maximum capacity of the business.
2. The Fire Department conducted a fire and life safety inspection on May 4, 2022, and found no existing fire code violations or deficiencies; The Department reported that Amsterdam meets all requisite fire codes and presents no significant fire hazards or threats to life safety thus, had no objections to the closing time of 6:00 A.M.
3. The Police Department reported that during a time period of July 15, 2021, to May 3, 2022 there have been 37 service calls to the property. Three of the calls were of concern which were of a violent nature. The first incident involved gunshots being fired at the business manager, the second incident involved an intoxicated patron who violently resisted arrest and the final incident involved the owner assaulting an employee. Despite these concerning incidents, the owner and management have been working with police staff and have dramatically reduced the calls for service within the past 5 months. At present, the Police Department does not have any objections to the granting of a 6:00 A.M. license.

Currently, detail officers work at this establishment from 10:30 P.M. to 2:30 A.M. The Police Department requires one (1) police officer to work the detail from Monday to Wednesday and two (2) police officers from Thursday to Sunday. If this application were to be approved, the Police Department would require an extension of the police detail hours to 6:30 A.M.

4. The Code Compliance Division reported there were code violations that were outstanding at the time of the November 2021 Planning and Zoning Board Meeting. However, the violations have since been corrected by the applicant.

A current inspection of the property was conducted on May 5, 2022, and pictures taken. The violations found are as follows: the back perimeter wall of the property needs to be repainted. Also, graffiti eradication is required for the electrical box, the gate, and the trash area. Code Compliance Division requested that a hold be placed on this application until these issues were resolved.

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 of the City's Code of Ordinances.
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 has occurred onto other properties.

- (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 10:30 PM until the current closing time of 2:30 A.M.

According to the Memorandum and reports from the Interim Chief of Police (Exhibit 5), the Amsterdam Restaurant generated thirty-seven (37) calls for service from July 15, 2021, through May 3, 2022, per an updated report. The Interim Chief of Police reviewed the application and had no objections to the request as commented under Interdepartmental Review.

- (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.

The property is screened by a masonry wall on the west which generally shields the residential uses to the west from glare of headlights. At the Planning and Zoning Board hearing, nearby residents commented about glare of headlights from the cars that utilize the driveways on SE 5th Avenue.

The Applicant proposes to secure, after 10 P.M., the two ingress/egress driveways 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 had been observed by the Police Department. In addition, at the Planning and Zoning Board hearing, nearby residents reported noise and overflow parking onto their properties resulting from the present operation of the establishment. The applicant has not provided a plan of action to address the parking overflow issue.

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

The Police Department has reported that there have been 37 calls for service to the property from July 15, 2021, through May 3, 2022, three of concern. According to the Department, despite these concerning incidents, the owner and management have been working with police staff to foster a good partnership and have dramatically reduced the calls for service within the past 5 months. At present, the Police Department does not have any objections to the granting of a 6:00 A.M. license.

Accordingly, Staff has no objections to approval of the application. However, should the Planning and Zoning Board decide to recommend approval of the application to the City Commission, it should be subject to the following conditions:

1. The Police Department detail officers' hours shall be extended to end at 6:30 A.M.
2. Additional measures shall be implemented to address parking overflow issues. Such measures must be reviewed and approved by Staff and the City Manager before the issuance of the Nightclub license.
3. Compliance with the code violations referenced in the memorandum from the Code Compliance Official before the issuance of the Nightclub license.

PROPOSED ACTION

The Planning and Zoning Board may recommend:

1. Approval of the application; or,
2. Approval with conditions enumerated above; or,
3. Denial of the application.

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 – Email from the Building Official
Exhibit 6 – Memorandum from Fire Department
Exhibit 7 - Memorandum from Chief of Police
Exhibit 8 - Memorandum from Code Compliance Official