



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	<i>November 28, 2018</i>		Item Type: <small>(Enter X in box)</small>	Resolution <div style="text-align: center;">X</div>	Ordinance	Other
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading
		X	Public Hearing: <small>(Enter X in box)</small>	Yes	No	
				X		
Funding Source:	N/A		Advertising Requirement: <small>(Enter X in box)</small>	Yes	No	
Account Balance:	N/A		Quasi-Judicial: <small>(Enter X in box)</small>	Yes	No	
				X		
Project Number:	<i>RD-18-03094</i>		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small> <div style="display: flex; justify-content: space-between;"> <div>Safety</div> <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Quality</div> <input checked="" type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Vibrant Appeal</div> <input type="checkbox"/> </div> <div style="text-align: right; margin-top: 10px;"><small>Granicus Item # 18-596</small></div>			
		X				
Sponsor Name:	Nydia M. Rafols Sallaberry, Interim City Manager		Department: Development Services	Keven Klopp, Development Services Director		

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, GRANTING AN ALCOHOL DISTANCE WAIVER TO CDM HALLANDALE LLC, D/B/A CASA DE MONTECRISTO, LOCATED AT 801 NORTH FEDERAL HIGHWAY, UNIT 101, FOR APPLICATION #RD-18-03094, IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION ON-PREMISES WITHIN ONE THOUSAND (1,000) FEET OF OTHER PLACES OF BUSINESS LICENSED TO SELL BEER, WINE AND LIQUOR WITH CONSUMPTION ON-PREMISE AND OFF-PREMISE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background

The applicant, CDM Hallandale LLC, doing business as Casa de Montecristo, submitted an application for alcohol beverage license to sell beer and wine for consumption on-premise at the property located at 801 N. Federal Hwy., Unit 101, in the newly constructed development, Village at Atlantic Shores Phase One. Nearby major businesses include the Big Easy Casino, an office building to the north, and various commercial businesses along Federal Highway.

Current Situation

The subject property is zoned Central Regional Activity Center (RAC) zoning district and is located within the RAC Corridor subdistrict. Restaurants and alcoholic beverage establishments are uses permitted within this zoning district. Casa de Montecristo intends to operate as a cigar lounge that also sells beer and wine for consumption on premise. However, the subject property's location conflicts with the distance separation requirements of the City Code. Therefore, the applicant has applied for a distance separation waiver pursuant to Section 5-6(h) (Exhibit 2).

Analysis

The attached liquor survey (Exhibit 3) shows the subject establishment located within the required distance separation from several alcoholic beverage establishments as listed in the table below. The list also includes eat-in restaurants which are exempt from the distance separation per Section 5-6 of the City's Code, and an off-premise sale of beer only establishment which is exempt from local regulations on distance separation requirements pursuant to F.S. 563.02 :

Why Action is Necessary

Section 5-6(b)(1) and (2) of the City's Code of Ordinances prohibits a place of business to sell beer, wine and liquor with consumption on-premises within 1,000 feet from another place of business licensed to sell beer, wine and liquor with consumption on or off premise.

The subject establishment, Casa de Montecristo, is a cigar lounge which intends to sell beer, wine and liquor for consumption on premise and is subject to the aforementioned provisions. It is located within 1,000 feet from a number of alcoholic beverage establishments; 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) of the City's Code of Ordinances.

Establishment Name	Address	Use	Type of License	Required Distance Separation	Actual Distance Separation
<i>Chevron Gas Station</i>	<i>1625 S Federal Hwy</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>1069.4 ft.</i>
<i>Carini's</i>	<i>814 N Federal Hwy</i>	<i>Restaurant</i>	<i>2COP</i>	<i>N/A</i>	<i>N/A</i>
<i>Ocean's 11 Bar & Grill</i>	<i>800 N Federal Hwy</i>	<i>Restaurant</i>	<i>4COP</i>	<i>N/A</i>	<i>N/A</i>
<i>El Tamarindo</i>	<i>710 Atlantic Shores Blvd</i>	<i>Restaurant</i>	<i>2COP</i>	<i>N/A</i>	<i>N/A</i>
<i>Taco Loco Dominican Kitchen</i>	<i>716 Atlantic Shores Blvd</i>	<i>Restaurant</i>	<i>2COP</i>	<i>N/A</i>	<i>N/A</i>
<i>7 11</i>	<i>722 Atlantic Shores Blvd</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>872.6 ft.</i>
<i>Stop N Go #3</i>	<i>800 Atlantic Shores Blvd</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>978.2 ft.</i>
<i>Pizza Hut</i>	<i>718 N Federal Hwy</i>	<i>Restaurant</i>	<i>1APS</i>	<i>Exempt*</i>	<i>N/A</i>
<i>BP Gas Station</i>	<i>704 N Federal Hwy</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>609.2 ft.</i>
<i>Discount World</i>	<i>614 NE 8 St</i>	<i>Retail</i>	<i>None</i>	<i>N/A</i>	<i>615.4 ft.</i>
<i>Taqueria El Tarazco</i>	<i>622 NE 8 St</i>	<i>Restaurant</i>	<i>None</i>	<i>N/A</i>	<i>710.2 ft.</i>
<i>CVS Drug Store</i>	<i>1600 S Federal Hwy</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>861.4 ft.</i>
<i>Midway Food Store</i>	<i>1050 N Federal Hwy</i>	<i>Retail</i>	<i>2APS</i>	<i>1000 feet</i>	<i>762.9 ft.</i>
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. 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.
6. Doorside, LLC, doing business as Outback and Carrabbas Express, located at 2307 E. Hallandale Beach Blvd., was granted a waiver on August 1, 2018 to sell beer and wine for consumption off-premise, at a distance of approx. 431 feet from Goldstar Liquor store and approx. 531 feet from Walmart, which are licensed to sell beer and wine for consumption off-premise, when the minimum distance required was 600 feet, and at 824 feet from the Sephardic Congregation of Hallandale, an Orthodox Jewish synagogue or place of worship, when the minimum distance required was 1,000 feet.

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 CDM Hallandale LLC, doing business as Casa de Montecristo. Application fees in the amount of \$545 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.

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