

**DRAFT**

**PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY**  
**WEDNESDAY, AUGUST 25, 2021**  
**ZOOM VIRTUAL CONFERENCE MEETING/CULTURAL CENTER**

**Board Members Present:** Charles Wu, Chair; Howard Garson, Terri Dillard, and Danny Kattan

**Board Secretary:** Cindy Bardales-Villanueva,

**City Attorney's Representative:** Elizabeth S. Loconte, Assistant City Attorney

**City Staff Present:** Vanessa Leroy, Steven Williams, Christy Dominguez, and Cindy Bardales-Villanueva

**2020 PZB ATTENDANCE**

**ATTENDANCE ROLL CALL:**

FULL TIME BOARD MEMBERS	1/29	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23
Charles Wu- <i>Chair</i>	P	CANCELLED	CANCELLED	CANCELLED	P	P	CANCELLED	P	P	CANCELLED	CANCELLED	P
Howard Garson - <i>Vice Chair</i>	P				P	P		P	P			P
Danny Kattan	P				P	P		P	P			P
Diane Lyon Wead	P				P	P		P	P			
Terri Dillard					P	P		P	P			P
Rick Levinson	P											P
<b>Total Members Present</b>	5				5	5		5	5			5
<b>Total Members Absent</b>	0				0	0		0	0			0
ALTERNATE BOARD MEMBERS	1/29	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23
Faith Fehr- <i>Alternate</i>	P				P	P		P	P			
Bruce McNamara- <i>Alternate</i>	P				P	P		A	A			

**2021 PZB ATTENDANCE**

**ATTENDANCE ROLL CALL:**

FULL TIME BOARD MEMBERS	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/21
Charles Wu- <i>Chair</i>	CANCELLED	P	CANCELLED	P	CANCELLED	P	CANCELLED	P				
Howard Garson - <i>Vice Chair</i>		P		P		P		P				
Danny Kattan		P		P		P		P				
Terri Dillard		P		E		P		P				
Rick Levinson		P		P		P		E				
<b>Total Members Present</b>		5		4		5		4				
<b>Total Members Absent</b>		0		1		0		1				
ALTERNATE BOARD MEMBERS	1/29	2/24	3/24									
Faith Fehr- <i>Alternate</i>	-	P	-	-	-	-	-	-				
Bruce McNamara- <i>Alternate</i>	-	P	-	-	-	-	-	-				

Present **(P)** Absent: **(A)**

Excused Absence **(E)** Tardy: **(T)**

1  
2 **1. CALL TO ORDER**  
3

4 Mr. Wu called the meeting to order at 6:10 PM

5 **2. ROLL CALL**  
6

7 **3. APPROVAL OF MINUTES**  
8

9 A. Draft Minutes for June 30, 2021

10  
11 **MR. GARSON MOVED TO APPROVE THE MINUTES OF THE JUNE 30, 2021 PLANNING**  
12 **AND ZONING BOARD MEETING.**

13  
14 **MS. DILLARD SECONDED THE MOTION.**

15  
16 **MOTION PASSED BY A ROLL CALL VOTE (4-0).**  
17

18 **4. PUBLIC HEARING**

19 Mr. Wu: asked the Assistant City Attorney to please outline the hearing process.

20 Ms. Loconte: read the following statement into the record:

21 *This is a quasi-judicial hearing for the two applications. On each item, the Commission must*  
22 *base its decision on the legal criteria outlined in the cover memo, which is incorporated into the*  
23 *record. The legal criteria are different for each item and you each have a summary of the criteria*  
24 *in front of you. Although the specific criteria differ for each item, for all of the quasi-judicial items*  
25 *your decision must be based on substantial competent evidence. "Substantial Competent*  
26 *Evidence" is evidence a reasonable mind would accept as adequate to support a conclusion.*

27 *The order of the proceedings is as follows: The City will present its summary of the applications,*  
28 *the Applicant will present its case, and the commission may ask questions. When all*  
29 *presentations are concluded, the members of the public shall be allowed to speak for 3 minutes*  
30 *each. Because we have to follow rules of due process that allow the parties to respond and*  
31 *provide evidence, members of the public will not get a second opportunity to speak. When public*  
32 *hearings have concluded, the City, and the Applicant will get an opportunity to address the*  
33 *comments and the commission may ask questions to staff, the applicants, or the sworn experts.*  
34 *Once all questions are closed, there can be no further comments from any party. We will then*  
35 *vote on each item accordingly.*

36 Mr. Wu: asked the Board Secretary to please poll the Planning and Zoning Board for ex-parte  
37 communication on any items listed on the agenda which will be voted on.  
38

39 **Polling of Ex-Parte Communications (Board Secretary)**

40 *Mr. Wu advised that he had no Ex-Parte Communications regarding this matter. He advised he*  
41 *would base his decision solely on the testimony being presented.*  
42

43 *Mr. Garson advised that he had no Ex-Parte Communications regarding this matter. He advised*  
44 *he would base his decision solely on the testimony being presented.*  
45

Mr. Kattan advised that he had no Ex-Parte Communications regarding this matter. He advised she would base his decision solely on the testimony being presented.

Ms. Dillard advised that she had no Ex-Parte Communications regarding this matter. She advised she would base his decision solely on the testimony being presented.

Mr. Wu: asked the Board Secretary to please swear in any witness of person wishing to speak on the items listed on the Planning and Zoning agenda for ex-parte communications.

### **Swearing in of Witnesses (Board Secretary)**

1. Application #CL-21-00246 by Amir Bector, 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 alcohol beverages 7 days a week until 6 A.M. at a commercial center in the Hallandale Beach Boulevard West (HBB-W) Zoning District at the Ambrosia Café and Hookah Lounge located at 411 W. Hallandale Beach Boulevard.

Ms. Dominguez provided a PowerPoint presentation and gave a summary of the item.

Mr. Kattan: asked how many establishments are allowed to have the exception to six o'clock in our City or is it normal to all the liquor establishments?

Ms. Dominguez: clarified that there is no maximum and to sell alcohol after hours, by code is considered a privilege to have a six o'clock closing time.

Mr. Kattan: asked what could be the total of number of potential establishments within the City, should they decide to follow suit of what is being granted?

Ms. Dominguez: clarified that any establishment serving alcoholic beverages can request a later closing time past 2:00 AM and there is no separation requirements.

Ms. Dillard: asked for the number of licenses issued to remain open until 6:00 AM and located within a short distance from a school?

Ms. Dominguez: stated that the item being voted on would be the first.

Ms. Dillard: stated that should the application be approved she would recommend including speed bumps in front of the school as a precaution. She advised that she recalled seeing children walking to school, parents dropping children off and buses arriving around 6:30 AM.

Ms. Dominguez: stated that she was not certain of what time the school opens but advised that a notice was sent to the school notifying them of the application. However, staff did not receive any letter or call that they had any objections.

Mr. Kattan: stated he had concerns that the public is not being taken into consideration and the circumstances with Covid-19 pandemic and people not wanting to congregate in large groups. He felt a large portion of the public would find it concerning that an alcoholic establishment would be allowed to close at 6:00 AM, while their children are starting school at 6:30 AM.

Mr. Kattan: further added that not allowing the public to participate virtually could be the reason there was nobody in the public to comment. He asked if the neighboring residents were notified of the hearing and the item being voted on?

Ms. Dominguez: confirmed that notices were sent to all property owners within 1,000 feet of the property and staff did not receive any phone calls or emails on the item.

Mr. Kattan: suggested adding the condition that the applicant would be required to close their business at 4:00 AM on Monday through Friday and would be allowed to remain open until 6:00 AM on the weekend.

Ms. Dominguez: deferred her question to the applicant but added that it was within the purview of the Board to make a recommendation for a different time frame than what is proposed.

Mr. Kattan asked what was the review procedures and how are nightclub applications regulated?

Ms. Dominguez: stated that the nightclub licenses is review annually by the City Commission, and they base their decision on renewal on any reports issued by the police department, building division, or code compliance division.

Ms. Dominguez: further added that the City Commission considers the recommendations for renewal on on September 30 of every year.

Mr. Kattan: stated that the information provided indicated that a license can be denied at any time.

Ms. Dominguez: agreed. The City Commission can also revoke a license at any time due to any safety or major concerns.

Mr. Wu: asked if an inspection was conducted as part of this request.

Ms. Dominguez: stated yes. The Fire Department conducts an annual inspection. Staff seeks comments on the application, and they had no objections to the extended hours because it would not change the occupancy or the capacity of the establishment.

Mr. Wu: stated that he felt comfortable if the Fire Department did not have any objections, which addresses whether the establishment is safe from a fire perspective.

### **Swearing in of Witnesses (Board Secretary)**

Ms. Loconte: interjected and asked that the applicant be sworn into the record since they had decided to testify.

Mr. Richard Coker, Attorney: introduced himself as the attorney representing Ambrosia Café. He added that he was accompanied by Mr. Amir Bactor, the business owner and operator of the business.

Mr. Coker: stated that the staff report and backup information is comprehensive and have adopted the report as their own.

142 Mr.: Coker: added their business is the only establishment that opens at 8:00 PM and which all other  
143 businesses in the same shopping center close, leaving the entire parking lot, including 57 parking  
144 spaces available.

145  
146 Mr. Coker: further added that the parking lot is completely isolated from any of the residential areas  
147 which are to the east and the south.

148  
149 Mr. Coker: stated that their business has been operating for a year without incident. However, the  
150 current curfew of 2:00 AM is hindering their business.

151  
152 Mr. Coker: pointed out that the school that was brought up during the earlier discussion was facing  
153 the back entrance of the establishment. He added that there would not be people hanging out or  
154 going in and out, especially at that hour of the morning.

155  
156 Mr. Wu: asked if there will be cameras inside of the establishments or are there any existing?

157  
158 Mr. Coker: stated yes. They are going to be eight security cameras all around and two security  
159 guards during the weekend and one guard during the week.

160  
161 Ms. Dillard: stated that if the application were to be approved, that speed bumps be put in place right  
162 behind the school.

163  
164 Mr. Wu: pointed out Ms. Dillard's great observation on including speed bumps as a safety measure.  
165 However, he felt it was the purview of the City and the State.

166  
167 Mr. Wu: suggested making her request as part of her motion to research and encourage staff to look  
168 into traffic calming measures in the vicinity, since it's a public road there needs to be a study,  
169 performed to make sure that all engineering criteria are met.

170  
171 Ms. Dillard: acknowledged.

172  
173 Mr. Wu: asked the City Attorney how difficult it was to revoke and approved the license?

174  
175 Ms. Loconte: advised that the item should be deferred, and staff would have to research further,  
176 rather than move forward with an approval.

177  
178 Mr. Wu: asked staff for clarification if the action by the Board could be done and if there was anything  
179 that they needed to be aware of to ensure the City would not be at risk of being sued when the  
180 burden is on us to try to come up with extraordinary criteria to revoke an approval and claiming  
181 damage to business, etc.

182  
183 Ms. Dominguez: stated that she did not have a response and would defer to the City Attorney but  
184 did have follow-up information she wanted to include in the record.

185  
186 Mr. Wu: stated that he would pause the response to his question and proceed with opening the  
187 public hearing.

188  
189 There were no speakers and no written comments from the public.  
190

191 Mr. Wu: Closed the Public Hearing.

192  
193 Ms. Dominguez: stated as a point of information she wanted to advise that when the staff report was  
194 written, the life safety plan and all the information that was provided to staff was that the operation  
195 would only be conducted indoors.

196  
197 Ms. Dominguez: further stated that a few minutes before this meeting, she was advised that a  
198 building permit had been submitted to the Building Division for an outdoor structure, a tiki hut, at this  
199 property. She assumed the request was for outdoor seating, but it was no mention in the applicant's  
200 backup thus, not taken into consideration for the staff report.

201  
202 Mr. Coker: stated that the permit application had nothing to do with the business being discussed.

203  
204 Mr. Wu: asked that the record reflect that the applicant stated that the permit submitted to the City  
205 has nothing to do with the application being discussed.

206  
207 Mr. Wu: asked the applicant if they concur with the condition?

208  
209 Mr. Coker: stated yes.

210  
211 Mr. Wu: stated that he had the following changes the applicant shall be required to hire off to the  
212 detail police officers at any time in the event of any safety concerns as determined by the chief of  
213 police, and regarding time duration, and the number of personnel. He asked the applicant if he  
214 agreed to the changes.

215  
216 Mr. Coker: stated yes.

217  
218 Mr. Kattan: asked Ms. Dominguez if she was certain that the permit was for business before the  
219 Board.

220  
221 Ms. Dominguez: stated that the permit was of the address of the property, but she did not have a  
222 chance to review the actual permit before the meeting.

223  
224 Ms. Dominguez: requested to include an additional condition stating that all activity shall be  
225 conducted indoors only.

226  
227 Mr. Wu: requested the maker of the motion include that this nightclub license only applies to indoors.

228  
229  
230 **MR. GARSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND**  
231 **APPROVAL WITH CONDITIONS FOR APPLICATION #CL-21-00246 BY AMIR BOCTOR,**  
232 **REQUESTING A NIGHTCLUB LICENSE PURSUANT TO SECTION 5-9 OF THE CITY'S**  
233 **CODE OF ORDINANCES IN ORDER TO CONDUCT BUSINESS AS A NIGHTCLUB AND**  
234 **SERVE ALCOHOLIC BEVERAGES 7 DAYS A WEEK UNTIL 6 A.M. AT A COMMERCIAL**  
235 **CENTER IN THE HALLANDALE BEACH BOULEVARD WEST (HBB-W) ZONING DISTRICT**  
236 **AT THE AMBROSIA CAFÉ AND HOOKAH LOUNGE LOCATED AT 411 W. HALLANDALE**  
237 **BEACH BOULEVARD SUBJECT TO FOLLOWING:**  
238

A. THE APPLICANT SHALL BE REQUIRED TO HIRE DETAILED POLICE OFFICERS  
AT ANY TIME IN THE EVENT OF ANY SAFETY CONCERNS AS DETERMINED BY  
THE CHIEF OF POLICE, REGARDING TIME DURATION, AND NUMBER OF  
PERSONNEL.

B. THE NIGHTCLUB LICENSE SHALL ONLY APPLY TO INDOOR ACTIVITY.

MR. KATTAN SECONDED THE MOTION.

MOTION APPROVED BY A ROLL CALL VOTE (3-1) (Ms. Dillard -No)

**5. REMARKS BY THE CHAIR**

~~Mr. Wu: stated that he had no comments.~~

**6. LIAISON'S REPORT**

~~Ms. Dominguez: advised the Board that the Leisure Apartment Project, a 24-unit apartment building  
within the RAC district had been approved by the City Commission.~~

**7. NEXT SCHEDULED MEETING**

~~A. Wednesday, July 28, 2021, at 6:00 PM~~

**MEETING ADJOURNED AT 6:47 P.M.**

RECORDED: \_\_\_\_\_ RESPECTFULLY SUBMITTED: \_\_\_\_\_

\_\_\_\_\_  
Cindy Bardales, Board Secretary \_\_\_\_\_ Charles Wu, Chair,

ATTEST:

\_\_\_\_\_  
Christy Dominguez, Liaison

Recording of this meeting can be made available to any member of the public upon request. Requests to hear a taping of the Planning and Zoning Board meeting, summarized above, should be submitted to the Planning & Zoning Division at or can be mailed to 400 South Federal Highway, Hallandale Beach, Florida 33009