



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
11/3/2021	<input checked="" type="checkbox"/> Resolution	Ordinance Reading	11/3/2021	N/A
	<input type="checkbox"/> Ordinance	Public Hearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
File No.:	<input type="checkbox"/> Other	Advertising Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21-444		Quasi-Judicial:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
NA	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	Vanessa Leroy, Director	Development Services	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity	<input checked="" type="checkbox"/> Infrastructure/Projects	
Implementation Timeline:				
Estimated Start Date: 11/3/2021 Estimated End Date: 11/3/2021				

SHORT TITLE:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING AMBROSIA CAFÉ AND HOOKAH LOUNGE'S APPLICATION #CL-21-00246 FOR A NIGHTCLUB LICENSE PURSUANT TO SECTION 5-9 OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

STAFF SUMMARY:

Summary:

The Applicant, Amir Bactor, 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 Ambrosia Café and Hookah Lounge. The establishment is located in a commercial center in the Hallandale Beach Boulevard - West (HBB-West) Zoning District at 411 W. Hallandale Beach Boulevard.

Background:

On January 30th, 2019, the applicant was granted an Alcohol Beverage Waiver from Section 5-6(d) of the Hallandale Beach City Code regarding the minimum distance separation of establishment serving alcoholic beverages for consumption on-premises due to its proximity to the Gulfstream Early Learning Center School to the south.

On August 25, 2021, the Planning and Zoning Board held a public hearing on the application. Please see attached Planning and Zoning Board Cover Memo and Minutes of the meeting (Exhibits 7 and 8). Prior to the hearing, staff was made aware that an application had been filed to build a 10 feet x 25 feet chickee hut at the property. At the hearing, the applicant stated the chickee hut was not for his business. Staff raised concerns about any nightclub related activities being conducted until 6 a.m. outdoors, in close proximity to a residential area, and recommended a condition be added to limit the nightclub operation to indoors. Consequently, the Board recommended approval of the application by a vote of 3 to 1 subject to the following conditions:

1. The applicant shall be required to hire off-duty detail police officers at any time in the event of any safety concerns as determined by the Chief of Police, regarding time duration, and the number of personnel.
2. All activity of the nightclub establishment shall be conducted only indoors.

After the hearing, it was determined that the application for the chickee hut was filed for the Ambrosia Café. Mr. Bactor subsequently retracted the application to conform with the Board's recommended conditions of approval.

Current Situation:

Analysis

Applicable Codes and Ordinances

1. The Hallandale Beach Boulevard Zoning District is intended to guide the redevelopment of land located adjacent to Hallandale Beach Boulevard within the boundaries of the General Commercial land use category of the Comprehensive Plan's Future Land Use Map into a vibrant area that provides for a mix of uses, encourages investment, promotes transit while also protecting residential areas.
2. The Hallandale Beach Boulevard Zoning District is divided into two subdistricts East and West. The property is presently zoned Hallandale Beach Boulevard - West (HBB-West). Alcoholic Beverage Establishments in the HBB-West District 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 a 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. Ambrosia Café is a hookah lounge located in a 2,000 sq. ft. bay of the shopping plaza located at 409-411 W. Hallandale Beach Boulevard directly east of the Walgreens drugstore and west of SW 4th Avenue. The shopping center is owned by 409 Hallandale Inc. and is approximately 25,173 sf in size. The Ambrosia Café opened for business on March 7, 2020, which was only 10 days prior to the COVID 19 stay-at-home orders.
5. Ambrosia Café currently has 7 employees and has a rated capacity of 49 patrons. The business serves beer and wine only (2COP license) and its current operating hours are from 8 P.M. to 2 A.M. daily. The shopping center is zoned HBB-West District which permits the existing business per standards in Chapter 5. The business has all required licenses and there are no outstanding code violations.
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 HBB-West 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.

Interdepartmental Review:

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

- a) The Building and Code Compliance Divisions had no objections to the extended hours.
- b) The Fire Department had no objections to the closing time of 6:00 A.M. as this will not change the occupancy or the maximum capacity of the business.
- c) The Police Department had no objections to the closing time being until 6:00 A.M. and commented that the establishment has security guards on-site. They commented that if problems and safety concerns develop in the future, the establishment would hire off-duty detail as determined by the Chief of Police. (See attached Exhibit 6).

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 shopping center has a total of 57 parking spaces which are generally available to serve the Ambrosia Café since most if not all of the other businesses in the shopping center are closed by the time the Ambrosia Café opens at 8 p.m.

- (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 Ambrosia Café has 8 security cameras with recording capability that covers both entrances and the entire interior. The business employs one security guard 5 days a week and two security guards on Fridays and Saturdays. Additionally, the Chief of Police has reviewed the application and has 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.

The extended hours for the Ambrosia Café will have no impact on the café's compatibility with the neighborhood. The Ambrosia Café does not generate excessive noise or disruption as evidenced by the operation of the existing business. All business is conducted indoors. Further, the applicant has agreed to the staff's recommended condition to continue operating the business only from indoors.

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:

The applicant proposes to serve alcoholic beverages at Ambrosia Café until 6:00 A.M.

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

Cost Benefit:

The revenue anticipated by the approval of a 6:00 A.M. Nightclub License for the Ambrosia Café is \$2,076 annually.

STAFF RECOMMENDATIONS:

The Police and Fire Departments had no objections to the issuance of the requested 6:00 A.M. license. No adverse effects to neighboring properties are anticipated as a result of the extended hours of operation subject to conditions. In addition, sufficient parking is available at the site. Also, as mentioned above, the license may be revoked at any time if there are adverse effects resulting from the operation.

As a result, staff has no objections to the approval of a Nightclub License for Ambrosia Cafe in order to serve alcoholic beverages seven days a week until 6:00 A.M. subject to the following conditions:

1. The applicant shall be required to hire off-duty detail police officers in the event of any safety concerns as determined by the Chief of Police.
2. All activity of the nightclub establishment shall be conducted only indoors.


PROPOSED ACTION:

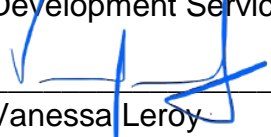
Staff recommends the City Commission consider approval of the attached Resolution approving Application #CL-21-00246 for a Nightclub License with 6:00 A.M. closing for the Ambrosia Café subject to the above staff conditions.

ATTACHMENT(S):

- Exhibit 1 – Proposed Resolution
- Exhibit 2 - Aerial Map
- Exhibit 3 - Location Map
- Exhibit 4 - Applicant's Letter
- Exhibit 5 - Applicant's Backup/Survey and Site Plan
- Exhibit 6 - Memorandum from Chief of Police
- Exhibit 7 - Planning and Zoning Board Cover Memo dated August 25, 2021
- Exhibit 8 - Planning and Zoning Board Meeting Minutes of August 25, 2021

Prepared By: 
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Reviewed By: 
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Development Services Assistant Director

Approved By: 
Vanessa Leroy
Development Services Director