23RESOLUTION NO. 2024-45A RESOLUTION OF THE MAYOR AND CITY COMMISSION6OF THE CITY OF HALLANDALE BEACH, FLORIDA,7CONSIDERING THE REQUEST OF SIBERIAN FOODS, LLC8FOR AN ALCOHOLIC BEVERAGE ESTABLISHMENT9DISTANCE WAIVER FOR THE SIBERIAN FOODS GROCERY10STORE LOCATED AT 716 N FEDERAL HIGHWAY; AND	otion
5A RESOLUTION OF THE MAYOR AND CITY COMMISSION6OF THE CITY OF HALLANDALE BEACH, FLORIDA,7CONSIDERING THE REQUEST OF SIBERIAN FOODS, LLC8FOR AN ALCOHOLIC BEVERAGE ESTABLISHMENT9DISTANCE WAIVER FOR THE SIBERIAN FOODS GROCERY	otion
11 PROVIDING AN EFFECTIVE DATE. 12	otion
13 WHEREAS, the Applicant, Siberian Foods, LLC has applied for an alcoholic beve	
14 distance waiver in order to sell packaged beer, wine and liquor for off-premises consump	Use
15 for the Siberian Food grocery store located at 716 N Federal Highway; and	Use
16 WHEREAS, the subject property is zoned Central RAC – Transitional Mixed	
17 District, which permits market/retail food stores and liquor package stores subject to	the
provisions of Section 5-6 of the City's Code of Ordinances; and	
19 WHEREAS, Section 5-6 of the City's Code of Ordinances sets forth the minir	านท
20 distance standards for establishments that sell beer and wine in proximity to schools, p	ıblic
21 parks, churches and other businesses that sell alcoholic beverages; and	
22 WHEREAS, the proposed business will operate as a grocery store and deli	and
although the business will serve food, it does not meet the definition of a restaurant by	the
24 City's Code and, therefore, is not exempt from the 600-foot distance separation requirer	nent
from another business selling beer, wine, and liquor for off-premises consumption; and	
26 WHEREAS, upon the determination by the City Commission that the requirement	s of
section 5-6 (h) of the City Code of Ordinances for an alcoholic beverage distance waiver h	ave
28 been met, section 5-6 (h) authorizes the City Commission to approve the Applica	tion
submitted by Siberian Foods, LLC, for an Alcoholic Beverage Distance Waiver to allow	the
30 sale of beer, wine and liquor for off-premises consumption.	
31 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE O	ITY
32 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:	
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34 **SECTION 1.** Incorporation of Recitals. The foregoing "whereas" clauses are 35 incorporated herein.

36 **SECTION 2.** Findings.

Based upon substantial competent evidence presented on the record at the public hearing, the City Commission hereby makes the following findings:

- a. The Applicant has/has not met the necessary requirements for granting of thewaiver.
- b. The applicant has/has not demonstrated that the granting of the 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 this section will not be violated.
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SECTION 3. Approval/Denial/Approval With Conditions.

Based on substantial competent evidence presented at the public hearing, including, but not limited to, the Agenda Cover Memo and staff presentation, any materials presented by the applicant and the sworn testimony of staff, the applicant and any experts, the Mayor and the City Commission of the City of Hallandale Beach, Florida, hereby find the application in compliance \Box not in compliance with the criteria set forth in section 5-6 (h) of the City Code of Ordinances, and hereby approves / denies the Application for an alcoholic beverage distance waiver.

53 **SECTION 4**. **Effective Date**. This resolution shall be effective immediately upon its 54 adoption.

56 APPROVED and ADOPTED this _____ day of October 2024.

JOY F. COOPER MAYOR SPONSORED BY: CITY ADMINISTRATION

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65 ATTEST:

FILE NO. 24-455

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67 68 69 70	JENORGEN M. GUILLEN, CMC CITY CLERK
71	APPROVED AS TO LEGAL SUFFICIENCY
72	AND FORM
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74 75 76 77	JENNIFER MERINO CITY ATTORNEY

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