

EXHIBIT 1

CITY OF HALLANDALE BEACH, FLORIDA
MEMORANDUM

DATE: August 12, 2011
TO: Planning and Zoning Board
FROM: Christy Dominguez, Director of Planning and Zoning
THRU: Thomas J. Vageline, Director of Development Services
SUBJECT: Application #39-11-CL by MB Gulfstream LLC d/b/a Martini Bar
601 Silks Run, Suite # 2497, Village at Gulfstream Park

I. BACKGROUND INFORMATION

APPLICANT:

MB Gulfstream LLC d/b/a Martini Bar

REQUEST:

The applicant is requesting a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances in order to serve alcoholic beverages seven days a week until 6:00 A.M. at the proposed Martini Bar located at 601 Silks Run, Suite #2497 in the Village at Gulfstream Park.

LOCATION:

The property is located at 601 Silks Run, Suite #2497 within the Village at Gulfstream Park (See attached Location Map).

PLANNING DISTRICT:

Gulfstream

PARCEL SIZE:

Gulfstream Park is approximately 250 acres. The acreage within the City limits is approximately 200 acres. The Village at Gulfstream Park encompasses 66.77 acres of the total property.

EXISTING ZONING:

Planned Local Activity Center (PLAC).

EXISTING USE:

Proposed new restaurant/nightclub undergoing interior construction at the 601 Silks Run

building at the Village at Gulfstream Park.

PROPOSED USE:

A restaurant/nightclub with a license for 6:00 A.M. closing for seven days per week. The establishment, which is located on the second floor of the 601 Building, has 5980 square feet of indoor space and an outdoor patio area with 2484 square feet. The indoor maximum capacity is 227 persons and the outdoor patio capacity 111 persons for a total maximum occupancy of 420 persons.

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

City: Local Activity Center (LAC)
County: Local Activity Center (LAC)

SURROUNDING ZONING:

N: Central City Business District/ Planned Redevelopment Overlay District (PRD)
S: Commercial/ City of Aventura
E: Commercial Recreation-Active
W: B-L, Business Limited District/Planned Redevelopment Overlay District

SURROUNDING LAND USE:

N: Gulfstream Promenade
S: Commercial/City of Aventura
E: Gulfstream Park Racing and Casino
W: Commercial, Municipal Complex and Post Office

II. RELATED LAND USE HISTORY

PREVIOUS REQUESTS ON SAME PROPERTY:

The Major Development, rezoning to PLAC, Land Use Plan Amendment to LAC and the Development Order for the Village at Gulfstream Park was approved on November 6, 2006.

On April 21, 2010, Application #37-10-CL by Florida BT LLC d/b/a Bartinis was approved by the City Commission for a nightclub license to operate until 6:00 A.M. at the same location. However, Bartini's never opened and the tenant space has since been taken over by Martini Bar.

III. INTERDEPARTMENTAL REVIEW SUMMARY

The Fire Department has no objection to the closing time of 6:00 A.M., as this will not change

the occupancy or the maximum capacity of the business.

The Police Department has no objections to the closing time being until 6:00 A.M. provided the applicant makes arrangements to hire off-duty detail when opened until 6:00 A.M. (see attached memorandum from Chief of Police, Dwayne Flournoy).

IV. APPLICATION DETAILS

1. The Village at Gulfstream Park Local Activity Center is an area zoned as a dense, urban, mixed use development to achieve an interdependent live/work/ entertainment environment while enhancing the quality of life in the City.
2. The subject property is zoned Planned Local Activity Center (PLAC). Section 32-179 permits nightclubs in PLAC District.
3. Martini Bar is a proposed restaurant/nightclub which will occupy a portion of second floor of the building located at 601 Silks Run. The building permit application for the interior construction/tenant improvements for Martini Bar has been submitted and is currently under review. The establishment will have a total of 5980 square feet in floor area and a 2484 square feet outdoor seating area. The maximum occupancy of the establishment is 420 persons.
4. 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.
5. According to the Code, nightclub licenses are not transferable and are granted at the City Commission discretion to the operator of an establishment which serves alcoholic beverages after 2:00 A.M.
6. According to Chapter 5, Section 5-9, applications for nightclub licenses shall be placed on the Planning and Zoning Board and City Commission agendas for consideration and Commission approval.

V. APPLICATION CRITERIA

NIGHTCLUB LICENSE

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 subject property will have approximately 6726 parking spaces once all construction for Village at Gulfstream Park is completed. In addition, there should be no spill-over parking to adjacent or neighboring 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 Police Department has a current agreement with Gulfstream Park Racetrack and Casino to supply police services. Per the Police Chief's memo, they have no concerns with the issuance of the requested license subject to the applicant hiring off-duty police officers.

- (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.

Extended hours may increase the potential of service calls; however, there is an agreement with the Police Department and Gulfstream Racetrack to provide police services. In addition, other onsite nightclubs, such as Santos and Greenhouse (still under construction) are required to provide police detail. As such, it is anticipated there will be adequate police presence at the subject property.

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.

VI. STAFF RECOMMENDATIONS

The Police Department has no objections to the issuance of the requested 6:00 A.M. license. In addition, sufficient parking is available at the site. As a result, staff has no objections to the approval of Application #39-11-CL for a Nightclub License to extend the hours of operation until 6:00 A.M. seven days a week for Martini Bar, subject to the applicant hiring off-duty police

To: Planning & Zoning Board
RE: Application #39-11-CL by MB Gulfstream LLC d/b/a Martini Bar
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officers as recommended by the Police Department.

Prepared By: _____
Sarah Suarez, Senior Planner