

DRAFT
PLANNING AND ZONING BOARD MEETING
WEDNESDAY FEBRUARY 24, 2010
CITY COMMISSION CHAMBERS,
HALLANDALE BEACH, FLORIDA

Members Present

Attendance

Michael Butler	N (excused absence)
Terri Dillard (Alternate)	N (excused absence)
Seymour Fendell	Y
Sheryl Natelson	Y (excused tardy)
Irwin Schneider	Y
Eudyce Steinberg	Y
Arnold Cooper	Y

Staff in Attendance:

Richard Cannone
Christy Dominguez
Sarah Suarez
Georgiana Terrientes

Mr. Cooper called the meeting to order at 1:40 PM

Approval of Minutes

~~Mr. Cooper: Asked the Board if he had approval of the minutes from December 15, 2009.~~

~~Mr. Cooper: Corrected minutes on page 6. Stated there is an existing Ordinance stating no overnight parking on residential and non residential areas for commercial vehicles.~~

~~Mr. Fendell: Made a correction on Page 4 regarding his statement on businesses operating legally within the City.~~

~~_____ MOTION: MR. FENDELL MOTIONED TO APPROVE THE MINUTES OF THE DECEMBER 15, 2009 PLANNING AND ZONING BOARD HEARING AS AMENDED.~~

~~_____ MS. STEINBERG SECONDED THE MOTION.~~

~~_____ MOTION CARRIED BY ROLL CALL VOTE (4-0) FOR APPROVAL.~~

~~Mr. Cooper: Stated a correction was made to the Agenda for Deco Lounge to stay open until 4:00 am on weekends only.~~

~~Ms. Christy Dominguez: Confirmed.~~

New Business

- 1) Applications #23-10-CL and #27-10-CU by Kitt Marcellus requesting Conditional Use Permit and a Nightclub License in order to operate a nightclub until 4:00 A.M. at the Deco Lounge located at 606 East Hallandale Beach Blvd on weekends only.
 - a) Application #27-10-CU for a conditional use permit pursuant to Section 32-175(d) (2) of the Zoning & Land Development Code in order to operate a nightclub within the Central City Business District.
 - b) Application #23-10-CL for a Nightclub License pursuant to Chapter 5, Section 5-4(c) of the Code in order to operate until 4:00 A.M.

Mr. Cooper: Opened the Public Hearing.

Mr. Kitt Marcellus: Stated he was the operator of the Deco Lounge and was requesting to stay open until 4:00 a.m. on weekends.

Mr. Cooper: Closed the Public Hearing and asked the Board if they had any comments.

Mr. Fendell: Stated the Police Department approved the application but they do not have any prior record of Mr. Marcellus being in this particular type of business.

Mr. Fendell: Asked Mr. Marcellus if he had a prior business at another location other than the one in Hallandale Beach.

Mr. Marcellus: Stated he has 22 years of experience in this type of business. Presently he has a club in Miami Beach and North Miami, which are in good standing.

Mr. Fendell: Asked staff if the Chief of Police met with Mr. Marcellus prior to approval of the application and why Mr. Marcellus's prior experience in this type of business was not mentioned on the Chief's memorandum.

Ms. Dominguez: Responded we have a summary memorandum from Chief Magill stating Mr. Marcellus explained the type of business and patrons he is targeting and advised he will be hiring off duty police officers at the club on the nights the business remains open past 2 a.m. Also, a background check was conducted on the applicant.

Mr. Fendell: Stated Mr. Marcellus holds a similar license in Miami Beach, and could Chief Magill check Mr. Marcellus's records in Miami Beach.

Ms. Dominguez: Stated the report is not based on his experience; it is based on whether any problem has occurred at the establishment he operates. Mr. Marcellus has been operating The Deco Lounge for some time and there have not been any problems at the location.

Mr. Fendell: Stated he would like to amend Chief Magill's memorandum, as he would like to allow professional security or police officers to secure the establishment on the nights they remain open past 2:00 A.M.

Mr. Marcellus: Stated he has a professional security under contract to oversee the establishment.

Mr. Cooper: Closed the Public Hearing.

MOTION: MS. STEINBERG MOTIONED TO APPROVE APPLICATION #27-10-CU A CONDITIONAL USE PERMIT PURSUANT TO SECTION 32-175(D) (2) OF THE ZONING & LAND DEVELOPMENT CODE IN ORDER TO OPERATE A NIGHTCLUB WITHIN THE CENTRAL CITY BUSINESS DISTRICT AND APPLICATION #23-10-CL FOR A NIGHTCLUB LICENSE PURSUANT CHAPTER 5, SECTION 5-4(C) OF THE CODE IN ORDER TO OPERATE UNTIL 4:00 A.M ON FRIDAY AND SATURDAY NIGHTS ONLY WITH THE CONDITION THE BUSINESS BE REQUIRED TO HIRE OFF DUTY POLICE OFFICERS AT THE LOCATION ON THE NIGHTS THAT THEY REMAIN OPEN UNTIL 4:00 A.M.

Mr. Fendell: Requested professional security officers be added to the motion.

Mr. Cannone: Cautioned the Board in approving the phrase Mr. Fendell is requesting professional security officers on the motion, due to the fact that Chief Magill wanted to make sure that they were off duty police officers not a private security company.

Ms. Dominguez: Stated the Chief's recommendation could be Hallandale Police officers or any other municipal off-duty police officers.

The Board amended the motion to require police officers as recommended by the Police Chief.

MR. SCHNEIDER SECONDED THE MOTION.

MOTION CARRIED BY ROLL CALL VOTE (5-0) FOR APPROVAL.

~~2) Application # 25-10-CL by John Klecha d/b/a MI-VI for a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances to serve alcoholic beverages at MI-VI Nightclub until 6:00 AM at Gulfstream Park Racing and Casino located at 901 S. Federal Highway.~~

~~Mr. Cooper: Opened the Public Hearing.~~

~~Mr. Jan Hansen: Consultant Planner for Gulfstream introduced Gerry Kelly (President of MI-VI) and John Klecha (Vice-President of MI-VI).~~

~~Mr. Hansen: Stated they continue to develop Gulfstream Park and Mi-VI is a new nightclub operated by one of the most successful operators in South Beach, Gerry Kelly. Gulfstream had a previous nightclub and this was a positive way to move forward and maintain the energy important to the success of Gulfstream Park and the Village of Gulfstream Park.~~

~~Mr. Hansen: Stated they read the staff report and they are in full agreement with all components.~~

~~Mr. Hansen: Stated MI-VI is a first class facility, just like the rest of Gulfstream Park. This facility will bring people into the City and help the local economy by generating significant employment opportunities.~~

~~Mr. Gerry Kelly: Stated he operated many South Beach Clubs since 1992 and he plans to make Hallandale Beach the new South Beach. He has many programs in mind, including concerts and arts.~~

~~Mr. John Klecha: Stated although the previous application had questions about security, he can assure the Board members and staff, they have security not only from the Police Department but also a private security firm under contract.~~

~~Mr. Cooper: Asked Ms. Dominguez if the license for MI-VI is straight 6:00 a.m.~~

~~Ms. Dominguez: Responded this is an extension from 2:00 a.m. to 6:00 a.m. seven days a week.~~

~~Mr. Fendell: Stated how remarkable and beautiful MI-VI is.~~

~~Mr. Cannone: Stated the staff supported this application.~~

~~Mr. Cooper: Closed the Public Hearing.~~

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION #25-10-CL BY MI-VI FOR A NIGHTCLUB LICENSE TO OPERATE A NIGHTCLUB UNTIL 6:00 A.M. SUBJECT TO THE APPLICANT HIRING OFF DUTY POLICE OFFICERS AS REQUIRED BY THE POLICE DEPARTMENT.~~

~~MS. STEINBERG SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (5-0) FOR APPROVAL.~~

~~3) Application # 26-10-CL by John Bakhshi d/b/a Greenhouse for a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances to serve alcoholic beverages at the Greenhouse Restaurant/Nightclub until 6:00 AM located at 801 Silks Run Suite #1505 located at the Village at Gulfstream Park.~~

~~Mr. Cooper: Opened the Public Hearing.~~

~~Mr. Steven Polisar: Attorney representing Greenhouse and Mr. Kenneth Barilich, stated he has been in this area all his life and he opened the first café on Ocean Drive back in 1988, he is Chairman of the Ocean Drive Association and he was also appointed by the~~

~~Miami Beach Mayor as Chairman of the Late Night Committee to help negotiate issues between the City and the private industry.~~

~~Mr. Polisar: Stated that Mr. Barilich has been on the Committee with him and has made very important contributions to the City of Miami Beach.~~

~~Mr. Barilich: Stated he is the local operating partner for John Bakhshi and he had been in Chicago for 25 years and in Florida for the past 10 years. They have operations in Chicago including restaurants and nightclubs.~~

~~Mr. Barilich: Stated they will be ready to open in about 90 days. The Greenhouse is a restaurant trying to give a green concept and a nightclub. It is a two floor establishment with the first floor a restaurant open from 11:00 a.m. to serve food and drinks and a second floor nightclub. The restaurant will have green and healthy menu.~~

~~Ms. Steinberg: Stated she likes the idea and really thinks is a beautiful project.~~

~~Ms. Steinberg: Asked Mr. Barilich if they were asking to be open until 4:00 a.m. or 6:00 a.m.~~

~~Mr. Barilich: Responded 6:00 a.m.~~

~~Mr. Barilich: Stated he has been working with the Police Department and has a good relationship with them.~~

~~Mr. Cooper: Closed the Public Hearing.~~

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION #26-10-CL SUBJECT TO THE APPLICANT HIRING OFF-DUTY POLICE OFFICERS AS REQUIRED BY THE POLICE DEPARTMENT.~~

~~MS. STEINBERG SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (5-0) FOR APPROVAL.~~

~~Mr. Cooper: Made an announced that Mr. Armin Lovenvirth resigned from the Planning and Zoning Board.~~

~~Mr. Fendell: Stated that Mr. Lovenvirth is the Vice Chairman and asked if the Board has to elect a new Vice Chair.~~

~~Mr. Cooper: Stated in order to elect a Vice Chairman they have to wait until they get a new member.~~

~~Mr. Cannone: Stated that next month we should have a couple of more nightclubs applications.~~

~~Mr. Cannone: Stated on December 16, 2009 at the Commission Meeting, the First Reading of the Land Use Plan Amendment for the Diplomat Local Activity Center was approved and is going to Broward Planning Council on February 25, 2010.~~

~~Ms. Steinberg: Asked if the tall tower at the Diplomat was approved.~~

~~Mr. Cannone: Stated Diplomat removed building F located in the South East corner. The County staff raised some issues on building B at the far north site. The applicant sent a letter to the City and County stating they will work to reduce the height of that building.~~

~~Mr. Cooper: Asked if there were other high-rise buildings.~~

~~Mr. Cannone: Stated there are some additional high-rises proposed. The applicant submitted the Planned Local Activity Center rezoning application and staff is in the process of reviewing it. If the Land Use Plan amendment is approved at Broward County on First Reading the Planned Local Activity Center will be presented to the Planning and Zoning Board.~~

~~Mr. Cooper: Stated it is interesting how the City Commission voted in favor of the Diplomat project with all the high-rises and filed a law suit against the City of Hollywood to stop construction on the high rise on Hallandale Beach Blvd and A1A due to increase of traffic and they turned around and approved five high rises at the Diplomat.~~

~~Mr. Cannone: Responded that the argument on the building next to Beach Club is the amount of traffic being generated so close to one of the busiest fire stations in Hallandale Beach.~~

~~Mr. Cannone: Continued that the City Commission approved the CK Plaza project and adopted the Moratorium Ordinances for Pain Clinics and Massage Establishments.~~

~~Mr. Cooper: Asked about Ocean Marine and the nine piles in the water far away from the seawall.~~

~~Ms. Dominguez: Stated that Ocean Marine got an approval from the City and County to build 8 spaces for boats.~~

~~Mr. Fendell: Asked what was going on at the Manero's lot.~~

~~Ms. Dominguez: Stated she believes the lot is being used as staging area by Department of Transportation.~~

Next meeting tentatively scheduled for March 24, 2010.

Meeting adjourned at 2:49 PM

Christy Dominguez
Planning and Zoning Board Liaison