

**CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT
701 SW 71st Avenue**

PLANNING AND ZONING BOARD MEETING

AGENDA

NOVEMBER 4, 2020 - 6:00 PM

The Planning and Zoning Board met on Tuesday, November 4, 2020 at the Municipal Complex. The meeting convened at 6:02 p.m.

1. CALL TO ORDER BY CHAIRMAN – Chair McKay called the meeting to order at 6:02 p.m.

2. ROLL CALL – Clerk took roll. There was a quorum.

Christine McKay, Chair

Dr. Enjoli R. Paul, EdD, Vice Chair

William Albright – (Unexcused absence)

Barbara Thomas

Alfredo Marriaga

City Attorney Brian Sherman

City Clerk Elizabeth Garcia-Beckford

3. APPROVAL OF MINUTES

a. October 6, 2020 – Board Member Thomas moved to approved the Minutes. Seconded by Vice Chair Paul. Clerk took roll. Minutes were approved unanimously.

4. OLD BUSINESS

QUASI-JUDICIAL ITEMS:

a. (Tabled to Time Certain from October 6, 2020 at Request of Applicant)

SPECIAL EXCEPTION USE:

SEU 20 – 07

NAME OF APPLICANT:

Liannet Rodriguez, Social Bar and Lounge

PROJECT NAME:

Social Bar and Lounge

PROJECT LOCATION:

1401 S. State Road 7 Bay A1 -3 (Champion Plaza)

PROJECT DESCRIPTION:

Special exception use request to allow a free-standing bar within a restaurant in accordance with Chapter 86-110 (7) and to allow liquor sales in accordance with Chapter 106 - 467 (9) of the City Code within a General Business (B-3) zoning district

subject to the conditions in the staff memorandum.

Attorney Sherman explained that the Governors order waiving virtual quorum requirements ended. The Planning and Zoning Board meeting now requires an in-person quorum. The meeting is livestreamed and open to the public. City Clerk Garcia-Beckford provided the phone number for the public to call for comment during the meeting. Attorney Sherman announced, read and swore in anyone present to speak on item 4.a. SEU 20-07. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He provided background information on the SEU requirement. The item was continued from the September meeting having been tabled at the applicants request. Mr. Disbury informed board members that this business is located in a B2 Commercial Zoning district in Champions Plaza. The request is to allow two free standing bars according to the floor plan submitted by the applicant. The business is currently open and operating with the restaurant portion of the business. The applicant did change their 4cop license. The space changed hands approximately 5-6 months ago and the applicant was informed this location will never primarily be a bar or lounge which is prohibited in the City. The applicant agreed to change the name to Social Restaurant and Grill to comply with the name condition as recommended by staff. The business complies with parking requirements in terms of the floor plan. There have been issues with the applicant complying with both the hours of operation and COVID -19 social distancing regulations. They applicant was found in violation of health and safety violations and were issued final orders for code violations as provided in the memorandum back up. The violation pertaining to the Florida Fire Prevention Code relating to access to the business was resolved prior to this meeting. The applicant still needs to provide an updated letter of intent to reflect the hours of operation to remain open until 2:00 a.m. Therefore, the 7:00 a.m. to 12:00 midnight hours of operation remains as a staff condition. Staff is unable to recommend this item due to the history and the lack of the liquor license to operate a free-standing bar. Mr. Disbury explained that there is an overlay district marked for redevelopment which needs to fit with the mixture of businesses and uses in addition to the revitalization of the 441 corridors. This business does fit as a restaurant but the operating of the bar until late hours does not fit with the other businesses located in the plaza which are adjacent to a residential area. Chair McKay questioned where does that leave the business owner, if the staff is not recommending approval of this item. Mr. Disbury advised the item will still move forward to the City Commission with a recommendation not to approve by staff. The business can still operate as a restaurant with beer and wine sales. Attorney Sherman interjected to advise that at this time it would be appropriate to hear a statement from the applicant. The business owner, Liannet Rodriguez presented herself to the board along with business partner Jerrod Wright. Ms. Rodriguez provided background information regarding her association to the business since 2019. She stated that she submitted an application with a sketch which showed a free-standing bar as part of her request to change the business name formally known as Hot Limon. Ms. Rodriguez indicated that there is a free-standing bar in the back of the business that can be removed since it is not really a bar with no running water or electricity which is used as furniture. Chair McKay inquired if there are two free-standing bars. Ms. Rodriguez responded no, there is just the one bar and the other is a mini-bar used as furniture. **Public hearing was opened.** Clerk Garcia-Beckford provided the phone number for the public to call in to comment. Tammy

Reed-Holguin advised that the business was opened as a restaurant and the SEU does not transfer with the owner or business when you have new ownership. The SEU has to be issued to the current owner. She reiterated that the SEU is being presented to the board members for consideration for a SEU permit to operate two free standing bars and to serve liquor. The business is currently operating legally as a restaurant. Ms. Reed-Holguin advised that the applicant did have issues with code enforcement which is outlined in the backup memorandum. She explained that if the Planning and Zoning Board does not approve the SEU then the business will continue to operate as a restaurant serving only wine and beer with meals. Ms. Reed-Holguin indicated that there are two free standing bars shown on the floor plan which require an SEU. There was discussion regarding the requirement for the SEU for free standing bars even if liquor is not being served. Ms. Rodriguez stated that the bar has been there for over 10 years and that she has a State issued liquor license. Ms. Reed- Holguin clarified that the applicant has a State license to sell liquor but they are required to also have the SEU permit in order to sell liquor in the City and to operate the free-standing bars. There was a discussion regarding the difference between the State liquor license which is distributed by the Department of Business and Professional Regulation (DBPR) and the SEU required by the City code. The State issued liquor license does not grant approval for liquor sales as a use in the City until approved by the City Commission in the form of a SEU. The location is not zoned for liquor and a bar service. Attorney Sherman clarified that the applicant is seeking the City's approval for the SEU as part of their application to sell liquor with permission by the city as well as the use of two free standing bars. Chair McKay inquired if there is anyone from the public that would like to comment on this item. The following individuals spoke during public comment:

- Mr. Burt Archiwald identified himself as a customer and a Regional Manager for Wendy's. He spoke favorably regarding the establishment. He commented that there has not been an issue with social distancing, people wearing masks or food safety and cleanliness based on his experience at the restaurant.
- Jeff Pierce identified himself as a security officer at Players Sports Bar. He commented that he has not experienced any issues at the restaurant. He made reference to an incident involving Code Officer Mike Torres and BSO meeting at the location to try and close down the restaurant. He expressed feeling that there may be some anxiety towards the owners due to the minority situation and racism.

Chair McKay commented that she cannot speak to the specific incident. She advised that the violations may have been due to the emergency executive orders and special circumstances in which an earlier closing time was required. She thanked Mr. Pierce for bringing the situation to the board's attention.

- Jerrod Wright identified himself as co-owner of the business, a city resident and coach at Somerset High School. He expressed feeling badly that the business is experiencing tension since he started and that his purpose was to increase productivity to help market and bring additional focus to the business in the City. He commented on being a product of North Lauderdale, attending the schools in the City and wanting to be an ideal example

for other people of color in the community. He expressed a desire to run the business the right way.

There was no further comment from the public. Public Hearing was closed. Board Member Marriaga commented with concerns regarding the business's close proximity to a school, church, other businesses and the homeless people at the nearby gas station. Board Member Paul expressed concerns with allowing hookah smoking at the restaurant. Attorney Sherman interjected that the state law regarding the Clean Indoor Air Act would apply to those situations involving tobacco products and certain rules as far as what the City can do for the regulation of smoking. Chair McKay inquired if there is a separate license requirement to serve hookah. Mr. Disbury responded that compliance with Clean Indoor Air Act standards would be required. Staff recommendation would be to have that [hookah smoking] request added formally to the SEU. The applicant would have to add tobacco to their business tax receipt. Ms. Reed-Holguin stated that an SEU would be required since hookah is not a use listed in the City's master business list. Mr. Wright responded that hookah does not drive their business. The hookah item was gifted to them and never used. There was discussion regarding the hookah item being removed physically from the premises or permitted to be used as decoration and issues with the Clean Indoor Air Act regulations. Attorney Sherman inquired directly with the applicant; asking if they are agreeing to remove hookah from the application. Mr. Wright responded yes. Attorney Sherman advised that hookah is no longer an issue since it is no longer part of the application. He reiterated that an additional SEU would be required for hookah services or for any type of cigar bar. Hookah is not included as part of what the applicant is requesting and not allowed under state law for use as a restaurant. There was discussion regarding making a recommendation to allow use of the freestanding bars as decoration and or strictly to serve food. Ms. Reed- Holguin clarified that the free-standing bars require an SEU either way. The applicant can choose to remove the stools and not use the free-standing bars which would be difficult to monitor. She explained the history regarding the change in the code to allow free-standing bars to attract restaurants. Mr. Wright stated that 40-49% of their business revenue is the sale of alcohol and they will be put out of business if they are not able to do that. Mr. Disbury stated the maximum liquor sales allowed is 40%. **Board Member Thomas moved to make a favorable recommendation to the City Commission for SEU 20-07 Social Bar and Lounge to allow two free standing bars within a restaurant in accordance with Chapter 86-110 (7) with the 16 conditions as specified by staff. Chair McKay passed the gavel to Vice Chair Paul. Motion Seconded by Chair McKay.** There was discussion regarding conditions referencing the sale of liquor or alcohol. The applicant cannot serve liquor at the bar or dining table since they do not have an SEU. The applicant can serve beer and wine as beverage sales. **Board Member Thomas moved to amend her motion for a favorable recommendation to the City Commission for SEU 20-07 Social Bar and Lounge to allow two free standing bars within a restaurant in accordance with Chapter 86-110 (7) with the 16 conditions as outlined by staff specifically as to beer and wine as currently permitted under the city code. Seconded by Chair McKay. Clerk took roll. All YES. MOTION PASSED.**

Board Member Thomas moved to make a favorable recommendation to the City Commission for SEU 20-07 Social Bar and Lounge to allow liquor sales in accordance with Chapter 106-467 (9) of the City Code within a General Business (B-3) zoning district subject to the conditions as

outlined by staff. *Motion died for lack of a second.* Chair McKay passed the gavel to Vice Chair Paul. Chair McKay moved to make an unfavorable recommendation to the City Commission on the applications request for SEU 20-07 Social Bar and Lounge to allow liquor sales in accordance with Chapter 106-467 (9) of the City Code within a General Business (B-3) zoning district as incompatible with the character and nature of the residential neighborhood. Seconded by Board Member Marriaga. Clerk took toll. **MOTION PASSED 3-1, with Board Member Thomas dissenting.** The item will be heard by the City Commission on December 8, 2020.

5. NEW BUSINESS

QUASI-JUDICIAL ITEMS:

- a. **SPECIAL EXCEPTION USE:** SEU 20 – 09
- NAME OF APPLICANT:** Claudin Allonce
- PROJECT NAME:** God of Compassion Assembly Inc.
- PROJECT LOCATION:** 5460 N. State Road 7, Suite 132
- PROJECT DESCRIPTION:** Special exception use request to allow a community facility use within a General Business (B-2) zoning district in accordance with Chapter 106—156 and with Chapter 106 - 467 (19) of the City Code.

Attorney Sherman read the item and swore in any applicants present to speak on the item. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. The applicant operates a tax, real estate and music school business on the second floor of the building. He is proposing to operate a small church accompanying his music school. The church is a non-profit with 50 or less occupants. Mr. Disbury reviewed the hours of operation and traffic and parking analysis as provided in the memorandum. Mr. Disbury emphasized condition number 8, occupancy and 6, documentation for use of a van or bus as well as condition number 5, for noise and other nuisances. Chair McKay inquired on the maximum capacity allowed for that size building. Mr. Disbury advised that the Fire Chief reviewed the item. There are no issues with the maximum capacity at this time. Mr. Disbury requested a better floor plan from the applicant. There was discussion regarding the size of the bays. Mr. Disbury referenced the tenant list. He stated that the applicant would be under the 20% for non-businesses uses. The applicant, Claudin Allonce presented himself to the board members. **Public hearing was opened.** City Clerk Garcia-Beckford announced the phone number to call in for public comment. **There was no public comment.** Chair McKay noted a discrepancy in the days of operation in the memorandum which is different than the days listed in the letter from the applicant. Mr. Disbury stated that the applicant would need to include the specific days in their application. Mr. Allonce clarified the days as Tuesday, Thursday and Friday. Mr. Disbury advised that the applicant will

need to provide a revised letter and a more detailed floor plan. The application was amended based on the board discussion to include the correct days of operation and a detailed floor plan. Chair McKay requested that Mr. Disbury verify the maximum capacity allowed for the bay. There was a brief discussion regarding the three businesses operated separately in the bay by the applicant. There was no comment by the public. Mr. Allonce agreed to the staff conditions. **Board Member Thomas moved to make a favorable recommendation to the City Commission for consideration and approval to allow community facility within a business district use in accordance with Chapter 106—156 and with Chapter 106 - 467 (19) of the City Code within a General Business (B-2) zoning district. Seconded by Board Member Paul. Clerk took roll. All YES. MOTION PASSED UNANIMOUSLY.** This item will be heard by the City Commission on December 8, 2020.

NON QUASI-JUDICIAL ITEMS:

6. STAFF REPORT

Mr. Disbury advised board members that the Trinity International University was granted the SEU to add the college at the Riverside Plaza.

7. GENERAL DISCUSSION

Board Member Paul reported concerns with flooding and drainage issues on Forest Drive. Chair McKay suggested street trees to drink up water. Chair McKay and Vice Chair Paul's contact information will be provided to Public Works Director Sam May to address the board members concerns and suggestions. Board Member Marriaga commented favorably on the lighting on Kimberly Blvd. Board Member Paul inquired on taking a short recess during the in-person meetings due to the length of time of the meetings while having to wear masks. Attorney Sherman advised that the board can choose to recess at any point during the meeting.

8. NEXT TENTATIVE MEETING – December, 1, 2020 at 6 pm

9. ADJOURNMENT- There being no further discussion the meeting adjourned at 7:57 p.m.