



Life's Just Better Here

DRAFT
MEETING MINUTES
PLANNING AND ZONING BOARD
COMMISSION CHAMBERS
2020 WILTON DRIVE, WILTON MANORS, FLORIDA 33305
MONDAY, FEBRUARY 7, 2022 – 7:00 P.M.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

MEMBERS **ATTENDANCE**

Richard Safaty, Chair	P
Rudy Molinet, Vice Chair	P
Don D'Arminio	P
Jeffrey Ferraro	P
Tim Moses	P
Tim Theisen	P
Roy David Walker	P
Jeb Shafer	P

Staff

Mike Cirullo, Assistant City Attorney
Roberta Moore, Community Development Services Director
Evy Kalus, City Planner
Carla Blair, Recording Secretary, Prototype, Inc.

I. CALL TO ORDER

Chair Safaty called the meeting to order at 7:02 p.m.

II. ROLL CALL

Roll was called by Ms. Blair and it was noted a quorum was present.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. APPROVAL OF MINUTES

a. January 10, 2022

Board Member Ferraro noted the following corrections to the January 10, 2022 minutes:

- P.8, line 27: Board Member Ferraro proposed language for the motion
- P.8, line 37: change Board Member Shafer to Board Member Ferraro

Motion made by Board Member Ferraro, seconded by Board Member Walker, to approve with corrections. In a voice vote, the **motion** passed unanimously (7-0).

1 **V. PUBLIC COMMENTS**

2
3 At this time Chair Safaty opened public comment.

4
5 Mark Seymour, 2301 Wilton Drive, addressed Item VI.b, for which Hunters Nightclub is
6 the subject property. He identified himself as a principal owner of the business. He
7 advised that the improvements requested in this Item will give the nightclub greater
8 flexibility in hosting special events and fundraisers, and emphasized the importance of
9 community to its business model.

10
11 With no other individuals wishing to speak at this time, Chair Safaty closed public
12 comment.

13
14 Chair Safaty also welcomed Vice Mayor Paul Rolli, who was present at the meeting via
15 Zoom.

16
17 **VI. QUASI-JUDICIAL PUBLIC HEARING**

18
19 Assistant City Attorney Mike Cirullo explained the Quasi-Judicial process, stating that
20 those wishing to speak on any application should raise their right hand and be sworn in.
21 Attorney Cirullo performed the swearing-in for the hearing.

- 22
23 a. CU 22-01
24 Wilton Andrews Office LLC
25 1840 SE 1 Avenue
26 Fort Lauderdale, FL 33316

27
28 Jeffrey Buak, Esquire, Agent, representing property owner, Wilton
29 Andrews Office LLC., is requesting conditional use approval for
30 proposed medical marijuana retail center to be located at 1985 N.
31 Andrews Avenue.

32
33 Applicant

34 Jeffrey Buak, representing the Applicant, advised that the Applicant wished to show a
35 brief presentation on the Item.

36
37 Eric Sevell, Applicant, Director of Operations for Green Dragon Florida, explained that the
38 company has two (2) cultivation facilities in Florida, which will allow them to provide a
39 wide range of products. At present there are three (3) approved stores in Florida, which
40 they hope to increase soon.

41
42 The Office of Medical Marijuana Use registers and tracks the individuals who purchase
43 medical marijuana and addresses some of the concerns that citizens might have. This
44 Office approves a physician-submitted document and tracks the amount of product an

1 individual purchases. It also regulates security, providing for the use of unmarked vehicles
2 for drop-off and delivery of product. Cages are used to secure back stock and cash is
3 kept in smart safes. Both wired and wireless alarms are in use at facilities.

4
5 Mr. Sevell briefly reviewed the Site Plan for the business, which was approved before
6 Green Dragon Florida secured use of the space. The Site Plan offers a transit-friendly
7 orientation, and the parcel is zoned for mixed use so its owners can retain office space.

8
9 Mr. Sevell emphasized his intent to take the surrounding community seriously, recalling
10 that he had attended meetings of both the Westside Association and Central Association.
11 He has also met with the Wilton Manors Police Department. He hoped that the business
12 can be an ally to the City.

13
14 Questions for Applicant

15 Vice Chair Molinet requested additional information on the business' intent to use both
16 roll-down shutters and impact-resistant glass. Mr. Sevell replied that this is an internal
17 requirement, and clarified that the shutters are located on the inside would not be in use
18 during the day.

19
20 Staff

21 City Planner Evy Kalus showed a PowerPoint presentation on the Item, stating that the
22 request is for conditional use approval for a medical marijuana retail center on the ground
23 floor of a two (2) –story commercial building that is currently under construction. Tenant
24 space is approximately two thousand nine hundred and sixty-seven (2967) square feet.

25
26 The subject parcel is at the southwest corner of NW 20 Street and N Andrews Avenue
27 and is approximately zero point four five (0.45) acre. The proposed tenant is Green
28 Dragon Florida.

29
30 On September 14, 2020, the Planning and Zoning Board approved Site Plan SP 20-01
31 for an eight thousand two hundred and nineteen (8219) square foot, two (2) –story
32 commercial facility at the location. The parcel's plat note restricts a non-vehicular access
33 line on the underlying plat, which was amended by Resolution 2020-81 by the City
34 Commission on October 27, 2020. A building permit was issued on April 6, 2021 for
35 construction of the building on the subject parcel.

36
37 The parcel is zoned Transit Oriented Corridor West (TOC-W). Medical Marijuana Retail
38 Center is a conditional use in that district per Article 30-30 of the City's Unified Land
39 Development Regulations (ULDR). The TOC-W zoning district includes a distance
40 requirement: a medical marijuana retail facility shall not be permitted unless the closest
41 projection of the building or outdoor sales area, if any, measures a minimum of five
42 hundred (500) feet to any public or private elementary, middle, or secondary school or
43 child day care facility. The Applicant has provided a special purpose radius survey
44 indicating that the subject parcel exceeds this distance from any such facilities.

1
2 City Planner Kalus concluded that the proposed use is consistent with Article 30 upon
3 approval of conditional use by the Planning and Zoning Board. She provided the Board
4 members with copies of the radius map, as well as the Site Plan previously approved by
5 the Board and a copy of the tentative floor plan. The tenant will occupy the ground floor
6 space as sole tenant.

7
8 Conditional use is found in Article 105 of the City’s ULDR. These uses may be compatible
9 with other land uses permitted in a zoning district; however, because of unique
10 characteristics and potential impacts on the surrounding neighborhood and the City as a
11 whole, these uses require individual review of their location, design, configuration, and/or
12 operation in order to interpret whether or not the use is appropriate at its particular
13 location. The Planning and Zoning Board shall deny, approve, or approve with conditions
14 as it deems necessary in order for the proposed use to meet the standards set forth as
15 review criteria, which include:

- 16 • Proposed use shall be consistent with the City’s Comprehensive Plan
- 17 • Establishment, maintenance, or operation of the proposed use shall not be
- 18 detrimental to or endanger the public health, safety, or comfort of general welfare
- 19 • Proposed use shall not diminish the use or enjoyment of other property in the
- 20 immediate neighborhood for purposes permitted in the district
- 21 • Establishment of the conditional use shall not impede the normal and orderly
- 22 development and approval of surrounding properties for the uses permitted in the
- 23 zoning district
- 24 • Proposed use shall not diminish property values in the neighborhood
- 25 • Adequate utilities, roadway access, drainage, and other necessary facilities
- 26 already existing shall be provided by the Applicant or programmed to serve the
- 27 proposed use
- 28 • Adequate measures already exist or shall be taken to provide ingress and egress
- 29 to the proposed use in a manner that minimizes traffic congestion in the public
- 30 streets and provide safe and adequate pedestrian and vehicular circulation
- 31 • Proposed use shall be consistent with community character or the immediate
- 32 neighbor of the proposed development
- 33 • Development of the proposed use shall not adversely affect known archaeological
- 34 or historic cultural resources located on or off the parcel proposed for development
- 35 • Design of the proposed use shall minimize adverse effects, including visual
- 36 impacts of the proposed use, on adjacent property
- 37 • Applicant has financial/technical capacity to complete, operate, and maintain the
- 38 conditional use as proposed and has made adequate legal provisions to guarantee
- 39 the provision, development, and maintenance of any buffers, landscaping, public
- 40 open space, or other improvements associated with the use
- 41 • Proposed use shall meet all other standards set forth in the ULDR that apply to its
- 42 zoning and the zoning district in which it is located

43

1 Staff's analysis of these criteria has found that the proposed use is consistent with other
2 Green Dragon locations in Palm Beach County. There are no public safety concerns.
3 Andrews Avenue is a commercial corridor within the City and there is an existing
4 pharmacy adjacent to the subject parcel, where it has been for at least ten (10) years.
5 The building under construction is seventy-four point zero three (74.03) feet from the
6 abutting single-family parcel to the rear, which is forty-five point three six (45.36) feet more
7 than the required setback of twenty-eight point six (28.6) feet or the height of the building,
8 whichever is greater. There is also a six (6) foot masonry wall abutting the single-family
9 home along the rear property line.

10
11 The building is approximately one hundred thirty-five (135) feet from the multi-family
12 building located across N Andrews Avenue to the east. Site Plan SP 20-1 was approved
13 for this parcel by the Planning and Zoning Board on September 14, 2020 and includes an
14 entry on N Andrews Avenue and an entry and exit on NW 20 Street. The design of the
15 exit onto NW 20 Street prohibits left turns into the Westside neighborhood. Building
16 permits WM 21-001507, WM 20-001276, and WM 20-00137 have already been issued
17 for access and paving for the commercial building currently under construction. The
18 proposed use meets all other standards as set forth in the City's ULDR.

19
20 Staff's recommendation, based on the criteria set forth in Article 105-040 of the ULDR,
21 the Development Review Committee (DRC) has determined that CU 22-01 is consistent
22 with the development standards set forth in the ULDR and recommends approval of the
23 conditional use application for the proposed medical marijuana retail center, subject to
24 the following conditions:

- 25 • 1985 N Andrews Avenue is subject to conditions associated with SP 20-01 as
26 approved by the Planning and Zoning Board on September 14, 2020
- 27 • This approval applies only to Green Dragon and any changes to the proposed
28 tenant will require conditional approval specific to that tenant if applicable
- 29 • Approval is based on the application and association of documents by the
30 Applicant

31
32 Questions of Staff

33 Board Member Theisen asked if the Applicant has submitted a Site Plan for this specific
34 retail space as opposed to being for the building as a whole. Planner Kalus replied that
35 the Site Plan recently approved for the building under construction would satisfy the Site
36 Plan requirement.

37
38 Board Member Theisen also recalled that at a previous meeting, there was discussion of
39 how the Applicant might need to take specific steps to comply with state law, such as
40 darkening the business' windows, which are not consistent with City Code. Planner Kalus
41 stated that the Applicant was able to provide the covers required by the state in another
42 way, and therefore will not need to seek a variance to tint its windows.

1 It was noted that when the Board approved the Site Plan for the Application, there had
2 been concerns for the privacy of the residential community located behind the subject
3 parcel. While the Applicant plans to construct a six (6) foot wall, there was a question
4 regarding whether or not they also planned to provide vegetation along the wall. Planner
5 Kalus replied that as part of Site Plan approval, the Applicant is required to put
6 landscaping in the setback between the wall and the parking lot.

7
8 Planner Kalus added that should another tenant move into the building, the City would
9 need to ensure they also meet all conditional use requirements. Community Development
10 Services Director Roberta Moore advised that conditional use typically indicates the
11 business for which it is approved. This is not specific to the Applicant at hand.

12
13 Chair Safaty observed that if recreational marijuana becomes legal in Florida, this may
14 require a different licensing procedure for locations where the product is sold, and the
15 City may need to determine whether or not this would be a permitted use in some areas.
16 Planner Kalus confirmed this as well, explaining that tonight's Application is limited to
17 medical marijuana only.

18
19 Public Comment

20 At this time Chair Safaty opened public comment.

21
22 Mark Thomas, 132 NW 20 Street, stated that he lives next door to the proposed project
23 and would be the person most affected by its development. He expressed concern that
24 there would be a negative effect on his and other property values in the adjacent
25 neighborhood, and that placing a large medical cannabis retail location at the entrance of
26 a residential neighborhood was inappropriate.

27
28 Mr. Thomas also advised he was concerned about traffic, and did not believe that drivers
29 would follow the "right turn only" instruction when leaving the subject parcel's parking lot.
30 He concluded that there is supposed to be a seven (7) foot setback of the subject property
31 to his, which has been reduced to five (5) feet and then to three (3) feet with an overhang.

32
33 With no other individuals wishing to speak at this time, Chair Safaty closed public
34 comment.

35
36 Board Member Ferraro asked if the other Green Dragon locations in South Florida are
37 physically similar to the proposed Wilton Manors location. Planner Kalus replied that she
38 did not know where the other facilities are located.

39
40 Board Member Ferraro also requested more information regarding the setback issue
41 raised during public comment. Planner Kalus replied that the subject site has not gone
42 through final zoning for its landscaping, but confirmed that the landscape buffer would
43 have to meet the specifications of the approved Site Plan and construction plans.

1 Board Member Ferraro also asked if there are any changes that can be made to 20 Street
2 to prevent traffic from turning left or making a U-turn out of the subject site. Planner Kalus
3 explained that there will be a concrete panel, and the roadway has a landscaping island.
4 There is also a concrete divider on the street. Board Member Ferraro suggested that the
5 Police Department could be asked to monitor traffic in the subject area and determine if
6 traffic is complying with turning requirements. If this is not the case, these issues could
7 be addressed in the future.

8
9 Director Moore stated that the traffic issue was discussed at length at the DRC level, as
10 both residents and Staff had expressed concern with the right turn requirement. There
11 was nothing more that the City could require, based on discussions with the City's
12 Emergency Management/Utilities Director. The Chief of Police and the City's engineering
13 consultant participated in these conversations as well.

14
15 Director Moore concluded that the City is limited by Broward County regulations. When
16 the Application first came before the DRC in 2020, Staff did as much as possible to help
17 alleviate the effects of additional traffic near the site.

18
19 Vice Chair Molinet suggested that the Applicant could work to educate customers about
20 traffic requirements and act as a good neighbor and business owner. He also agreed with
21 the proposal that the City's Police Department could enforce traffic laws near the site.
22 Director Moore noted that one component of the project is ongoing communication with
23 the Police Department to ensure there are no safety issues once a development has been
24 finalized.

25
26 Vice Chair Molinet requested clarification that the Applicant would not receive a Certificate
27 of Occupancy (CO) for the property unless landscaping is implemented correctly. Director
28 Moore confirmed this, adding that a condition of approval will require the Applicant to
29 maintain landscaping materials in perpetuity. Any Code violation would trigger the Special
30 Magistrate process if not addressed by the property owner.

31
32 Board Member Theisen advised that traffic was addressed not only at the DRC level but
33 during the Site Plan discussion by the Board. He pointed out that Broward County is
34 responsible for the traffic issue, as the County prohibits turns directly from Andrews
35 Avenue into the subject parking lot. He proposed that the Mayor and City Manager need
36 engage Broward County to relax this prohibition.

37
38 Mr. Sevell, Applicant, addressed some of the concerns raised by the Board, noting that
39 while the company's legal name is Green Dragon Florida, LLC, they also have a D/B/A of
40 Green Dragon. With respect to the window tinting, he clarified that the business is not
41 required to frost or obscure windows, which means they can comply with both state and
42 City regulations.

43

1 Regarding concerns with property values and crime, Mr. Sevell continued that the
2 business has several security protocols. Their intent is to create a local culture where
3 issues such as trespassing do not arise. He also agreed that the business could speak to
4 its customers and encourage them to follow traffic requirements by using the appropriate
5 entrance or exit.

6
7 Chair Safaty asked if Green Dragon currently has any other applications active within
8 Broward County. Mr. Sevell replied that there are none at present, noting that many
9 Broward County municipalities have banned dispensaries.

10
11 Board Member Theisen commented that he was comfortable supporting the Application
12 because he had spoken to the Chief of Police, as well as City Staff, and had attended
13 DRC meetings and other public outreach. He emphasized that the individual business
14 should be taken into consideration as well as the type of business.

15
16 Board Member Moses recommended that Mr. Sevell reach out to Mr. Thomas, who had
17 shared his concerns during public comment, in order to address any ongoing issues. He
18 advised that while he was supportive of the project, he also understood the speaker's
19 concerns.

20
21 It was asked if Green Dragon will provide on-site security. Mr. Sevell replied that while
22 there are no armed guards on the premises, the company uses camera systems and
23 special locks. He has reviewed the business' security plan with the Chief of Police.

24
25 Board Member Moses again expressed concern with the Site Plan and the median,
26 asking how the median was originally placed there. He suggested that in the future, the
27 median could be extended to prevent left turns rather than simply requiring a right turn
28 only. He noted, however, that this would not be the Applicant's responsibility. Director
29 Moore recalled that this was discussed by Staff, and the Emergency Management/Utilities
30 Director had indicated that the median could not be extended. She advised that she would
31 look into this further and follow up with the Board members. Board Member Theisen
32 observed that there will be signage on the site informing drivers that left turns are
33 prohibited.

34
35 It was asked if, in the event of a business change, the City will need to amend the wording
36 of its conditions so it no longer specifically names Green Dragon. Attorney Cirullo stated
37 that the conditions could be amended to clarify that any changes to the proposed tenant
38 would require additional review. He also clarified that approval is based on the
39 Application's associate documentation, which specifically refers to medical marijuana.
40 The business would not automatically be able to extend its service to recreational use,
41 even if that use is permitted by state law, without going through a further application
42 process.

43

1 **Motion** made by Vice Chair Molinet, seconded by Board Member Walker, to approve. In
2 a roll call vote, the **motion** passed unanimously (7-0).

3
4 The Board took a brief recess from 8:06 p.m. to 8:15 p.m.

- 5
6 b. SP 21-07
7 2262 Wilton Drive Owner LLC
8 2977 McFarlane Road, Suite 300
9 Miami, FL 33133

10
11 Jorge Espinal of Grass River Property LLC, representing property
12 owner, 2262 Wilton Drive LLC, is requesting site plan approval for new
13 service window and patio expansion for Hunters Nightclub located at
14 2200-2292 Wilton Drive.

15
16 Applicant

17 Jorge Espinal, representing the property owner (via Zoom), advised that a representative
18 of Hunters Nightclub would make the presentation.

19
20 Bill Hammel, representing the Applicant, stated that plans and documentation have been
21 submitted for the installation of a service window and patio expansion at Hunters
22 Nightclub. The patio was previously approved and will be expanded further.

23
24 Questions of Applicant

25 Board Member D'Arminio asked if the bollards and railing would be the same as other
26 fixtures already on the property. Mr. Hammel confirmed this, explaining that the bollards
27 are a safety feature in place to prevent cars from entering the area. The patio has been
28 designed with an interlocking foundation system and steel reinforcements.

29
30 Staff

31 Planner Kalus showed a PowerPoint presentation on the Application, which requests Site
32 Plan approval for a new service window with one hundred twenty (120) square feet of
33 associated bar area and six hundred sixty-eight (668) square feet of outdoor patio area
34 expansion. The proposed project is in an existing shopping center, The Shoppes at Wilton
35 Manors, comprised of two (2) buildings totaling seventy-six thousand and twenty-three
36 (76,023) square feet with three thousand eight hundred and twenty-three (3823) square
37 feet of existing outdoor seating area and one thousand seven hundred and sixty-seven
38 (1767) square feet of common area. The proposed service window with the associated
39 bar and outdoor patio would be adjacent to the building at the southwest corner of the
40 shopping center.

41
42 The property is located in the Wilton Drive Arts and Entertainment (WDAE) zoning district.
43 The proposed window, associated bar, and outdoor patio expansion would be an

1 extension of the existing bar. The nightclub is consistent with uses permitted within the
2 WDAE zoning district.

3
4 Planner Kalus reviewed the Site Plan with the proposed changes, explaining that the
5 additions will eliminate four (4) standard-sized parking spaces and require three (3)
6 additional standard spaces for the bar, lounge, and nightclub use. At present, there are
7 twenty-nine thousand two hundred and sixty-two (29,262) square feet of retail use and
8 nineteen thousand nine hundred and twenty-one (19,321) square feet of bar, lounge, or
9 nightclub use that have been issued tax receipts within Wilton Manors. The retail use
10 does not require parking spaces, while the bar, lounge, and nightclub uses require sixty-
11 three (63) standard spaces and three (3) spaces that comply with the Americans with
12 Disabilities Act (ADA). A total of one hundred ninety-one (191) standard spaces and ten
13 (10) ADA-compliant spaces are proposed to be provided on-site.

14
15 Pursuant to Article 150-40.E of the City's ULDR, which address retroactive vehicular use
16 area landscaping, the owner of any parcel of land on which vehicular use existed prior to
17 April 22, 1997 must meet at least fifty percent (50%) of the requirements of new vehicular
18 use areas. The subject property has existed since 1958 and expanded in 1975. This Code
19 section also notes, however, that a vehicular use area cannot be redesigned if the owner
20 is unable to meet that requirement without reducing the number of required parking
21 spaces. The owner must only comply with the maximum possible without reducing the
22 number of required parking spaces.

23
24 All standard and ADA-compliant parking spaces existing on-site have been allocated to
25 existing and future Shoppes at Wilton Manors tenants. As tenants come in, the shopping
26 center will update its spreadsheet to identify these tenants and Staff will recalculate
27 parking to ensure that it remains adequate. Based on this, the Applicant does not require
28 additional landscaping.

29
30 Planner Kalus continued that based on ULDR criteria, the DRC recommends approval for
31 a new service window with one hundred and twenty (120) square feet of associated bar
32 area and six hundred and sixty-eight (668) square feet of outdoor patio area for Hunters
33 Nightclub, subject to the following conditions:

- 34 • Per Article 85-30.C.3, the Site Plan will expire one (1) year from the date of final
35 approval by the Planning and Zoning Board; expiration will automatically occur
36 without further notice to the Applicant
- 37 • All utilities specific to the proposed service window, associated bar area, and
38 outdoor patio expansion must be underground
- 39 • As previously added as a condition of approval for this Site Plan, no amplified
40 music is permitted in any outdoor areas throughout the shopping center
- 41 • Local business tax receipts must be amended to reflect the revised square footage
42 associated with the service window and new bar and patio area expansion once
43 the building permit for this project has been finalized

- 1 • Recognizing the plan submitted with this project, Site Plan approval is granted
- 2 based on the Site Plan prepared by Charles Mitchell, P.A., Engineer, and the
- 3 survey prepared by Daniel Selac, with a receipt date of January 25, 2022
- 4

5 Planner Kalus reviewed the outstanding conditions approved with previous Site Plans SP
6 17-09, SP 19-03, and SP 17-14, explaining that these conditions remain in effect and
7 must be completed. These conditions are listed in the Staff Report, along with the
8 development orders associated with each of the Site Plans. They include:

- 9 • SP 17-09, original Site Plan including renovations to the façade, pedestrian
10 walkway, and improvements to the seating area at the rear of the building, with
11 associated landscaping:
 - 12 ○ Reference original landscaping plans submitted for this site, including a
 - 13 reference to trees
- 14 • SP 19-03, previous patio expansion application:
 - 15 ○ No amplified music
 - 16 ○ All conditions of approval associated with previous Site Plan must be met,
 - 17 including but not limited to pedestrian access from Wilton Drive and
 - 18 referencing the plans
- 19 • SP 17-14, most recent Site Plan approved prior to today's Application for the entire
20 Shoppes at Wilton Manors:
 - 21 ○ Site Plan expires roughly one year from approval and Applicant will not be
 - 22 provided notice
 - 23 ○ Underground utilities are required to service the project
 - 24 ○ Landscaping buffer required with a minimum hedge height at installation of
 - 25 twenty-four (24) inches
 - 26 ○ Permit shall be applied for within ninety (90) days of development order
 - 27 ○ Irrigation plan must be submitted in conjunction with the first building permit
 - 28 ○ All conditions of approval from previous Site Plans remain in effect
 - 29 ○ Work shall be completed within ninety (90) days of the issuance of a deferral
 - 30 permit
 - 31 ○ References to all plans and any green building requirements
 - 32 ○ Per Article 85-30, prior to issuance of a building permit, temporary CO, or
 - 33 CO, the Community Development Services Director shall determine if Site
 - 34 Plan review is required, including but not limited to modifications of the three
 - 35 Site Plans
 - 36 ○ Landscaping for buffer area behind Building Two (2) shall be applied for
 - 37 within ninety (90) days and curbing and landscaping buffers shall be
 - 38 permitted within ninety (90) days of issuance of permit
 - 39 ○ Conditions related to drainage and recommendation of recorded plat
 - 40 ○ Condition that additional ground cover, shrubs, and trees must be placed
 - 41 around the perimeter of the base of the free-standing sign, with at least two
 - 42 horizontal layers of landscaping shrubs up to two (2) feet in height and trees
 - 43 with a minimum height of two-thirds (2/3) of the vertical space below the
 - 44 signage; permits shall be applied for within ninety (90) days of the
 - 45 development order

- 1 ○ Property owner must submit an updated tenant parking allocation
- 2 spreadsheet in conjunction with the approval of all new local business tax
- 3 receipts for the parcel
- 4 ○ Provide testable backflow devices for the buildings
- 5 ○ Condition limiting the loading/unloading and opening/closing of containers
- 6 building materials between 7 a.m. and 7 p.m.
- 7 ○ Landscaping materials must comply with Article 150 of ULDR
- 8 ○ Colors provided for the building are for illustrative purposes only
- 9

10 Questions for Staff

11 Board Member Ferraro requested clarification of the meaning of the recommendations
12 and conditions reviewed. Planner Kalus explained that these are recommendations and
13 conditions associated with development orders for the site, some of which have been
14 completed. She further clarified that the first Site Plan proposed improvements to the
15 pedestrian walkway and outdoor seating for Alibis, while the second Site Plan was for the
16 patio expansion at Hunters Nightclub and noted that conditions from the first Site Plan
17 remain in effect. The last Site Plan addresses the new building and outparcel, which
18 required more extensive conditions of approval.

19
20 As of today's date, a building permit has been issued for the pedestrian walkway and
21 improvements to outdoor seating for Alibis, as well as for the parking lot behind Building
22 Two. The Applicant applied for a building permit for the landscaping associated with the
23 back parking lot, which serves as a buffer, and landscaping associated with the pedestrian
24 walkway. These permits were reviewed by Staff and have been approved, although no
25 building permit has been issued thus far, as the Applicant has not picked up the permit.

26
27 Another condition that has been satisfied for SP 17-14 required that the existing dumpster
28 behind Building Two be either repaired or replaced. This permit was issued and received.

29
30 Board Member Ferraro recalled that during the early phase of his tenure on the Board,
31 there had been discussion of conditions not met by the property owner, which meant
32 Hunters Nightclub could not proceed at that time. The Board had drawn a distinction
33 between the owner's property and Hunters Nightclub. Planner Kalus confirmed that
34 Hunters is not held responsible for conditions not met by the property owner, pointing out
35 that all conditions of approval specifically related to the patio expansion, landscaping, and
36 bollards have been satisfied by the Applicant.

37
38 Mr. Espinal noted that the sidewalk from Wilton Drive, the patio for Alibis, and the
39 landscape buffer are all currently under construction.

40
41 Vice Chair Molinet commented that he would like to support the Application, but was
42 concerned that the owner of the subject property should be held accountable. He
43 emphasized the necessity of ensuring conditions of approval are met on a timely basis,
44 and noted that while the property has received some extensions at the state level, it

1 seemed insufficient work was being done. He requested that Mr. Espinal provide a
2 timeline in which these conditions will be met.

3
4 Mr. Espinal replied that in March 2020, the outparcel was approved and the Applicant had
5 plans and pricing for this part of the project; however, these were disrupted by the
6 beginning of the COVID-19 pandemic. The owner came to agreements for businesses
7 affected by the pandemic, only one of which failed during this time frame. He emphasized
8 that the owner was using his own money to keep the buildings up through interest
9 payments and amortization, which meant there were no funds available at the time to
10 meet the required conditions. In 2021, work resumed on the subject property, and in 2022
11 conditions appear to have stabilized, which means the owner can proceed with
12 improvements including the walkway and the landscape buffer.

13
14 Vice Chair Molinet asked if the owner would commit to a timeline for the completion of
15 these improvements and conditions moving forward. Mr. Espinal replied that the Alibis
16 patio will be poured later in this week and work will begin on the landscape buffer next
17 week. He hoped to complete the work by the end of March 2022, but cautioned that delays
18 and supply chain interruptions are still a problem.

19
20 Vice Chair Molinet asked if there are any outstanding conditions other than those just
21 listed. Planner Kalus stated that no permit has been issued thus far for the landscaping
22 associated with the buffer and the pedestrian walkway. Mr. Espinal advised that this
23 permit has been approved and the general contractor has not yet picked it up. He did not
24 anticipate any further delays associated with this permit.

25
26 Vice Chair Molinet also addressed the condition prohibiting amplified music from the
27 subject parcel, noting that he regularly hears music from Hunters Nightclub while in the
28 parking lot. Planner Kalus explained that a special event permit is issued through a
29 separate process, and reiterated that the condition regarding amplified music was a
30 previous condition for the site. If there is amplified music unrelated to a special event, it
31 constitutes a violation of the condition and could be addressed by Code Enforcement.

32
33 Chair Safaty asked if sidewalk improvements were a condition of SP 17-09, which was
34 the original 2017 Application for work on this site. Planner Kalus confirmed this. Chair
35 Safaty also addressed SP 17-14, asking if the building permit associated with this
36 Application has expired. Planner Kalus replied that expiration occurs one (1) year after a
37 development order has been issued. Attorney Cirullo noted, however, that there may be
38 extensions related to Declarations of Emergency under Florida Statutes, and conditions
39 under the previous Site Plans are presumed to remain open for this reason.

40
41 Chair Safaty remarked that while Hunters Nightclub is an important part of the community,
42 there should be some accountability for the property owner to ensure that they comply
43 with developmental orders in a timely manner. He added that from 2017 to 2022, the site

1 has not yet improved its sidewalk. The Chair wished the record to reflect that the property
2 owner must comply with these outstanding items.

3
4 Board Member D’Arminio asked if the owner has applied for any six (6)-month extensions
5 to the Site Plan. Planner Kalus replied that there have been no such requests. Board
6 Member D’Arminio asked if the prohibition on amplified music is part of the City’s Code.
7 Director Moore confirmed this was the case and amplified music is not permitted at any
8 time. The City’s Noise Ordinance defines decibel levels that may not be exceeded. This
9 Ordinance applies to both residential and commercial properties.

10
11 Board Member D’Arminio addressed parking, stating that the Staff Report for this Item
12 refers to two hundred and one (201) parking spaces provided while Code requires only
13 sixty-six (66) standard and ADA-compliant spaces. Planner Kalus advised that this
14 calculation is based on business tax receipts issued for businesses on the property.
15 Because the outbuilding has not been completed and there is no tenant for that space,
16 this affected the parking requirement calculation.

17
18 Board Member D’Arminio referred again to the Staff Report, requesting more information
19 on the calculation of parking spaces. Planner Kalus explained that at present, there are
20 two hundred and twenty-two (222) standard and ten (10) ADA-compliant spaces. Based
21 upon the approval of the Site Plan, including approval of the outparcel, this requirement
22 was reduced to one hundred and ninety-five (195) standard and six (6) ADA-compliant
23 spaces. Hunter’s Nightclub plans to eliminate four (4) parking spaces. The ten (10) ADA-
24 compliant spaces include spaces for the outparcel. Board Member D’Arminio proposed
25 that the Staff Report be modified to reflect this information.

26
27 Board Member Theisen recalled that the condition prohibiting amplified music was added
28 because when a previous Site Plan for the patio was approved, residents had come
29 forward requesting that this noise be limited. He asked if there have been any noise
30 complaints made for the property since that time. Planner Kalus replied that she did not
31 know if there were any such complaints.

32
33 Director Moore stated that enforcement of compliance is done through Code
34 Enforcement, which has gone to the subject property to ensure its requirements are being
35 met. If the property does not meet these requirements, Code Enforcement cases are
36 opened. In relation to the Site Plan, the City is bound by regulations requiring one (1) year
37 for expiration, as well as the Governor’s Emergency Orders related to the COVID-19
38 pandemic. Because the City is no longer under the Governor’s Orders for the extension,
39 deadlines are currently in effect and must be met by the property owner. If they do not
40 meet the required regulations set forth in the Site Plan, this issue will go forward to the
41 Special Magistrate as a violation of development order.

42
43 Board Member Theisen asked if the owner’s failure to meet the required conditions could
44 negatively affect the applying tenant. Director Moore replied that this is possible. She

1 further clarified that all previous permits submitted by Hunters Nightclub have been
2 finalized: it is the outstanding conditions of approval that are negatively affecting the
3 proposed project.

4
5 Vice Chair Molinet stated that he did not feel the COVID-19 pandemic was an appropriate
6 excuse for the lack of a patio that was approved five (5) years ago. He added that the
7 Special Magistrate process levies fines on the property owner rather than on the tenant.
8 He emphasized the importance of accountability.

9
10 Mr. Espinal stated that the property owner purchased the property three (3) years ago
11 rather than five (5). They plan to both improve the parking lot and work on the outparcel
12 at the same time. He also noted that work in a parking lot can be disruptive to tenants'
13 sales. Vice Chair Molinet reiterated that the parking lot improvements are a safety issue,
14 and concluded that all parties need to meet their responsibilities.

15
16 Public Comments

17 At this time Chair Safaty opened public comment.

18
19 Ray Carrier, 2048 NE 6 Terrace, advised that his single-family residence is adjacent to
20 the project. He was enthusiastic in his support for Hunters Nightclub, and had a good
21 relationship with its owner as well as the property owner. He concluded that he would like
22 to see more public outdoor plaza space created, and urged the City to look at its Noise
23 Ordinance, pointing out that his property was not negatively affected by the pandemic.

24
25 Mark Seymour, 2301 Wilton Drive, advised that he is looking forward to potential outdoor
26 events at Hunters Nightclub and thanked the City for their support.

27
28 With no other individuals wishing to speak at this time, Chair Safaty closed public
29 comment.

30
31 Board Member Walker made a **motion**, seconded by Vice Chair Molinet, to approve SP
32 21-07, with all the conditions. In a roll call vote, the **motion** passed unanimously (7-0).

33
34 **VII. STAFF COMMENTS**

35
36 Director Moore reported that the City's Economic Development Division has retained
37 consultant Redevelopment Management Associates (RMA) to conduct an analysis of the
38 City's current market and real estate conditions, as well as to strategically position and
39 brand its major corridors for growth. These corridors include Oakland Park Boulevard,
40 Andrews Avenue, Dixie Highway, NE 26 Street, and Wilton Drive. The analysis, combined
41 with stakeholder input, will help guide the City's branding and marketing strategy to
42 enhance economic development along these major commercial corridors.

1 Director Moore requested that the Board members complete the questionnaire, which is
2 available on the City’s website, and contact Economic Development Manager Kim Allonce
3 if they have further questions.
4

5 Director Moore continued that at 6:30 p.m. on February 15, 2022, the City will hold a
6 Westside traffic study kickoff workshop. Consultants will be present to discuss the
7 boundary area of this study, which will examine traffic calming criteria and introduce the
8 project website. The boundary area for the study is from Andrews Avenue to Powerline
9 Road and all areas in between. This will be a hybrid meeting, so individuals may
10 participate via electronic telecommunication. The website will remain open for at least one
11 week after the workshop.
12

13 Board Member D’Arminio noted that there is also a City budget workshop scheduled for
14 the same date and time as the traffic study workshop. Director Moore advised that she
15 will look into this further to ensure there is no conflict.
16

17 **VIII. BOARD COMMENTS**

18
19 Board Member Theisen recalled that the members’ backup materials for Item CU 22-01
20 included statements that asserted the proposed business would not impede the
21 development of surrounding properties and may encourage more development. These
22 also suggested that the proposed business would not diminish property values but was
23 likely to increase them. He asked how it was determined that property values may
24 increase.
25

26 Planner Kalus explained that the subject parcel is currently vacant and will be developed
27 with a new building and tenant, which are likely to bring more businesses to the area and
28 revitalize the commercial corridor on which it is located. Board Member Theisen advised
29 that his concern was that it may be more difficult in the future to demonstrate the opposite
30 effect.
31

32 Board Member Theisen also requested that the Board members receive their backup
33 information sooner so they have additional time to review documentation or follow up with
34 City Staff. Director Moore stated that she has reviewed the deadlines by which materials
35 must be provided, and determined that the goal is to provide backup materials to the
36 Board no later than Tuesdays prior to the week of the meeting.
37

38 **IX. ADJOURNMENT**

39
40 Upon motion duly made and seconded, the meeting was adjourned at 9:20 p.m.
41

42 **NEXT MEETING DATE: March 7, 2022**
43

44 [Minutes prepared by K. McGuire, Prototype, Inc.]