

**MOTION** was made by Richard Klosiewicz and seconded by Willie Miller to remove Item #6 from the table. All voted in favor.

**MOTION** was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the Rezoning PZ #20-13000003 per Alternative Motion I, subject to the five conditions requested by staff. All voted in favor.

**I. TEXT AMENDMENT**

**7. BEELINE ENTERTAINMENT PARTNERS, LLC / TEXT AMENDMENT TO SECTION 155.4211, C. 1., PRIVATE CLUBS**  
**Planning and Zoning No. 20-81000002**  
**Commission District:**

Consideration of the TEXT AMENDMENT submitted by **R. BRUCE MCLAUGHLIN** on behalf of the **BEELINE ENTERTAINMENT PARTNERS, LLC** is to amend the zoning districts where a “Lodge or Club,” is permitted to include the I-1X zoning district.

ADDRESS: All I-1X Zoning Districts within the City.

ZONED: I-1X (Special Industrial)

STAFF: Daniel Keester-O’Mills (954) 786-5541

Mr. Daniel Keester-O’Mills, Principal Planner, introduced himself to the Board and was placed under oath by Pamela McCleod, Assistant Planner and State of Florida Notary Public. He stated that the text amendment was brought to the board by the public. The Applicant, attorney Rod Feiner, is requesting to add the lodge or club as a permitted use in the I-1X zoning district and strike it as a by-right permitted use in B-3 and instead allow it as a Special Exception use in the B-3 zoning district.

Staff’s analysis includes the fact that I-1X was intended for a wide range of manufacturing, storage, and construction and industry uses separated from residential areas and arterial roadways. A lodge or club is intended for groups of people to gather, with shared interests. Private clubs where alcohol is not sold to their members are not regulated by the state and thus would not be subject to the hours of operation in Chapter 110.

Mr. Keested stated that the staff report includes the review standards to this type of request and the applicant has provided a response to these as is included in the backup. Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board’s discretion:

**Alternative Motion I**

Recommend approval of the text amendment to the City Commission for their consideration. If the board recommends Alternative Motion III, staff requests the

following amendment be made to the proposal prior to placement on the City Commission agenda:

1. The proposal shall add I-1X as a permitted use for “Lodge or Club,” without striking B-3 as a permitted use & creating non-conforming uses.

**Alternative Motion II**

Table this application for additional information as requested by the Board.

**Alternative Motion III**

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies, or having sufficiently addressed the review standards for a code amendment as listed in this report.

Mr. Stacer asked if there are any questions for staff. Ms. Aycock asked if staff has a position on this. Mr. Keester-O’Mills responded that staff is not making any recommendations and only providing the alternative motions for the Board.

Mr. Rod Feiner (1404 S Andrews Avenue, Fort Lauderdale) introduced himself to the Board as well as Luke Lirot as co-council, and Bruce McLaughlin and Michael Peters. He stated this is a text amendment seeking to allow a private club to be allowed in the I-1X district. It is allowed in B-3 and B-4, and I-1 but not in the I-1X. He stated they have no objection to leaving the permitted use in the B-3 zoning district. He stated Beeline Entertainment owns the property at 1350 SW 2<sup>nd</sup> Street where a legally-permitted gentlemen’s club, Solid Gold, is located. They are requesting this text amendment, which will result in the termination of the sexually-oriented business at this site. He stated that private clubs are clubs that have like-minded people meeting. This text amendment would allow a completely different business. He stated a private club requires a membership and a one-time or annual/semiannual membership fee for like-minded people. That is important because the state alcoholic beverage division regulates a private club differently and is not subject to closing at 2:00 AM. It can be open for however long. This is recognized in the City of Pompano as well. They believe this use is akin to an I-1X use since these all-through-the-night businesses that provide alcohol should not be located near residential areas. Mr. Feiner pointed out the Oriole Club, located in the I-1 zone to the southwest, is located 650 linear feet from the subject property. Mr Feiner pointed out request is justified by the late hours of operation and alcohol sale, the potential traffic created when the members exit the club, and the members-only requirement of the visitors. I-1X is not located on any major arterials and is not a typical drive-by site; only members know where it is.

Mr. Bruce McLaughlin (900 Golf Blvd, Suite 303, Indian Rocks Beach) introduced himself to the Board as planning consultant for the applicant, and was placed under oath by Pamela McCleod, Assistant Planner and State of Florida Notary Public. He stated he is a certified Land Use Planner and holds a master’s degree in Planning and a membership in the American Institute of Certified Planners. Mr. McLaughlin that the I-1X is a special zoning district apparently created to meet the constitutional mandate to provide for entertainment sites. The I-1X could be considered spot zoning since they are carved from the I-1 zones and surrounded by I-1. Aside from healthcare uses, the permitted uses are very similar to

the I-1 zone. Private clubs are limited to members and subject to state alcoholic beverage laws. These uses are more intense than most realize due to the noise and traffic. Mr. McLaughlin summarized how the request meets the standards for review and concurred with Mr. Feiner's justification. He also pointed out that the statements of purpose for both the I-1 and I-1 X zones are also similar.

Mr. Feiner stated one of the reasons they are requesting this is because the Singer's Club, an existing private club that is currently adjacent to B-3, wants to come on to this location.

Mr. Michael Peter (2301 Downmar Place, Fort Lauderdale) introduced himself to the Board as planning consultant for the applicant, and was placed under oath by Pamela McCleod, Assistant Planner and State of Florida Notary Public. Mr. Peter stated he is 72 and has opened over 100 sports bars, live venues, night clubs, golf clubs, restaurants, etc. worldwide. He is currently retired and mentioned that he is often characterized by numerous gentlemen's clubs. He went on to describe this many successes and downfalls in business. He explained that he opened Solid Gold because he was zoned out as a tenant in Oakland Park and lost his grandfathering status. He was paid out of his ground lease there and put that money into this Solid Gold location. He stated he bought here because in he is located legally here and cannot be moved out over the years; however, his is the 5<sup>th</sup> adult use to fail at this location. He stated he has invested millions on this project and keeping the place open costs about \$60,000 per month. He has been trying to retire fully. All he wants to do it to rent the space out and pay the real estate investment mortgage. The location is hidden and doesn't work for any commercial use. He mentioned he has had several issues with vandalism and homeless at this location. Mr. Peter also stated the pandemic is affecting him financially and fears the one-on-one contact may do away with the adult club industry. He asked that the board go look at each location with their own eyes. He concurred that the proposed use should not be located in a B-3 zone due to its intensity.

Mr. Saunders interjected and stated that the focus should be on the text amendment request and its respective review standards. Mr. Saunders read each standard into the record.

Mr. Feiner wanted to include Mr. Robert Anthony's argument although he was not present at this meeting. Mr. Anthony is the president and CEO of the Singer's Club karaoke bar, located at 3521 NW 8<sup>th</sup> Avenue for 5 years. Mr. Feiner stated that the churches and multi-family nearby have complained about the hours of operation and Mr. Anthony now wishes to relocate.

Luke Lirot (2240 Bel-Air Rd. Clearwater) introduced himself to the Board as planning consultant for the applicant, and was placed under oath by Pamela McCleod, Assistant Planner and State of Florida Notary Public. He stated that in the past he has worked with first amendment cases and has worked with Mr. Peters since 1990. He has helped several sexually-oriented businesses open and explained his role with the Solid Gold location in Oakland Park and here. Mr. Lirot stated that adult businesses of yesterday do not operate the same, especially during the COVID-19, hence the need to replace the use with the karaoke bar. He stated that he and the applicant met with the City Attorney concerning this issue. He asked that the Board recommend approval to the City Commission.

Mr. Stacer asked if anyone had any questions for the applicant or staff.

Mr. Klosowiz asked if by approving this text amendment does this relinquish the ability for a sexual oriented business to open. Mr. Feiner responded that it would not prohibit the use alone but the private club cannot include a sexually oriented business component with it. The goal of the Singer's Club club is to sign a long term lease.

Mr. Klosewitz stated that he presumes that the I-1X can still be used as an adult club and says the private club would mitigate the intensity of the adult club and would be in favor.

Mr. Keester-O'Mills stated that the I-1X is not limited to this specific property. If one of the other I-1X properties meet the standards of a sexually-oriented business, that would not prohibit a sexually-oriented business from opening. Mr. Klosewitz clarified that his question pertained to this lease. Mr. Keester-O'Mills stated yes, and also agreed with Mr. Feiner that a sexually-oriented component to the private club would not be permitted.

Ms. Kovac asked if businesses like Solid Gold would be permitted by right in a B-3 zoning district. Mr. Keester responded that a sexually-oriented business like Solid Gold is only permitted by right in the I-1X zone. Mr. Feiner added that the private club is permitted in the B-3 zone and would allow the Singer's Club to move to this location.

Mr. Saunders clarified that the focus should be on the text amendment request.

Mr. Stacer asked if anyone from the public wished to speak or if there was Board discussion. There were none.

**MOTION** was made by Richard Klosewitz and seconded by Carla Coleman to recommend approval of Text Amendment PZ #20-81000002 to amend the zoning districts where a "Lodge or Club," is permitted to include the I-1X zoning district. All voted in favor except for Ms. Aycock and Mr. Stacer who voted No. Motion passes.

**J.     INTERIM USE PERMIT**

8.     **COMMUNITY REDEVELOPMENT AGENCY / 10 NE 1 STREET**  
**INTERIM USE PERMIT**  
**Planning and Zoning No. 20-42000001**  
**Commission District: 2**

Consideration of the INTERIM USE PERMIT submitted by **LAUREN GROSSO** on behalf of the **COMMUNITY REDEVELOPMENT AGENCY** in order to develop and utilize a portion of the subject property as an outdoor patio area (concrete slab) adjacent to 44 NE 1st Street on vacant land being leased from the CRA (adjacent to the Civic Plaza).

ADDRESS: 10 NE 1 Street

ZONED: TO-DPOD (Transited Oriented-Downtown Pompano Overlay District)