

**DRAFT**  
**PLANNING AND ZONING BOARD MEETING**  
**WEDNESDAY, JANUARY 28, 2009**  
**CITY COMMISSION CHAMBERS,**  
**HALLANDALE BEACH, FLORIDA**

**Members Present**

**Attendance**

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

**Staff in Attendance:**

Richard Cannone  
Christy Dominguez  
Sarah Suarez  
Shane Dixon

Mr. Cooper called the meeting to order at 1:35PM

**Approval of Minutes**

~~Mr. Cooper: requested that the alternate Ms. Terri Dillard's name be placed on the members list and marked as absent (N) from the last meeting.~~

~~————— MOTION: MR. SCHNEIDER MOTIONED TO APPROVE THE  
MINUTES OF THE NOVEMBER 20, 2008 PLANNING AND ZONING  
BOARD WITH THE REQUESTED REVISION.~~

~~————— MS. STEINBERG SECONDED THE MOTION~~

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

~~Mr. Cooper: further requested that item separators be included in the Planning & Zoning packets.~~

~~Staff agreed.~~

**Old Business**

None

**New Business**

- ~~1. Application # 09-10-V by Gary Cohen requesting a variance from Section 32-84(a)(1) requiring all single family homes to maintain 50 percent landscaped area on site, in order to provide a 36.15% landscaped area at the property located at 636 Palm Drive.~~

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

~~Charles Buckalow (Charles Buckalow Engineering Services 801 S. Ocean Drive, Hollywood, FL): stated that he was representing Gary Cohen and apologized for her absence. He began by stating that Ms. Cohen and her family had lived in the area since 1980 and has 5 houses in the Golden Isles area. He added that they purchase the old house that stood on the property in 1996, which was subsequently demolished and a new 3600 sq. ft house built. He stated that the old house had a circular driveway, pool and patio and the new house has a straight driveway with a pool and patio as well.~~

~~Mr. Buckalow: stated that they were applying for the variance as the walkway along the side of the house is very damp/soggy and difficult to maintain. Thus the contractor opted to include a paved surface around the property which decreased the landscaped area. He added the new design of the house includes gutters which discharge rain water directly into the canal and eliminates the water being soaked into the grassed area and the walkway along the side is just a convenience for traveling from the front to the rear of the house. He further stated that there was a great amount of trees and shrubs on the property which is 11475 sq. ft. that is smaller compared to the surrounding lots. He added that though they have decreased the landscaped area, there is significant improvement to the property that was in place before and asked the board for their consideration.~~

~~Mr. Cooper: stated that he was bothered by the fact that the builders decided to go against the plans that were submitted and approved by the building department rather than submitting a change of plans to be reviewed prior to building.~~

~~Mr. Buckalow: stated that the builder may have felt that since the house only took up 31% of the lot, then the remaining 69% was being left unused and by eliminating both walkways on either side would it still would not have corrected the situation fully. He added that the builder was in error but was trying to please the customer as well.~~

~~Mr. Cooper: stated that the issue lied with the landscaping requirement rather than previous amount.~~

~~Staff confirmed.~~

~~Mr. Lovenvirth: stated that a point worth considering was that the owners also own several other houses in the area and had never received a Certificate of Occupancy (C.O.) and the house was being occupied.~~

~~Ms. Steinberg: commented that since the bricks/paved area was already in place then it would not be sensible to ask them to remove it. She added that though the builders did wrong by not getting approval before building, it would not be worthwhile removing the bricks thus going back to the wet walkway.~~

~~Mr. Butler: commented that he was surprised the owners have lived in the property for over five (5) years without a C.O. and never received a Notice of Violation and asked for clarification as to why the issue was just being presented to the Board.~~

~~Mr. Buckalow: stated that it has been an ongoing problem and they are just trying to get it resolved as he was never informed that he needed a variance before as a final survey was never reviewed until now.~~

~~Ms. Dominguez: added that since the construction was done, staff had met with the contractor several times in an effort to resolve the issue who agreed to take some of the walkway and pavers out during which time the Building Division in the spirit of cooperation issued a Temporary Certificate of Occupancy (TCO) so that the owner could move in. She further stated that the contractor did not follow through and that has resulted in the application before the Board.~~

~~Mr. Cooper: stated that there had been defiance from the beginning and the applicants/contractor not being willing to follow the codes and it should be noted that it was not acceptable.~~

~~Ms. Steinberg: asked if it was possible to remove some of the brick pavers and still have a walkway.~~

~~Ms. Dominguez: confirmed and stated that the homes in that area due to their size find it difficult to include walkways along the side, however, they have access from the front and the back and the current situation does not meet Code.~~

~~Mr. Cooper: asked if the walkway was removed then could the driveway be adjusted to recoup some landscape area and if they included stepping stones on top of grass would that reduce the landscaped/pervious area.~~

~~Ms. Dominguez: stated that stepping stones would be acceptable. She further stated that another concern was these areas should have been drainage and retention areas.~~

~~Mr. Schneider: commented on the amount of time that has elapsed since the~~

~~violation and added that there was not much they could do to conform.~~

~~Ms. Dominguez: stated the applicant's original proposal provided for 50% required and it was now reduced to 36%.~~

~~Mr. Buckalow: stated the walkways on both sides were 4 feet wide and if removed it would eliminate 607 sq. ft. of area and would still not be enough to achieve 50%. He added that the depth of the swale for drainage is there so the water that is retained would end up flowing over into the walkway as it is substantially lower than the elevation of the house. He added that they also tried to go from a 4 ft to 3 ft walk and it still was not possible to meet code.~~

~~Mr. Cooper: asked what the total percentage would be if both walkways were eliminated.~~

~~Mr. Buckalow: stated that it would be about 41%.~~

~~Ms. Steinberg: asked if they could pick up a few more sq.ft by adjusting the driveway.~~

~~Mr. Buckalow: stated that it would only be about 1 or 2 feet.~~

~~Mr. Abraham Lalo of 461 Poinciana Drive: stated that he was the father of the applicant who was divorced two (2) years ago and the decisions that were made that put her in this situation was made by her ex husband and they were only trying to resolve the situation. He added that the sidewalk was apart of the main slab of the house and extended about 3feet from the north and south side for the entire length of the house and a grassed area is impossible because of the water that accumulates there when it rains making it extremely muddy.~~

~~Mr. Lalo: added that he was also the owner and builder of the property located at 419 Tamarind Drive and the City requested a slope there for run off purposes and in the rainy season it can be very dangerous. He stated that he had personal experiences with just how dangerous the situation was s he had a slip and fall due the of the sloped area a few years ago. He stated that he believed that eventhough it was the code it should be reconsidered.~~

~~Mr. Buckalow: asked if it would make a difference if they offered more landscaping.~~

~~Mr. Cooper: stated that he believed that the number of trees were based on the square footage of the property and would not directly have an impact.~~

~~Mr. Cooper: asked staff to confirm whether or not the Board's decision would be final or if the applicant would go before the City Commission.~~

~~Mr. Cannone: stated that if the board agreed with staff's recommendation of denial, then the applicant would have the opportunity to appeal to the City Commission.~~

~~Mr. Butler: asked about putting cut outs around the pool and adding stepping stones from the driveway to the front door and to the pool for additional landscaping area.~~

~~Mr. Lalo: stated that he did not believe that was possible as the slope in the rear of the house is almost 1.5 feet from the pool itself so it is a slope of about 2 or 3 feet. With reference to the landscaping he added that it was always maintained and was an attractive asset to the community.~~

~~Ms. Natelson: commented that there was a similar instance brought before the board about a year ago where the Board allowed the applicant to go below the required 50%, however, the variance was only for 42% and not 36% as in this case.~~

~~Mr. Buckalew: stated that if wood deck was included it would bring it up to 39%.~~

~~MOTION: MS. STEINBERG MOTIONED TO APPROVE APPLICATION #09-10-V BY GANY COHEN REQUESTING A VARIANCE FROM SECTION 32-84(a)(1) REQUIRING ALL SINGLE-FAMILY HOMES TO MAINTAIN 50% LANDSCAPED AREA ON SITE, IN ORDER TO PROVIDE A 40% LANDSCAPED AREA AT THE PROPERTY LOCATED AT 636 PALM DRIVE~~

~~MOTION FAILED FOR LACK OF A SECOND.~~

~~Discussion ensued on how applicant may come closer to meeting the 50% landscape requirement.~~

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION #09-10-V BY GANY COHEN REQUESTING A VARIANCE FROM SECTION 32-84(a)(1) REQUIRING ALL SINGLE-FAMILY HOMES TO MAINTAIN 50% LANDSCAPED AREA ON SITE, IN ORDER TO PROVIDE A 42% LANDSCAPED AREA AT THE PROPERTY LOCATED AT 636 PALM DRIVE BASED ON THE PRECEDENT SET BY APPROVAL ON SIMILAR CASES IN THE AREA.~~

~~MS. STEINBERG SECONDED THE MOTION~~

~~MOTION FAILED BY ROLL CALL VOTE (2-4) FOR APPROVAL (NATELSON, STEINBERG YES)~~

~~Ms. Dominguez: informed the applicant that they may appeal the denial to the City Commission. However if there is formal action then they could not apply for the same variance for another six (6) months.~~

~~Mr. Cannone: stated that there were time limits that the applicant needed to adhere to if they decided to appeal the decision.~~

~~2. Application #09-22-CL by Steven Rafailavite, requesting a 6:00 A.M. Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances for the Copa Tropical Dancehall located at 1484 East Hallandale Beach Boulevard~~

~~Mr. Cooper opened the Public Hearing.~~

~~Steven Rafailavite (Owner, Copa Tropical, 1484 E. Hallandale Beach Blvd): began by stating that they wanted to add a kitchen for an outdoor café area. He added that they took over the property which was originally a Dance Hall and developed the restaurant to pre-empt the outdoor café. He further stated that he was currently conducting dance lessons as well as catering at the location as a means of income. He added that the extra hours of operation would allow the patrons more relaxation time before they had to leave and stated that he would accept approval until 4 a.m. rather than 6 a.m. if it was not possible.~~

~~Mr. Rafailavite: added that his clientele was an older age group for whom he provided dance lessons and other entertainment. He commented that the neighboring business operation (Tatiana's) offered variety shows and they would also like to do the same by offering dinner, show and dancing afterwards, thus the request for extended hours. He further stated that he was working with the Police Department on security measures and would be open to a probationary operating period for evaluation purposes.~~

~~Mr. Cooper: stated that the license needed to be renewed annually so it would normally be considered a probation period and if there was any disruptive activity throughout the year then the license would /could be revoked accordingly.~~

~~Staff confirmed.~~

~~Mr. Cooper: stated that he was concerned that they would be in operation 7 days a week and asked if there would be outdoor seating.~~

~~Mr. Rafailavite: stated that he would be willing to start operations on the weekends only if acceptable. He added that the outdoor café is what he eventually plans on doing however he would need to get the proper permits at that time. He further reiterated that the interim operation would allow for an income in these tough economic times.~~

~~Mr. Cooper: commented that the Staff Report mentioned that Police and Fire Departments have stated that they were not in support of the proposal and asked staff if they were permitted to operate with existing violations of the Fire Code.~~

~~Mr. Cannone: stated that they typically try to work with the owners to comply as quickly as possible, however, if it persists (by annual inspection time) they could be shut down/license revoked.~~

~~Ms. Natelson: asked for clarification on what was currently permitted at the property.~~

~~Mr. Cooper: stated that according to the records it was only licensed/permitted as a dancehall and not a restaurant.~~

~~Mr. Rafailavite: confirmed that he was currently allowed to serve liquor but not the sale of liquor. He stated that he gives the liquor and food to patrons complimentary.~~

~~Ms. Natelson: asked about the status of all the outstanding code violations.~~

~~Mr. Rafailavite presented paper work to staff for review as proof of compliance with Code violations.~~

~~Ms. Steinberg: stated that she was concerned with the 6 a.m. closing time and believed that it was not advisable especially since alcohol would be served.~~

~~Mr. Rafailavite: pointed out that the neighboring operation currently has a 6 a.m. license and therefore he decided to make the same request, however he would be willing to go to 4 a.m.~~

~~Mr. Schnoider: asked about the complimentary food and wine.~~

~~Mr. Rafailavite: confirmed that a cover charge was collected at the door but once inside all the food and drinks was complimentary.~~

~~Mr. Levenvirth: asked for staff to confirm Tatiana's hours of operation.~~

~~Ms. Dominguez: stated that the 6 a.m. closing time was only permitted on the weekends.~~

~~Mr. Cannone: stated that he did not recall off hand what the exact approved times were, but could get the information.~~

~~Mr. Cooper: stated that City staff summarized in the report that the Fire Dept. outlines significant safety violations as well as the business occupancy did not~~

~~meet the minimum Code requirements for restaurant use, in addition to the many complaints received by the Police Dept. from the prior occupants.~~

~~Mr. Rafailavite: stated that it was important to note that his business was different from the previous one in that location and that he had no affiliation with the owners. He added that his services were of a different variety and standard all together.~~

~~Mr. Cooper: asked staff if the requested 6 a.m. license would be restricted to indoor activities.~~

~~Mr. Cannone: confirmed and added that the previous owner, Mr. Jacquez, of the Millennium Ball Room was still the holder of the Occupational License and it was primarily an indoor operation.~~

~~Mr. Lovenvirth: asked the applicant when he acquired the business.~~

~~Mr. Rafailavite: stated that he acquired the property in December 2008.~~

~~Mr. Lovenvirth: pointed out that the reports showed that the Police Department had complaints through to November 2008.~~

~~Ms. Steinberg: asked staff about the documentation just provided by the applicant.~~

~~Ms. Dominguez: state that the paperwork did show that all the Fire Code violations had been corrected and was no longer an issue.~~

~~Mr. Butler: asked if the current application could be denied and resubmitted in a month when all the violations were resolved, thus gaining support of the Police and Fire Dept.~~

~~Mr. Rafailavite: stated that he was only asking for the 6 a.m. license at this point. However, his intent is to have a restaurant which takes an extended amount of time.~~

~~Mr. Cooper: commented that the Board was not the final decision maker on this item as it would go before the City Commission with their recommendation.~~

~~Mr. Lovenvirth: asked for clarification as to who owned the business.~~

~~Mr. Rafailavite: stated that he purchased the business and is now the owner, however the prior owner is a famous dance instructor with a following and they decided to allow him to stay and he would only be offering dance lessons. He further added that he was the owner and operator of the business.~~

~~Mr. Lovenvirth: asked if there would be shows seven (7) nights a week.~~

~~Mr. Rafailavite: stated that he would be providing transportation to his patrons and would hope to have a good crowd but was not sure of it would be every night of the week.~~

~~Mr. Cooper: stated that he believed the proposal should be denied based on the Police Dept's recommendation.~~

~~Mr. Butler: asked if the applicant could submit a revised application to be reconsidered for a 4 a.m. closing time.~~

~~Mr. Cannone: confirmed that if the Board desired, the item could be deferred and the applicant be allowed the opportunity to resubmit an application for an earlier closing time.~~

~~Ms. Natelson: agreed to deferral due to the Police and Fire Dept concerns as well as the fact that the Occupational License was still in the name of the prior owner.~~

~~Ms. Dominguez: stated that as the owner Mr. Rafailavite should have the Occupational License in his name.~~

~~Mr. Rafailavite: asked if the entire application process would have to be repeated.~~

~~Mr. Dominguez: stated that if the item was deferred then a new application would not have to be submitted but rather a revision/amendment along with the revised recommendation from the Police and Fire Dept assuming that they have changed their recommendation, to be heard by the Board again.~~

~~Mr. Rafailavite: asked about staff's recommendation for denial due to ignorance to the type of clientele anticipated as it was not clear and also asked for explanation of the process from hereon and what he was required to do.~~

~~Mr. Cannone: stated that the Police Dept's concern was that since the Occupational License was still in the name of the prior owner and they had received numerous service calls from the location to include weapons violation and a murder, then the clientele was questionable.~~

~~MOTION: MR. BUTLER MOTIONED TO DENY APPLICATION #00-  
22-CL BY STEVEN RAFAILOVITC, REQUESTING A 6:00 A.M.  
NIGHTCLUB LICENSE PURSUANT TO SECTION 5-9 OF THE  
CITY'S CODE OF ORDINANCES FOR THE COPA TROPICAL  
DANCEHALL LOCATED AT 1484 EAST HALLANDALE BEACH  
BOULEVARD~~

~~MR. SCHNEIDER SECONDED THE MOTION~~

~~DISCUSSION ENSUED REGARDING MOTION~~

~~Mr. Cannone: stated that if the application was denied then the application would go directly to City Commission, however in the interim period the applicant could request that the application be revised.~~

~~Additionally Mr. Cannone informed the applicant that if he deferred the application, he would be allowed to make revisions, but would be required to come back to the Planning and Zoning Board for recommendations again prior to going through to the City Commission.~~

~~Mr. Rafailavits: asked if the City Commission ruling could be appealed if need be.~~

~~Staff refuted.~~

~~The applicant chose to defer application to next meeting rather than taking the application as is to City Commission.~~

~~MOTION TO DENY WAS RETRACTED BY MR.  
LOVENVIRTH~~

~~MOTION: MS. STEINBERG MOTIONED TO DEFER APPLICATION  
#09-22-CL BY STEVEN RAFILOVITC, REQUESTING A  
6:00 A.M. NIGHTCLUB LICENSE PURSUANT TO SECTION  
5-9 OF THE CITY'S CODE OF ORDINANCES FOR THE  
COPA TROPICAL DANCEHALL LOCATED AT 1484 EAST  
HALLANDALE BEACH BOULEVARD TO THE NEXT  
MEETING FOR RECONSIDERATION~~

~~MR. BUTLER SECONDED THE MOTION~~

~~MOTION CARRIED BY ROLL CALL VOTE OF 6-0~~

3. Applications # 79-08-CU, 78-08-V, and 09-23-CL by Eduardo and Karla Nunez for a Conditional Use Permit, Variance, and Nightclub License for a 4:00 a.m. closing at the Chapultepec Restaurant located at 23 NW 2<sup>nd</sup> Avenue.

The applications are as follows:

- a. Application # 79-08-CU for a Conditional Use pursuant to section 32-160(c)(4) of the City's Code of Ordinances to operate a nightclub in a (BG) Business General District.
- b. Application # 78-08-V for a variance pursuant to Section 32-160(c)(4) of the City's Code of Ordinances to operate a nightclub closer than 300 feet from any residential district or use.

- c. Application #23-09-CL for a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances to serve alcohol at the Chapultepec Restaurant until 4:00 a.m.

Mr. Cooper: opened the Public Hearing

Ms. Emma Lopez (901 S. St. Rd 7, Hollywood, FL 33023): stated that the owners Karla and Eduardo Nunez had been the owners of the Chapultepec Restaurant for the past four (4) years and that they were requesting an extended closing time. She added that the City staff recommendations regarding off duty Police Officers were being complied with as they currently had two (2) COHPD Police Officers at the property on Fridays and Saturdays (extended hours are only requested for those two days) and added that there were additional uninformed guards on the property as well.

Ms. Lopez: further stated that as far as the parking spaces, she would have to go by the property to check the number of spaces. However, she added that all the other requirements were acceptable by the owners.

Mr. Cooper: asked if Ms. Lopez had reviewed the list of conditions.

Ms. Lopez: confirmed.

Mr. Cooper: further asked if the applicant understood that the City was requiring installation of a continuous landscape hedge around the property.

Ms. Lopez: stated that she believed that was already done.

Mr. Cooper: stated that the Fire and Police Dept. did not have an objection and since the applicant was in agreement with all the requirements then he did not have an objection.

Mr. Richard Shan (Shanco Building Group 224 S. Dixie Hwy): stated that the Highland Park Village project was within 100 feet of the Chapultepec Restaurant and he wanted to ensure that the nightclub operations would not infringe on the residents of that area as well as that the improvements required for the parking in the rear were being done quickly. He added that other than the factors mentioned, he would not have objection to the restaurant operation in that location.

Ms. Dominguez: stated that the license would not be issued until all the conditions had been complied with.

Ms. Lopez: asked about the timeframe allotted for the corrections.

Ms. Dominguez: stated that it was required as soon as possible after they submit and application.

Mr. Shan: asked if they were the property owners.

Ms. Lopez: stated that the space was rented.

Mr. Shan: stated that the drainage system required in the rear was a very extensive and costly project to put in and wanted to ensure that the owners of the property were aware.

Mr. Cannone: stated that this would apply only if it was found as a requirement after the application was filed depending on the calculations as determined by the City Engineer.

Ms. Steinberg: asked Mr. Shan if he would foresee the restaurant posing a problem to the residents /owners of his project.

Mr. Shan: stated that the parking may pose some issues but the owners seemed like they would operate an acceptable business and the City would have the authority to revoke the license if necessary.

MOTION: Mr. LOVENVIRTH MOTIONED TO APPROVE APPLICATIONS # 79-08-CU, 78-08-V, AND 09-23-CL BY EDUARDO AND KARLA NUNEZ FOR A CONDITIONAL USE PERMIT, VARIANCE, AND NIGHTCLUB LICENSE FOR A 4:00 A.M. CLOSING AT THE CHAPULTEPEC RESTAURANT LOCATED AT 23 NW 2<sup>ND</sup> AVENUE.

MS. STEINBERG SECONDED THE MOTIONS

THE APPLICATIONS ARE AS FOLLOWS:

APPLICATION # 79-08-CU FOR A CONDITIONAL USE PURSUANT TO SECTION 32-160(C)(4) OF THE CITY'S CODE OF ORDINANCES TO OPERATE A NIGHTCLUB IN A (BG) BUSINESS GENERAL DISTRICT.

MOTION CARRIED BY ROLL CALL VOTE OF 6-0

APPLICATION # 78-08-V FOR A VARIANCE PURSUANT TO SECTION 32-160(C)(4) OF THE CITY'S CODE OF ORDINANCES TO OPERATE A NIGHTCLUB CLOSER THAN 300 FEET FROM ANY RESIDENTIAL DISTRICT OR USE.

MOTION CARRIED BY ROLL CALL VOTE OF 6-0

APPLICATION #23-09-CL FOR A NIGHTCLUB LICENSE PURSUANT TO SECTION 5-9 OF THE CITY'S CODE OF ORDINANCES TO SERVE ALCOHOL AT THE CHAPULTEPEC RESTAURANT UNTIL 4:00 A.M.

MOTION CARRIED BY ROLL CALL VOTE OF 6-0

~~4. Application #24-09-TC An Ordinance of the City of Hallandale Beach, Florida, Amending Chapter 32, Article V, of the City of Hallandale Beach Code of Ordinances, The "Zoning and Land Development Code"; Amending Section 32-790, "Expiration of Approvals"; Providing for Conflicts; Providing for Severability; Providing for an Effective Date~~

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

~~Ms. Dominguez: stated the Planning and Zoning Board reviewed this ordinance in February 2008, which was also adopted by the City Commission in March 2008. She added that the Ordinance extended the time period for development approvals from 1 to 2 years and gave discretion for 2 six (6) month extensions which has eased the approval process for Major Development application. However staff believes that the Ordinance should be amended in those cases where there is a lawsuit pending. Therefore the amendment will add the clause, "during the pendency of litigation."~~

~~Mr. Cooper: asked about the requirement in the Ordinance for an above ground use permits as in the case of the European Club which only applied for a foundation permit.~~

~~Staff confirmed that the only change would be as noted before.~~

~~MOTION: MR. BUTLER MOTIONED TO APPROVE  
APPLICATION #24-09-TC AN ORDINANCE OF THE CITY  
OF HALLANDALE BEACH, FLORIDA, AMENDING  
CHAPTER 32, ARTICLE V, OF THE CITY OF  
HALLANDALE BEACH CODE OF ORDINANCES, THE  
"ZONING AND LAND DEVELOPMENT CODE";  
AMENDING SECTION 32-790, "EXPIRATION OF  
APPROVALS"; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE  
MS. NATELSON SECONDED THE MOTION~~

~~MOTION CARRIED BY ROLL CALL VOTE OF 6-0~~

~~5. Application #27-09 TC An Ordinance of the City of Hallandale Beach, Florida, Amending Article VIII, Chapter 32 Entitled "Notice Requirements" of the City of Hallandale Beach Code of Ordinances, The "Zoning and Land Development Code"; Providing For Conflicts; Providing for Severability; Providing for an Effective Date~~

~~Ms. Dominguez: stated that in September 2008 the City Commission amended the code requirement for mailing notices for Public Hearings by increasing the notification area to 1000ft which is appropriate for large projects; however for minor projects, such as landscape variances, signage, fence heights etc. staff believed that the requirement was too strict and posed an unnecessary and additional burden for the applicant/property owners. She gave examples of some mailing for small projects as much as \$8000 and therefore it would be recommended to decrease the mailing area to 300ft.~~

~~Mr. Cooper: agreed and mentioned that he had requested that mailing notices be required rather than a courtesy notice and it was not included as part of the Ordinance.~~

~~Mr. Cannone: stated that it was still a requirement but just referred to as a courtesy notice.~~

~~Ms. Dominguez: stated that the Ordinance stated that the applicant was required to mail a courtesy notice to the property owners within the notification area.~~

~~MOTION: MR. LOVENVIRTH MOTIONED TO APPROVE  
APPLICATION #27-09 TC AN ORDINANCE OF THE CITY  
OF HALLANDALE BEACH, FLORIDA, AMENDING  
ARTICLE VIII, CHAPTER 32 ENTITLED  
"NOTICE REQUIREMENTS" OF THE CITY OF  
HALLANDALE BEACH CODE OF ORDINANCES, THE  
"ZONING AND LAND DEVELOPMENT CODE";  
PROVIDING FOR CONFLICTS; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE~~

~~MS. STEINBERG SECONDED THE MOTION~~

~~MOTION CARRIED BY ROLL CALL VOTE OF 6-0~~

~~6. Presentation by EDAW of the Citywide Master Plan draft document.~~

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

~~Mr. Donald Shockey, Senior Planner (EDAW, Inc. 1618 Meridian Ave. Miami Beach, FL): stated that this was the final draft version of the Master Plan document which they had been working on for the past year and a half. He stated that the last presentation to the Planning and Zoning Board was in summer 2007.~~

~~Mr. Cooper: commended EDAW by stating that it was very thorough and comprehensive report and thanked them for doing such a good job.~~

~~Mr. Shockey presented the Master Plan Power Point Presentation that reviewed the hard copy document to the Board in great detail.~~

~~Mr. Shockey: spoke about the 3-D model of the City which was available for review and discussion as well and pointed to the Executive Summary of the Master Plan for background information.~~

~~Mr. Cooper: asked if the Board was to review and approve as the Planning Agency.~~

~~Mr. Cannone: stated that it was promised at the beginning of the project that the final draft would be brought back to the Planning and Zoning Board for last review before it was presented to the City Commission.~~

~~Mr. Cooper: asked if this information would be transmitted to the State and County or would the City Commission be able to make changes.~~

~~Mr. Cannone: stated that it was a type of organic document which could be adjusted as necessary and was mere of a guideline. He added that the steps outlined in the implementation strategy would be organized and tracked at a city level in order of priority once it gets approved by the City Commission.~~

~~Mr. Shockey: pointed the board to consider the requirements for building heights and that there recommendation was to decrease from 450ft to 350ft and the existing 200 ft remain.~~

~~Mr. Cooper: stated that he believed the Master Plan was a good tool/guide for the next 10-20 years of development throughout the City.~~

~~Mr. Nateslon: stated that in the Beach Club there was really no choice in the height as it was court ordered.~~

~~Mr. Butler: asked if Royal Palms were an adequate substitute for canopy trees.~~

~~Mr. Shockey: stated that they were not recognized as canopy trees even though they do provide some shade, they do not provide as much coverage as is needed unless in a cluster.~~

~~Mr. Butler: commented that there were nine (9) Oak Trees removed from an area in the City and Royal Palms were planted in their stead as it was suggested as an equivalent. He further asked about the calculation in the Master Plan (pg. 30) and asked if did not apply to Royal Palms.~~

~~Mr. Shockey: stated that Royal Palms were not considered comparable as they did not have the spread and/or leaf volume nor does their root system expand.~~

~~Mr. Butler: asked if there had previously been more centers listed in the Master Plan at one point as he recalled six or seven rather than just five as listed in the current version.~~

~~Mr. Shockey: refuted and explained that the five centers outlined in the plan were the only ones being discussed throughout the process but may have changed in terms of districts and neighborhoods.~~

~~Mr. Butler: asked is there had been a cost estimate achieved for the Master Plan implementation.~~

~~Mr. Shockey: stated that a cost was not requested/provided, however, the City would not have to bear all the costs as they would be achieved over time through Development Agreements. He pointed out that there were some funding recommendations outlined in the appendix of the document.~~

~~Mr. Butler: asked about the items that would not be Developer costs such as Bicycle paths, shade trees which the City would normally have to fund.~~

~~Mr. Shockey: stated that sometimes the City could/would require these upgrades when there is comprehensive development of a property or the City would have to take the initiative as far as a citywide approach.~~

~~Mr. Cooper: asked if the Board was required to make a motion.~~

~~Mr. Cannone: stated that a Staff Report had not been prepared for this item but rather the Final Draft was being submitted to the Board for review.~~

~~Mr. Shan: asked if this presentation would be made available to the general public prior to going to the next step and commented that he recalled that the final draft Master Plan was said to be brought back to the Community Forum before it was formally adopted by the City.~~

~~Mr. Cannone: confirmed that the latest version of the draft had been placed in the City's website for the public and it would be presented directly to the City Commission for adoption as the next step.~~

~~Mr. Dave Smith (22 Coconut Ave): commended EDAW on their presentation. He stated that at 10:30 a.m. on the meeting date he visited the City's website and was not able to view the draft version of the Master Plan as it seemed that the link was broken. He also stated he tried to view the Planning and Zoning Board agenda which was also not available for the day's meeting.~~

~~Mr. Smith: requested that the information be looked into and the information made available to the public for review prior to the City Commission meeting to afford the residents the opportunity to prepare comments.~~

~~Ms. Sarah Suaroz (Associate Planner): confirmed that she had placed the Agenda (on Friday 1/23/09) as well as the final draft version of the Master Plan on the website but would check to ensure the link was functioning correctly at the end of the meeting.~~

~~Hallandale Beach City Commissioner Keith London (613 Oleander Drive): thanked the Board for the opportunity as well as Mr. Shockey for his presentation. He commented that he was in agreement with Mr. Shan that the City Manager had assured at the last presentation that the Final Draft of the Citywide Master Plan would be brought back for public comment prior to going before the City Commission for approval and he had been looking forward to that forum.~~

~~Commissioner London: asked Mr. Shockey if he had been given a list of priorities from the City Manager's office that needed to be addressed as part of the Master Plan.~~

~~Mr. Shockey: stated that all the items addressed in the plan was that decided on by dialogue with the CM's Office/ staff and there was a two page supplement in the appendix which captures the priority implementation steps.~~

~~Commissioner London: stated that he had had not seen a codified list of priorities and that he had also presented a few priorities of his own that he has not seen in the plan.~~

~~Mr. Cooper: asked staff to confirm whether or not there was additional information they were to review or if the Master Plan was to be presented to the community once more.~~

~~Mr. Cannone: stated that he understood that the route was to take the final draft to the Planning and Zoning Board for their recommendation prior to City Commission which was tentatively set for February 18<sup>th</sup>, 2009.~~

~~Commissioner London: stated that he looked forward to discussing it at the City Commission meeting.~~

~~Mr. Schneider: commented that it was important to note that staff had stated there would be an opportunity for the City Commission to make modifications to the Master Plan when it was presented to them.~~

~~Commissioner London: stated that if the priorities were not outlined as to where the City would focus its efforts, then he did not want see the document adopted if it was only going to sit on a shelf after two (2) years of costly work as it was originally set to be completed within 6 months. He added that he felt there was a lack of communication and not enough buy in and input from the residents.~~

~~Commissioner London: further stated that one glaring example is that of the Beach parking garage with a site line out to the ocean which is a great idea, however in the CM's recent presentation about redoing the Parks has the parking garage running North and South parallel to AIA and EDAW's plan shows it running east to west. He further stated that he had also made several suggestions regarding public space that had not been addressed.~~

~~Commissioner London: urged the Board to use the opportunity to ask questions, make suggestions and set priorities prior to the documents being presented to the City Commission.~~

~~Commissioner London: also commented on the issue involving SE 2<sup>nd</sup> and Hibiscus roadway behind Gulfstream in alleviating the amount of density with traffic in that area as well as the Diplomat issue with an opportunity for Central Park which had not been mentioned at all in the plan. He added that it was important that these opportunities among others be explored while the time was there instead of presenting the Plan to the City Commission as is.~~

~~Mr. Cooper: stated that these were good points however, he did not believe the board was given enough time to review it. He further added that even with suggestions by the Board, the City Commission will have the final say in the matter by making any changes they prefer or extend the time for approval.~~

~~Commissioner London: Stated that he was before the board as a resident and not a Commissioner and explained to the Board that he worked for them but was wearing another hat and as a representative working for the residents, he would advise the Board to defer the item if they did not feel they had enough time to review the documentation and were not comfortable with it. He added that they should not feel obligated to make a vote as the plan was two years late now and two more weeks would not mean much.~~

~~Mr. Cooper: stated that this was a long term project and the Board's suggestion would not necessarily have an impact on the City Commission's decision and was just a concept and not specific direction.~~

~~Mr. Cannone: pointed out to the Board that they were an independent body and it was their decision but reiterated that if the Board decided to deny the draft, then it~~

~~would be presented to the City Commission with a recommendation of denial. He further stated that staff had put forth a number of Policies and Capital Improvements that would come up when there was a work plan or budget at which time the priorities would be set.~~

~~Mr. Cooper: stated to Commissioner London that he brought up good points and suggested that he bring them up when it was being heard at the City Commission meeting.~~

~~Mr. Sheekey: offered to go through the presentation again as well as answer any additional questions the Board may have.~~

~~Ms. Steinberg: asked if it would be wise to defer the item and would it make a difference.~~

~~Mr. Cooper: stated that the draft could be approved conceptually.~~

~~Mr. Cannone: clarified that the draft would be presented to the City Commission for their consideration and action.~~

~~Mr. Butler: asked if the matrix in the plan was what outlined the recommendations and further stated that they were very good recommendations.~~

~~Mr. Cannone: asked the Board to allow the City Attorney an opportunity to interject at that point and give clarification.~~

~~City Attorney David Jove: stated that per the protocol manual, 'Commissioners may attend meetings of Boards and Committees, but may not give direction to nor interfere with the actions of the Board.' He further stated that the Board could cast a vote if they so desired.~~

~~Commissioner London: asked the City Attorney to stay while he stated that he wanted it to be understood for the record that he addressed the Board as a resident and not a Commissioner and did not give direction to the Board on what to or not to do. He further stated that the Attorney General which is the State which overrides the City's Policy and Procedures Manuals, states that as a resident he as a Commissioner was allowed to address the Board as a resident. He added that he felt the issues were important so even though the City had a tendency of passing policies, rules and regulations they would like to see implemented; but there was a higher authority that overrides that as such.~~

~~Deputy City Manager Nydia Rafols: stated it should be noted and understood that this was a Draft Master Plan being presented and there would still be another opportunity to review the project in full at the City Commission meeting when all the Commissioners would be present and the Public would be invited to participate. She added that at that time they could make further comments and~~

~~encouraged the Board to pass the item if they were in agreement with it in order to move forward with the process.~~

~~Mr. Sheekey: added that one additional priority that may be fleeting and should be considered is having a transit stop within the City. He encouraged the City to make every effort in this endeavor as it was critical to achieving a lot of the plans proposed. He also stated that government budgeted funds for this project were being dissolved quickly and it was important for the city to do they best then can to encumber some of these funds.~~

~~Ms. Natelson: stated that since there was already fierce competition for funds to facilitate the transit stop, and then the sooner we adopted a workable plan to which comments and adjustments could be made the better it would be for our petition.~~

~~Mr. Cooper asked for a motion.~~

~~MOTION: MS. NATELSON TO RECOMMEND APPROVAL OF THE DRAFT CITYWIDE MASTER PLAN AND IMPLEMENTAION STRATEGY RECOGNIZING THAT THAT IT WAS A DRAFT AND THERE WOULD BE FUTRE PUBLIC HEARINGS AND AN OPPORTUNITY FOR THE CITY COMMISSION TO MAKE THE FINAL DECISION.~~

~~MS. STEINBERG SECONDED THE MOTION~~

~~MOTION CARRIED BY ROLL CALL VOTE (5-0) FOR APPROVAL. (Lovenvirth left the meeting early)~~

~~7. Presentation by the City Clerk relative to the Board and Committee Administrative Policy.~~

~~Deputy City Clerk Shari Canada: stated that this was an annual review of the Boards and Committees Policy and the Planning and Zoning Board which was considered a standing board and all appointees are filled every two (2) years in at the discretion of the Commission in conjunction with the City elections. She added that the City elections have moved to November and the next opportunity would be in January 2010 or since each Board member was appointed by the Commission, then they could be removed or replaced at any time if they saw fit.~~

~~Ms. Canada: added that any appointee/alternate to a quasi judicial Board with three (3) consecutive unexcused absences or four (4) absences within a calendar year would be subjected to automatic removal from the Board or committee. She added that an excused absences (not applicable to above) for reasons such as illnesses, family emorgencies, military/legal obligation, participations in other City activities or other reasons deemed appropriate by the Chair or the staff liaison. The member must advise the Chair or Staff Liaison prior to the meeting.~~

~~Ms. Canada: added that a member was absent if they were more than 15 mins late from the start of the meeting, however, if prior notification was given then it would be considered an excused absence and would fall under the categories listed prior.~~

~~Ms. Canada: stated that based on Commission Directive there was a change in 2008 on how officers were elected and they were required to be no more than two years after a City election.~~

~~Mr. Cooper: asked about the discretions of the appointing Commissioner.~~

~~Ms. Canada: confirmed and stated that as long as the appointing Commissioner did not choose to remove the member himself then the election should be done at least every two years.~~

~~Mr. Cooper: asked when the minutes of the meeting were transmitted to the City Commission.~~

~~Ms. Canada: confirmed that minutes were transmitted in draft form to the City Commission whenever the item was being considered, however they were not formally given to the CC until they have been approved by the Board.~~

~~Ms. Canada: also stated that a letter would be sent on when the Board's Annual report would be due. She also explained that the Board was subject to the Sunshine Law and urged them to be cognizant of conflict of interests in accepting gifts from applicants or potential applicants that may come before the Board.~~

~~Ms. Dominguez: stated that since the last meeting the City Commission approved on First Reading of the EAR Based Amendments and it was transmitted to DCA.~~

Mr. Cooper: proceeded with adjournment of the meeting.

Meeting adjourned at 2:46 PM

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Christy Dominguez  
Planning and Zoning Board Liaison

sj