

**FINAL**  
**PLANNING AND ZONING BOARD MEETING**  
**WEDNESDAY, APRIL 22, 2009**  
**CITY COMMISSION CHAMBERS,**  
**HALLANDALE BEACH, FLORIDA**

**Members Present**

**Attendance**

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

**Staff in Attendance:**

Richard Cannone  
Christy Dominguez  
Sarah Suarez  
Sheena James  
Cindy Bardales

Mr. Cooper called the meeting to order at 1:39PM

**Approval of Minutes**

Mr. Cooper: pointed out that page 2 of the summary minutes from the meeting held on March 25, 2009, didn't show a mention of opening a public hearing but rather only closing the Public Hearing.

Staff agreed to revise.

MOTION: MS. STEINBERG MOTIONED TO APPROVE THE MINUTES OF MARCH 25, 2009 OF THE PLANNING AND ZONING BOARD HEARINGS WITH THE REQUESTED REVISIONS.

MS. FENDELL SECONDED THE MOTION

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

## Old Business

None

## New Business

~~1. Applications: # 28-09-CU and #29-09-V for a Conditional Use and a Variance in order to operate a public charter school with 800 students at the existing Hallandale Jewish Center located at 416 NE 8<sup>th</sup> Avenue.~~

~~— The applications are as follows:~~

- ~~a. Application # 28-09-CU by Ben Gamla Charter School requesting a Conditional Use Permit to operate a charter school in a residential single family zoning district pursuant to Section 32-152(c)(2) of the City's Code of Ordinances.~~
- ~~b. Application # 29-09-V by Ben Gamla Charter School requesting a Variance from Section 32-152(c) (2) of the City's Code of Ordinance in order to provide outdoor play equipment closer than 50 feet from any adjacent residential use.~~

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

~~Mr. Fondell: Excluded himself from the hearing since he is Chairman Board Director for the Jewish Center.~~

~~Peter Deutsch: (Hallandale Jewish Center located at 416 NE 8<sup>th</sup> Avenue) stated he was representing Ben Galma Charter School, and began stating he was in disagreement with staff on the variance issue where they recommend denial.~~

~~Mr. Deutsch: pointed out that page 9 the staff report shows the requirement of the City Code for granting a variance. He read the requirement which stated that no special conditions or circumstances exist which are peculiar to the applicant's land and building, and are not generally applicable to other lands or buildings in the same zoning district. He added that the staff made recommendations that were inconsistent and he had another conclusion.~~

~~Mr. Deutsch: presented the Board with a map for review.~~

~~Mr. Deutsch: added that the area in question is south of the site which is a weird parcel that he believe is the exact definition for the criteria in page 9 requirement 1) where it states that special conditions or circumstances exist which are peculiar to the applicant's land and building and on requirement 3) where it stated that not~~

~~generally applicable to other lands or buildings in the same zoning district and how granting variance requested will not confer on the applicant any special privilege that is denied by the Code to other lands, buildings, or structures in the same district.~~

~~Mr. Deutsch: stated how the parcel is consistent to these statements and it shows by the unusual way the parcel is constructed how there isn't any similar to it.~~

~~Mr. Deutsch: added that on item 2) which stated that the special conditions and circumstances do not result from the actions of the applicant; was not applicable since they did not take any actions to create the parcel which already existed "as is".~~

~~Mr. Deutsch: further stated that requirement 4) when literally interpreted based on the provisions of the Code, would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would work unnecessary and undue hardships on the applicants. He informed the Board that the code of 50 feet is general for a residence. However, the picture shows a shed behind a backyard meaning that this item shouldn't apply.~~

~~Mr. Deutsch: clarified that requirement 5) states that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. He explained how the proposed regulation basketball court would be far west and the term of criteria is minimum variance reasonable for use of land.~~

~~Mr. Deutsch: pointed out that requirement 7) states that such a variance will not be injurious to the area involved or otherwise detrimental to the public welfare. He informed the Board the picture shows the existing parking lot abut in where they are proposing to place a 6 foot shadow box fence 30 feet of landscape that is going to look better than what they have now.~~

~~Mr. Cooper: asked what is the difference between a public charter school and a private charter school?~~

~~Mr. Deutsch: stated that the only difference is that in a charter school they have a Board that manages the school, but legally they comply with the Broward County Public School System which would make them a regular Public County School.~~

~~Mr. Cooper: asked if Ben Galma is an actual public school and if anyone in the district can enroll without having to pay any fees?~~

~~Mr. Deutsch: clarified that all charter schools are free and if you live in Dade/Palm Beach County and wish to attend Ben Galma School in Broward you would be permitted.~~

~~Ms. Natelson: asked if it was true that other public schools in Broward County have non-passive recreational facility like volleyballs / basketball courts?~~

~~Mr. Deutsch: confirmed~~

~~Ms. Steinberg: asked if the basketball court would be fenced or would everyone have access to it?~~

~~Mr. Deutsch: answer by stating He stated that the basketball court has one single point of entry and will only be used (pick-up/drop-off) after school. He added that as a public school there is no intention of public access, but rather only for use during school hours.~~

~~Mr. Butler: asked if the basketball court was rotated 90 degrees would it still fit in the property?~~

~~Mr. Deutsch: clarified that if the basketball court is rotated it would be too close to the residence on the south.~~

~~Ms. Natelson: pointed out that the basketball court on the plans show the least setback where there is a street not a residence.~~

~~Mr. Deutsch: stated that the space between the street and basketball court did not require a variance since it has a 10 foot setback.~~

~~Ms. Steinberg: asked staff to clarify if there was any reason why they would oppose a basketball court.~~

~~Ms. Dominguez: stated staff's concern was the buffering next to residential uses to the south side and that was the reason they added the condition in the staff report which stated that the fencing along the perimeter of the adjacent residential uses shall be wood and must have a minimum of six feet in height. Also, a continuous hedge shall be planted, where feasible, along the perimeter of adjacent residential zoned area. She added however, that if the Board would like to change the wording to state the fencing along the perimeter of the adjacent residential uses shall be of a material and height approve by staff to affectively buffer the adjacent residential use; and a continuous hedge shall be planted, where feasible, along the perimeter of adjacent residential zoned area. She further added that the reason for this change is that there are many materials that can be used besides wood that would work better and the staff would like to change the condition accordingly.~~

~~Ms. Steinberg: asked if the applicant took these actions, would it be acceptable to the City.~~

~~Ms. Dominguez: Confirmed~~

~~Mr. Cannone: commented that the staff was excited to have a charter school in the City. However, they did find some inconsistencies and believe that if the Board should want to approve these safeguards should be more than sufficient.~~

~~Mr. Deutsch: stated that if the variance ordinance is approved it would be up to them to determine what buffering and landscape would be best.~~

~~Mr. Cooper: asked if it would make a difference if one basketball pole was eliminated.~~

~~Mr. Deutsch: stated that their expectancy is to have a full team and do prefer having a full court.~~

~~Mr. Cooper: asked for clarification on the number of classrooms.~~

~~Mr. Deutsch: clarified that some classes can be turned into offices. So, 36 is an approximation.~~

~~Mr. Cooper: asked why it shows 800 students in the plans with only 36 classrooms.~~

~~Mr. Deutsch: pointed out that the principal was in the meeting and could better answer his question.~~

~~Ms. Smith (the principal) stated that these regulations come from the State and they need to follow the classroom rules of deduction. Therefore, kindergarten can not exceed 18-21 student in a class, grades K-5 can only have 23 to 24 students and the 6,7 and 8 grade can only have a maximum of 27 students in a classroom. However, as a charter school they want to make it a small family environment, so they won't have a problem following the rules.~~

~~Ms. Dominguez: clarified that their first application included 36 classrooms but the architect made some modifications and changes and it is now 35 classrooms.~~

~~Ms. Smith: added that some rooms might look like traditional classrooms but will have computers and can be as a computer lab or small library.~~

~~Mr. Cooper: asked if 800 students is the maximum that can attend the school?~~

~~Ms. Smith: confirmed~~

~~Mr. Cooper: pointed out how the plans didn't show any bathrooms on the second floor~~

~~Mr. Deutsch: stated that the plan that they are looking at is not a building plan and as a high school the Code does not require bathrooms on the second floor.~~

~~Mr. Cooper: asked Ms. Dominguez if the building department required a bathroom on the second floor with so many classes~~

~~Ms. Dominguez: stated that she would review with the Building Division to make sure that Florida Building Code are followed.~~

~~Mr. Cooper: asked provision for drainage from the roof.~~

~~Mr. Deutsch: stated that all these issues will be resolved to meet all City codes and Florida Building Code and would be reviewed during permitting.~~

~~Liz White (924 NE 5<sup>th</sup> Street) stated that this was the first time she heard of a charter school and the letter that she had received was incorrect as it reflected a school of only 200 students and now they are reporting a school of over 800 students. She added that she has deep concern of the traffic problem this school will present to the neighborhood.~~

~~Mr. Cooper: asked staff if there would be a technicality that wouldn't allow them to vote since there was no notice given to the residents around the area.~~

~~Mr. Cannone: clarified that the Planning and Zoning Board is an advisory board to City Commission and the vote is not final. He added the application will be presented to the City Commission and new notifications would be sent out to the residents.~~

~~Ms. White: asked if the City Commission meeting would be in the evening since many of the residences work.~~

~~Mr. Cannone: Confirmed~~

~~Ms. Steinberg: asked Ms. White to clarify her complaint on the school.~~

~~Ms. White: stated that her main concern was the traffic and the park that her kids were promised. She added that she was also concerned about 200 students being dropped off and picked up and now they are reporting that it will be 800 students.~~

~~Mr. Cannone: publicly apologized for the inaccurate information on the letter given to the residents. He stated that the staff would schedule a Community Meeting prior to the applicant going to the City Commission, where the staff/applicant can address any issues or concerns that the community might have which would also be an evening meeting.~~

~~Martha Valverde: (816 NE 5<sup>TH</sup> Street) stated that her main concern was traffic and the parking.~~

~~Mr. Cooper: stated that the plans show a tentative layout on how the cars would enter and exit the school which is scattered throughout the property.~~

~~Mr. Cooper: pointed out that not all 800 all students would be arriving and be released at the same time, as well as not all students will be arriving to school in cars.~~

~~Mr. Cannone: informed the public that at the community meeting there will be a transportation engineer and architect that would go into details on these specific items.~~

~~Mr. Cannone: added that the residents will receive a notice by mail, there will be a property posting and a notice will be also posted on the Hallandale Beach website.~~

~~Ms. Valverde: asked if the community park would still be there~~

~~Mr. Cannone: Confirmed~~

~~Stacy Barnett: (643 Layno Blvd.) commented that she was excited about the school and having the great option of a charter school which is not in session year around.~~

~~Lisa Shindlor: (1900 Diana Drive) agreed and stated that her daughter currently attends Ben Galma and is really happy and enjoys going to school. She added that she believed that this charter school would be a great opportunity for the City of Hallandale Beach.~~

~~Rachel Lagan: (517 SE 12 Court) pointed out that she lives down the street on a residential area from a public school and the system that is used by the school is very efficient and they have no problems with traffic or any noise.~~

~~Mr. Cooper: pointed out that he could not remember any schools ever built anywhere else other than a residential neighborhood. He added that schools can be built in industrial or in the mountains somewhere but as long as the school is controlled properly he did not believe it would be a problem.~~

~~Mr. Deutsch: added that there is a functioning synagogue currently and most significantly it has 600 seats in the sanctuary and had 1,900 members at it highest peak. He added that he couldn't imagine how it was during Jewish holidays, but they wouldn't come close to that amount of people if the charter school is approved.~~

~~Cher & Jessica:(students) stated that they were currently students at Ben Galma and their school is not like any other as the students that attend are very united. They pointed out that after school, many students attend different programs or after school care meaning that not everyone would be leaving at the same time.~~

~~Ms. Natelson: stated that she grew up in Broward County and attended a public school that was much larger than Ben Galma that had more cars and buses and could not recall any neighbors ever complaining. She added that she encouraged public education since she is a product of it.~~

~~Ms. Steinberg: stated that she like the majority of people in the public like the idea of the school in Hallandale. She further added that she believed that the principal would take charge and make it a wonderful school.~~

~~Mr. Cannone: added that everyone that received the notice for the Planning & Zoning Meeting will receive the upcoming notice for the community meeting and any they may contact the Development Services with further questions.~~

~~Mr. Copper: closed the public hearing~~

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION # 28-09 CU FOR A CONDITIONAL USE TO OPERATE A CHARTER SCHOOL IN A RESIDENTIAL SINGLE FAMILY ZONING DISTRICT AT THE EXISTING HALLANDALE JEWISH CENTER LOCATED AT 416 NE 8<sup>TH</sup> AVENUE~~

~~MS. STEINBERG SECONDED THE MOTION~~

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

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION # 29-09 V AND A VARIANCE IN ORDER TO PROVIDE OUTDOOR PLAY EQUIPMENT CLOSER THAN 50 FEET FROM ANY ADJACENT RESIDENTIAL USE AT THE EXISTING HALLANDALE JEWISH CENTER LOCATED AT 416 NE 8<sup>TH</sup> AVENUE~~

~~MS. STEINBERG SECONDED THE MOTION~~

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

2. Application # 26-09-P by Hallandale First, LLC requesting approval of the Gulfstream Point Plat in accordance with Article II Division 2 of the Zoning and Land Development Code. The subject property is located at 918 South Federal Highway, Hallandale Beach, Florida.

Mr. Cooper: opened the Public Hearing

Alen Rosenthal: stated that he was representing the applicant and was requesting approval for the plat.

David Smith: (22 Coconut Avenue) pointed out that inside City Hall on the Public Notice Board there was no agenda posted for the present meeting and that he had visited the project site for Gulfstream Plat that morning before the meeting and there was no public notice in sight just a construction cone for work being done on the street.

Mr. Cannone: pointed out that for plat applications, the Code does not require a notice or posting, only for Major Development and in regards to the agenda not being posted in the City Hall public board he will inform the City Clerk's Office about it.

Mr. Smith: stated that the staff needs to be consistent and inform the public in a timely and accurate manner.

Mr. Cooper: clarified that no one is perfect and 99.9% of the time, the staff does a great job.

Mr. Cooper: closed the public hearing

Mr. Cooper: asked Mr.Cannone if approving the plat would mean approving the entire development on site?

Mr. Cannone: disagreed by stating that there are a number of things that need to be approved before they are allowed the potential development they are seeking.

Mr. Cooper: stated that the applicant anticipated project that included them having 75,000 square feet of office space was bizarre since that would be double the size of the lot.

Mr.Cooper: asked how many stories was the proposed building.

Mr. Rosenthal: commented that he didn't have the figures with him to discuss the project and was essentially before the Board to discuss any connection with the plat which is required by code to move forward with the project.

Mr.Fendell: stated the item before the Board was simply the first step for the anticipated proposed items, not anything guaranteed plans for the future. He added that he did not agree with having to vote for something that someone might want for the future.

Mr. Rosenthal: stated that Broward County required that you provide for what is contemplated in connection to the property and put it on the plat. If there are any changes they would need to go back to Broward County with an amendment to the plat. He added that in order to plat this property, one must document what is proposed, after they have reviewed the project plans they most likely will not end up with 75,000 sq. ft. they might end up with 50,000 square feet of office.

Ms. Steinberg: commented that the whole thing didn't make any sense.

Mr. Rosenthal: agreed and stated that Dade County doesn't require plat approval however Broward County does.

Mr. Cooper: asked if SE 9<sup>th</sup> Court always ran through that property, was it vacated or does 9<sup>th</sup> Court end at this property

Ms. Dominguez: stated that on the south side of the property, is the Hampton Inn parking lot which was vacated. She added that the entire vacant right of way all the way to 9<sup>th</sup> street belongs to the Hampton Inn.

Ms. Dominguez: stated that it was also written on condition number 6 of the staff report.

Mr. Cooper: asked if they are going through this entire process but don't anticipate it happening, then why ask for it.

Mr. Rosenthal: stated that they have submitted a great project but they might have to reduce the size and will do whatever is necessary .He added that they already started this process and want to finish it but without the Board's approval on the plat no project will be allowed on the site.

Mr. Cooper: stated that it is only giving limitations to the lot.

Ms. Natelson: pointed out that she has worked with large developments in Miami-Dade County and the procedure is first a major use special permit in where they approve a tentative plat, then they would have to apply for Major Use Permit Application for development plan which doesn't allow the developer to build anything and the last step would be the approval of final plat.

Ms. Natelson: asked if the Board recommended approval for the plat, would it guarantee that there would not be anything grandfathered in to the development plan itself.

Ms. Dominguez: Confirmed and stated that in Broward County you can adopt final plans and still not have any development rights. She added that a delegation request is used if the developers need to amend the plat or has any additional

changes during the Major Development Review stage, which is a process that they would have to take after the plat is approved.

Ms. Natelson: stated that this should all be on record to prevent any confusion in county rules/protocols when dealing with these issues.

Mr. Cooper: pointed out that the staff has advised them that the subject property was less than the minimum of 1.5 acre required by Code to develop utilizing the PDD provisions. Therefore, future development shall adhere to the development standards of the underlying zoning (Business Limited) which may not accommodate the proposed use unless a waiver of the 1.5 acre minimum is required.

Ms. Dominguez: clarified that the property is zoned B-L Business Limited District and Planned Redevelopment (PRD) Overlay District and also has the PDD, Planned Development Overlay District assigned. She added that the subject property is .889 acre, less than the minimum of 1.5 acre required by Section 32-174 to develop utilizing the PDD provisions. Therefore, future development must adhere to the development standards of the underlying zoning (Business Limited) which may not accommodate the proposed use unless a waiver of the 1.5 acre minimum is granted by Commission to develop utilizing the PDD provisions.

Mr. Cannone: stated that in order to develop at this property many waivers would be required.

Mr. Rosenthal: confirmed that without the waiver, the project would be required to develop under the BL provision.

Mr. Copper: closed the public hearing

MOTION: MR.FENDELL MOTIONED TO APPROVE APPLICATION #26-09-P BY HALLANDALE FIRST,LLC REQUESTING APPROVAL OF THE GULFSTREAM POINT PLAT IN ACCORDANCE WITH ARTICLE II DIVISION 2 OF THE ZONING AND LAND DEVELOPMENT CODE.THE SUBJECT PROPERTY IS LOCATED AT 918 SOUTH FEDERAL HIGHWAY, HALLANDALE BEACH, FLORIDA. SUBJECT TO THE CONDITIONS AS STATED IN THE STAFF REPORT.

MR. BUTLER SECONDED THE MOTION

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

~~2. Application #35-09-TC, an Ordinance by the City of Hallandale Beach, Florida amending Chapter 32, Article IV, of the City of Hallandale Beach Code of Ordinances, "The Zoning and Land Development Code" by creating Division~~

~~23, "Development Site Maintenance", providing for conflicts; providing for severability; providing for an effective date.~~

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

~~Mr. Cooper: stated that he agreed that it was good idea that the Ordinance should be changed since many projects have been on hold because of the market and you will find in poor conditions with signs and debris left behind, and some are even fenced in where you can tell if homeless people have been living there.~~

~~Ms. Natelson: agreed and stated that the purpose of this Ordinance was not only to notify the people but also to ensure that the City can make sure that these sites be secured and maintained so that debris would be taken care of properly. She added that this issue has been brought up in prior Planning and Zoning Meetings on how major developers would need more time to go forward with their project and this Ordinance would apply.~~

~~Mr. Cooper: pointed out how disposal of portable toilet service once a week was not enough and recommended that they service the portable toilet twice a week.~~

~~Mr. Cannone: Confirmed and stated that he doesn't have a problem changing line 64 to twice a week.~~

~~Mr. Cooper: asked what would happen if the property is foreclosed by the lender and how would we get them to comply with the regulation of the ordinance?~~

~~Mr. Cannone: clarified that if they are now property owners they are subject to requirements on lines 112-122 unfinished project that are visually impacting the neighborhood.~~

~~Mr. Cooper: stated that the Ordinance does not mention anything on hurricane or storm advance warning notice alert to inform construction site and property that they are required to tie down any loose material.~~

~~Mr. Cannone: stated that when storm alerts go out to the public all inspectors go out for inspections as quickly as possible and depending on the magnitude or the severity of the storm, the inspector will go out to the major sites and give out notice to secure property. This is part of building code and is already covered and does not need to be added in the ordinance.~~

~~Mr. Cooper: Confirmed~~

~~MOTION: MS. NATELSON MOTIONED TO APPROVE APPLICATION # 35-09-TC, AN ORDINANCE BY THE CITY OF HALLANDALE BEACH, FLORIDA AMENDING CHAPTER 32, ARTICLE IV, OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES, "THE~~

~~ZONING AND LAND DEVELOPMENT CODE" BY CREATING  
DIVISION 23, "DEVELOPMENT SITE MAINTENANCE",  
PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE WITH THE REVISION  
THAT PORTABLE TOILETS NEED TO BE SERVICED NO LESS  
THAN TWICE A WEEK FOR SANITARY AND HYGIENIC  
REASONS.~~

~~MS. STEINBERG SECONDED THE MOTION~~

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

~~Mr. Copper: asked about the scheduling of the next meeting May 27, 2009~~

~~Ms. Dominguez: stated that in the last City Commission meeting on April 15, 2009 they approved the First Reading of the Ordinance by Highland Park to change the Land use designation of low medium density to high density. She added that the second reading is scheduled for the next City Commission meeting.~~

~~Ms. Dominguez: added that the Resolution for Flexibility unit to RK which proposed to built a 9 unit townhome project on the north side of the Office Max building was approved.~~

~~Ms. Dominguez: further stated that City Commission heard the consideration of A1 Florist who previously went in front of the Planning & Zoning Board with a Hall for Hire on the property located at (103 NE 3<sup>rd</sup> Street) she requested reconsideration of the closing of the business to 2:00am and it was approved by the City Commission.~~

~~Mr. Copper proceeded with adjournment of the meeting.~~

Meeting adjourned at 3:05pm