

**DRAFT**

**PLANNING AND ZONING BOARD (PZB) PUBLIC HEARING SUMMARY  
WEDNESDAY, FEBRUARY 26, 2014  
CITY COMMISSION CHAMBERS,  
HALLANDALE BEACH, FLORIDA**

**ATTENDANCE ROLL CALL:**

**2014 PZB Attendance**

Board Members	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/19	12/18
<b>Arnold Cooper</b> - Chairman	P	P										
<b>Eudyce Steinberg</b> - Vice Chairman	A	P										
<b>Terri Dillard</b>	P	A										
<b>Sheryl Natelson</b>	T	T										
<b>Leo Grachow</b>	P	P										
<b>Csaba Kulin</b>	P	P										
<b>Sherea Atkins</b> -Alternate	P	A										
<b>Seymour Fendell</b> - Honorary	A	A										
<b>Total Members Present</b>	6	5										
<b>Total Members Absent</b>	2	3										

Present (P)

Absent: (A)

Tardy: (T)

 Unappointed

**Staff in Attendance:**

Althea P. Jefferson, AICP  
V. Lynn Whitfield, City Attorney  
Richard J. Dewitt III, Assistant City Attorney  
Christy Dominguez  
Vanessa Leroy  
Cindy Bardales

**APPROVAL OF MINUTES**

~~MOTION: MR. KULIN MOVED TO APPROVE THE MINUTES OF THE JANUARY 22, 2014 PLANNING AND ZONING BOARD HEARING TO INCLUDE MR. COOPER'S COMMENTS BELOW.~~

Mr. Cooper: requested staff to include the comments noted below:

~~Mr. Cooper: stated the building is too tall and should not be located east of the Coastal Constructional Control Line, which would require stricter construction by the State and Flood Control Agency.~~

~~Also, by moving the building (135 feet) east of the CCCL, it would block the views of the northeast corner of the Parker Plaza and the southeastern corner of The Hemispheres and the east building line would protrude past the existing building line of the adjoining building on both sides.~~

~~Also, the building would cast a shadow on The Hemispheres' pool deck areas on December 21<sup>st</sup> at noon, which is not allowed under the shadow Ordinance.~~

~~The project plans indicate half the required landscaping; smaller parking spaces and deficiency in the number of required parking spaces. The applicant /developer stated that they will have valet parking in perpetuity to alleviate the problem.~~

~~Mr. Cooper: Pointed out that in a condominium, Florida Statutes, Chapter 718, which regulates condominiums, does not allow a developer, when he turns over the building to the Condominium Association, to burden the Condominium Association with "lifetime" contracts or contracts in perpetuity.~~

~~Mr. Cooper also stated the he is familiar with the "Burt Harris Act" which allows a developer to develop his property only according to existing zoning ordinances, which in this case is an 8-story building, not 38 stories.~~

~~The City Attorney asked anyone in the audience giving a testimony on the application to take an oath.~~

~~MS. STEINBERG: SECONDED THE MOTION.~~

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

~~(Ms. Natelson arrived at 1:35 P.M.)~~

### **REMARKS BY THE CHAIRPERSON**

Ms. Cooper: stated he would like to speak on the old items business listed on the agenda as item 7(A) notes on January 13, 2014, the City Commission directed staff to schedule a discussion item regarding the meeting time of 6:00 PM for the Planning and Zoning Board.

Mr. Cooper: pointed out based on City Resolution# 2013-16, Uniform Policies and Procedures governing "Boards and Committees" dated February 6, 2013 (pg.4, paragraph 3) states: "Individual Members of the Commission may not give direction to nor interfere with Board or Committee actions".

Mr. Cooper: further added as a result, item 7(a) on our Planning and Zoning agenda, requested by Commissioner Lewy is not valid and as Chairman, he was withdrawing that item from the agenda.

Mr. Cooper: stated the Planning and Zoning Board discussed changing the time and date last June 2013 and the majority voted to keep the time of our meeting at 1:30pm on the fourth Wednesday of each month.

Ms. Natelson: interjected and objected to withdrawing the item from the agenda. She added it was a request by the City Commission. They didn't instruct us what to do; only recommended the issue for us to consider, and we should consider it.

Mr. Grachow: stated, he believed it was remanded by the Commission, not by an individual.

Mr. Dewitts: suggested the item remain on the agenda.

Ms. Jefferson: Interjected and asked to discuss the new business first before discussing "Scheduling of Future Meetings".

\* \* \*

### **SCHEDULING OF FUTURE MEETINGS**

#### **A. On January 13, 2014, the City Commission directed staff to schedule a discussion item regarding the meeting time of 6:00 PM for the Planning and Zoning Board.**

Mr. Cooper: reemphasized that he would like to keep on record that he wishes to reject this item and be noted so on the Minutes.

Ms. Natelson: gave a short overview of what was discuss at the City Commission meeting requesting the Board to discuss.

Mr. Kulin: pointed out that he was present at the meeting when this item was discussed and Commissioners Saunders, Julian and Lazarow agreed to allowing our Board to choose our meeting time. He added that should the Board like to vote on changing the time and date, he was open to discuss.

Mr. Cooper: stated he is not worried about the Board wishes. His concern is the residents of the City. All of the City Commission meetings are held in the evening. Holding the Planning and Zoning Board during the day allows the residents that cannot attend night meetings, to participate in public hearings during the daytime.

Ms. Whitfield: stated the City Commission is considering changing the Planning and Zoning Board meeting time to 6:00pm or a later time. At this time, the City Commission has given the Board an opportunity to discuss, and the City Commission take a vote, based on this Board's recommendations. She added that the item is to be heard on March 19, 2014, City Commission Meeting.

MS. STEINBERG MOVED TO DENY TO CHANGE THE TIME AND DATE OF THE PLANNING AND ZONING BOARD MEETING.

MS. STEINBERG: SECONDED THE MOTION.

MOTION CARRIED BY ROLL CALL VOTE (3-2). (MS. NATELSON & MR. GRACHOW NO)

### **NEW BUSINESS**

~~C. An Ordinance of The Mayor and City Commission of The City of Hallandale Beach, Florida, Amending Chapter 32 of the Code of Ordinances of The City of Hallandale Beach Entitled Zoning and Land Development Code by Amending Article III Entitled Zoning, Division 2 Entitled Zoning Districts, Specifically at Section 32-171 Entitled Fashion Row Overlay District to Rename it the Fashion Art and Design Overlay District and to include Additional Uses to the RM-18 Residential Multifamily, B-L Business Limited and B-I Business Industrial, List of Permitted Uses in Accordance with the Future Land Use Element of the City's Comprehensive Plan; Providing for Conflict; Providing for Codification; Providing for Severability; and Providing an Effective Date.~~

~~Ms. Jefferson: asked the Board Members to recall back in November of last year when staff brought before them an Ordinance to amend the Fashion Art District Overlay District, When staff took back that particular Ordinance to the City Commission, they requested to revise the name to the Fashion Art And Design Overlay District, which we now call the FAD Overlay. In addition, they requested to expand that particular overlay, to include (18) parcels located along northeast 2<sup>nd</sup> Avenue and on the west side of the street.~~

~~Ms. Jefferson: gave an overview of the application through a presentation.~~

~~Ms. Jefferson: further added that staff recommends the Planning and Zoning Board make a recommendation to the City Commission to adopt the Proposed Ordinance, which will expands the FAD Overlay District, and provide regulations for RD-12 Zoning within the Overlay.~~

~~Mr. Grachow: asked for clarification on the proposed ordinance, which shows changes under lines 41-42. The ordinance shows language assuring a higher quality development which will enhance the surrounding area. He asked will this open the door for developers to come in and buy eminent domain?~~

~~Ms. Jefferson: confirmed this would not emanate domain. The parcels being included in the overlay district do not have redevelopment area modification, by being in this district this would allow a property owner if needed a waiver for setback or make a request on something which requires a variance to be able to.~~

Mr. Copper opened a public hearing.

David Stone (112 NE 2 Ave.): stated on the west side (8) houses belong to the same person along with (7) houses on this street. He added he worked twenty years as security in Fashion Row. He added that putting a dollar in this area is not worth it, even small improvements like adding tree and bumpers is not needed this area; it is now all warehouses and the only retail store are those along the Boulevard by Nick's Restaurant.

Mr. Stone: further stated most of the tenant move out due to the competition of bigger merchants in Gulfstream Park and the Aventura Mall.

David Smith (22 Coconut Ave.) stated what is not being reflected here is the effort being given by the City to enhance this area. These location have no lighting and recently had a robbery and should be characterized as an unsafe area. He suggested that expansion of this area is a poor idea.

Mr. Cooper closed the public hearing.

Ms. Natelson: suggested the Board be open to enhancing the area and expanding the Overlay which will eventually open doors to more opportunities.

Mr. Cooper: stated the first part of the this item came before the Board, the requested to change permitted uses to include alcohol establishments, billiard parlors and storage warehouses; what does have to do with fashion, art design and enhancement?

Mr. Cooper: added that in their last meeting he had suggested reducing the street by cutting off from 3<sup>rd</sup> street to 5<sup>th</sup> street, rezone the area and work with the CRA to include moderate price housing which is what the City needs desperately.

Mr. Cooper: stated the request is to include a street to the misery which would be asking people to walk five blocks one way and two blocks the other way. People will not do it in the summer heat.

Ms. Steinberg: stated the City needs to do something new and give this area a chance. Fashion Row was desirable to go shopping and believes it can be rebuilt.

MR. STEINBERG MOVED TO APPROVE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF HALLANDALE BEACH ENTITLED ZONING AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE III ENTITLED ZONING, DIVISION 2 ENTITLED ZONING DISTRICTS, SPECIFICALLY AT SECTION 32-171 ENTITLED FASHION ROW OVERLAY DISTRICT TO RENAME IT THE FASHION ART AND DESIGN OVERLAY DISTRICT AND TO INCLUDE ADDITIONAL USES TO THE RM-18 RESIDENTIAL MULTIFAMILY, B-L BUSINESS LIMITED AND B-I BUSINESS INDUSTRIAL, LIST OF PERMITTED

~~USES IN ACCORDANCE WITH THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.~~

~~MS. NATELSON: SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (3-2). (MR. COOPER & MR. KULIN-NO)~~

~~D. An Ordinance of The Mayor and City Commission of The City of Hallandale Beach, Florida, Repealing Chapter 32, Zoning and Land Development Code, Division 20, "Temporary Uses" and Re-Creating Division 20, "Temporary Uses"; Providing for Codification; Providing for Conflict; and Providing for an Effective Date.~~

~~Ms. Leroy: stated that January 2013 the City Manager initiated staff meeting to discuss "lessons learned" from Martin Luther King, Jr. Day Parade. The City Manager's office requested that we revise the special event approval process to improve staff communication and internal processing time. She added the current Code needs revisions to reflect best practices.~~

~~Ms. Leroy: further added that the goal and intent is to create an efficient, user-friendly, orderly, and transparent permitting process, which included Efficient: Expedited review for recurring events, user friendly; new revised application, Orderly: New Standard Operating Procedures (SOP) and; Transparent: Text Amendments to the Code of Ordinances.~~

~~Ms. Leroy gave an overview of the application through a presentation.~~

~~Mr. Cooper: opened the public hearing.~~

~~Mr. Grachow: asked for clarification on the progressive penalty, which the ordinance did not show the any fees for someone who has received four violations.~~

~~Ms. Leroy: stated the fourth may no longer apply for a temporary use permit but all prior penalty are still outstanding.~~

~~Discussion ensued.~~

~~Mr. Cooper closed the public hearing.~~

~~MS. NATELSON MOVED TO APPROVE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, DIVISION 20, "TEMPORARY USES" AND RE-CREATING DIVISION 20, "TEMPORARY USES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~MR. KULIN: SECONDED THE MOTION.~~

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

**OLD BUSINESS**

~~Ms. Julie Fisher (2030 S. Ocean Dr.) stated she want to point out Section 32-174 PDD Development District. On February 2012 where the Board amended Resolution 2012-13. She added that she has gone thru Municode and the section has been omitted.~~

~~Ms. Dominguez: stated the Ordinance amendment was to require came to the Board to allow all PDD applications to come before the Board. She added that staff will look into and research to ensure that any language omitted be placed back and agreed to contact Ms. Fisher with an update.~~

**SCHEDULING NEXT MEETING**

~~E. On January 13, 2014, the City Commission directed staff to schedule a discussion item regarding the meeting time of 6:00 PM for the Planning and Zoning Board.~~

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~~Ms. Natelson: gave a short overview of what was discuss at the City Commission meeting requesting the Board to discuss.~~

~~Mr. Kulin: pointed out that he was present at the meeting were this item was discussed and Commissioners Saunders, Julian and Lazarow agreed to allowing our Board to choose our meeting time. He added that should the Board like to vote on changing the time and date, he was open to discuss.~~

~~Mr. Cooper: stated he is not worried about the Board. His concern is the residents of the City. All of the City Commission meetings are held in the evening. Holding the Planning and Zoning Board during the day allows the residents that cannot attend night meetings to participate in public hearings.~~

~~Ms. Whitfield: stated the City Commission is considering changing the Ordinance to changing the Planning and Zoning Board meeting time being changed to 6:00pm or a later time. At this time, the City Commission has given the Board an opportunity to discuss and take a vote, in where the City Commission can make a vote, based on this Board's recommendations. She added that the item is to be heard on March 19, 2014, City Commission Meeting.~~

~~MS. STEINBERG MOVED TO DENY TO CHANGE THE TIME AND DATE OF THE PLANNING AND ZONING BOARD MEETING.~~

~~MS. STEINBERG: SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (3-2). (MS. NATELSON & MR. GRACHOW NO)~~

**Meeting adjourned at 3:25 P.M.**

A Recording of this meeting can be made available to any member of the public upon request. Requests to hear a taping of the Planning and Zoning Board meeting, summarized above, should be submitted to the Planning & Zoning Division at [ajefferson@hallandalebeachfl.gov](mailto:ajefferson@hallandalebeachfl.gov) or can be mailed to 400 South Federal Highway, Attn. Althea P. Jefferson, Hallandale Beach, Florida 33009.

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