

**DRAFT**

**PLANNING AND ZONING BOARD (PZB) PUBLIC HEARING SUMMARY  
 WEDNESDAY, JANUARY 22, 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
Arnold Cooper- Chairman	P											
Eudyce Steinberg- Vice Chairman	A											
Terri Dillard	P											
Sheryl Natelson	T											
Leo Grachow	P											
Csaba Kulin	P											
Sherea Atkins-Alternate	P											
Seymour Fendell- Honorary	A											
<b>Total Members Present</b>	6											
<b>Total Members Absent</b>	2											

Present (P)  
 Absent: (A)  
 Tardy: (T)  
 Unappointed

**Staff in Attendance:**

- Althea P. Jefferson, AICP
- V. Lynn Whitfield, City Attorney
- Christy Dominguez
- Vanessa Leroy
- Nancy Garcia
- Cindy Bardales
- Sheryl James

**APPROVAL OF MINUTES**

~~MOTION: MR. COOPER MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 22, 2013 PLANNING AND ZONING BOARD HEARING.~~

~~—MR. KULIN: SECONDED THE MOTION.~~

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

~~(Ms. Natelson arrived at 1:38 P.M.)~~

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

~~A. Application #14-23-V by DD's Discounts requesting a variance to increase the maximum allowable sign square footage at the property located at 1039 West Hallandale Beach Boulevard. (Quasi-Judicial Hearing)~~

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

~~Ms. Leroy: began by stating the subject store has 109' - 4 1/2" of linear store frontage and base on the information the City is affording a sign square footage allowance of the maximum, 200 square feet of total sign area.~~

~~Ms. Leroy: added the applicant is requesting two wall signs totaling 287.3 square feet and one hanging sign of 4 square feet in area.~~

~~Ms. Leroy: further added that on March of 1996, a neighboring tenant, Guitar Center, located at 1101 W. Hallandale Beach Blvd, (within the same plaza) applied for a sign variance to increase the allowed sign area to 343 square feet with 139.5 linear feet of store frontage. This request was denied by the City Commission and the applicant was required to reduce the proposed sign area to the maximum allowable size.~~

~~Ms. Leroy: pointed out the applicant was granted additional tenant identification signage within the existing monument sign located along West Hallandale Beach Boulevard, the permitted sign area of 200 square feet is more than adequate for business identification purposes.~~

~~Ms. Leroy: recommended the applicant reducing the proposed wall sign area to 188.7 square feet, while maintaining the second wall and hanging signs, which measure 7.3 square feet and 4 square feet, respectively. She advised this will keep the total sign area at the maximum of 200 square feet as allowed by Code.~~

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

~~Carlos Garcia (336 E. Dania Beach Blvd. Dania Beach, FL 33176): stated he was representing the owners of the property. He asked the Board to keep in mind that this property is setback far from the property line and has many Oak trees. He added they previously had Office Depot as tenant to the shopping center, which they would agree the signage was one of the reasons they are now out of business.~~

~~Mr. Garcia: approached the dais and provided a photo of the existing property to the Board members showing the visibility of the front of the building.~~

~~Mr. Garcia: stated approval of this variance would not only bring a great store like DD's Discount to the City, it would also bring more business to the shopping center and the community.~~

~~Discussion ensued.~~

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

~~Mr. Kulin: stated that allowing the tenant to keep the proposed signage would open the door of acceptance to other tenants.~~

~~Mr. Cooper: pointed out the signage ordinance was amended to make the City more presentable. He added he believed the sign can be made much smaller simply by removing the word "Discount".~~

~~Ms. Natelson: suggested can be reduced without modification of the logo, however, she agreed the sign can be made smaller to meet code.~~

~~MR.KULIN MOVED TO DENY APPLICATION #14-23-V BY DD'S DISCOUNTS REQUESTING A VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE SIGN SQUARE FOOTAGE AT THE PROPERTY LOCATED AT 1039 WEST HALLANDALE BEACH BOULEVARD.~~

~~THE VARIANCE REQUESTED IS AS FOLLOWS:~~

- ~~a) SECTION 32-605(D)(1)(A) RESTRICTING PROPERTIES TO TWO WALL SIGNS PER WALL FACE AND RESTRICTING SIGN AREA TO TWO SQUARE FEET FOR EVERY LINEAR FOOT OF STORE FRONTAGE WITH A MAXIMUM SIGN AREA OF 200 SQUARE FEET.~~

~~MS. DILLARD: SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (5-1) MR. GRACHOW YES~~

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

~~B. Application# 113-13-DB, #114-13-RV and #115-13-RD by 7<sup>th</sup> Avenue Village, LLC requesting approval to build a 24,485 square foot commercial center at the property located at 645-701 West Hallandale Beach Boulevard.~~

~~Ms. Dominguez gave an overview of the application through a presentation and clarified the application before the Board is Application #113-13-DB. No Board action was necessary for the Road Vacation nor the Redevelopment Area Modifications.~~

~~Ms. Dominguez: stated the applicant is requesting approval of Major Development review in order to construct a 24,485 square feet commercial center.~~

~~Ms. Dominguez: recommend approval of Major Development Review application is subject to the following conditions:~~

- ~~1. Payment of approximately \$ 12,052.25 water impact fee.~~
- ~~2. Payment of approximately \$ 16,525.25 sewer impact fee.~~
- ~~3. Payment of approximately \$ \$94,954.00 transportation mitigation cost.~~
- ~~4. Provide a 24 ft. road access easement dedication through the property from Hallandale Beach Boulevard to SW 1st Ave. aligned with SW 7th Ave.~~
- ~~5. Provide a 10 ft. utility easement for the watermain as required by the City Engineer.~~
- ~~6. Provide a ten (10) ft. roadway easement along Hallandale Beach Blvd. as required by the Broward County Trafficways Plan.~~
- ~~7. Relocate the existing Royal Palm in good condition or payment to the City's Tree Preservation Fund.~~
- ~~8. Provide a 6 x 20 ft. bus shelter easement on Hallandale Beach Blvd.~~

~~Manny Synalovski, Architect: (1800 Eller Drive, Suite 500, Ft. Lauderdale, FL 33316): stated they agreed to staff approval with conditions. However, they would like to further discuss the fees with staff to review back-up and calculations of the total amount.~~

~~Mr. Cooper: asked for clarification on the site plans that indicates the roadway easement inside the sidewalk; also, the building west wall is also on the edge of the utility easement.~~

~~Ms. Dominguez: clarified the City is requesting a 10 foot easement on the north side of the property along Hallandale Beach Boulevard.~~

~~Mr. Kulin: complimented the project and advised he was glad to see new development in the west side of the City.~~

~~Mr. Grachow: asked why the site plan shows the legal being recorded in Miami-Dade.~~

~~Ms. Dominguez: clarified old plats in the past needed to be recorded in Miami-Dade as there was no recording office in Broward County at the time.~~

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

~~MR. GRACHOW MOVED TO APPROVE APPLICATION# 113-13-DB BY 7<sup>TH</sup> AVENUE VILLAGE, LLC REQUESTING MAJOR DEVELOPMENT REVIEW APPROVAL TO BUILD A 24,485 SQUARE FEET COMMERCIAL CENTER AT THE PROPERTY LOCATED AT 645-701 WEST HALLANDALE BEACH BOULEVARD.~~

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

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

- c. Application # 88-13-DB by B and H Fort Lauderdale Beach, LLC requesting Major Development Plan approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to build a 64 unit residential multi-family high rise building at the property located at 2000 S. Ocean Drive.

Ms. Dominguez gave an overview of the application through a presentation.

Ms. Dominguez: stated the applicant is requesting approval of Major Development Plan in order to construct a 38 story, residential building with 64 units and associated parking garage.

Ms. Dominguez: recommended approval of Major Development Review application subject to the following conditions were as follows:

1. City Commission allows the use of the 32 Residential Flexibility Units required to achieve the proposed 49.23 density.
2. The maximum number of units shall not exceed 64 units.
3. Approval by the City Commission of the flood variance application to build eastward of the Coastal Construction Line.
4. The project shall be designed and constructed to comply with the City's Green Building Ordinance.
5. The temporary sales center shall be removed if construction does not commence within one (1) year from the date of the Major Development Plan approval.
6. Roof-mounted equipment shall be screened from view, engineered and screened to reduce noise from the equipment.
7. No required tree shall be less than 12 ft. in overall height and two inch caliper.
8. The garage parking spaces shall not be converted to any use other than parking.
9. Parking for the development shall be 165 spaces as required by Code.
10. The Owner shall grant a bus shelter easement 6 ft. x 20 feet.
11. Completion of the Plat process through the County prior to the issuance of the building permit.
12. Parking for the building shall be by valet only, in perpetuity.
13. Payment of the applicable water and sewer fees.
14. Relocate existing trees per landscape plans and mitigation of trees removed, per the City's Tree Preservation Ordinance.
15. Landscaped area provided shall not be less than the 18.5%.
16. Install pervious paving from the trash room to the driveway for access by the city sanitation trucks.
17. The vertical plant greenery on the parking garage shall be maintained in good condition to assure year round landscape screening or, architectural screening will be required after 2 years of installation if it fails to reach maturity to effectively screen vehicles in the garage.
18. Execution of the required Development Agreement stipulating agreed conditions satisfactory to the City.

Ms. Debbie M. Orshefsky, Greenberg Traurig, P.A. (401 East Las Olas Blvd. Unit 2000 Ft. Lauderdale, FL 33301) gave an overview of the application through a presentation and acknowledge staff conditions to approval of application. She added the developer goals is trying to achieve moving the building away from other buildings.

Ms. Orshefsky: clarified to the audience what it meant to apply for PDD application, the setback proposed by referring to the staff report where it read:

“Buildings in the area are generally high rise buildings. To the north of the project site is the Hemispheres with 22 stories, to the south is the Parker Plaza with 23 stories and Plaza Towers with 25 stories. Recent development on South Ocean Drive is Ocean Marine with 27 stories, 2080 Ocean Drive with 18 stories, and the Beach Club, consisting of 2 towers with 42 stories and 1 tower with 52 stories.”

The proposed building is 38 stories, therefore, a modification of the underlying height restriction is requested by the applicant.

Ms. Orshefsky: further referred to the results of Traffic Analysis performed by the City’s consultant to this project, The Corradino Group, reviewed the Study, which resulted to the existing hotel generates 531 daily trips and 46 PM Peak Hour trips. She added: “The proposed use would generate 268 daily trips and 24 PM Peak Hour trips. As the proposed use generates less trips than the existing use. Therefore, the applicant will not be required to mitigate for traffic and transportation impact.”

Ms. Julie Fisher (2030 S. Ocean Drive): affirmed the developer had met with both associations from Park Plaza Condominium and the Hemispheres Condominium and tried to convince the public the proposed building is transparent.

Ms. Fisher: asked the Board to keep in mind the sun reflecting back from this building will heat to Park Plaza pool and building; turtles will stray from the light; increasing wind vortex and increase of beach erosion. This project will be built at the expense of the neighbors and environment.

Bernice Neft: (2030 S. Ocean Drive): pointed out how the Beach Club Condominium was not fully occupied and did not understand how this project will bring revenue to the City as mentioned by the applicant.

Alan Goran: (2030 S. Ocean Drive): stated that the Hemispheres Association only agreed to this project because of money offered by the developers. He suggested save shoreline in case of a hurricane disaster.

Mr. Goran: stated the City has brought in a lot of revenue from recent projects like TD Bank, PNC Bank etc. approving this massive project will ruin resident’s way of life.

Judith Lichtenstein-Marrocco (2030 S. Ocean Drive): asked how the City would allow a project in were the applicant is requesting excessive variances that would mean the project is not in compliance. She further added her concerns are congestion of traffic and the integrity of shoreline on Hallandale Beach.

Lily Silver (2030 S. Ocean Drive): approached the dais and demonstrated a photograph view from her balcony. She added her view will be blocked by glass.

Ms. Silver: stated, rules are made for a reason and the developer's request does not meet City Code. She suggested the building will be too close and should be moved closer to the street.

Ms. Orshefsky: clarified that the Parker Plaza Building will have a 60 foot separation from the proposed building. She added the homeowner from Parker Plaza will see the building from their balcony but will not lose ocean view.

Ms. Dominguez: clarified the uses of PDD waiver as stated in the staff report for this particular project and setbacks and are not considered variances. PDD allows flexibility to determine the most appropriate general code standard to a specific site. She added most of the buildings on A1A have setbacks 10-20 feet from property lines.

Ms. Whitfield: interjected stated this project was reviewed by staff and is in compliance to the City Comprehensive Plan and Overlay on the property. She added valet parking will be included in the Development Agreement as a condition. The applicant will need to follow the procedures done by City for Major Development such as the one being presented.

Mr. Cooper closed the public hearing

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 Building 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 deficient 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.

Ms. Orshefsky: clarified CCCL variance cannot be approved until the developer has site plan approval.

Ms. Whitfield: stated in 2004, the County approved 33 flex unit to this parcel of land.

Mr. Kulin: suggested the developer look into a more user friendly development. He added the project would be too close to the water and does not agree it fits this parcel of land.

Mr. Grachow: recommended the applicant revise his submittal and mediate through a third party. He added that overall, the final decision is made by the City Commission and they only serve as an advisory board but hope they take into consideration all the concerns of the residents and many unanswered questions not being addressed at this meeting.

Ms. Natelson: stated she recognized the concerns of the adjacent neighbors. The application and zoned PDD and Flexibility which are not variances, the applicant is negotiating waivers and she believed that the developer needs to work on further negotiations.

Discussion ensued.

MR. COOPER MOVED TO DENY APPLICATION # 88-13-DB BY B AND H FORT LAUDERDALE BEACH, LLC REQUESTING MAJOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO BUILD A 64 UNIT RESIDENTIAL MULTI-FAMILY HIGH RISE BUILDING AT THE PROPERTY LOCATED AT 2000 S. OCEAN DRIVE.

MR. KULIN: SECONDED THE MOTION.

MOTION CARRIED BY ROLL CALL VOTE (4-2) MS. DILLARDS & MS. NATELSON-YES

~~D. 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 IV entitled Development Standards, Division 10 entitled Temporary Structures and Uses, specifically at Section 32-431 Entitled Modular permitted in order to allow cargo containers as a temporary structure in any zoning district; Providing for conflict; Providing for codification; Providing for severability; and Providing an effective date. (Application # 84-13-TC by the City of Hallandale Beach.)~~

~~Ms. Jefferson gave an overview of the *Modular Structures Ordinance*.~~

~~Mr. Grachow: suggested the ordinance should indicate the permitted quantity, size and stacking of cargo containers.~~

~~Ms. Jefferson: agreed and stated that staff will make changes according to research.~~

~~Discussion ensued.~~

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

~~Renee Williams, Representing Nana's Pre-School (1010 S. Federal Hwy. Hallandale Beach, FL) stated that prior to submitting a building permit for modular classrooms to expand their school, a moratorium was issued. She asked that the Board approve this Ordinance, which would allow such temporary structures on their land.~~

~~Ms. Whitfield: interjected and asked the Board to place the meeting in recess due to the CRA Executive Session, which required her attendance.~~

~~MS. NATELSON MOTIONED TO RECESS THE MEETING 5:05PM~~

~~MR. GRACHOW: SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (6-0)~~

**~~\*\* MEETING IN RECESS\*\*~~**

~~MEETING WAS CALLED TO ORDER BY MS. NATELSON.~~

~~MR. GRACHOW 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 IV ENTITLED DEVELOPMENT STANDARDS, DIVISION 10 ENTITLED TEMPORARY STRUCTURES AND USES, SPECIFICALLY AT SECTION 32-431 ENTITLED MODULAR PERMITTED IN ORDER TO ALLOW CARGO CONTAINERS AS A TEMPORARY STRUCTURE IN ANY ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. WITH RECOMMENDATION OF STAFF TO ADD LANGUAGE WITH REGARD TO THE STACKING, SIZE, AND QUANTITY OF CARGO CONTAINERS. (APPLICATION # 84-13-TC BY THE CITY OF HALLANDALE BEACH.)~~

~~MR. KULIN: SECONDED THE MOTION~~

~~MOTION CARRIED BY ROLL CALL VOTE (6-0)~~

~~E. An Ordinance of the Mayor and City Commission of the City of Hallandale Beach, Florida, amending Chapter 32, Zoning and Land Development Code; Article 1, General Provisions; Section 32-8. Definitions; Providing for conflict; Providing for severability; Providing for codification; and Providing an effective date. (Application #17-13 TC by the City of Hallandale Beach.)~~

~~Ms. Jefferson gave an overview of the *Definitions* code amendment through a presentation.~~

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

~~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, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE; ARTICLE 1, GENERAL PROVISIONS; SECTION 32-8. DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (APPLICATION #17-13 TC BY THE CITY OF HALLANDALE BEACH.)~~

~~MR. GRACHOW: SECONDED THE MOTION.~~

~~MOTION CARRIED BY ROLL CALL VOTE (6-0)~~

## **SCHEDULING NEXT MEETING**

~~A. February 26, 2014~~

~~Ms. Jefferson reminded the Board the City Commission will be discussing the meeting time for the Planning & Zoning Board, as they may want the Board to reschedule its meeting time later in the evening. As such, asked that you please attend the City Commission meeting in the evening of January 22, 2014 to provide your comments during this discussion. The City Commission meeting begins at 6:30 p.m.~~

### **Meeting adjourned at 5:21 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.~~