



# City of Hallandale Beach

## PLANNING AND ZONING BOARD

400 S. Federal Highway  
Hallandale Beach, FL 33009  
www.cohb.org

Chair, Kuei Kang (Charles) Wu  
Vice-Chair, Howard Garson  
Boardmember Danny Kattan  
Boardmember Terri Dillard  
Boardmember Rick Levinson

Liaison, Christy Dominguez  
Liaison Dept. Director, Vanessa Leroy

## Meeting Minutes

---

Wednesday, March 23, 2022

6:00 PM

Commission Chambers

---

### 1. CALL TO ORDER

*The Planning and Zoning Board Meeting was called to Order by Chair Charles Wu at 6:02 p.m.*

### 2. ROLL CALL

#### **Present:**

*Chair, Kuei Kang (Charles) Wu  
Vice-Chair, Howard Garson  
Boardmember, Danny Kattan  
Boardmember, Terri Dillard*

#### **Absence (Excused):**

*Boardmember, Rick Levinson*

#### **Staff**

*Board Liaison: Christy Dominguez  
Board Secretary: Cindy Bardales-Villanueva  
Supporting Staff: Vanessa Leroy and Steven Williams  
City Attorney's Representative: Elizabeth S. Loconte, Assistant City Attorney*

### 3. PLEDGE OF ALLEGIANCE

### 4. PUBLIC PARTICIPATION

### 5. APPROVAL OF MINUTES

- A. Draft of the Meeting Minutes February 23, 2022

**MR. GARSON MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2022, PLANNING AND ZONING BOARD MEETING.**

**MR. KATTAN SECONDED THE MOTION.**

**MOTION PASSED BY A ROLL CALL VOTE (4-0).**

### 6. BOARD/COMMITTEE BUSINESS

- A. Applications # CU-22-118 and #V-22-821 by Hochberg Preparatory School, Inc. requesting a Conditional Use Permit and Variance in order to construct a playground in the RD-12 Residential two-family (duplex) district at the properties located at 509 & 513 SW 10th Street.

The proposed playground will serve the existing school known as the Posnack- Hochberg Lower School East Campus, located at 412 SW 11th Street.

The applications filed with the City are as follows:

- a) Application # CU-22-118 requesting a Conditional Use Permit pursuant to Section 32-144(c)(1) of the Hallandale Beach Code of Ordinances in order to operate a school within the RD-12 Zoning District.
- b) Application #V-22-821 requesting a Variance from Section 32-385(d)(5) of the Hallandale Beach Code of Ordinances relative to the maximum allowable use of artificial turf in landscaped areas.

### ***Polling of Ex-Parte Communications (Board Secretary)***

*Board Secretary read the quasi-judicial statement into the record on the items listed on the agenda and polled the Planning and Zoning Board regarding ex-parte communications.*

*Mr. Kattan confirmed and disclosed all ex-parte communication and confirmed his decision would be based solely on the testimony presented at the meeting.*

*Mr. Garson confirmed and disclosed all ex-parte communication and confirmed his decision would be based solely on the testimony presented at the meeting.*

*Mr. Kattan confirmed and disclosed all ex-parte communication and confirmed his decision would be based solely on the testimony presented at the meeting.*

*Mr. Wu confirmed and disclosed all ex-parte communication and confirmed his decision would be based solely on the testimony presented at the meeting.*

### ***Swearing in of Witnesses (Board's Chair)***

*Board's Chair swore in City staff, the applicant, and any other members of the audience who would give testimony during the evening's proceeding.*

*Mr. Wu read the script into the record.*

*Ms. Dominguez, Planning and Zoning Manager, provided a PowerPoint presentation and overview of the item.*

*Mr. Kattan: asked why only a percentage of artificial turf is allowed?*

*Ms. Dominguez: clarified that with time, artificial turf quality has improved, and staff felt that allowing 30% of the landscape areas is a reasonable amount to be artificial turf; however, the applicant is proposing 54%.*

*Ms. Hope Calhoun, Attorney (Boca Raton, FL): introduced herself and advised the Board of parents and current school principal in attendance who were in favor of the expansion of the site.*

*Mr. Wu: asked the applicant if they were requesting to expand the building as well as the playground?*

*Ms. Calhoun: clarified that the applicant was only requesting to expand the playground area.*

*Mr. Garson: stated he had concerns with the playground area being open too early and the noise disturbing the neighboring homes surrounding the school.*

*Mr. Wu: agreed with Mr. Garson's statement and suggested including a start time for the playground area along with an 8:00 pm closing time being proposed.*

*Mr. Wu: asked the applicant if they were opposed to adding the condition that the playground opens no earlier than 8:00 am.*

*Ms. Calhoun: stated that they did not have any objection to placing a start time of when the playground area can open.*

*Mr. Wu: asked if there was any lighting proposed in the playground area.*

*Ms. Dominguez: stated no.*

*Mr. Wu opened the floor to public participation.*

*No Public Speakers.*

*Mr. Wu closed the floor to public participation.*

**APPLICATIONS # CU-22-118 AND #V-22-821 BY HOCHBERG PREPARATORY SCHOOL, INC. REQUESTING A CONDITIONAL USE PERMIT AND VARIANCE IN ORDER TO CONSTRUCT A PLAYGROUND IN THE RD-12 RESIDENTIAL TWO-FAMILY (DUPLEX) DISTRICT AT THE PROPERTIES LOCATED AT 509 & 513 SW 10TH STREET.**

**THE PROPOSED PLAYGROUND WILL SERVE THE EXISTING SCHOOL KNOWN AS THE POSNACK- HOCHBERG LOWER SCHOOL EAST CAMPUS, LOCATED AT 412 SW 11TH STREET.**

- a) MR. GARSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF APPLICATION # CU-22-118 REQUESTING A CONDITIONAL USE PERMIT PURSUANT TO SECTION 32-144(C)(1) OF THE HALLANDALE BEACH CODE OF ORDINANCES IN ORDER TO OPERATE A SCHOOL WITHIN THE RD-12 ZONING DISTRICT TO INCLUDE THE FOLLOWING CONDITIONS:**

- 1) THE APPLICANT SHALL EXECUTE A UNITY OF TITLE COVENANT TRYING THE SUBJECT LOTS TO THE MAIN SCHOOL SITE PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT FOR IMPROVEMENT.**
- 2) THE PLAYGROUND SHALL NOT BE USED NO EARLIER THAN 8:00 AM AND NO LATER THAN 8:00 PM**
- 3) CAPACITY SHALL REMAIN IN IT IS ORIGINAL APPROVED CAPACITY.**
- 4) NO LIGHTING SHALL BE PROPOSED IN THE PLAYGROUND AREA.**

**MS. DILLARD SECONDED THE MOTION.**

**MOTION APPROVED BY A ROLL CALL VOTE (4-0).**

- b) MR. KATTAN MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF APPLICATION #V-22-821 REQUESTING A VARIANCE FROM SECTION 32-385(D)(5) OF THE HALLANDALE BEACH CODE OF ORDINANCES RELATIVE TO THE MAXIMUM ALLOWABLE USE OF ARTIFICIAL TURF IN LANDSCAPED AREAS.**

**MS. DILLARD SECONDED THE MOTION.**

**MOTION APPROVED BY A ROLL CALL VOTE (4-0).**

- B. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 – ZONING AND LAND DEVELOPMENT TO ENACT A REQUIREMENT FOR AN ANNUAL CERTIFICATE OF USE FOR ALL BUSINESSES LOCATED IN THE CITY, INCLUDING HOME-BASED BUSINESSES; CREATING SECTIONS 32-10 THROUGH SEC. 32-20 TO PROVIDE FOR DEFINITIONS, APPLICATIONS, INSPECTIONS, FEES, ENFORCEMENT, AND OTHER RELEVANT PROVISIONS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

*Mr. Wu read the script into the record.*

*Mr. Williams, Assistant Director, provided a PowerPoint presentation and overview of the item.*

*Mr. Kattan asked if the City intended to collect revenue by implementing a new process such as imposing a new certification for home-based businesses and individuals trying to start their business in our City. He believed the requirement would be the wrong approach and wrong timing.*

*Mr. Kattan: further stated that staff needed to consider the burden that businesses have had to deal with due to the*

epidemic.

*Mr. Kattan: asked whether staff had the appropriate number of staff to implement this process which would take a substantial amount of time to enforce.*

*Mr. Williams: clarified that the Business Tax and Regulations Division will be overseeing the Certificate of Use (CU) process. He further added that the initial inspection for Certificate of Use would fall simultaneously with the Business Tax Receipt (BTR) process.*

*Mr. Kattan: asked if the Certificate of Use fees would be imposed on current businesses.*

*Mr. Williams: stated that the first year, when the ordinance is adopted, all businesses with active BTRs would be automatically issued a CU. However, they would still need to fill out a CU application and pay the CU fee.*

*Ms. Dillard: asked for someone selling food from their home to be considered a home-based business, and would the CU process allow them to operate?*

*Mr. Williams: stated yes. He clarified that the City could not prohibit a person from selling food from their home. Although there are state requirements, depending on the type of business, that home-based businesses would still need to comply with in order to operate.*

*Ms. Dillard: asked how many staff would be working on performing inspections?*

*Mr. Williams stated that the Business Tax and Regulation Division currently consists of (3) city employees and (1) an inspector.*

*Mr. Wu: asked if public outreach was done to inform the public of this fee which would impact them.*

*Ms. Leroy, Department Director: stated that the proposed ordinance has been in discussion since last year. She added that the department had partnered with the Chamber of Commerce to host a workshop to inform all stakeholders and business owners.*

*Ms. Leroy: further added the advertisement was publicized through the City's newsletter and social media channels, and the Chamber of Commerce newsletter. Unfortunately, we received very little public participation.*

*Mr. Wu: suggested that further outreach of the new procedure be done, especially since many individuals will be impacted. He recommended sending a mailing to current businesses with an active BTR.*

*Ms. Dillard: recommend that staff consider looking toward the future and how they would regulate such a process when many people are looking towards working from their house and opening their online businesses.*

*Mr. Wu opened the floor to public participation.*

*No Public Speakers.*

*Mr. Wu closed the floor to public participation.*

**MS. DILLARD MOVED THAT, BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, MOVE THAT THE PLANNING AND ZONING BOARD RECOMMENDS APPROVAL TO THE CITY COMMISSION OF AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 - ZONING AND LAND DEVELOPMENT TO ENACT A REQUIREMENT FOR AN ANNUAL CERTIFICATE OF USE FOR ALL BUSINESSES LOCATED IN THE CITY INCLUDING HOME-BASED BUSINESSES; CREATING SECTIONS 32-10 THROUGH SEC. 32-20 TO PROVIDE FOR DEFINITIONS, APPLICATIONS, INSPECTIONS, FEES, ENFORCEMENT, AND OTHER RELEVANT PROVISIONS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**MR. GARSON SECONDED THE MOTION.**

**MOTION PASSED BY A ROLL CALL VOTE (3-1).** *Mr. Kattan- No*

**8. LIAISON'S REPORT**

*Ms. Dominguez provided a verbal report.*

**9. SCHEDULING OF NEXT MEETING**

A. Wednesday, April 27, 2022

**10. ADJOURNED**

*There being no further business to discuss before the Planning and Zoning Board, the meeting adjourned without objection at 7:48 p.m.*

RECORDED: RESPECTFULLY SUBMITTED:

*Chair, Charles Wu*

---

ATTEST:

---

Christy Dominguez, Liaison

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 or can be mailed to 400 South Federal Highway, Hallandale Beach, Florida 33009.