

DRAFT

**PLANNING AND ZONING BOARD (PZB) PUBLIC HEARING SUMMARY
WEDNESDAY, JUNE 8, 2016
CITY HALL, COMMISSION CHAMBERS
HALLANDALE BEACH, FLORIDA**

ATTENDANCE ROLL CALL:**2016 PZB Attendance**

Board Members	1/28	2/24	3/1	3/23	4/27	5/25	6/8	6/22	7/27	8/31	10/26	11/30	2/28
Sheryl Natelson - Chair	A	A	P	P	P	CANCELLED	P	CANCELLED					
Terri Dillard- Vice Chair	A	P	P	A	P		A						
Csaba Kulin	P	P	P	P	A		A						
Charles Wu	A	P	P	P	A		A						
Alexander Lewy	A	A	P	P	P		P						
Howard Garson	A	P	P	P	P		P						
Anabelle Taub							P						
Harriett Ginsberg- Alter	P	A	P	P	P		P						
Total Members Present	2	5	7	7	6		4						
Total Members Absent	6	3	1	1	2		3						

*Present (P)**Absent: (A)**Tardy: (T)*
 Un-appointed
Staff in Attendance:

Keven Klopp

Althea Jefferson

Christy Dominguez

Vanessa Leroy

Joy Murray

Christopher Saunders

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2 **1. CALL TO ORDER**

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4 **2. PLEDGE OF ALLEGIANCE**

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6 The Board Chair called the meeting to order at 6:37 P.M.
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8 **3. ROLL CALL**
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10 Mr. Kulin and Mr. Wu were marked absent during roll call.
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12 **4. APPROVAL OF MINUTES**

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14 ~~MR. GARSON MOVED TO APPROVE THE MINUTES OF THE JUNE 8, 2016~~
15 ~~PLANNING AND ZONING BOARD HEARING.~~

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17 ~~MR. LEWY SECONDED THE MOTION.~~

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19 ~~MOTION PASSED BY A ROLL CALL VOTE (3-0).~~

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21 ~~Ms. Taub was not required to vote on minutes for the June 8, 2016 since she was not~~
22 ~~present for the meeting.~~

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24 **5. PRESENTATION**

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26 ~~Presentation on Broward Next from Peter Schwarz from Broward County Planning~~
27 ~~Council.~~

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29 **6. NEW BUSINESS**

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31 ~~MR. LEWY MOTIONED TO AMEND THE AGENDA TO MOVE ITEM 5.B~~
32 ~~(APPLICATION V-16-02249, BY BARBARA FERGUSON) FIRST ON THE AGENDA.~~

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34 ~~MR. GARSON SECONDED THE MOTION.~~

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

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39 ~~1. Application V-16-02249, by Barbara Ferguson, requesting a variance from Sections~~
40 ~~32-143(d)(1)(2) and (4) of the Zoning and Land Development Code, regarding side~~
41 ~~yard setbacks at 315 NW 7th Street, and total lot size and lot width at 620 NW 4th~~
42 ~~Avenue, which deficiencies are resultant of a lot split of the two subject properties, in~~
43 ~~order to build a single family residence at the property located at 620 NW 4th Avenue.~~

44
45 **Polling of Ex Parte Communications (Assistant City Attorney)**

46
47 Assistant City Attorney polled the Planning and Zoning Board regarding Ex-Parte
48 Communications:

~~Ms. Natelson advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.~~

~~Mr. Lewy advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.~~

~~Mr. Garson advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.~~

~~Ms. Taub advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.~~

Swearing in of Witnesses (Assistant City Attorney)

The oath was administered by the Assistant City Attorney to all staff and public attendees that would be speaking on the case.

Ms. Leroy provided a PowerPoint presentation and gave a brief summary of the item.

~~Ms. Donna Edwards, Applicant (2921 Mayo Street Hollywood, FL): stated she was representing her sister who resides at the property presented before the board. She added her sister had gone through open heart surgery and she would be the person responsible to make sure the property is renovated to meet city code and approval for the Variance, which would allow her to move forward.~~

~~Mr. Joe Johnson, Applicant (228 S.W. 5 Avenue Hallandale Beach, FL): stated he was also representing the applicant. He suggested staff look into platting of the S.W. area and how the approval of the variance would not impact the community or residents.~~

~~Mr. Lewy: agreed that the request from the applicant was justified and simply was requesting to fix a home in disrepair and rebuild what is currently existing.~~

~~Ms. Ginsberg: asked if the applicant can file for a larger home from what is currently existing?~~

~~Ms. Leroy: clarified based on the property's zoning designation, the owner could apply to construct a larger structure to meet the minimum floor area required by the Code, whether the applicant decided to demolish the existing home or the two structures on either lot.~~

~~Ms. Natelson opened the Public Hearing.~~

~~There were no speakers.~~

~~Ms. Natelson closed the Public Hearing.~~

~~MR. GARSON MOVED BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TO MOVE THAT THE PLANNING AND ZONING BOARD APPROVE OF THE PROPOSED VARIANCE FOR APPLICATION #V-16-02249 SUBJECT TO THE CONDITIONS RECOMMENDED BY CITY ADMINISTRATION AND BASED ON THE SIGNIFICANT HARDSHIP ON THE PROPOSED VARIANCE NOT BEING AN IMPACT TO THE COMMUNITY.~~

~~MR. LEWY SECOND WITH FRIENDLY AMENDMENT TO REMOVE RECOMMENDATION BY STAFF REQUIRING THE DEMOLITION OR REMOVAL OF STRUCTURES ON LOT 2 AND APPROVAL OF VARIANCE WITH STAFF RECOMMENDATIONS THAT APPLICANT ADDRESS ISSUES PERTAINING TO PARKING, FENCE AND LANDSCAPE TO MEET CITY CODE.~~

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

2. Applications DB-2016-0012, Z-2016-0013, and CU-2016-0014 by MG 100 Federal, LLC, requesting the following approvals for the MG 100 Tower Project, for construction of a mixed use development consisting of 35- story mixed use tower, 350 high-rise residential units, and 9,603 square feet of commercial space at 100 South Federal Highway.

The applications are as follows:

- a) Application DB-2016-0012 requesting approval for Major Development Review approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct the proposed mixed use development consisting of 350 residential units, 9,063 square feet of commercial space, and associated parking garage.
- b) Application Z-2016-0013 requesting to apply the Planned Development Overlay District to the subject property.
- c) Application CU-2016-0014 requesting approval for a Conditional Use Permit to allow a residential use in B-L/RDO districts pursuant to Section 32-181(d)(2) of the Zoning and Land Development Code.

Polling of Ex Parte Communications (Assistant City Attorney)

Assistant City Attorney polled the Planning and Zoning Board regarding Ex-Parte Communications:

Ms. Natelson advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.

Mr. Lewy advised that he had Ex-Parte Communications regarding this matter. He advised he discussed item with applicant's attorney and residents at public meetings but would base his decision solely on the testimony being presented.

Mr. Garson advised that he had Ex-Parte Communications regarding this matter. He advised he had attended the Applicant's Community Meeting but would base his decision solely on the testimony being presented.

Ms. Taub advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.

The oath was administered by the Assistant City Attorney to all staff and public attendees that would be speaking on the case.

Swearing in of Witnesses (Assistant City Attorney)

Ms. Dominguez provided a PowerPoint presentation and gave a brief summary of the item.

Mr. Garson: asked if zoning is approved but project doesn't get built, does the zoning remain on the property?

Ms. Dominguez: clarified they were not rezoning only applying Planned Development Overlay (PDO) zoning to the property.

Mr. Garson: asked if a new owner for the property would have vested rights?

Ms. Jefferson: stated no. She clarified that the vested right has an expiration date which meant that if a new buyer were to build after the vested rights had expired they would be required to follow all Regional Activity Center (RAC) regulations.

Mr. Klopp: further clarified and explained that based on the time the project is built, if the property was sold within 18 months from site plan approval, the new buyer could build the proposed project.

Mr. Klopp: stated PDO overlay has no impact unless there is a site plan. Therefore, if a new owner was coming in with a new project they would be required to go through site plan approval in order for PDO to apply.

Mr. Lewy: pointed out in the staff report how the proposed project density is higher than average properties. He further asked what other property was higher in Residential Dwelling Unit per Acre (DUA).

Ms. Dominguez: stated Gulfstream Point and Nine Hundred both proposed higher densities and were recently approved but staff did not support either applications.

Mr. Lewy: asked whether the projects were vested rights or RAC regulated?

Ms. Dominguez: stated Gulfstream Point was approved prior to adoption of the RAC regulations and the Nine Hundred Project was approved per vested rights.

Mr. Garson: asked if the City would have an issue since the property did not have access to US-1 only through 5TH Avenue, a residential area.

Ms. Dominguez: stated the City's Traffic Consultant did not have an objection. She directed the question to Mr. Zach Clark, the City Traffic Consultant for further detail.

Mr. Zach Clark: stated that Florida Department of Transportation (FDOT) does not require a driveway on US-1. It is more desirable to not have a driveway on US-1 from a pedestrian and bicyclist standpoint.

Ms. Taub: asked how long are vested rights good for?

Ms. Jefferson: stated vested rights are issued for 6 months to get an application through the approval process with an opportunity to request an additional 6 months. She added all projects approved by the City have 18 months to submit plans to the Building Division.

Ms. Taub: asked if the applicant would have to go before the City Commission for approval of extension?

Ms. Jefferson: stated no. the applicant would need the City Manager's approval for extension of site plan approvals.

Mr. Lewy: asked about the 112 space deficiency in parking and breakdown by bedroom mix.

Ms. Dominguez: stated they are 112 spaces short. They require 778 spaces for the residential use and are providing 666.

Ms. Dominguez: stated per RAC, they have a surplus of 72 spaces but RAC is not the applicable code.

Ms. Ginsberg: stated S.E. 5th Avenue is a small street and all proposed entrances proposed are on 5th Avenue, a lot of traffic on that street.

Ms. Dominguez: stated the Traffic Consultant finds the traffic proposed is adequate. The applicant is proposing three entrances on 5th Avenue, one for commercial, residential and service entrance.

Ms. Ginsberg: asked about the shortage of parking being proposed; where will people park?

Ms. Dominguez: stated that the project does not meet the applicable parking code.

Ms. Hope Calhoun, Applicant (14 S.E. 4th Street Unit 36 Boca Raton, FL 33432): stated the vested rights status was issued by the City when this property requested vested rights, which is set to expire on July 8.

Ms. Calhoun: further added that the project is consistent with 5 out of 6 of PDO criteria. Gulfstream Point also had similar square footage and use.

Ms. Calhoun: stated there is a green open space area along US-1; that is why the building is pushed back on 5th Avenue. The Peninsula project was allowed access on US-1. FDOT would not allow more curb cuts. They are willing to work with staff but there is a time constraint.

Ms. Calhoun: pointed out that staff had no objections to parking and traffic. She stated that in respects to the Development Agreement process, they have not agreed to a specific money figure on sewer improvements but are willing to pay.

Mr. Lewy: asked for clarification or formula being used from the applicant that would determine how many parking spaces would be provided to one, two or three-bedroom units. He added many of the projects is previously agreed to a Share Parking Valet Agreement and since they were not using a similar approach he would need more clarity on how parking would be issued.

Ms. Calhoun: stated the parking consists of 125-one bedroom 219 spaces are required, 150-two bedroom 300 space are required, and 75-three bedroom units, 188 spaces are required.

Ms. Calhoun: added that all units would be issued one parking space and during the negotiation leasing process, they would determine, if in fact, they would need a secondary parking space.

Mr. Chris Heggen, Traffic Engineer (1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411): stated that this project is not required to follow RAC regulation. However, they felt the RAC regulations provide good guidelines for what is currently in demand and allow the project to be consistent and in trend with what is seen in the current marketplace.

Mr. Lewy: stated that he was aware of the parking standard lowering after the adoption of the RAC regulation, but needed clarity the result, once all parking spaces are bought out and residential is forced to park in the street and swale area.

Mr. Lewy: stated that based on the proposal, the lowest amount of parking spaces required for this project that he would agree to would be 791 spaces. He added that would include restaurant, commercial and guest parking that is being proposed.

Ms. Natelson: asked if 778 parking spaces was what code required?

Ms. Dominguez: stated 778 for residential and 69 for the commercial use for a total of 847 spaces.

Ms. Ginsberg: asked if the 69 for commercial use would include employee parking spaces?

Mr. Heggen: stated yes.

Mr. Garson: suggested to include a deceleration lane, which he believes would benefit both their project and Peninsula Project. He asked should FDOT agree, would they consider it as an option?

Ms. Calhoun: stated they would consider it, but pointed out that the proposed green open space along US1 would have to be removed. She stated adding a deceleration lane, would change site plans and the design of the project.

Ms. Calhoun: further added that they have worked with the City's Traffic Consultant that was in attendance and he has agreed to the parking and traffic study as proposed.

Mr. Garson: stated his main concern is placing more traffic on residential areas as opposed to commercial areas.

Mr. Lewy: stated the traffic study has not addressed traffic on East Hallandale Beach Boulevard, especially the east-bound lane.

Mr. Heggen: stated the City Transportation Master Plan allows for mitigation for US-1 and Hallandale Beach Boulevard.

Ms. Natelson: asked the applicant if they agreed to staff recommendation?

Ms. Calhoun: stated they have agreed to all of staff recommendations but currently are in negotiations for contributions toward upgrades to the affected lift stations.

Ms. Natelson opened the Public Hearing.

There were no speakers.

Ms. Natelson closed the Public Hearing.

MS. TAUB MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND DENIAL OF THE PROPOSED REZONING TO THE CITY COMMISSION FOR APPLICATION #2016-0013-Z AND FIND THAT THE EVIDENCE PRESENTED DOES NOT SUPPORT THE APPROVAL IN THAT IT WOULD CAUSE OR RESULT IN THE VIOLATION OF THE STANDARDS ESTABLISHED IN CHAPTER 32, OTHER APPLICABLE LAWS, ORDINANCES, OR REGULATIONS, SPECIFICALLY ON THE PLANNING AND ZONING STAFF REPORT.

MR. LEWY SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (3-1). MS. NATELSON- NO

MR. LEWY MOVED TO RECOMMEND DENIAL AND FIND THAT THE EVIDENCE PRESENTED DOES NOT SUPPORT THE APPROVAL OF THE CONDITIONAL USE PERMIT SET FORTH IN APPLICATION 2016-0014-CU IN THAT IT WOULD CAUSE OR RESULT IN THE VIOLATION OF THE STANDARDS ESTABLISHED IN APPLICABLE LAWS, ORDINANCES, OR REGULATIONS, SPECIFIED ON THE PLANNING AND ZONING STAFF REPORT.

MS. TAUB SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (3-1). MS. NATELSON- NO

MR. LEWY STATED THAT BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED, HE MOVED TO RECOMMEND APPROVAL TO THE CITY COMMISSION OF APPLICATION 2016-0012-DB MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE HALLANDALE BEACH ZONING AND LAND DEVELOPMENT CODE IN ORDER TO BUILD THE PROPOSED DEVELOPMENT AT 100 SOUTH FEDERAL HIGHWAY SUBJECT TO THE CONDITIONS RECOMMENDED BY CITY ADMINISTRATION AND THE TERMS OF THE DEVELOPMENT AGREEMENT AS MAY BE FINALIZED AND APPROVED BY THE CITY COMMISSION, AND WITH THE FOLLOWING MODIFICATIONS:

- REDUCING THE HEIGHT OF THE BUILDING FROM 35 STORY TO 25 STORY, AND APPLYING THE PARKING RATIO REQUIREMENT TO A NEW UNIT MIX.

MR. GARSON SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (3-1). MS. TAUB- NO

Mr. Garson requested a friendly amendment to include that water mitigation be put in place.

Mr. Lewy: agreed to include Mr. Garson friendly amendment.

Ms. Natelson recommended that a substantial contribution be placed from the developer toward the upgrade of lift station. She added that to height of building recommended she did not agree. A number between 35 to 25 stories would be more reasonable.

7. REMARKS AS REQUESTED BY THE CHAIR

~~Ms. Ginsberg asked to be recognized and stated that she has been an Alternate for a year and would like the City Commission to appoint her as a voting board member. She added that the process should be set by seniority.~~

~~Mr. Lewy asked to update his contact information to reflect his new address.~~

8. MANAGER'S REPORT

Ms. Jefferson advised that the June 22, 2016 meeting was cancelled.

9. NEXT SCHEDULED MEETING

A. July 27, 2016

Meeting adjourned at 10:03 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 or can be mailed to 400 South Federal Highway, Attn. Althea P. Jefferson, Hallandale Beach, Florida 33009.