

DRAFT

**PLANNING AND ZONING BOARD (PZB) PUBLIC HEARING SUMMARY
WEDNESDAY, NOVEMBER 30, 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	9/28	10/26	11/30	12/28
Sheryl Natelson - Chair	A	A	P	P	P	CANCELLED	P	CANCELLED	P	CANCELLED	T	CANCELLED	P	CANCELLED
Terri Dillard- Vice Chair	A	P	P	A	P		A		P		A		P	
Csaba Kulin	P	P	P	P	A		A		A					
Charles Wu	A	P	P	P	A		A		P		P		P	
Alexander Lewy	A	A	P	P	P		P		P		P		A	
Howard Garson	A	P	P	P	P		P		P		P		P	
Leslie Wynne	P	A	P	P	P		P							
Harriett Ginsberg- Alter	P	A	P	P	P		P		P		P		P	
Total Members Present	2	5	7	7	6		5		6		5		4	
Total Members Absent	6	3	1	1	2		3		1		1		1	

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

Keven Klopp

Althea Jefferson

Christy Dominguez

Vanessa Leroy

Cindy Bardales

Christopher Saunders

1 **1. CALL TO ORDER**

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3 The Board Chair called the meeting to order at 6:37 P.M.

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5 **2. PLEDGE OF ALLEGIANCE**

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7 **3. ROLL CALL**

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9 Mr. Lewy was absent.

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11 **4. APPROVAL OF MINUTES**

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13 ~~MR. GARSON MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 28, 2016~~
14 ~~PLANNING AND ZONING BOARD HEARING.~~

15
16 ~~MS. DILLARD SECONDED THE MOTION.~~

17
18 ~~MOTION PASSED BY A ROLL CALL VOTE (5-0).~~

19
20 **5. PRESENTATION**

21
22 **RAC COMPREHENSIVE PLAN AMENDMENT**

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24 ~~Mr. Jeff Katims, Managing Principal (The Mellgren Planning Group, 3350 NW 53rd Street, Suite~~
25 ~~101 Fort Lauderdale, FL 33309): provided a PowerPoint presentation and gave a brief summary~~
26 ~~of the item.~~

27
28 ~~Mr. Garson: asked should Florida East Coast (FEC) approve the max capacity and mixed use~~
29 ~~units, how complicated it would be to re-adjust units?~~

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31 ~~Mr. Katims: stated it can be done by adding more units to the Regional Activity Center (RAC).~~

32
33 ~~Mr. Wu: asked if we were able to avoid re-adjusting all units to high-rise?~~

34
35 ~~Mr. Katims: clarified that the City's code currently limits density and building types.~~

36
37 ~~Mr. Wu: asked staff if there will be a joint workshop with the Planning & Zoning Board and the~~
38 ~~City Commission to discuss the RAC Comprehensive Plan Amendment?~~

39
40 ~~Ms. Jefferson: stated that staff received a revised City Commission schedule which would require~~
41 ~~schedule of each workshop separately.~~

42
43 ~~Mr. Wu: asked how we are planning to implement and ensure that all changes on the~~
44 ~~comprehensive plan amendment are made?~~

45
46 ~~Mr. Katims: stated that the nature of the work, is that the City seeing it through.~~

47
48 ~~Mr. Wu: suggested obtaining more feedback from the development community on the housing~~
49 ~~component.~~

50

Ms. Natelson: asked to move item 6.B. Bluesten Park Project as second on the agenda since the majority of public participation was waiting on the item to be discussed.

6. NEW BUSINESS

1. APPLICATIONS # DB-16-3057 AND # V-16-3686 BY THE CITY OF HALLANDALE BEACH REQUESTING MAJOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 32-382 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO RECONSTRUCT BLUESTEN PARK, A NEW EXPANDED PARK WITH A NEW COMMUNITY CENTER, POOL FACILITIES, BALL FIELDS, COURT AREAS AND ADDITIONAL AMENITIES AT THE PROPERTY LOCATED AT 501 SE 1ST AVENUE.

THE APPLICATIONS TO BE CONSIDERED ARE AS FOLLOWS:

A. APPLICATION# DB-16-3057, FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO CONSTRUCT A NEW 46,716 SQUARE FEET COMMUNITY CENTER, VARIOUS AMENITIES AND AN EXPANDED PARK.

B. APPLICATION# V-16-3686 REQUESTING VARIANCES FROM THE FOLLOWING CODE PROVISIONS:

- a) SECTION 32-384 (E) RELATIVE TO THE MINIMUM REQUIRED WIDTH OF LANDSCAPED BUFFER STRIPS AROUND VEHICULAR USED AREAS.
- b) SECTION 32-384 (C) RELATIVE TO THE MINIMUM NUMBER OF TREES REQUIRED.
- c) SECTION 32-605 RELATIVE TO THE TYPE AND NUMBER OF PERMITTED SIGNS IN THE DISTRICT.
- d) SECTION 32-481 RELATIVE TO THE MINIMUM REQUIRED WIDTH OF CITY RIGHT OF WAYS.

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.

Polling of Ex Parte Communications (Board Secretary)

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.

Ms. Dillard 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. Wu 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 Ex-Parte Communications regarding this matter. He advised he was a board member for the Parks and Recreation Board but would base his decision solely on the testimony being presented.

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

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

~~Mr. Gregg Harris, Capital Project Manager: further added illustrations of the amenities that would be provided at Bluesten Park.~~

~~Mr. Wu: asked if the roadway improvements would be a condition of approval?~~

~~Ms. Dominguez: stated the roadway improvements would be reflected on the site plans, which would automatically be viewed as a condition.~~

~~Ms. Ginsberg: asked if the existing pool would be able to remain open during the beginning phase of construction? She advised that many of the residents enjoyed the pool and it was always busy.~~

~~Mr. Harris: stated that unfortunately, the existing pool had a liner which was ripped and leaking; therefore, the existing pool would need to remain closed. He added that the City has tried repairing the issue several times but continues to rip after a while.~~

~~Mr. Wu: asked if the YMCA proposed a sign on the building?~~

~~Mr. Harris: stated no. He advised that they would have a tower and monument signs.~~

~~Mr. Wu: pointed out that the proposed basketball courts to the south could be an intrusion on the residents to the south due to noise.~~

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

~~There were no speakers.~~

~~Ms. Natelson closed the Public Hearing~~

~~**MR. WU MOTIONED BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE TO RECOMMEND APPROVAL TO THE CITY COMMISSION OF APPLICATION 2016-3057-DB AT 501 SE 1ST AVENUE FOR MAJOR DEVELOPMENT REVIEW PURSUANT TO SECTION 32-782 OF THE HALLANDALE BEACH ZONING AND LAND DEVELOPMENT CODE SUBJECT TO THE CONDITIONS RECOMMENDED BY CITY ADMINISTRATION AND WITH THE FOLLOWING MODIFICATION:**~~

~~**1) ALL STREET RIGHT-OF-WAY IMPROVEMENTS SHALL BE THE COMPLETED PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY.**~~

~~**MS. DILLARD SECONDED THE MOTION.**~~

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

~~**MR. WU STATED BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY I MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED VARIANCES FOR APPLICATION #V-16-3686 TO THE CITY**~~

~~COMMISSION SUBJECT TO THE CONDITIONS RECOMMENDED BY CITY ADMINISTRATION.~~

~~MS. DILLARD SECONDED THE MOTION.~~

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

~~2. AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING WEST REGIONAL ACTIVITY CENTER REGULATIONS ("WEST RAC") FOR THE CITY OF HALLANDALE BEACH BY RENUMBERING FIGURE 32-160 TO FIGURE 32-160(a), AND TABLE 160.a TO TABLE 160(b)(1); AMENDING CHAPTER 32 DIVISION 2, SUBDIVISION 1, TABLE 32-160(b)(1) TO PROHIBIT CANNABIS DISPENSARIES IN THE WEST RAC, TO INCLUDE MACHINE SHOPS AND ACCESSORY MANUFACTURING AS A CONDITIONAL USE ON PEMBROKE ROAD; INCLUDING MIXED USES WITH A MINIMUM OF TWO THOUSAND (2,000) SQUARE FEET AS PERMITTED USES IN PEMBROKE AND FOSTER ROAD SUBDISTRICTS; INCLUDING OFFICE USE AS A PERMITTED USE ON PEMBROKE ROAD; AMENDING 32-160 TO PROVIDE FOR MINIMUM OFF STREET PARKING STANDARDS, LOCATION AND ACCESS TO OFF STREET PARKING, REGULATIONS FOR BICYCLE AND PARKING FACILITIES, STREET AND BLOCK STANDARDS, FRONTAGE STANDARDS, REGULATIONS FOR CIVIC OPEN SPACES; AMENDING REQUIREMENTS FOR FENCING;; CREATING TABLE 32-160(b)(2) TO REFLECT MINIMUM PARKING STANDARDS PER USE; CREATING FIGURE 32-160(b)(1) PARKING GARAGE STANDARDS; CREATING TABLE 32-160(b)(3) REFLECTING FRONTAGE TYPES; CREATING FIGURE 32-160(b)(2) REFLECTING CONFIGURATIONS FOR CIVIC OPEN SPACES; AMENDING TABLE 32-160(c) REFLECTING FRONT, SIDE, AND REAR SETBACK REQUIREMENTS AS WELL AS LANDSCAPE PERCENTAGE REQUIREMENTS FOR THE PALMS GATEWAY SUBDISTRICT; CREATING FIGURE 32-160(b)(3) DEPICTING CONFIGURATIONS FOR PERMANENT SEATING FIXTURES; AMENDING TABLE 32-160(d) TO CREATE MAXIMUM BUILDING FRONTAGE PERCENTAGE REQUIREMENTS IN THE PEMBROKE ROAD SUBDISTRICT; AMENDING SECTION 32-160(e) PERMITTED DENSITY REQUIREMENTS; AMENDING TABLE 32-160(e) FOR BUILDING FRONTAGE AND MAXIMUM BUILDING HEIGHT, MINIMUM LANDSCAPE AREA, ACCESSORY STRUCTURE, INTERIOR LOT, AND BUILDING FRONTAGE DIMENSIONAL REQUIREMENTS FOR THE FOSTER ROAD SUBDISTRICT, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.~~

~~Ms. Jefferson discussed ordinance proposed in packet. She added that she wanted to eliminate lines 346 and 347 which stated the following: c. Galvanized chain link and privacy wood fences are prohibited in the West RAC District.~~

~~Ms. Dillard: stated that she was not feeling well and asked to be dismissed at 8:27 P.M. (Ms. Ginsberg, Boards Alternate was advised that her vote would be needed for the items pending on the agenda.)~~

~~Mr. Wu: pointed out that the title of the ordinance included topics on "Cannabis Dispensary" and "Machine Shops and Accessory Manufacturing" that were not mentioned anywhere throughout the ordinance.~~

Mr. Saunders: stated that the intent was to prohibit cannabis dispensary and agreed to include revised title for City Commission public hearings.

Mr. Wu: recommended meeting with the City's Building Official to determine the following meets building code.

- Line 26: Building Frontage and Maximum Building Height, Minimum Landscaping
- Page 27(Chart): Building Placement—Side Setbacks proposed for interior (5ft) and corner (10ft) which seem to be limiting open space.
- Page 31(Chart): Building Placement—Min. Max. Building Frontage proposed (90%) and Min. Landscape Area numbers being proposed do not add up.

Mr. Wu: further recommended to change on Page 29 on the Max. Building Height which stated 50 ft. or 4 Stories, to 50ft. and 4 stories.

MR. GARSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING SECTION 32-370 HOME OCCUPATIONS AND LIVE/WORK, TO PROHIBIT CANNABIS RELATED BUSINESSES AND HOME OCCUPATIONS; AMENDING CHAPTER 32, ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160.A AND TABLE 32-193(A), ESTABLISHING "CANNABIS/MEDICAL CANNABIS (MARIJUANA) DISPENSARY" AS AN ADDITIONAL USE TYPE; AMENDING ARTICLE IV, DIVISION 24, ON-SITE DISPENSING OF CONTROLLED SUBSTANCES, TO PROVIDE ADDITIONAL STANDARDS FOR CANNABIS DISPENSARIES SUBJECT TO INCLUDE MR. WU AND STAFF RECOMMENDATIONS.

MR. WU SECONDED THE MOTION.

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

3. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS IN CHAPTER 32, ARTICLE IV, DIVISION 25, "MASSAGE SERVICES" TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS AND OTHER REGULATORY PROVISIONS RELATING TO MASSAGE ESTABLISHMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Jefferson gave a brief summary of proposed changes to the subject Ordinance.

Ms. Natelson: asked if regulations being proposed on the Ordinance include existing massage establishments?

Mr. Wu: suggested to provide information on how the 2,500 linear foot distance separation was being measured, if airline measure would be used.

Ms. Jefferson: stated she would clarify language on the Ordinance that would indicate the distance separation would be measured by airline measurement.

Mr. Wu: stated that the Ordinance mentions "Certificate of Use" and asked if the city is currently providing this Certificate of Use Permits?

Ms. Jefferson: stated that the City currently does not issue Certificate of Use Permit but the City Commission has been contemplating having the process put in place.

Mr. Wu: asked if the Certificate of Use proposed Ordinance would include renewal information.

Ms. Jefferson: stated yes.

Mr. Wu: further asked if change of owner trigger this Ordinance?

Ms. Jefferson: stated change of use would trigger the Ordinance.

Ms. Natelson: added that expired permit should also trigger this ordinance. She suggested staff consider existing businesses that are non-conforming.

Mr. Garson: asked on line 98 and 99 where "Health Care Facility" is mentioned, would this be a separate entity?

Mr. Garson: further asked if Health Care Facility would include practice, such as, chiropractor and acupuncture?

Ms. Jefferson: stated practice such as chiropractor and acupuncture would not be exempt unless they have license from the state.

Mr. Wu: stated line 110 which read: i. Exterior signage is not permitted should be moved and placed after line 98-99 which would read: a. Massage establishments located on the premises of a 75 room or more hotel, licensed health care facility, and licensed health care clinic;
i. Exterior signage is not permitted

Mr. Wu: further stated lines 115-120 which read: i. All massage therapists shall have and maintain and keep active all state and local licenses. Said licenses shall be posted in an easily viewable conspicuous location. should be moved and placed after lines 82-85 which would read: (d) Distance Separation Requirements There shall be a 2,500 linear foot distance separation requirement between one massage establishment and another massage establishment. All massage establishments shall adhere to any and all state law requirements and shall abide by the following provisions:

i. All massage therapists shall have and maintain and keep active all state and local licenses. Said licenses shall be posted in an easily viewable conspicuous location.

MR. GARSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS IN CHAPTER 32, ARTICLE IV, DIVISION 25, "MASSAGE SERVICES" TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS AND OTHER REGULATORY PROVISIONS RELATING TO MASSAGE ESTABLISHMENTS AND INCLUDE RECOMMENDATION PROVIDED BY THE BOARD AND STAFF.

MS. GINSBERG SECONDED THE MOTION.

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

4. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING SECTION 32-370 HOME

OCCUPATIONS AND LIVE/WORK, TO PROHIBIT CANNABIS RELATED BUSINESSES AND HOME OCCUPATIONS; AMENDING CHAPTER 32, ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160.a AND TABLE 32-193(a), ESTABLISHING ADDITIONAL USE TYPE "CANNABIS/MEDICAL CANNABIS (MARIJUANA) DISPENSARY"; AMENDING ARTICLE IV, DIVISION 24, ON-SITE DISPENSING OF CONTROLLED SUBSTANCES, TO PROVIDE ADDITIONAL STANDARDS FOR CANNABIS DISPENSARY; AMENDING 32-8 TO CREATE DEFINITIONS FOR CANNABIS, MEDICAL CANNABIS, AND CANNABIS DISPENSARY; AMENDING SECTION 32-242. PERMITTED ACCESSORY USES TO ALLOW MEDICAL MARIJUANA TREATMENT CENTERS AS AN ACCESSORY USE TO STATE LICENSED MEDICAL FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Ms. Jefferson gave a brief summary of proposed changes to the subject Ordinance.

Ms. Jefferson added that language provided in the Ordinance for mentioning West and Central RAC treatment centers will be removed.

Mr. Wu: suggested adding Florida Department of Health on line 157 oppose to just Department.

Mr. Wu asked why the City was contemplating selling Marijuana in Hallandale Beach.

Ms. Jefferson: stated that the ordinance was being put in place to provide for retail of medical cannabis.

Mr. Wu: suggested removing the word "cultivate" and only use the word "dispense" from definition of treatment center.

Ms. Jefferson: stated that the ordinance was meant for dispense. She added that staff currently does not have the full information on how the cannabis would be cultivated, as Department of Health will be establishing regulations in the next legislative session, and will not be available until late spring and early summer.

Ms. Jefferson: stated for more clarity she would remove lines 154-158 which read: **SECTION 5:** Article I, Section 32-8 "Definitions", of the Code of Ordinances, is hereby amended as follows: **Cannabis/Medical Cannabis (Marijuana) Dispensary means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.**

Ms. Natelson: suggested including language and definition on the Ordinance used and reported by the state.

Mr. Garson: asked was the City looking into establishing location for future dispensary as long as they met state regulations or was the intent stricter?

Mr. Garson: recommended not allowing dispensary in residential areas and potential areas would be Hallandale Beach Blvd and Federal Highway.

Ms. Jefferson: stated she was not making it stricter than state regulation. She added the proposed ordinance allows medical cannabis retail under industrial zoning with conditional use approval.

Mr. Wu: recommended additional change to consider the following:

- 1) Line: 232: sentence is unfinished need to be consider.
- 2) Line 268: Radius of Notice of Hearing be increased from 300 feet to 1000 feet.
- 3) Line 268: Tenants and Property Owners shall be included in Notice of Hearing.
- 4) Line 379: Should include that signage shall be posted at each entrance at the exterior of the building.

MR. WU MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING SECTION 32-370 HOME OCCUPATIONS AND LIVE/WORK, TO PROHIBIT CANNABIS RELATED BUSINESSES AND HOME OCCUPATIONS; AMENDING CHAPTER 32, ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160.A AND TABLE 32-193(A), ESTABLISHING "CANNABIS/MEDICAL CANNABIS (MARIJUANA) DISPENSARY" AS AN ADDITIONAL USE TYPE; AMENDING ARTICLE IV, DIVISION 24, ON-SITE DISPENSING OF CONTROLLED SUBSTANCES, TO PROVIDE ADDITIONAL STANDARDS FOR CANNABIS DISPENSARIES AND INCLUDE RECOMMENDATION PROVIDED BY THE BOARD AND STAFF.

MR. GARSON SECONDED THE MOTION.

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

6. REMARKS AS REQUESTED BY THE CHAIR

Ms. Natelson congratulated the newly appointed City Commission and wished everyone a Happy Holidays.

7. NEXT SCHEDULED MEETING

A. January 25, 2017

MEETING ADJOURNED AT 9:51 P.M.

RESPECTFULLY SUBMITTED:

RECORDED:

Cindy Bardales, Board Secretary

Chair, Sheryl Natelson

ATTEST:

Althea Jefferson, Liaison

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