

DRAFT

PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
WEDNESDAY, APRIL 25, 2018
CITY HALL, COMMISSION CHAMBERS

Board Member Present: Charles Wu, Chair; Alex Lewy, Vice Chair; Howard Garson; and Rick Levinson

Board Member Absent: Steve Landau

Board Secretary: Joy Murray

City Attorney's Representative: Jane Graham

Staff Present: Keven Klopp, Christy Dominguez, Vanessa Leroy and Joy Murray

Meeting Start Time: 6:41 P.M.

Meeting Ending Time: 8:32 P.M.

2017 PZB ATTENDANCE

BOARD MEMBERS	1/25	2/22	3/22	4/12	5/24	6/28	7/26	8/23	9/27	10/25	11/29	12/21
Sheryl Natelson - <i>Chair</i>	CANCELLED	A	CANCELLED	P	P	P	CANCELLED	T	CANCELLED	T	CANCELLED	A
Terri Dillard- <i>Vice Chair</i>		A		P	A	P		P		P		A
Charles Wu		P		P	P	A		P		P		P
Alexander Lewy		P		P	P	P		A		P		P
Howard Garson		P		P	P	P		P		P		P
Harriett Ginsberg- Alter		P										
Total Members Present		4		5	4	4		4		5		3
Total Members Absent		2		0	1	1		1		0		2

2018 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

BOARD MEMBERS	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26
Charles Wu- <i>Chair</i>	A	CANCELLED	P	P								
Alexander Lewy- <i>Vice Chair</i>	P		P	P								
Howard Garson	P		P	P								
Rick Levinson			P	P								
Sheryl Natelson	A											
Terri Dillard	P											
Total Members Present	3		4	4								
Total Members Absent	2		0	0								

Present **(P)**

Absent: **(A)**

Tardy: **(T)**

 Un-appointed
 Special Meeting

1 **1. CALL TO ORDER**

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3 Mr. Wu called the meeting to order at 6:41 P.M.
4

5 **2. ROLL CALL**

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7 Mr. Klopp provided an update on Board Member, Mr. Steve Landau who was recently appointed by
8 the City Commission. He advised that he has been in contact with Mr. Landau who had advised that
9 he was in the process of moving and relocating outside the County. He advised that he felt it would
10 be inappropriate to attend one meeting, but offered to attend if there was not a quorum, which was
11 not the case.
12

13 **3. PLEDGE OF ALLEGIANCE**

14
15 **4. APPROVAL OF MINUTES**

16
17 MR. GARSON MOVED TO APPROVE THE MINUTES OF THE MARCH 28, 2018 PLANNING AND
18 ZONING BOARD MEETING.
19

20 MR. WU SECONDED FOR DISCUSSION.
21

22 Mr. Wu: recommended the removal of the 2017 calendar and leave only the 2018 calendar year. He
23 advised that the Commission has adopted by resolution that all appointees who have (3) consecutive
24 absences in one calendar year starting January 1 will be automatically removed from the Board.
25 Therefore, the calendar for 2016 is not necessary.
26

27 Mr. Wu: further stated that the attendance for the month of January 2018 needs to be included.
28

29 Mr. Garson: pointed out the chart box sizes need to be increased to allow the full date to show from
30 the month of October thru December.
31

32 Mr. Levinson: stated that boxes need to be unshaded for the remainder of the year.
33

34 MR. GARSON MOVED TO APPROVE THE MINUTES OF THE MARCH 28, 2018 BY THE
35 PLANNING AND ZONING BOARD TO INCLUDE AMENDMENTS MADE BY THE BOARD.
36

37 MR. LEVINSON SECONDED THE MOTION.
38

39 MOTION PASSED BY A ROLL CALL VOTE (4-0).
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41

42 **5. NEW BUSINESS**

- 43
44 1. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
45 HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, "ZONING AND LAND
46 DEVELOPMENT CODE" OF THE CITY OF HALLANDALE BEACH CODE OF
47 ORDINANCES; AMENDING SECTION 32-8, "DEFINITIONS"; AMENDING CHAPTER 32,
48 ARTICLE III, DIVISION 2, "ZONING DISTRICTS AND OVERLAYS", AMENDING SECTION
49 32-149, "B-L BUSINESS LIMITED DISTRICT", SECTION 32-152, "I-L INDUSTRIAL LIGHT
50 DISTRICT", SECTION 32-159, "CCB CENTRAL CITY BUSINESS DISTRICT", AND TABLE
51 32-160.A, "WEST RAC PERMITTED USES BY SUBDISTRICT"; AMENDING ARTICLE III,

DIVISION 3 "FORM-BASED ZONING DISTRICTS", AMENDING TABLE 32-193(A), "ALLOWABLE USES BY SUBDISTRICT"; AMENDING SECTION 32-242, "PERMITTED ACCESSORY USES"; AMENDING SECTION 32-370, "HOME OCCUPATIONS AND LIVE/WORK"; AMENDING ARTICLE IV, "DEVELOPMENT STANDARDS," AMENDING DIVISION 24, "ON-SITE DISPENSING OF CONTROLLED SUBSTANCES" AND CREATING DIVISION 26 TITLED "MEDICAL MARIJUANA", CREATING SECTION 32-780 TITLED "MEDICAL MARIJUANA ESTABLISHMENTS"; PROVIDING UPDATES TO DEFINITIONS, ZONING DISTRICTS, PERMITTED ACCESSORY USES, HOME OCCUPATIONS, AND PERMITTING RELATED TO PHARMACIES AND MEDICAL MARIJUANA ESTABLISHMENTS TO COMPORT WITH RECENT CHANGES TO FLORIDA LAW PURSUANT TO SECTION 381.986, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Leroy: provided a Power Point presentation and gave a summary of the item. She advised the Board that a minor amendment of the ordinance was done and handed out for their review at the meeting.

Mr. Lewy: stated that the presented item indicated that there is a current pharmacy within 500 feet of the school. Would this circumstance be considered grandfather in? If so, does staff foresee any challenges for other pharmacy trying to start their business in the City.

Ms. Leroy: clarified that the pharmacy specified is a current establishment which would be grandfathered.

Ms. Graham: further added that the 500 feet distance regulation is specifically related the medical marijuana establishment. She stated that City code does have grandfather clauses related to nonconformities.

Mr. Wu: asked if dispensaries distance requirement are 500 feet. What is 1,000 feet?

Ms. Leroy: stated that the initially circulated Ordinance proposed a 1,000 feet distance requirement between medical marijuana and pharmacies. Staff did receive comments from the Chair, which they agreed to reconsider and provided today a revise Ordinance without the 1,000 feet distance separation from each individual medical marijuana establishments.

Ms. Leroy: further added that the ordinance includes a 500 feet distance regulation to schools which is also consistent with state requirement.

Ms. Graham: stated that they have stricken pharmacy and medical marijuana establishment distance requirement between like establishments from the Ordinance before them today. But staff will continue to study legal obligations regarding such distance requirements and is considering bringing it back for the Board's consideration.

Mr. Garson: stated that he had concern with existing pharmacies allowed to be grandfathered in residential areas, such as, Foster Road District, where there are currently single-family homes. He suggested a public meeting be held to receive feedback from residents on whether these uses should be allowed or prohibited.

Mr. Lewy: disagreed with Mr. Garson's opinion and pointed out how other affected areas would include Dixie and US1 where current new residential projects are being built. He advised that from a policy perspective the City should be viewed as whole, not by a particular neighborhood.

Mr. Garson: stated that his intent was not to choose a particular section of the City, Foster Road section was the area which stood out to him. He agreed with Mr. Lewy that there are other sections of the City that have residential areas close as well. He stated that this use should only be permitted in Hallandale Beach Boulevard or Federal Highway.

Discussion ensued.

Mr. Wu asked if high schools were included in the distance separation.

Ms. Leroy: stated that it was listed as secondary schools.

Mr. Lewy: suggested keeping our City code uniform and if other uses have distance requirement it should fall in the same purview, such as for pharmacies.

Ms. Graham: stated that staff was aware of other uses, such as, adult entertainment and alcohol distance separation that have distance requirement and are scattered within different sections of our City's code.

Ms. Graham: advised that City Attorney's Office is looking into placing all the distance separation uses into one location of our City's code so they are easier to identify. She stated once put in place, they would have to bring back before the Planning and Zoning Board.

Mr. Wu opened the Public Hearing.

Mr. Wu closed the Public Hearing.

MR. LEWY MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, "ZONING AND LAND DEVELOPMENT CODE" OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; AMENDING SECTION 32-8, "DEFINITIONS"; AMENDING CHAPTER 32, ARTICLE III, DIVISION 2, "ZONING DISTRICTS AND OVERLAYS", AMENDING SECTION 32-149, "B-L BUSINESS LIMITED DISTRICT", SECTION 32-152, "I-L INDUSTRIAL LIGHT DISTRICT", SECTION 32-159, "CCB CENTRAL CITY BUSINESS DISTRICT", AND TABLE 32-160.A, "WEST RAC PERMITTED USES BY SUBDISTRICT"; AMENDING ARTICLE III, DIVISION 3 "FORM-BASED ZONING DISTRICTS", AMENDING TABLE 32-193(A), "ALLOWABLE USES BY SUBDISTRICT"; AMENDING SECTION 32-242, "PERMITTED ACCESSORY USES"; AMENDING SECTION 32-370, "HOME OCCUPATIONS AND LIVE/WORK"; AMENDING ARTICLE IV, "DEVELOPMENT STANDARDS," AMENDING DIVISION 24, "ON-SITE DISPENSING OF CONTROLLED SUBSTANCES" AND CREATING DIVISION 26 TITLED "MEDICAL MARIJUANA", CREATING SECTION 32-780 TITLED "MEDICAL MARIJUANA ESTABLISHMENTS"; PROVIDING UPDATES TO DEFINITIONS, ZONING DISTRICTS, PERMITTED ACCESSORY USES, HOME OCCUPATIONS, AND PERMITTING RELATED TO PHARMACIES AND MEDICAL MARIJUANA ESTABLISHMENTS TO COMPORT WITH RECENT CHANGES TO FLORIDA LAW PURSUANT TO SECTION 381.986, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

152
153 **MR. GARSON SECONDED THE MOTION.**

154
155 **MOTION PASSED BY ROLL CALL VOTE (4-0).**

- 156
157 2. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
158 HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, "ZONING AND LAND
159 DEVELOPMENT CODE" OF THE CITY OF HALLANDALE BEACH CODE OF
160 ORDINANCES; AMENDING SECTION 32-171, "PLAC PLANNED LOCAL ACTIVITY
161 CENTER DISTRICT"; AMENDING SECTION 32-186, "PDO PLANNED DEVELOPMENT
162 OVERLAY"; CREATING SECTION 32-805 TITLED "DEVELOPMENT AGREEMENTS;
163 AMENDMENTS AND MINOR CHANGES"; PROVIDING AN APPROVAL PROCESS FOR
164 AMENDMENTS AND MINOR CHANGES TO DEVELOPMENT AGREEMENTS;
165 PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR
166 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
167

168 Ms. Dominguez: provided a Power Point presentation and gave a summary of the item. She advised
169 the Board that a minor amendment of the ordinance was done and handed out for their review at the
170 meeting.
171

172 Mr. Lewy: asked if denial by the Planning and Zoning Board would stop the item from moving forward
173 to the City Commission Public Hearing?
174

175 Ms. Dominguez: clarified that a provision to the ordinance has been amended to meet state statutes
176 which requires two public hearings whenever there are any major changes to a development
177 agreement.
178

179 Ms. Graham: further added that the change to the ordinance before them was to distinguish between
180 a minor and major change to a development agreement.
181

182 Mr. Wu: asked what if the parking reduction is more than 10%, would it still be considered a major
183 amendment?
184

185 Ms. Dominguez: stated yes.
186

187 Mr. Wu: asked does it include a 10% height increase of any structure of a multiple structure
188 project? An increase of a 30-story building by 10% is 3 stories. According to this criterion, it would
189 not have to go thru a public hearing process. I don't think that's a good idea, especially if it was a
190 controversial project. It should be any increase of any building.
191

192 Ms. Dominguez: stated that any additional story would be considered major change.
193

194 Mr. Wu: asked if any changes to any development agreement conditions trigger a major
195 amendment?
196

197 Ms. Dominguez: stated yes unless is considered a minor amendment pursuant to the new guidelines.
198

199 Mr. Wu: asked if there is no mailer requirement for Planning and Zoning hearing as there is for City
200 Commission hearing?
201

202 Ms. Dominguez: stated yes.

Mr. Wu asked if the developer proposes a combination of major and minor changes, would they be reviewed separately and in isolation? What if a major change is germane to a minor change?

Ms. Dominguez: stated that if there were a combination it would be treated as a major change.

Mr. Garson: asked if current approve projects will be subject to the changes of the ordinance, such as, Hallandale Oasis?

Ms. Dominguez: stated that Hallandale Oasis had major changes to the site plans which did require for them to go before the City Commission for two readings.

Mr. Garson: asked what would happen in circumstances such as Accesso Office building, which followed all City's code regulations and were not required to go before the Planning and Zoning Board or the City Commission; would a major change to their site plan require them to go through this approval process?

Ms. Dominguez: clarified that the Accesso Office Building project is located in the Regional Activity Center District (RAC) and is not a Planned Development Overlay District (PDO). RAC are properties that are not subject to development agreement negotiations.

Mr. Klopp: further added that the ordinance was specifically to PDO. He stated that this amendment will be set a procedure which will require developers to follow code regulations that the City find important that they follow and not try to waiver since they don't feel it will benefit them in anyway.

Mr. Levinson: stated he had concern with line 180 which states: When the development agreement provides that a city official take certain action, the revision adds that the city official "or his or her designee" may execute the action. He asked who is the designee?

Mr. Wu: stated that his understanding of the language for designee is based on the action provided in the development agreement which can be specific to a department, such as, negotiation for utility easement can apply to the Public Works and Engineering Department. Therefore, the Department Director would be considered the designee to make the executive action.

Mr. Klopp: clarified that minor changes would need to be approved by the City Manager and major changes would need to be approved by the City Commission.

Ms. Lewy: pointed out the deficiency of parking in the City and stated that reduction of parking should be considered a major change. He asked staff if there is any example of current developments that have met parking requirements?

Mr. Dominguez: stated the Hallandale Oasis Project met all parking requirements.

Mr. Wu opened the Public Hearing.

Mr. Wu closed the Public Hearing.

Ms. Graham asked to include the title to replace "minor changes" to "minor revisions".

MR. LEVINSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF

HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, "ZONING AND LAND DEVELOPMENT CODE" OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; AMENDING SECTION 32-171, "PLAC PLANNED LOCAL ACTIVITY CENTER DISTRICT"; AMENDING SECTION 32-186, "PDO PLANNED DEVELOPMENT OVERLAY"; CREATING SECTION 32-805 TITLED "DEVELOPMENT AGREEMENTS; AMENDMENTS AND MINOR CHANGES"; PROVIDING AN APPROVAL PROCESS FOR AMENDMENTS AND MINOR CHANGES TO DEVELOPMENT AGREEMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. SUBJECT TO THE CONDITIONS RECOMMENDED BY THE CITY ADMINISTRATION AND WITH THE FOLLOWING MODIFICATION:

- a) REMOVE LANGUAGE THAT STATES: WHEN THE DEVELOPMENT AGREEMENT PROVIDES THAT A CITY OFFICIAL TAKE CERTAIN ACTION, THE REVISION ADDS THAT THE CITY OFFICIAL "OR HIS OR HER DESIGNEE" MAY EXECUTE THE ACTION.
- b) REPLACE "MINOR CHANGES" TO "MINOR REVISIONS"

MR. LEWY SECONDED THE MOTION.

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

6. OLD BUSINESS

Discussion on Planning and Zoning Board reviewing Redevelopment Area Modification (RAMs) applications.

Mr. Wu: followed by asking staff how to move forward and convey to the City Commission requesting to modify the ordinance to allow the Planning and Zoning Board to vote on Redevelopment Area Modifications (RAM).

Mr. Klopp: stated that the request can be made as a motion that the City Commission consider allowing the Planning and Zoning Board to be allowed to vote for RAM's applications pursuant to Sec. 32-135.

MR GARSON MOVED THAT THE CITY COMMISSION CONSIDER ALLOWING THE PLANNING AND ZONING BOARD BE ALLOWED TO VOTE ON REDEVELOPMENT AREA MODIFICATION APPLICATIONS PURSUANT TO SECTION 32-135.

MR WU SECONDED THE MOTION.

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

7. REMARKS BY THE CHAIR

Mr. Wu: advised that he would like to advocate the appointment of one alternate member to the Planning and Zoning Board to avoid not being able to meet time sensitive items and avoid delaying new development approval process.

Mr. Klopp: confirmed that a draft ordinance was schedule to go before the City Commission which will put in place two alternates for the Planning and Zoning Board.

Mr. Wu: further advised that three consecutive unexcused absences or four excused absences will automatically have you removed from the Planning and Zoning Board. He added that the ordinance does include examples of what is considered excused and unexcused.

Mr. Wu: added that staff need to be notified prior to the meeting if you are not going to be attending or if you believe you are going to be tardy.

Ms. Lewy: stated that he will be out of town for the Wednesday, June 27, 2018 Planning and Zoning Board meeting and will not be able to attend.

Mr. Garson: congratulated Cindy Bardales, Planning and Zoning Board Secretary on her recent wedding nuptial.

8.NEXT SCHEDULED MEETING

A. June 27, 2017

MEETING ADJOURNED AT 8:32 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 \or can be mailed to 400 South Federal Highway, Hallandale Beach, Florida 33009.