

DRAFT

PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
WEDNESDAY, MAY 23, 2018
CITY HALL, COMMISSION CHAMBERS

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

Board Member Absent:

Board Secretary: Cindy Bardales -Villanueva

City Attorney's Representative: Jane Graham

Staff Present: Keven Klopp, Christy Dominguez, Vanessa Leroy, Cindy Bardales-Villanueva and Jeanine Athias

Meeting Start Time: 6:35 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	P	CANCELLED						
Alexander Lewy- <i>Vice Chair</i>	P		P	P	P							
Howard Garson	P		P	P	P							
Rick Levinson			P	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**

2
3 Mr. Wu called the meeting to order at 6:35 P.M.

4
5 **2. ROLL CALL**

6
7 **3. PLEDGE OF ALLEGIANCE**

8
9 **4. APPROVAL OF MINUTES**

10
11 Mr. Wu stated that Line 25: should needs to be change from 2016 to 2017.

12
13 MR. GARSON MOVED TO APPROVE THE MINUTES OF THE APRIL 25, 2018 PLANNING AND
14 ZONING BOARD MEETING TO INCLUDE MINOR AMENDMENT.

15
16 MR. LEWY SECONDED THE MOTION.

17
18 MOTION PASSED BY A ROLL CALL VOTE (4-0).

19
20 **5. NEW BUSINESS**

21
22 A. Applications # DB-17-02179 and # V-17-012180 by NC Equity Partners LLC requesting Major
23 Development Plan approval and variance to construct the David Posnack Jewish Day School at
24 the property located at 412 S.W.11th Street.

25
26 The applications are as follows:

- 27
28 a) Application# DB-17-02179, for Major Development Review approval pursuant to Section
29 32-782 of the Zoning and Land Development Code to construct a 26,859 square feet
30 private school.
31
32 b) Application# V-17-012180 requesting a Variance from Section 32-149 (d)(4) relative to
33 the maximum height allowed of buildings in the B-L, Business-Limited District which are
34 not located on Hallandale Beach Boulevard or U.S. 1.
35

36 **Polling of Ex Parte Communications (Board Secretary)**

37
38 *Mr. Wu advised that he had no Ex-Parte Communications regarding this matter. He advised he*
39 *would base his decision solely on the testimony being presented.*

40
41 *Mr. Lewy advised that he had no Ex-Parte Communications regarding this matter. He advised he*
42 *would base his decision solely on the testimony being presented.*

43
44 *Mr. Garson advised that he had no Ex-Parte Communications regarding this matter. He advised he*
45 *would base his decision solely on the testimony being presented.*

46
47 *Mr. Levinson advised that he had no Ex-Parte Communications regarding this matter. He advised*
48 *he would base his decision solely on the testimony being presented.*

49
50 **Swearing in of Witnesses (Assistant City Attorney)**

51
52 The oath was administered by the Assistant City Attorney to all staff and public attendees that would
53 be speaking on the case.
54

55 Ms. Dominguez: provided a Power Point presentation and gave a summary of the item.
56

57 Mr. Garson: asked if an upgraded utility system costs was a set amount, and the applicant's share
58 cost was also a set amount, who would be responsible to pay the outstanding balance?
59

60 Mr. Klopp: stated that portions of the cost estimate for future projects are viewed by daily capacity.
61 Should a project cost be over the estimate, the monies would be compensated by the City and those
62 developers that the estimate are lower than anticipated, the City would absorb the balance.
63

64 Mr. Levinson: stated that the information provided by staff indicated that the applicant would be
65 responsible to pay their proportionate share of cost for improvements of four lift stations at the cost
66 of \$45,813.00. He asked if the project being presented was not being built, would the lift station meet
67 capacity?
68

69 Ms. Jeanine Athias, City Engineer: stated that the City is working on replacing all waste water
70 infrastructures capacity and developers would be responsible for the capacity consumed by the
71 project.
72

73 Mr. Manny Synalovski, Architect: stated that the applicant is not oppose to the calculated amount
74 but would like a breakdown of how the total amount provided.
75

76 Ms. Athias: stated that staff had provided the applicant a summary of the total amount which included
77 transportation, water, and sewer impact fees.
78

79 Mr. Wu: asked if the green and sustainable design standards as specified by the applicant pertained
80 to the variance application.
81

82 Ms. Dominguez: stated no.
83

84 Mr. Wu asked if the City requires the applicant to obtain a Certificate of Use Permit?
85

86 Ms. Dominguez: stated no.
87

88 Mr. Wu: asked if staff's recommendation which reads all drop-offs at the school shall be limited to
89 students enrolled in the school or siblings of Hallandale Beach students attending the Davie campus
90 include public vehicles?
91

92 Ms. Dominguez: stated no. It would be one school mini-bus to take older siblings to the Davie
93 campus.
94

95 Mr. Wu: suggested to add language to staff's recommendation which require the hiring of additional
96 off-duty police officer(s) during drop-off and pick-up times to control the traffic as deemed necessary
97 by the City and/or adjustments to the Operational Plan be at the applicant's expense.
98

99 Mr. Wu: recommended requesting the applicant to provide a notarized letter by the school official
100 every school year that they follow provision by the City of the maximum of 288 students.
101

102 Mr. Levinson: stated the City will monitor any adverse effects from the school operation for the first
103 60 days after opening was not sufficient time to determine whether an off-duty police officer would
104 be deemed necessary. He suggested replacing language of "60 days" to "any time after".
105

106 Mr. Wu: suggested rewording staff's recommendation which read that the Operational Plan shall be
107 amended as deemed necessary by City staff which is too broad.
108

Mr. Lewy: proposed that the off-duty police officer should provide recommendation on whether additional adjustments are needed to the Operational Plan.

Mr. Wu: asked if the site had any existing sidewalks?

Ms. Dominguez: stated that the existing sidewalks will be replaced and there are no sidewalks on 10th Street. There would be new sidewalks installed on all three streets.

Mr. Wu: asked if the site plan presented is the same school previously proposed that was denied by the City Commission?

Ms. Dominguez: stated that that project looks similar in aesthetics but are different in that the proposed building is larger but still meets setbacks.

Mr. Lewy: interjected and confirmed that the project was 1,800 square feet larger.

Mr. Synalovski: provided a brief presentation on the project and gave background on the David Posnack Jewish School and the current functions for their existing campus located in the City of Davie.

Mr. Synalovski: further expanded on the Davie campus and informed how the current operation will be applied to this project. He provided examples:

- 20% of student have siblings that attend the school which help alleviate traffic;
- 50% of students are enrolled in extracurricular activity that take place between 3:30 P.M. – 6:00 P.M.;
- The school has a security guard on-site and during the duration of drop-off and pick-up which does not require the hiring of off-duty officers; and
- Unknown vehicles are not allowed to roam the campus without an appointment. Any unexpected visitor will be escorted out of the premises.

Mr. Synalovski: advised that in addition to the school classrooms, they have also incorporated an outdoor classroom area on the rooftop level and a science lab to the project.

Mr. Wu: asked whether the cafeteria or science lab was below the rooftop classroom?

Mr. Synalovski: stated it is above the science lab.

Mr. Wu: stated the site plans did not indicate the entrance to the rooftop classroom.

Mr. Synalovski: stated that proposed rooftop classroom would be an open-door classroom with perimeter landscaping and fencing.

Mr. Wu: asked where in the property would the mini-bus enter?

Mr. Synalovski: stated that mini bus and all scheduled deliveries will enter on 4th Terrace through a gate.

Dr. Richard Cuenca, Head of School: introduced himself and explain how they have invested money for the traffic flow of the school for parents dropping off their children at the school and added they would be good neighbors.

Dr. Cuenca: further added that the condition to hire off duty officers would result in a financial burden to the school.

Mr. Wu: stated that condition was required only if deemed necessary by staff.

Mr. Lewy: asked why the transportation peak hours had increase from the previous application?

Mr. Karl Peterson, Applicant's Traffic Consultant: stated that number of schools have naturally increased which has increased the trip generation per the more current Institute of Transportation Engineering (ITE) standards.

Mr. Synalovski: further added that they have analyzed current traffic counts and random traffic counts and the analysis shows that the results have not changed drastically and were consistent.

Mr. Garson: recommended placing a condition that the mini bus shall allow no more than 20 students and any increase will require City approval.

Mr. Garson: asked how the school would accommodate parking during special events, such as, graduations or talent shows.

Dr. Cuenca: started that they have off-site facilities where they host large events as mentioned by Mr. Garson. He acknowledged that the site was not suited for large events due to the parking.

Mr. Garson: added that he was in support of the project and encourage sustainability and rainwater harvesting.

Mr. Synalovski: agreed. He added that they were registered and provided a list of sustainable and cost-effective proposal as back-up to the staff report.

Mr. Lewy: asked if there was any preference for Hallandale Beach residents?

Dr. Cuenca: stated that they had received inquiries by families living in Hallandale Beach which was why they considered the site for their school.

Mr. Wu: opened the Public Hearing.

Ms. Graham: administered the oath to the public speaker.

Mr. Emilio Vega, Public Speaker: stated that he was not oppose to the project or the school but pointed out that the location was not ideal for a school.

Mr. Vega: added that they have constant traffic due to the wall that separates Miami-Dade and Broward causing drivers to cut thru their residential area. He stated that they have been experiencing delays with the train that also backs up traffic, making it impossible for them to even back out from their driveways.

Mr. Wu: closed the Public Hearing.

MR. LEWY MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF APPLICATION # V-17-012180 REQUESTING A VARIANCE FROM SECTION 32-149 (D)(4) RELATIVE TO THE MAXIMUM HEIGHT ALLOWED OF BUILDINGS IN THE B-L, BUSINESS-LIMITED DISTRICT WHICH ARE NOT LOCATED ON HALLANDALE BEACH BOULEVARD OR U.S. 1.

MR. GARSON SECONDED THE MOTION.

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

Mr. Wu: requested a friendly amendment to Application # DB-17-02179 which included the following:

- Any large bus carrying more than 20 passengers utilized by applicant shall require approval by City Staff;
- School Official shall provide the City's Director of Development Services a notarized affidavit every school year confirming they comply with the condition that the school shall be limited to the maximum of 288 students.

Ms. Graham: stated that pursuant to recommendation provided by staff on the school limitation to 288 students, she advised the City Attorney's Office is currently working on putting in place long-term regulations for the number of students allowed in schools.

MR. LEVINSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF APPLICATION# DB-17-02179, FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE TO CONSTRUCT A 26,859 SQUARE FEET PRIVATE SCHOOL, SUBJECT TO THE CONDITIONS RECOMMENDED BY THE CITY ADMINISTRATION WITH THE FOLLOWING MODIFICATIONS:

- **AN OFF-DUTY OFFICER SHALL BE REQUIRED AT THE APPLICANT'S EXPENSE, DURING DROP-OFF AND PICK-UP TIMES TO CONTROL THE TRAFFIC *UNLESS DEEM UNNECESSARY BY CITY STAFF*;**
- **THE CITY WILL MONITOR ANY ADVERSE EFFECTS FROM THE SCHOOL OPERATION FOR THE FIRST 60 DAYS AND ANYTIME THEREAFTER OPENING, IN WHICH CASE, THE CITY MAY REQUIRE THE HIRING OF ADDITIONAL OFF-DUTY POLICE OFFICER(S) *AT APPLICANT'S EXPENSE* DURING DROP-OFF AND PICK-UP TIMES TO CONTROL THE TRAFFIC AS DEEMED NECESSARY BY THE CITY AND/OR ADJUSTMENTS TO THE OPERATIONAL PLAN;**
- **ANY LARGER BUS CARRYING MORE THAN 20 PASSENGERS UTILIZED BY THE APPLICANT SHALL REQUIRE APPROVAL BY CITY STAFF; AND**
- **PROVIDE NOTARIZED AFFIDAVIT TO THE DIRECTOR OF DEVELOPMENT SERVICES AT THE BEGINNING OF EVERY SCHOOL YEAR AS PROOF OF COMPLIANCE TO THE NUMBER OF STUDENTS NOT EXCEEDING 288.**

MR. LEWY SECONDED THE MOTION.

MOTION PASSED BY 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 Code", Specifically Amending Section 32-99 "Utilities and Easements", Creating Section 32-102 "Underground Wiring Required", and Creating Section 32-103 "Underground Utility Trust Fund-Established"; Establishing Requirements for the Underground Placement of Utilities and Creating an Underground Utility Trust Fund; Providing for Conflict; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

Ms. Dominguez: provided a Power Point presentation and gave a summary of the item.

Mr. Garson: asked if major development projects coming forward would have to show the footprint of everything required to be underground?

Ms. Dominguez: stated yes.

Mr. Levinson: asked if the intent is to place the pole to the meter box and the transformer when concerning residential projects with less than four units excluding the vertical drops?

Ms. Dominguez: stated yes.

Mr. Levinson: further suggested to change the definition of building meter to residential meter.

Ms. Graham: interjected and advised that ordinance does note that the service drop from the service utility pole to the building's terminal box or meter for these developments must be underground.

Mr. Wu: asked staff if a new redevelopment establishment which property contains a high-power line would be required burying the powerline?

Ms. Dominguez: confirmed that the ordinance does indicate that if the redevelopment is over 50% of the cost of the building, burying powerline would be required.

Mr. Wu: pointed out that it would be a burden to small establishments owned by Mom and Pops starting up a business, in addition to the money needed to renovate the property they would now be required to include this to their expense.

Mr. Wu: further asked what was the approximate cost for renovation improvements?

Ms. Jeanine Athias, Assistant Director of Public Works and City Engineer: pointed out that renovation would be an investment in the infrastructure and the business would experience less power interruptions during storms. She advises staff did not have a clear dollar amount for the cost of improvements.

Discussion ensued.

Mr. Lewy suggested putting in place that the dollar amount cost for underground utilities improvements would need to match the dollar amount of renovation which would then trigger the ordinance regulation.

Ms. Graham: further suggested that staff could include the definition for the types of establishments, such as, the Mom and Pops that are raising concern and include into the ordinance along with existing definitions on residential properties.

Mr. Garson: stated that the dollar amount should not replace the 50% instead it should trigger the ordinance.

Mr. Levinson: stated that Mom and Pops establishment who are tenant or leasing the property are less than likely to go over the threshold or renovate 50% of the property; therefore, the regulation would not apply.

Mr. Wu opened the Public Hearing.

Mr. Wu closed the Public Hearing.

Mr. Wu: stated that he did not agree on moving forward with item due to the following concerns:

- The dollar amount for improvement to determine the impacted in any situation;
- Infill redevelopment opportunity and obligations; and
- The proposal to utilize monies for beautification projects.

Mr. Wu: further suggested postponing item and bring back to next month's meeting to allow staff time to address the Board's concerns.

Mr. Lewy: asked staff if this item was being sponsored by the City Commission and if there was a timeline?

Ms. Graham: stated that item was a directive from the Mayor to move forward with the code amendment but was not aware of a timeline.

MR. GARSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND POSTPONE 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", SPECIFICALLY AMENDING SECTION 32-99 "UTILITIES AND EASEMENTS", CREATING SECTION 32-102 "UNDERGROUND WIRING REQUIRED", AND CREATING SECTION 32-103 "UNDERGROUND UTILITY TRUST FUND-ESTABLISHED"; ESTABLISHING REQUIREMENTS FOR THE UNDERGROUND PLACEMENT OF UTILITIES AND CREATING AN UNDERGROUND UTILITY TRUST FUND; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, PROVIDING TIME FOR STAFF TO RETURN AND ADDRESS CONCERN PROVIDED BY THE PLANNING AND ZONING BOARD ON MAY 23, 2018 MEETING.

MR. LEVINSON SECONDED THE MOTION.

UNANIMOUS CONSENSUS VOTE PASSES.

- C. An Ordinance of the Mayor and City Commission of the City of Hallandale Beach, Florida, Amending Chapter 32 "Zoning and Land Development Code", Specifically Amending Section 32-431 "Temporary Structures and Uses"; Allowing the Use of Cargo Containers as a Construction Material in Permanent Buildings; 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.

Mr. Levinson: asked if there were inquiries or requests being made for these types of structures that has prompted this ordinance?

Ms. Leroy: stated yes. She has received calls, walk-in and interest from the Community Redevelopment Agency (CRA) on questions whether these types of structures are permitted.

Ms. Leroy: further stated that the City currently does not allow these types of structures, so staff has not been taking applications.

Mr. Garson: questioned whether the structure would be permitted if they met all requirements or could the applicant be administratively denied?

Ms. Leroy: clarified that applicant would have to show that the structure meets zoning and building's codes.

Mr. Wu: stated that he was hesitant to the unknown proposals received would not exclude cheap and unappealing structures that would be allowed.

Mr. Lewy: stated the aesthetic and size of square footage for the structure would eliminate the applicant from just having a single container to create a better quality of use for this type of material.

Mr. Garson: asked if modular structures fall in the same categories as this use?

Ms. Leroy: clarified that specific material mentioned in the ordinance is cargo containers. She provided code definitions and photography samples of cargo containers and other structures.

Mr. Wu: asked how to codify for improving of cargo containers to have a specific structure design?

Ms. Leroy: stated that they would still be regulated by zoning and building codes. Staff will also consider revising the zoning code, pertaining to a different section of the code to address potential design regulations.

Mr. Lewy: suggested suggested bringing back the Design Guidelines for the next meeting in conjunction with the ordinance.

Ms. Leroy: clarified that the code section presented today regarding temporary structures and the proposed language makes it so that cargo containers are not prohibited in a permanent setting. However, language addressing design regulations are intended to be proposed in a different section of the code, not advertised in today's meetings legal ad. It will be presented to the Board as projects using cargo containers are reviewed and evaluated.

Mr. Garson: stated a language that requires a percentage of cargo container used will also reassure better design structures.

Ms. Leroy: pointed out that the applicants will be taken in case by case and reviewed to ensure that it does not go out of the area of design criteria. She added the Florida Building Code requirement are stringent to prevent the misuse of material.

Ms. Dominguez: further stated that language could also be added to the ordinance to require the containers to have an exterior finish such as is require in the Code for masonry walls which states that "finishes must be applied to completely conceal coursework and unify the design or architectural treatment".

Mr. Wu opened the Public Hearing.

Mr. Wu closed the Public Hearing.

Mr. Lewy: asked for a friendly amendment to allow the condition that staff review other cities using these types of structures and put in place design guidelines for permitted structures.

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", SPECIFICALLY AMENDING SECTION 32-431 "TEMPORARY STRUCTURES AND USES"; ALLOWING THE USE OF CARGO CONTAINERS AS A CONSTRUCTION MATERIAL IN PERMANENT BUILDINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. SUBJECT TO THE CONDITION RECOMMENDED BY THE CITY ADMINISTRATION WITH THE FOLLOWING MODIFICATION:

- **STAFF BRINGING FORWARD REGULATIONS SPECIFIC TO THE FINISHES OF PROJECTS UTILIZING CARGO CONTAINERS AS PERMANENT BUILDING CONSTRUCTION MATERIAL.**

MR. LEWY SECONDED THE MOTION.

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

6. REMARKS BY THE CHAIR

Mr. Wu: pointed out that Mr. Lewy was excused from the June 27, 2018 meeting, which he has advised that in advance he will not be able to attend.

Mr. Wu: further stated that the City Commission had recently approved the Ordinance regarding absentees and tardiness. He emphasized on updated regulations made to Ordinance.

Mr. Wu: asked what was the status for the authorization for the Planning and Zoning Board to review Redevelopment Area Modification (RAM) applications?

Ms. Dominguez: stated that it would be in an upcoming discussion to the City Commission Agenda.

Mr. Wu: requested to place the notice of publication for items being discussed as back-up material for the Board to review as proof of publication.

7.NEXT SCHEDULED MEETING

A. June 27, 2018

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.