

DRAFT

PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
TUESDAY, NOVEMBER 26, 2019
CITY HALL, COMMISSION CHAMBERS

Board Member Present: Charles Wu, Chair; Danny Kattan, Rick Levinson and Diane Lyon Wead

Board Secretary: Cindy Bardales-Villanueva

City Attorney's Representative: Andre McKenney, Deputy City Attorney

Staff Present: Vanessa Leroy, Christy Dominguez and Cindy Bardales-Villanueva

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	11/26	12/26
Charles Wu- <i>Chair</i>	A	CANCELLED	P	P	P	CANCELLED	P	P	P	P	P	CANCELLED
Howard Garson - <i>Vice Chair</i>	P		P	P	P		P	P	P	P	P	
Rick Levinson			P	P	P		P	P	P	P	P	
Danny Kattan							P	A	P	P	P	
Sheryl Natelson	A											
Terri Dillard	P											
Alexander Lewy	P		P	P	P							
Total Members Present	3		4	4	4		4	3	4	4	4	
Total Members Absent	2		0	0	0		0	1	0	0	0	

2019 PZB ATTENDANCE

BOARD MEMBERS	1/30	2/27	3/27	4/24	5/29	6/26	7/24	8/28	9/25	10/23	11/26	12/26
Charles Wu- <i>Chair</i>	P	CANCELLED	CANCELLED	P	CANCELLED	P	CANCELLED	P	CANCELLED	P	P	CANCELLED
Howard Garson - <i>Vice Chair</i>	P			P		P		P		P	E	
Rick Levinson	P			P		E		E		P	P	
Danny Kattan	E			P		P		P		P	P	
Diane Lyon Wead				P		P		P		P	P	
Faith Fehr- <i>Alternate</i>				PA		S		A		P	A	
Bruce McNamara- <i>Alternate</i>				PA		PA		S		P	A	
Total Members Present	3			7		6		5		7	5	
Total Members Absent	1			0		1		2		0	3	

ATTENDANCE ROLL CALL:

Present (P) Present Alternate Member (PA)

Absent: (A)

Alternate Member Substituting during a Full-Time Members Absence (S)

Excused Absence (E)

Tardy: (T)

Un-appointed

1 **1. CALL TO ORDER**

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3 Mr. Wu called the meeting to order at 6:38 P.M.

4 **2. ROLL CALL**

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6 **3. APPROVAL OF MINUTES**

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8 A. Draft Minutes for October 23, 2019.

9 Mr. Wu: provided the board secretary minor typos that need to be corrected.

10 Ms. Wead: commented that some words need to be clarified when placed on the record, to avoid
11 words, such as, affordable housing, market rate housing, and workforce housing are being used
12 interchangeably.

13 Mr. Wu: stated that Ms. Wead's comment will be taken moving forward but are not amendments to
14 the minutes.

15 **MR. LEVINSON MOTIONED TO APPROVE THE MINUTES OF THE OCTOBER 23, 2019 TO**
16 **INCLUDE AMENDMENTS.**

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18 **MR. LEVINSON SECONDED THE MOTION.**

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

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22 **4. PLEDGE OF ALLEGIANCE**

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24 **5. BOARD MEMBER'S DECLARATION OF EX- PARTE COMMUNICATION FOR**
25 **QUASIJUDICIAL ITEMS ON THE AGENDA.**

26
27 **Polling of Ex Parte Communications (Board Secretary)**

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

31
32 *Mr. Kattan advised that he had no Ex-Parte Communications regarding this matter but did have a*
33 *brief conversation with the applicant at the previous meeting. He advised he would base his decision*
34 *solely on the testimony being presented.*

35
36 *Ms. Wead advised that she had no Ex-Parte Communications regarding this matter. She advised she*
37 *would base her decision solely on the testimony being presented.*

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

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42 **6. SWEARING IN OF THE SPEAKERS**

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44 **Swearing in of Witnesses (Assistant City Attorney)**

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46 **7. NEW BUSINESS**

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48 A. Reconsideration of Application# V-19-02369 by Yana Gandelman, requesting a variance from
49 Section 32-778(c) of the Zoning and Land Development Code, minimum distance requirement

50 of 1,000 feet from a pharmacy to another legally established pharmacy. The proposed new
51 pharmacy, Best Organic Pharmacy, will be located at 409 W. Hallandale Beach Boulevard.

52 Ms. Dominguez: gave a brief background on the application and stated that on August 8, 2019, the
53 Planning and Zoning Board held a public hearing on the subject application. The Board recommended
54 denial of the application by a vote of 3 to 2.

55 Ms. Dominguez: added that on October 23, 2019, the applicant's representative, Hope Calhoun,
56 requested reconsideration/rehearing of the application which was granted by the Board.

57 Ms. Dominguez: clarified that no additional material or backup information has been submitted by the
58 applicant. Therefore, the agenda cover memo provided is the same document provided in the initial
59 hearing date of August 8, 2019. She further added that staff's recommendation to deny the application
60 still stands.

61 Mr. Wu asked if the recommendation of staff was to deny the application and allow them to move
62 forward to City Commission.

63 Ms. Dominguez: stated that the applicant requested reconsideration of the Board's recommendation
64 before moving forward to the City Commission.

65 Ms. McKenney: added that the Board would be deliberating solely as to the request for the
66 reconsideration.

67 Ms. McKenney: stated that the application being presented will be heard as new and if the majority
68 of this Board approves or denies, the applicant will be able to move forward to City Commission with
69 the new recommendations made by the Planning and Zoning Board.

70 Mr. Wu: asked if staff would be providing a presentation, such as, the one provided at the August 8,
71 2019, Planning and Zoning Board meeting since the application would be viewed as new.

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

73 Ms. Hope Calhoun, Attorney (Boca Raton, FL): introduced herself and was grateful to the Board for
74 granting the applicant the opportunity to return for reconsideration of the application.
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76 Ms. Calhoun: requested the opportunity to enter new evidence of a 1,000 signature petition supporting
77 the applicant.
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79 Ms. McKenney: pointed out the application presented is a reconsideration of the previous application
80 and not predicated on new evidence. She advised that staff was not made aware of the new
81 information being provided by the applicant.
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83 Ms. Dominguez: further stated that the information provided by Ms. Calhoun earlier today is additional
84 material and not really new evidence that required any new review or response from staff.
85

86 Ms. Calhoun: stated that she would like to provide the power point presentation being presented to
87 the Board as also backup material to the item.
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89 Mr. Wu: asked if the report provided has any additional information that was not presented on the
90 August Planning and Zoning Board meeting?

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Ms. Calhoun: stated that she has new information material that she had available which was email communication between herself and Ms. Dominguez earlier today. However, she has included the same information into the power point presentation she was presenting.

Ms. Calhoun: gave a summary presentation on the reconsideration of the application.

Mr. Levinson: asked for clarification and description of services for the Organic Pharmacy and that it shows 20% of the services being regular pharmacy.

Ms. Calhoun: stated that the services is not exclusive to only organic pharmacy.

Mr. Kattan: asked for clarification if they are promoting organic when does it become a drug?

Ms. Yana Gandelman, Business Owner (Hallandale Beach): stated that in order to operate as a compound pharmacy you need to open a regular pharmacy by federal law.

Mr. Kattan: asked if the variance was approved, how would the City be able to confirm that no other drugs are being done at the site, such as, medical marijuana or pain killers?

Ms. Calhoun: stated that the applicant is not permitted to distribute control substance and that is not what she is advertising.

Ms. Gandelman: further added that she does not have a license to distribute control substance. She added that according to the Drug Enforcement Administration (DEA) she will not be able to obtain a control substance.

Ms. Gandelman: stated that she will have to keep a small percentage of narcotics because she would be operating as a regular pharmacy. However, it is a strict supervision through the DEA who request a daily report of every single pill and every single prescription.

Ms. Wead: asked staff if the applicant decided to vacate the location, would the following tenant coming in be restricted to open a pharmacy?

Ms. McKenney: stated that the Board has the option to place a condition to limit a specific tenant.

Mr. Wu: pointed out that placing a condition to one tenant is highly unusual since variance applications run with the land.

Ms. Wead: further stated that she did not want to set a precedence and since the tenant is only renting the property, was interested to know whether she had looked into other locations that do meet the 1,000 distance separation?

Ms. Calhoun: stated that the applicant has not look into any other property. She was told by City staff when she first applied that the use was permitted.

Mr. Levinson: asked if the 7 variance required criteria, how many needed to be met?

Ms. Dominguez: clarified that all 7 criteria need to be met.

Ms. Calhoun: followed by stating for that reason she is before the Board again to emphasize and respond to how the criteria conforms and the presentation provides that information.

Mr. Kattan: asked if the City code does not define the pharmacy as a separate category, maybe staff needs to include organic pharmacy as a separate pharmacy in the code.

Ms. Dominguez: read into the record the definition of "Special Pharmacy" and stated that a special pharmacy, such as, the applicant's Organic Pharmacy would fall into the category of a special pharmacy and the 1,000 feet separation would also apply.

Ms. Dominguez: further stated that she researched the location and there has never been a pharmacy at this existing site.

Mr. Wu: Opened the Public Hearing.

Mr. Jose Cuevas (Hallandale Beach, FL): stated the he had been present at the August meeting to show support for the applicant. He stated that the applicant has invested a lot of money into her business which she was advised by the City that she would be allowed to open her establishment.

Ms. Donna Wallace (Pembroke Pines, FL): stated that she had worked with the applicant and knows how hard working she is and how she continues to educate herself. She added that it would disservice the community not to allow her to operate her business.

Ms. Wallace: further added that currently people are looking for change and ways to stay healthier which is going organic; Ms. Gandelman is offering what the future is requesting.

Mr. David Brenner (Hollywood, FL): added that the applicant is very passionate about health and helping others in finding alternative ways of curing illnesses instead of using drugs.

Ms. Laura Lombardo (Hallandale Beach, FL): stated that she also shares the same interest as the Applicant, on finding ways to heal people without prescription drugs.

Mr. Wu: Closed the Public Hearing.

Mr. Kattan: stated that the Board should also take into account that the applicant was told the first time by staff that she would be able to operate her business. He added that asking the tenant to break her lease and go somewhere else after she has invested time and money is something that needs to be considered.

Mr. Kattan: further stated that he is inclined to approve the application since we should be promoting organic pharmacies that are a much healthier alternative.

Mr. Wu: stated that he had concerns for reasons on supporting the item. He pointed out that the Board needed to look at the information provided by the applicant and whether it fits the required criteria put in place by the City Commission.

Mr. Wu: further stated that he had concerns with having staff making sure that any conditions put in place are regulated and enforced.

Discussion ensued.

MR. KATTAN MADE A MOTION TO APPROVE RECONSIDERATION OF APPLICATION# V-19-02369 BY YANA GANDELMAN, REQUESTING A VARIANCE FROM SECTION 32-778(C) OF THE ZONING AND LAND DEVELOPMENT CODE, MINIMUM DISTANCE REQUIREMENT OF 1,000 FEET FROM A PHARMACY TO ANOTHER LEGALLY ESTABLISHED PHARMACY. THE BEST ORGANIC PHARMACY, WOULD BE LOCATED AT 409 W. HALLANDALE BEACH BOULEVARD.

MR. LEVINSON SECONDED THE MOTION.

MOTION FAILED DUE TO A TIED ROLL CALL VOTE (2-2). (MR. WU & MS. WEAD-NO)

B. Application # V-19-02960 by Carlos Barbosa requesting a variance from Section 32-924 of the Zoning and Land Development Code in order to subdivide two adjoining lots under single ownership in a manner which diminishes its compliance with minimum lot frontage requirements for properties in the RD-12 District. The property is located at 1018 SW 2nd Street.

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

Ms. Fernanda Rossi, Applicant (Doral, FL): introduced herself and advised that they had bought the property and were not aware of all the restrictions. She stated that the current zoning allows to build a maximum of 5 townhomes, why not allow an additional single family home?

Ms. Rossi: further stated that they wanted to add a single family home and sell the property as an investment.

Mr. Kattan: suggested researching on the property on what is allow to be built, to ensure they are making the best discussion if they are attempting to invest on the property.

Mr. Kattan: asked if the property was previously platted with the intent to sell the properties separately?

Ms. Dominguez: stated no. the lots were platted in the 40's and were owned by the same owner.

Ms. Wead: asked why the regulation was put in place as a safety prevention or was it aesthetic?

Ms. Dominguez: stated there are minimum lot size standards which are uniformed that apply citywide.

Mr. Wu: opened the public hearing.

There were no speakers.

Mr. Wu: closed the public hearing.

Mr. Wu: stated that he was in favor of approving the variance, the property has a disadvantage since it's a corner lot, exceeds the lot area and it is an irregular shaped lot.

Ms. Wead: asked if staff predicted a safety concern with the driveway backing up as proposed.

Mr. Wu: stated that the volume is so low on that corner and should not result in any issues. He added that the applicant really does not have any options based on the width of the driveway.

MR. KATTAN MOVED THAT BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD APPROVE # V-19-02960 BY CARLOS BARBOSA REQUESTING A VARIANCE FROM SECTION 32-924 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO SUBDIVIDE TWO ADJOINING LOTS UNDER SINGLE OWNERSHIP IN A MANNER WHICH DIMINISHES ITS COMPLIANCE WITH MINIMUM LOT FRONTAGE REQUIREMENTS FOR PROPERTIES IN THE RD-12 DISTRICT. THE PROPERTY IS LOCATED AT 1018 SW 2ND STREET.

245 **MR. LEVINSON SECONDED THE MOTION.**

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247 **MOTION PASSED BY A ROLL CALL VOTE (3-1).** (Ms. Wead – No)

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249 **6. NEXT SCHEDULED MEETING**

250
251 Wednesday, January 29, 2020

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253 **MEETING ADJOURNED AT 8:45 P.M.**

254 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
255 Board meeting, summarized above, should be submitted to the Planning & Zoning Division at \or can be mailed to 400 South Federal Highway,
256 Hallandale Beach, Florida 33009
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