

DRAFT

PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
WEDNESDAY, MAY 27, 2020
ZOOM VIRTUAL CONFERENCE MEETING

Board Member Present: Charles Wu, Chair; Howard Garson, Vice Chair, Danny Kattan, Terri Dillard and Diane Lyon Wead

Board Secretary: Cindy Bardales-Villanueva

City Attorney's Representative: Elizabeth S. Loconte, Assistant City Attorney

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

2019 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

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		PA	A	
Bruce McNamara- <i>Alternate</i>				PA		PA		S		PA	A	
Total Members Present	3			7		6		5		7	5	
Total Members Absent	1			0		1		2		0	3	

2020 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

BOARD MEMBERS	1/29	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23
Charles Wu- <i>Chair</i>	P	CANCELLED	CANCELLED	CANCELLED	P							
Howard Garson - <i>Vice Chair</i>	P				P							
Danny Kattan	P				P							
Diane Lyon Wead	P				P							
Terri Dillard					P							
Faith Fehr- <i>Alternate</i>	PA				PA							
Bruce McNamara- <i>Alternate</i>	PA				A							
Rick Levinson	P											
Total Members Present	7				6							
Total Members Absent	0				1							

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 6:30 P.M.

4 **2. ROLL CALL**

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6 **3. APPROVAL OF MINUTES**

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8 A. Draft Minutes for November 26, 2019

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10 **MR. KATTAN MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 26, 2019**
11 **PLANNING AND ZONING BOARD MEETING.**

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13 **MR. GARSON SECONDED THE MOTION.**

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15 **MOTION PASSED BY A ROLL CALL VOTE (5-0).**

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17 B. Draft Minutes of January 29, 2020.

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19 Mr. Garson: Line 1: stated his name needs to be listed under the "Present Board Members".

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21 **MR. KATTAN MOVED TO APPROVE THE MINUTES OF THE JANUARY 29, 2020**
22 **PLANNING AND ZONING BOARD MEETING AS AMENDED.**

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24 **MR. GARSON SECONDED THE MOTION.**

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26 **MOTION PASSED BY A ROLL CALL VOTE (5-0).**

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28 **4. PUBLIC PARTICIPATION**

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30 A. **JOIN THE ZOOM VIRTUAL MEETING AT:**

31 [HTTPS://US02WEB.ZOOM.US/J/84080088774](https://us02web.zoom.us/j/84080088774)

32 BY PHONE: (301)715-8592 OR (312)626-6799

33 MEETING ID: 840 8008 8774

34 PASSWORD: 965635

35
36 B. **WRITTEN COMMENTS:** EMAIL A WRITTEN MESSAGE TO

37 PLANNINGANDZONINGDIVISION@HALLANDALEBEACHFL.GOV ONCE THE
38 AGENDA IS PUBLISHED NO LATER THAN 3 P.M. ON WEDNESDAY, MAY 27, 2020.
39 WRITTEN COMMENTS WILL BE DISTRIBUTED TO THE BOARD BUT WILL NOT BE
40 READ DURING THE MEETING.

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42 C. **THE MEETING CAN BE VIEWED ONLINE AT** [HTTPS://COHB.ORG/HBTV](https://cohb.org/hbTV)**OR**
43 COMCAST CABLE CHANNEL 78.

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45 **5. PRESENTATION**

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47 A. ANA MARIA DIAZ, PARTNERSHIP SPECIALIST U.S. CENSUS BUREAU, SPEAKS
48 ABOUT THE CENSUS 2020.

Ms. Diaz had a calendar conflict and was not available to attend the Planning and Zoning Board Meeting.

6. PUBLIC HEARING

A. An Ordinance of the Mayor and City Commission of the City Of Hallandale Beach, Florida, Amending Chapter 32, Zoning and Land Development Code, Article V, Development Review Procedures, Section 32-787, Establishing Requirements For Trash Chutes in Residential Buildings; Amending Section 32-787, Green Building Program Requirements; Providing for Conflict; Providing for Codification; Providing for Severability; Providing for an Effective Date.

Ms. Dominguez: provided a PowerPoint presentation and gave a summary of the item. She introduced Ms. Alyssa Jones-Wood, Green Initiatives Coordinator, who also collaborated on updating the Ordinance.

Mr. Wu: pointed out Chapter 8 as to green building prerequisites and worksheets of the site and building design options must be submitted with the development review application for review by the City's Green Building Coordinator. He asked what Ms. Jones-Wood's certification were?

Ms. Jones-Wood: described her job position in the City, certifications, and experience with Green Building Programs.

Mr. Garson: stated that he was pleased with the item coming before the Board, it was something that he has been advocating for all development coming into the City.

Mr. Kattan: asked if the proposed regulations would apply only to buildings of 4 or more stories?

Ms. Dominguez: clarified that the regulations would apply only for new development, redevelopment, and additions over 50 percent or more of the existing floor area.

Mr. Wu: stated that he agreed that new development should obtain a green building certification, However, he did not agree that current properties seeking to redevelop, or renovating should be forced to follow the same regulations.

Ms. Dillard: stated that the item being discussed would be great for the City moving forward. However, she recommended monitoring of chutes to ensure the management of hazardous waste and sanitation are meeting standards.

Mr. Wu: proposed alternate language for special conditions catering to the structure and building involved. He believed the proposed provision opened the door for a wide range of exceptions which allows the applicant to request a waiver.

Ms. Dominguez: agreed.

Mr. Wu: asked if the Green Building Program just included renovations without increased square footage, or is the intent only to increase the square footage where this is applicable?

Ms. Dominguez: stated that the proposed ordinance will apply to redevelopment of more than 50 percent of the assessed value of the existing building.

Mr. Wu: stated that he had a concern about the proposed regulation deterring the mom and pop establishments trying to renovate a rundown building or try to improve any building that will improve the business enterprise within the City.

Mr. Garson: stated that the Board's intent is not for City's business owner to spend more money or make a less profitable building. He added that everything being proposed is cost-effective.

Mr. Wu: agreed that what is being proposed is cost-effective; However, he believed that the people who would be mostly impacted were those leasing properties to do business, not the business owners.

Mr. Kattan: further added that developing affordable new apartments is almost impossible and justify economically is the main reason why there has been no development. He stated that investors are now looking at alternative by redeveloping; However, cities are requesting a lot more not making it feasible for developers to build.

Mr. Kattan: ask that the Board consider keeping their current approach of pitching ideas to developers, that investing millions of dollars on green incentives for their project in return will result in money being payback.

Mr. Kattan: added that it may be feasible for a developer building a condo, but for a rental building it might sound good at first but not feasible due to the rental economics.

Mr. Wu: stated that he had concerns of how much this would impact small businesses, such as, restaurants that are currently struggling all over the City.

Mr. Wu: asked that the Board be very cautious when imposing this type of requirement that in result will affect someone trying to renovate their business.

Ms. Jones-Woods: stated that the City's intention was for smaller business to meet green building standards without having the cost burden of going through an official LEED certification process that can be costly.

Ms. Jones-Woods: further added that the proposed items noted on the table are low to no cost to the applicant. They would simply be choosing one species over another, for instance, native plants over non-native plants.

Ms. Jones-Woods: stated that more than 25 percent of the City's greenhouse gas emissions come from commercial buildings, and we have a citywide goal to be carbon neutral by 2055, to reach those goals, we would need to start proposing green practices.

Mr. Wu: asked if a variance provision applied and where is the language located within the ordinance?

Ms. Dominguez: stated that the proposed provision does not prohibit a variance request. She added that it is not addressed, which means that it's not prohibited.

Mr. Wu: pointed out that these are structural requirements concerning design and to seek relief, these criteria should be expressed and stated in the ordinance.

Mr. Wu: further stated that his concern essentially applies to all building renovations that exceed the assessed value of 50 percent of the building value. He added that it will incorporate a lot of buildings.

Mr. Wu asked if someone wants to renovate one bay of a strip store, will that one bay trigger 50 percent? How's that 50 percent evaluated is it assessed by the total value or the entire building of that entire strip?

Ms. Loconte: provided her interpretation of the proposed ordinance. She stated that regulations would apply to someone adding existing floor area and wanting to expand the square footage, that would result to adding value to the property by more than 50 percent of the assessed value.

Ms. Loconte: further added that it would not apply for the entire value of the renovation, which would be a much lower threshold.

Mr. Wu: suggested more clarity on the language used and proposed to strike out renovation, rehabilitation, restoration, or repair work and just add additional floor areas or the addition of new floors which would clarify his questions.

Mr. Wu: stated that he would like to see some analysis that would help educate the Board on how these implementations would impact a future project. He stated that he did not feel comfortable making rules and not considering unintended consequences in the future for ramifications that will negatively impact our City.

Mr. Wu: asked to see data before moving forward on the renovation component. He asked that staff provide data to show how these regulations will apply for the project going through the approval process.

Mr. Wu: clarified that viewing the data would provide a comfort level when moving forward based on our economic environment and there will be no hesitation when the Board provides recommendations to the City Commission.

Ms. Wead: asked if the item could be tabled and reworded for the next meeting and possibly even broken into two ordinances. She suggested preparing one ordinance for new structures alone and the other for renovations.

Ms. Dominguez: stated that it was important for the ordinance to move forward and not be deferred. If the Board's concern was the proposed provisions and how it would affect repairs or renovations. Staff felt comfortable **with** remove the language as suggested by the Chair.

Ms. Dominguez: further added that staff can always bring back the ordinance to revisit or revise the provision in the future. She emphasized why it was important that the ordinance move forward or at least provide recommendations instead of tabling the matter.

Mr. Wu: Opened the Public Hearing.

No speakers.

Mr. Wu: Closed the Public Hearing.

Mr. Wu: asked how the green building would be enforced? Was there an existing green bond? Who will enforce it and how has it been enforced in the past?

Mr. Jones-Wood: stated that it had not been recommended but can be looked into as part of the implementation.

Ms. Dominguez: stated that currently, these requirements have been part of development agreements so that has been the City's enforcement tool of projects that required green building certifications.

Ms. Dominguez: acknowledged the Chair's concern that depending on the type of development, a development agreement would not be applicable but that would not be the case for every development.

Ms. Dominguez: added that in some cases, certification may not be feasible until after a Certificate of Occupancy (CO) is issued, to get the certification.

Mr. Wu: pointed out that currently, the City does not have in place a mechanism to hold the developer accountable. He urged staff to looking into a green bond which would implement green building requirements.

Mr. Wu: further added that having a green bond would allow to enforce, should a developer not comply by obtaining certification after two years of receiving their CO or TCO. The City would then use the green bond for sustainability programs, but without an enforcement mechanism, these regulations are hollow.

MR. GARSON MOVED THAT BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD APPROVE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, ARTICLE V, DEVELOPMENT REVIEW PROCEDURES, SECTION 32-787, ESTABLISHING REQUIREMENTS FOR TRASH CHUTES IN RESIDENTIAL BUILDINGS; AMENDING SECTION 32-787, GREEN BUILDING PROGRAM REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) THAT REGULATIONS ONLY APPLY TO NEW DEVELOPMENT OR PROPERTIES INCREASING 50 PERCENT OF THE FLOOR AREA OR SQUARE FOOTAGE.**
- 2) GREEN BOND WILL BE USED TO ENFORCE ORDINANCE.**
- 3) INCLUDE WAIVER PROCESS INTO THE ORDINANCE.**

MS. DILLARD SECONDED THE MOTION.

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

- B. An Ordinance of the Mayor and City Commission of the City of Hallandale Beach, Florida, Amending Chapter 32, Zoning and Land Development Code; Amending Article IV, Development Standards; Division 20, Temporary Uses; Providing For Food Trucks Special Events; Providing for the Temporary Use of Cargo Containers in the Central Regional Activity Center/ Fashion/Art Design and Greyhound Subdistricts, The Planned**

Local Activity Center (PLAC) and Commercial Recreational Active (CR-A) Districts; Providing for Extended Temporary Use Events; Providing for Conflict; Providing for Codification; Providing for Severability; and Providing an Effective Date.

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

Mr. Garson: asked why is a maximum time allowed when putting cargo containers on a property and request someone to take down after five years?

Ms. Dominguez: clarified that after the 5 years, an applicant can apply for a cargo container to remain as a permanent structure; However, it would have to meet all applicable zoning and building codes requirements.

Mr. Kattan: asked staff if the proposed regulations were intended for the arts and entertainment areas and utilizing vacant lots currently not being developed. He added that this would give the opportunity to create open spaces that can be used to place temporary structure and allow food trucks that would bring development to areas within the City.

Mr. Kattan: further stated that he did not feel that proposing a time frame to keep the temporary structure was relevant when trying to develop an area. He added that similar regulations have been implemented in areas like Brickell, on the River, and Wynwood.

Ms. Wead: asked if a landowner would be allowed to determine how long a person or company can keeps their temporary structure on their property?

Ms. Dominguez: clarified that a property owner always must give consent for any activity that occurs, on their property. However, the proposed ordinance will allow the City Commission to extend a temporary use structure to remain for a maximum of five years.

Ms. Dominguez: further added that temporary permits for temporary structures typically go from five days to 30 days. The amendment would be to consider extending the time to five years maximum, which will allow new innovating temporary structures in entertainment areas.

Ms. Leroy: stated that the proposed ordinance was initiated through the Community Redevelopment Agency (CRA). The CRA has been monitoring properties that have been inactive for a long time, these regulations would allow temporary structures to be an incentive to get the economy going.

Ms. Leroy: further stated that staff intends to expand the current code listed under temporary uses or special event codes. During the permit review staff also looks at the operations of the events, circulation of traffic, and structures.

Ms. Leroy: stated that some events may last longer than others which can typically request permission for 5 to 30 days. She stated that these regulations would be longer processing since it requires City Commission approval. However, it also provides staff time to review and ensure all zoning regulations have been met.

Ms. Leroy: further stated that food trucks may not be required to meet all of the regular setbacks for that zoning district and this allows to review of all the different structures used to build these temporary structures and ensure they are safe and appropriate for the location.

Ms. Dillard: asked how many containers are allowed in an area?

Ms. Dominguez: clarified that there is not a specific limit on the number of containers that can be placed on the property. The proposed ordinance will require a new process that will allow staff to review an application on a case-by-case basis to determine if what is being proposed will have any negative impacts and if there are any provisions under the existing code.

Mr. Garson: stated he had a concern with requiring an applicant to meet code after the 5 years if they want to make the structure permanent and then are asked to tear it down. Especially, in areas that the intent is to redevelop and bring back to life.

Mr. Wu: stated that on Line 77, provides the term of principle large scale temporary structure is too broad. He believes the two words "large scale" does not serve a purpose and should be removed to avoid confusion.

Ms. Dominguez: agreed.

Mr. Wu: asked the only use allowed for the cargo container are for commercial use purposes only, they cannot be for noncommercial purposes?

Ms. Dominguez: agreed.

Mr. Kattan: asked if a permanent structure made from cargo containers was permitted?

Ms. Dominguez: clarified that a cargo container as a permanent structure would be noted under the general zoning code and would be allowed.

Mr. Wu: asked if will it be required for the applicant to send out notifications to their neighboring properties notifying them of a temporary structure coming into their neighborhood and allow to provide any objection?

Ms. Wead: further asked if there was a way to appeal the application if they witness distraction not foreseen or the noise is unbearable?

Ms. Dominguez: clarified that the permit can be revoked if the applicant does not meet the criteria listed in Section 32-705. She added that part of the review also includes a review from the City Manager on an annual basis. The permit can be revoked due to an emergency or if there is any negative impact on the area.

Ms. Dominguez: stated that public notices would not be required and that the whole objective is to expedite the process. She added that currently, temporary use permits do not require public notice.

Ms. Dominguez: further added that in the case of cargo containers, the ordinance indicated that these structures are not permitted in other areas other than specific areas, which are Gulfstream, Big Easy, and Fashion Art and Design District.

Mr. Wu: Opened the Public Hearing.

Ms. Fehr: stated that she had a concern about the properties that would be making money from these arrangements such as Gulfstream and Big Easy: However, she was in favor to bring innovation to the Fashion Art and District area.

Mr. Wu: Closed the Public Hearing.

Mr. Wu: proposed to add a condition to the motion to read on Line 199: for a period not to exceed a total of five (5) years from the date of city commission's approval, unless extended by the city commission and his comment on adding the City could impose conditions to mitigate negative impacts.

MR. GARSON MOVED THAT BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD APPROVE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE; AMENDING ARTICLE IV, DEVELOPMENT STANDARDS; DIVISION 20, TEMPORARY USES; PROVIDING FOR FOOD TRUCKS SPECIAL EVENTS; PROVIDING FOR THE TEMPORARY USE OF CARGO CONTAINERS IN THE CENTRAL REGIONAL ACTIVITY CENTER/ FASHION/ART DESIGN AND GREYHOUND SUBDISTRICTS, THE PLANNED LOCAL ACTIVITY CENTER (PLAC) AND COMMERCIAL RECREATIONAL ACTIVE (CR-A) DISTRICTS; PROVIDING FOR EXTENDED TEMPORARY USE EVENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) UPDATING PROPOSED ORDINANCE LINE 199: FOR A PERIOD NOT TO EXCEED A TOTAL OF FIVE (5) YEARS FROM THE DATE OF CITY COMMISSION'S APPROVAL, UNLESS EXTENDED BY THE CITY COMMISSION.**
- 2) AT LINE 175, THE CITY MAY IMPOSE CONDITIONS TO MITIGATE NEGATIVE IMPACTS.**

MR. KATTAN SECONDED THE MOTION.

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

- C. An Ordinance of the Mayor and City Commission of the City of Hallandale Beach, Florida, Amending Chapter 32, Zoning and Land Development Code, Division 2, Zoning Districts and Overlays, Subdivision I, Conventional Zoning Districts, and Article III, Zoning, Division 3, Form-Based Zoning Districts; Providing for Affordable Housing Requirements; Providing for Conflict; Providing for Codification; Providing for Severability; Providing for an Effective Date.

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

Mr. Garson: asked what was the definition of affordable housing?

Ms. Leroy: stated that affordable housing is the rental value commensurate to the income of the person renting the property, which typically is 120 percent of the average median income (AMI).

Ms. Leroy: further advised that Broward County is looking at potential changes and are proposing to have more incentives for affordable housing. Also, they are looking at different ways to define affordable housing.

Ms. Leroy: stated that as a City, we continue to follow what the County is proposing. However, we also want to make sure that any potential development going through the approval process provides as much to the community as possible.

Mr. Garson: asked if a developer does not provide affordable housing is the money going into an affordable housing fund? Will the City be using the money to build affordable housing?

Ms. Leroy: agreed that any contribution will be placed in the affordable housing fund account. She added that funds are being used through the Community Redevelopment Agency (CRA), who manage different programs.

Ms. Leroy: further added that funding is currently being used to help residents in need through CRA housing programs.

Mr. Kattan: pointed out that if the City wants to address the issue on how to create affordable housing, it will require to allow more density.

Ms. Leroy: agreed and stated the 15 percent also allows for more density so that there is that incentive, which is an offset that the City is providing to the developers. She added we must offset the cost of the developer to provide affordable housing.

Ms. Wead: asked if the proposed ordinance pertains to a particular district or the entire City? Also, will it apply to only CRA projects or all projects within the City?

Mr. Leroy: clarified that the ordinance applies to the Regional Activity Center (RAC) District which is located within the CRA boundaries. She added it would also apply to both public and private projects.

Mr. Wu: Opened the Public Hearing.

There were no speakers signed up.

Mr. Wu: Closed the Public Hearing.

MR. GARSON MOVED THAT BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD APPROVE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, DIVISION 2, ZONING DISTRICTS AND OVERLAYS, SUBDIVISION I, CONVENTIONAL ZONING DISTRICTS, AND ARTICLE III, ZONING, DIVISION 3, FORM-BASED ZONING DISTRICTS; PROVIDING FOR AFFORDABLE HOUSING REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

MS. DILLARD SECONDED THE MOTION.

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

8. NEXT SCHEDULED MEETING

A. Wednesday, July 22, 2020

MEETING ADJOURNED AT 9:13 P.M.

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