

DRAFT

**PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
WEDNESDAY, FEBRUARY 24, 2021
ZOOM VIRTUAL CONFERENCE MEETING/CULTURAL CENTER**

Board Members Present: Charles Wu, Chair; Howard Garson, Vice Chair, Danny Kattan, Terri Dillard and Rick Levinson

Board Secretary: Cindy Bardales-Villanueva

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

City Staff Present: Joy Murray, Christy Dominguez, Alyssa Jones-Woods

2020 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

FULL TIME 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	P	CANCELLED	P	P	CANCELLED	CANCELLED	P
Howard Garson - <i>Vice Chair</i>	P				P	P		P	P			P
Danny Kattan	P				P	P		P	P			P
Diane Lyon Wead	P				P	P		P	P			
Terri Dillard					P	P		P	P			P
Rick Levinson	P											P
Total Members Present	5				5	5		5	5			5
Total Members Absent	0				0	0		0	0			0
ALTERNATE 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
Faith Fehr- <i>Alternate</i>	P				P	P		P	P			
Bruce McNamara- <i>Alternate</i>	P				P	P		A	A			

2021 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

FULL TIME BOARD MEMBERS	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/21
Charles Wu- <i>Chair</i>	CANCELLED	P										
Howard Garson - <i>Vice Chair</i>		P										
Danny Kattan		P										
Terri Dillard		P										
Rick Levinson		P										
Total Members Present		5										
Total Members Absent		0										
ALTERNATE BOARD MEMBERS	1/29	2/24										
Faith Fehr- <i>Alternate</i>		P										
Bruce McNamara- <i>Alternate</i>		P										

Present (P) Absent: (A)

Excused Absence (E) Tardy: (T)

1
2 **1. CALL TO ORDER**
3

4 Mr. Wu called the meeting to order at 6:28 PM

5 **2. ROLL CALL**
6

7 **3. APPROVAL OF MINUTES**
8

9 A. Draft Minutes for December 23, 2020

10
11 **MR. LEVINSON MOVED TO APPROVE THE MINUTES OF THE DECEMBER 23, 2020**
12 **PLANNING AND ZONING BOARD MEETING WITH CORRECTIONS.**

13
14 **MS. DILLARD SECONDED THE MOTION.**

15
16 **MOTION PASSED BY A ROLL CALL VOTE (5-0).**
17

18 **4. PUBLIC PARTICIPATION**

19 Watch Meeting on the City's Website: <https://cohb.org/HBTV>

20 Watch Meeting on Comcast Cable Channel 78

21 Written Comments: email a written message to
22 planningandzoningdivision@hallandalebeachfl.gov

23 Once the agenda is published no later than 3 p.m. on Wednesday, December 23, 2021. Written
24 comments will be distributed to the Board but will not be read during the meeting.

25 Any document the Applicant or member of the public wishes to be admitted into evidence shall
26 be provided to the Planning and Zoning Division in electronic format no later than 12:00 PM, 5
27 business days before the virtual hearing. Written comments will be distributed to the Board but
28 will not be read during the meeting.

29 In-Person: The Hallandale Beach Cultural Center, located at 410 SE 3rd Street, Hallandale
30 Beach, Florida, will be opened to the public to watch and provide public participation to this virtual
31 meeting.

32 **5. PUBLIC HEARING**
33

- 34 1. LEISURE APARTMENTS, INC., IS REQUESTING MAJOR DEVELOPMENT PLAN
35 APPROVAL, PURSUANT TO SECTION 32-382 OF THE ZONING AND LAND DEVELOPMENT
36 CODE TO BUILD THE LEISURE APARTMENTS, A 24-UNIT MULTI-FAMILY BUILDING AT 215
37 SE 4th STREET.
38

39 THE APPLICATIONS FILED WITH THE CITY ARE AS FOLLOWS:
40

- 41 1) APPLICATION #DB-20-976 FOR MAJOR DEVELOPMENT REVIEW APPROVAL
42 PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT
43 CODE IN ORDER TO CONSTRUCT THE 24-UNIT RESIDENTIAL DEVELOPMENT.
44

45 **(PLANNING AND ZONING BOARD ACTION IS NOT REQUIRED FOR REDEVELOPMENT**
46 **AREA WAIVER APPLICATIONS)**
47

2) APPLICATION #RD-20-977 REQUESTING REDEVELOPMENT AREA
MODIFICATIONS (RAMS) FROM THE FOLLOWING CODE PROVISIONS:

- a) SECTION 32-196, TABLE 32-196(A) RELATIVE TO THE MINIMUM SECONDARY STREET SETBACK REQUIRED FOR BUILDINGS IN THE CENTRAL REGIONAL ACTIVITY CENTER (RAC) DISTRICT/TRANSIT CORE SUBDISTRICT.
- b) SECTION 32-196, TABLE 32-196(A) RELATIVE TO THE MINIMUM CIVIC SPACE REQUIRED FOR SITES EXCEEDING THE BASE DENSITY ALLOWED IN THE CENTRAL REGIONAL ACTIVITY CENTER (RAC) DISTRICT/ TRANSIT CORE SUBDISTRICT.

Polling of Ex-Parte Communications (Board Secretary)

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 no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.

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

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

Swearing in of Witnesses (City Clerk)

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

Mr. Garson: suggested making it a requirement that the applicant provide the value of the civic space and apply it to the Park and Recreation Department, PAL Police Department, or some outdoor park of the City.

Ms. Dominguez: clarified that the Board can make any recommendation that relates to the City's criteria. She added that the City is currently in the process of adopting impact fees, including for recreation impacts that have not yet been adopted by the City Commission and the Board's consideration may be appropriate at this time.

Mr. Levinson: stated that the developer has elected not to put in the civic space because of the proximity of the development of the park which made sense. He asked staff what was typically done that a developer pays in lieu fees specific to civic open spaces, as Mr. Garson is suggesting?

Ms. Dominguez: advised that although had been done before, it was not typical to apply fees in place of the Civic Open Space requirement.

Ms. Dominguez: further stated that the Board and the City Commission could consider imposing a contribution if it would serve the purpose of not having the required Civic Open Space available.

Mr. Wu: stated that the applicant is required to provide the affordable housing units, and they are proposing a payment, would that not be in lieu of affordable housing?

Ms. Dominguez: stated yes. She added that in order to get the additional density, the applicant is given the option to either provide the (4) affordable units or make a payment, according to the City's zoning code.

Mr. Wu: asked if a mailing was sent out on this project? If so, was any feedback received?

Ms. Dominguez: stated yes, she added that a notice was sent to all the property owners within 1,000 feet and Staff did not receive any comments from any residents.

Mr. Bill Leystum, Authorized Agent: representing the applicant: introduced himself and the team working on the Leisure Apartment project. He provided a brief overview of the proposed landscape which was over 5% of what is required by the zoning code.

Mr. Leystum: further stated that their project was located by the newly revitalized Bluestein Park. He pointed out that their project is a 2,000 square feet site. Therefore, it will not provide the type of civic open space that was intended for the redevelopment of a large project as mentioned in the ordinance and specific to the site.

Mr. Leystum: stated that the site is very linear and with the proposed street trees and required number of parking which will encourage redevelopment in the area and he felt would be appropriate to allow them to waive the civic open space.

Mr. Wu stated that he had a concern with the windows looking east and west on the second and third floor of the corridor. He added that the neighboring property's privacy will be affected.

Mr. Wu: suggested using a treated window with frosted glass or glass block for those units, and perhaps also addressing hurricane impact.

Mr. Jorge Castro, Architect: Agreed to take the comments into consideration.

Mr. Wu: asked if all units would include a washer, dryer, and air conditioning?

Mr. Castro: stated yes.

Mr. Wu: commend and congratulated the design of the project. He added that the architecture is very efficient and there is no wasted space. He further added that he was pleased to see that the patios would also be usable and allow space to bring out a chair and enjoy the balconies.

Mr. Wu: asked if electric vehicles stations will be provided cable ready or just be provided?

Mr. Castro: stated that electric vehicles stations will be provided cable ready.

Mr. Wu: Open the Public Hearing

No Speakers

Mr. Wu Closed the Public Hearing

MS. DILLARD MADE A MOTION BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD APPROVE WITH CONDITIONS APPLICATION BY LEISURE APARTMENTS, INC., REQUESTING MAJOR DEVELOPMENT PLAN APPROVAL, PURSUANT TO SECTION 32-382 OF THE ZONING AND LAND DEVELOPMENT CODE TO BUILD THE LEISURE APARTMENTS, A 24-UNIT MULTI-FAMILY BUILDING AT 215 SE 4th STREET.

THE APPLICATION IS AS FOLLOWS:

1. APPLICATION #DB-20-976 FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO CONSTRUCT THE 24-UNIT RESIDENTIAL DEVELOPMENT SUBJECT TO CONDITIONS RECOMMENDED BY STAFF AND INCLUDE THE FOLLOWING CONDITIONS:

- 1) DUE TO THE DEFICIENCY OF CIVIC OPEN SPACE SQUARE FOOTAGE, THE APPLICANT SHALL PROVIDE A CONTRIBUTION IN LIEU OF THE CIVIC OPEN SPACE.**
- 2) APPLICANT SHALL ISSUE A TREATMENT TO WINDOWS ON EAST AND WEST SIDE OF THE SECOND AND THIRD FLOOR TO ALLOW FOR NEIGHBORS' PRIVACY.**

MS. DILLARD SECONDED THE MOTION.

MOTION APPROVED BY A ROLL CALL VOTE (5-0)

1. 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 8, LANDSCAPING; AMENDING SECTION 32-381, PURPOSE AND INTENT OF THE DIVISION; AMENDING SECTION 32-383 RELATIVE TO LANDSCAPING WITHIN NONCONFORMING EXISTING DEVELOPMENT; AMENDING SECTION 32-384, LANDSCAPING REQUIREMENTS, RELATIVE TO TREE REQUIREMENTS AND INTERIOR LANDSCAPING; AMENDING SECTION 32-385, GENERAL REQUIREMENTS, RELATIVE TO IRRIGATION AND PLANT MATERIALS; 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. She introduced Ms. Alyssa Jones-Wood, Green Initiatives Coordinator, who also collaborated on updating the Ordinance.

Ms. Jones-Wood: added that the original emphasis of the amendment of the ordinance was the sustainability action plan and eliminating obstacles and allowing for more low-impact development to happen in the city.

Ms. Jones-Wood: further added that the ordinance also approaches several additional goals which include an increase in our urban tree canopy that would help with the urban heat island effect in years to come, and water conservation in general.

Ms. Jones-Wood: stated that the City and County's goal is to become a certified wildlife habitat, so the increase in natives' percentages, drought tolerance, and the wildlife habitat policy has intentions behind it.

197 Mr. Garson: asked if the language mentioned in the ordinance on nonconforming parking was
198 intended for existing parking or for future non-conforming parking?
199

200 Ms. Dominguez: stated it is intended for existing nonconforming parking, which is a code requirement
201 if you have the space to provide parking on nonconforming properties that do not meet parking
202 requirements.
203

204 Mr. Garson: asked if the ordinance is referring to properties that the City Commission has granted
205 variances, or does it apply to those properties that have worked without a building permit?
206

207 Ms. Dominguez: clarified that nonconforming parking is for those existing developments that were
208 built under a different code and those properties will now be considered nonconforming to the new
209 requirement.
210

211 Ms. Dominguez: further added that it did not apply to properties that the City Commission has
212 granted a variance for parking; that is not considered nonconformity by an exemption.
213

214 Ms. Dominguez: stated the ordinance is specifically related to those properties that do not meet the
215 current requirements which will be considered nonconforming and should they expand their parking
216 it would have to be an impervious material.
217

218 Ms. Dominguez: stated on the record that line 174 has a runoff sentence the reads: "The following
219 requirements shall apply" which needs to be deleted.
220

221 Mr. Wu: congratulated staff for putting the ordinance in place. He recognized that many times, cities
222 do a wonderful study and put it on the shelf and what staff has done is implementing the study and
223 place recognition that will further the sustainability goals.
224

225 Mr. Wu: pointed out that the proposed ordinance did not mention the sustainability action plan and
226 he wanted to include the language in the ordinance for staff consideration: Line 12: To implement
227 the Hallandale Beach Sustainability Action Plan adopted by Resolution 2018-024 to provide tangible
228 and measurable advances in sustainability for the City. He stated that language was already
229 included in the staff report.
230

231 Mr. Wu: stated lines 93 thru 95. states: "that, all existing development as the effective date of this
232 division, which is not in compliance or is required to conform". He asked if the staff is enforcing this
233 today and during what timeframe do, we request people to conform?
234

235 Ms. Dominguez: stated that it is enforced when the developer is issued a notice that their
236 development is nonconforming to landscape requirements.
237

238 Mr. Wu: asked if a single-family home had one tree, would this requirement apply, so they would
239 now need to provide two trees, and if that was the intent?
240

241 Ms. Dominguez: stated yes.
242

243 Mr. Wu: asked if there was a systematic process that will be used to go through the property to
244 property to find out the nonconforming situations?
245

246 Ms. Dominguez: stated that due to limited staff it would be difficult to go from property to property,
247 but we do take a comprehensive look at properties. If there is a specific violation, we look at other
248 deficiencies and the property owner is issued a notice accordingly.

Mr. Wu: pointed out a typo on line 159 there was an extra letter “s” that needs to be removed.

Mr. Wu: asked about synthetic material and artificial turf mentioned on the provision would allow for fake grass in the front yard of a home? He asked if this was a request from the past?

Ms. Dominguez: stated yes, there is a maximum use of artificial grass in place of 30% of the entire landscaping area. She added that there are very specific minimum requirements for artificial turfgrass as far as permeability and the quality of the material.

Ms. Dominguez: further stated that the request had been brought up in the past from daycares and single-family homes. There are specific guidelines which are very strict on the quality of the material. The material must be guaranteed 15-20 years from fading and 100% permeable.

Mr. Wu: stated he had concerns about the language provided regarding architectural planters and his issue was not allowing the planter but instead the planters being installed, not surviving, and not requiring that they be removed.

Mr. Wu: further stated that he would like to include language to stated: removal of such planters that fulfill the landscaping requirements shall be subject to code enforcement action.

Mr. Wu: asked for an example specifically on language that states that the low impact development may be exempt from national standards number and spacing.

Ms. Jones-Wood: stated she did not have a particular example but the suggested language was provided by the audit tool for obstacles for green infrastructure for a case by case basis for rain garden, a bioswale, a tree filter box, to allow for some flexibility as they're often very uniquely granted.

Mr. Wu: suggested including the following language to Line: 348 (e) Low-impact development may be exempt from dimensional standards (number and spacing) subject to staff's discretion.

Mr. Wu: had a question on Line 355: Below-grade tree filter boxes and cisterns shall be permitted in rights-of-way adjacent to private property. He added that the word “shall” should be replaced with “may”.

Ms. Dominguez: interjected and pointed out that the language was intended to be removed completely since it would affect grading and impact utility lines.

Mr. Wu: suggested keeping the language and include at the end of the sentence “subject to City Engineer's approval”.

Mr. Wu: Opened the Public Hearing.

No speakers.

Mr. Wu: Closed the Public Hearing.

MR LEVINSON MOVED THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL WITH MODIFICATION/RECOMMENDATIONS MADE BY STAFF OF 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 8, LANDSCAPING;

AMENDING SECTION 32-381, PURPOSE AND INTENT OF THE DIVISION; AMENDING SECTION 32-383, RELATIVE TO LANDSCAPING WITHIN NONCONFORMING EXISTING DEVELOPMENT; AMENDING SECTION 32-384, LANDSCAPING REQUIREMENTS, RELATIVE TO TREE REQUIREMENTS AND INTERIOR LANDSCAPING; AMENDING SECTION 32-385, GENERAL REQUIREMENTS, RELATIVE TO IRRIGATION AND PLANT MATERIALS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE SUBJECT TO THE FOLLOWING CONDITIONS:

1. INCLUDE LANGUAGE THAT NOT REMOVING PLANTERS THAT DO NOT FULFILL THE LANDSCAPING REQUIREMENTS SHALL BE SUBJECT TO CODE ENFORCEMENT ACTION.
2. AMEND LINE 348 TO READ: LOW-IMPACT DEVELOPMENT MAY BE EXEMPT FROM DIMENSIONAL STANDARDS (NUMBER AND SPACING) SUBJECT TO STAFF'S DISCRETION.
3. AMEND LINE 355 TO READ: BELOW-GRADE TREE FILTER BOXES AND CISTERNS ~~SHALL~~ MAY BE PERMITTED IN RIGHTS-OF-WAY ADJACENT TO PRIVATE PROPERTY, SUBJECT TO CITY ENGINEER'S APPROVAL.

MS. DILLARD SECONDED THE MOTION.

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

6. REMARKS BY THE CHAIR

Mr. Wu: stated that he had no comments.

7. LIAISON'S REPORT

Ms. Dominguez: advised the Board that the *Hallandale Beach Boulevard-Form Base Code Amendment* was approved on First reading by the City Commission. She added that the FADD Parking Lot Project was also approved.

8. NEXT SCHEDULED MEETING

A. Wednesday, March 24, 2021, at 6:00 PM

MEETING ADJOURNED AT 8:57 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