



## City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

<b>Applicant:</b>	PETT Inc.	<b>Meeting Date:</b>	January 25, 2023	
<b>Project Name:</b>	Neighborhood Vet Clinic	<b>Property Address:</b>	26 SW 4 <sup>th</sup> Ave Folio#514228021510	
<b>Application #s:</b>	DB-22-1547, CU-22-1548, V-22-1549	<b>Application Type:</b>	Major Development Conditional Use Variances	
<b>Planning District:</b>	Southwest	<b>Quasi-Judicial:</b> (Enter X in box)	<b>YES</b> X	<b>NO</b>
<b>Parcel Size:</b>	.316 Acres	<b>Public Hearing:</b> (Enter X in box)	<b>YES</b> X	<b>NO</b>
<b>Existing Zoning:</b>	Hallandale Beach Boulevard West Sub-District (HBB-W)			
<b>Existing Use:</b>	Two one-story residential buildings			
<b>Proposed Use:</b>	Veterinary Clinic Building			
<b>Comprehensive Plan Future Land Use Designation:</b>	General Commercial Land Use			
<b>Surrounding Zoning:</b>		<b>Surrounding Land Use:</b>		
North: Hallandale Beach Boulevard West Sub-District (HBB-W)  South: Educational Facility (ED)  East: Hallandale Beach Boulevard West Sub-District (HBB-W)  West: Hallandale Beach Boulevard West Sub-District (HBB-W)		North – General Commercial  East – General Commercial  West – General Commercial  South - School		
<b>Staff Recommendation:</b>		<b>Strategic Plan Priority Area:</b>		
<input type="checkbox"/> <b>Approve</b> <input checked="" type="checkbox"/> <b>Approve with Conditions</b> <input type="checkbox"/> <b>Deny</b>		<input checked="" type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal		
<b>Sponsor Name:</b>	Vanessa Leroy, Director, DSD Department	<b>Prepared By:</b>	Christy Dominguez, Planning and Zoning Manager	

## Request

The applicant, PETT Inc. is requesting Major Development Plan approval, Conditional Use approval, and Variances of the Zoning and Land Development Code to build a 6,685 square foot veterinary clinic building at the property located at 26 SW 4th Avenue.

The applications filed with the City are as follows:

1. Application # DB-22-1547 for Major Development Review approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct the 6,685 square foot veterinary clinic.
2. Application # CU-22-1548 for Conditional Use approval pursuant to Section 32-964 of the Zoning and Land Development Code in order to permit the Veterinary Clinic Use.
3. Application # V-22-1549 requesting Variances from the following provisions:
  - a) Sec. 32-384(e)(2) relative to the required width of landscaping buffers around the perimeter of vehicular use areas.
  - b) Section 32-384(f)(2) relative to the interior island required for every ten parking spaces in a row.

## Background

### Analysis

#### Development Details

The applicant's plans depict the following:

1. A parcel of 0.316 net acres on the southwest corner of Hallandale Beach Boulevard and Southwest 4<sup>th</sup> Avenue.
2. There were 2 existing 1 story buildings on the site to be demolished.
3. A 6,685 square foot veterinary clinic is proposed for construction.
4. The proposed building is 2 stories in height (*the maximum base height allowed is 8 stories*). It is 29 feet to the flat roof.
5. A 6,685 square foot veterinary clinic which will include: exam rooms, a surgical area, animal grooming, an animal pharmacy, animal boarding and other ancillary veterinary uses.
6. Buildings must have the floor of the first habitable story elevated to meet the minimum floor elevations specified in Chapter 8, section 8-81 of this Code plus any regulatory freeboard. The building has been designed to meet the minimum floor elevations. The provided BFE and Proposed Finished Floor Elevation have been provided on Sheets A-1.
7. A minimum of 60 percent of the linear width of the lot along primary streets shall be occupied by the primary façade of a building, located in accordance with the minimum and maximum setbacks in Table 32-210(a). The actual building frontage provided is 65%.

8. A street building setback 52 feet along SW 1st Street. (*10 feet setback is the minimum required*).
9. A building setback of 10 feet to SW 4<sup>th</sup> Avenue front property line (*10 feet front setback is allowed*); a setback of 0 feet from the interior property line on the north side (*0 feet side setback is allowed*).
10. A building frontage along SW 4<sup>th</sup> Avenue of 65%. (*60% minimum building frontage required on primary streets*).
11. A surface parking lot with 22 parking spaces (*23 spaces are required*); *an administrative parking reduction of 5% is requested*).
12. A bicycle rack is provided under cover on the ground floor for the parking of 2 bikes at the east side of the building. On-site permanent bike storage room is provided.
13. Two EV Capable spaces are proposed. No EV Ready spaces are provided. (*Provide 3 EV Capable and 2 EV Ready spaces*).
14. There are 3 on-street parallel parking spaces distributed along all SW 1<sup>st</sup> Street.
15. 19% of the site will be landscaped. (*10% is the minimum required*).
16. The 5-foot landscaped buffer strip required along common property lines is not provided along the west property line in the vehicular use area.
17. A new 6-foot-wide sidewalk along SW 4<sup>th</sup> Avenue and on SW 1<sup>st</sup> Street is provided. One foot of the sidewalk is located within the property to meet the 6-foot minimum width required. (*a one-foot sidewalk easement is proposed to accommodate the required sidewalk*).
18. The site had relatively few existing trees and they were removed under separate permit.
19. A total of 16 on-site trees are provided. (*13 required*)
20. A total of 2 street trees are provided (*2 street trees are required, due to lack of space*).
21. The project is required to meet the City's certification-based green building standards at the Enhanced Level certification.
22. The property is platted and consists of 1 parcel.

### Comprehensive Plan Considerations

The property is designated General Commercial on the City's Future Land Use Map. The use proposed by the applicant is permitted under the land use category. The proposed development will assist in furthering the following goals, objectives, and policies of the City's Comprehensive Plan:

OBJECTIVE 1.5: Commercial Land Use: Maintain at least 2 commercial/business land use categories and corresponding zoning districts, covering at least 20 percent of the City's land area, providing for neighborhood commercial, general commercial uses and commercial recreation uses. At least 40 percent of the land area designated for commercial use shall be devoted to commercial recreation and ancillary uses, however, the City may elect to approve a proposed land use plan amendment to convert a portion of any parcel designated commercial recreation land use on the City's Future land Use Map, even though when the result may be a reduction in total commercial recreation land use below the 40% threshold, provided that the proposed land use designation compliments the commercial recreation land use category.

POLICY 1.5.1: Maintain categories of commercial land use on the Future Land Use Map consistent with those areas identified in the Commercial Permitted Uses listed in Section 2.3 of the Future Land Use Element.

POLICY 1.5.2: Maintain a Commercial Recreation Category including Hallandale Beach major commercial recreation facilities, i.e., Gulfstream Park Race Track and Casino, Mardi Gras Racing and Casino and Diplomat Golf Course and Country Club. The Commercial Recreation Category will allow public and private recreationally based facilities. Conversion of these facilities to other uses having increased impacts on public facilities will be contingent upon the new developments ability to maintain adopted level of service standards for affected public facilities and a land use compatibility determination by the City.

POLICY 1.5.4: The City adopts Broward County's rules and regulations for flexibility of commercial areas on the Hallandale Beach Land Use Plan.

POLICY 1.5.4: Commercial areas will continue to be regulated by development standards, such as, but not limited to, size and bulk regulations, landscaped medians, right-turn only exits and other controls or designs intended to improve vehicular and pedestrian safety.

POLICY 1.5.5: The commercial policy statements and categories in the Hallandale Beach Land Use Plan shall form the basis for zoning categories and land development regulations which establish different intensities of commercial development compatible with their respective service areas and adjacent and surrounding land uses.

POLICY 1.5.6: The City shall restrict further commercial development, or reuse of existing commercially zoned property, of the auto maintenance nature along Hallandale Beach Boulevard, US-1 or A1A.

POLICY 1.5.7: Development and redevelopment along Hallandale Beach Boulevard and U.S. 1 shall continue to be reviewed and evaluated based on guidelines established for these corridors in the City's Zoning Code, Land Development Regulations, the Citywide Master Plan and the Design Guidelines Manual. Recommendations from the Citywide Master Plan should also be considered and incorporated upon the Plan's completion expected in late 2008.

#### Applicable Codes and Ordinances

1. Section 32-210(e)(2) states the following:  
(2) *Conditional use standards*. Conditional uses must be approved pursuant to the provisions in section 32-964. In addition, the following regulations apply: *Animal hospital or veterinary clinics*. All facilities, including ancillary kennels, shall be located in an enclosed soundproof, air-conditioned building.

The proposed veterinary clinic use is permitted only with Conditional Use approval based on section 32-964 of the City's code of ordinances. An application has been filed for a Conditional Use Permit.

2. Section 32-384 (e)(2) which requires that perimeter landscaping abutting a rear or side common property line must be a minimum of 5' in width.

The Applicant's proposal provides the required 5 foot buffer for approximately 20 feet at the egress driveway on SW 1<sup>st</sup> Street adjacent to the property to the north, however, it is not provided for the remainder of this vehicular use area. Therefore, a variance from the code provision is required.

3. Section 32-384(2) requires that one interior island be provided for every ten spaces in a row. Each interior island shall also be not less than seven feet in width and extend the entire length of the parking space. At least one tree shall be provided within each interior island.

The applicant proposes 12 parking spaces in a row without a landscaped island instead of the maximum allowed of 10 parking spaces. Thus, a variance from this requirement is also needed.

Sec. 32-964. Conditional uses Review criteria.

Applications for conditional uses shall be reviewed with consideration given to the following:

1. That the use is compatible with the existing natural environment and other properties within the neighborhood.

*The Hallandale Beach Boulevard West Sub District is a mixed-use subdistrict along the city's main east-west corridor. This sub-district permits more intense uses than what is being proposed. Also, the intent of the Hallandale Beach Boulevard District is to guide redevelopment of land and provide a range of uses to meet the needs of residents through infill development and redevelopment projects.*

2. That the use will create no substantial detrimental effects on property values in the neighborhood.

*The proposed redevelopment of the lot to a Neighborhood Veterinary Clinic will provide for a service use that is beneficial to the surrounding residents within the community. The applicant has provided mitigative measures to ensure the use does not create a detrimental effect on property values in the neighborhood.*

3. That there are adequate public facilities such as schools, roads, parks and utilities within the service areas involved.

*The proposed commercial use will provide no impact on public school facilities. The applicant will work with City Staff to ensure that the adequate facilities exist within the service areas involved.*

4. That there will be adequate provisions for the traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use.

*The proposed redevelopment of the site entails the installation of sidewalks and adequate means of ingress and egress for proper circulation internal and external to the site.*

5. That there will be adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate drainage and pollution problems.

*The proposed redevelopment will provide adequate on-site retention and filtration.*

6. That there are adequate setbacks, buffering and general amenities in order to control any adverse effects of noise, light, dust and other nuisances.

*The Project meets all the required setbacks and does provide adequate buffering to surrounding properties. The applicant has taken measures to prevent surrounding properties from being impacted by the proposed use.*

7. That the land area is sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion of the use.

*The land area is sufficient for the proposed Project. Any proposed expansion would need to be reviewed under the Land Development Code to ensure adequate land area for increased footprint or building expansion.*

8. Any other conditions as may be stipulated and made a requirement in granting any application for a conditional use, when it is considered necessary to further the intent and general welfare, including, but not limited to:
  - a. Limitations on the hours of business operations.
  - b. Limitations on the number of occupants of any building at any one time.

#### Variance Review Criteria

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or building in the same zoning district.

*Noncompliance. The applicant proposes to construct a 6,685 square foot veterinary clinic building on subject property of .316 acres. There are site constraints to accommodate the development as proposed. The project would be an improvement over previous existing conditions and is generally in line with the applicable regulations. A portion of the Property (west property line) is adjacent to the side of an existing building. The Applicant is proposing to provide a row of ten (10) parking spaces adjacent to the building, which does not require an interior island. Opposite the building, Applicant is proposing to provide a row of twelve (12) parking spaces, which requires one (1) interior island. Applicant is seeking a variance to eliminate the one (1) required interior island in order to comply with other related development regulations (including landscape buffers, appropriate sidewalk width, and parking lot design). Due to the space constraints of the Property, Applicant is seeking this variance to permit twelve (12) parking spaces in a row without an interior island. However, strict adherence to the applicable zoning standards would not inhibit redevelopment of the site. It would affect the proposed size building by reducing parking to accommodate the required landscape buffer on the west side of a portion of the property.*

2. The special conditions and circumstances do not result from the actions of the Applicant.

*Noncompliance. Special conditions and circumstances do result from the actions of the Applicant. The existing building to the west of the Property blocks natural light from reaching that portion of the Property. Without the interior island the proposal provides adequate access to service areas and other development features. The project is designed with proper accessibility to parking areas. Sidewalk installation will also be provided.*

3. Granting the variance requested will not confer on the Applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district.

*Noncompliance. The proposed installation of astroturf by the driveway on SW 1<sup>st</sup> Street is permitted by the Land Development Code and the proposed number of parking spaces, inclusive of the (1) space reduction, is permissible by the City's Code requirements. As such, sufficient parking will be provided to meet the parking demands of the use as permitted by the Code. The inclusion of the parking island and perimeter landscape buffer would result in greater space constraint on the proposed use. However, all development must provide the required perimeter buffer and interior landscape island for every 10 spaces in a row.. Considering this, the variance would confer on the Applicant a special privilege.*

4. Literal interpretation of the provisions of this chapter would deprive the Applicant of the rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the Applicant.

*Noncompliance. The portion of the Property that needs the requested variance is not wide and shadowed by the adjacent building to the west. Thus, from an aesthetic perspective, there is not a negative impact created by allowing the requested variance. If the Applicant were required to install landscaping along the west Property line, the burden of maintaining the installed landscaping would be unjust, and the end result likely unattractive. However, all development must provide the required perimeter buffer and interior landscape island for every 10 spaces in a row. Considering this, the variance would not deprive the Applicant of rights enjoyed by other properties in the same zoning district.*

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

*Noncompliance. The granting of this variance would permit for the redevelopment of the Property as proposed by the Applicant. The Project exceeds the amount of required landscaping, which will minimize the impacts of the variance request. However, the variance granted is not the minimum variance that will make possible the reasonable use of the land, building or structure. The land could be reasonably developed with a smaller building to meet all aspects of the landscaping requirements.*

6. The granting of the variance will be in harmony with the general intent and purpose of this chapter.

*Compliance. The granting of the variance will be in harmony with the general intent and purpose of this chapter. The Hallandale Beach Boulevard West Sub District is a mixed-use subdistrict along the city's main east-west corridor. This sub-district permits more intense uses than what is being proposed. Also, the intent of the Hallandale Beach Boulevard District is to guide redevelopment of land and provide a range of uses to meet the needs of residents through infill development and redevelopment projects. The proposed veterinary clinic will replace an old building with a new use which benefits residents, and encourages investment in the area, in accordance with the Code.*

7. Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

*Compliance. The proposed variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

## **Major Development Review Criteria**

Article V, Section 32-787 specifies the following criteria shall be utilized in the review and evaluation of applications for Major Development Review approval:

### **1. Natural Environment (and existing conditions)**

The property consists of a single platted lot with 3 structures to be demolished on the property. Permits have been issued for the demolition of the buildings and removal of trees.

### **2. Open Space**

Approximately 19% of the property will be landscaped, which exceeds the minimum 10% required by Code.

Thirteen (13) trees are required, and 16 trees are provided on-site. The grounds will be landscaped with shrubbery and canopy trees, such as Live Oaks, Silver Buttonwoods, Pigeon Plum meeting the required number and height. An additional 2 trees (Silver Buttonwood) are also proposed to be installed as street trees.

### **3. Circulation and Parking**

Section 32-455 (c) of the Zoning and Land Development Code provides authority for administrative approval of a reduction up to 10% of the number of parking spaces required for new nonresidential development. The required parking for the project is 23 spaces. The applicant proposes 22 spaces, a reduction of 1 space equal to a 5% reduction as provided by the section. The project underwent reviews by the DRC which had no objection to the request for the one parking space reduction.

Three (3) on-street parking spaces are also proposed on SW 1st Street.

### **4. Access Control**

The parking area for the development will not be gated and will be accessible via one one-way driveway from SW 4<sup>th</sup> Avenue and to SW 1<sup>st</sup> Street.

### **5. Public Transportation**

The site is well served by existing mass transit services. Broward County bus routes service Hallandale Beach Boulevard, north of the proposed project. In addition, the City's mini-bus route also serves the area.

### **6. Community Services**

A dumpster is provided at the south ground floor of the building area which will be rolled out on service days. The location has been determined to be accessible for the City's sanitation vehicles which will service the facility from the trash/loading driveway accessed from SW 4<sup>th</sup> Avenue.

### **7. Concurrency Evaluation**

Staff has conducted a concurrency evaluation of the project relative to its impact on water, sewer, solid waste, drainage, and transportation. Staff has determined that concurrency requirements have been met.

The developer has submitted an Impact Evaluation Report as required by Section 32-788 that



addresses each issue. The following is a summary of the expected impacts to the various public utilities for reference.

**Potable Water** - According to the criteria in the Impact Evaluation Report, the development will generate the need for approximately 1,337 gallons of potable water per day (GPD). The City Water Plant's current capacity is 9 MGD. The City's current demand is about 6 MGD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$6,484.45 in water impact fees as required by Section 30-247 through Section 30-260 of the Code of Ordinances.

**Wastewater** – The City has a Large User Agreement with the City of Hollywood and several other communities for wastewater treatment. The wastewater demand for the project is 1,337 GPD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$9,131.71 in sewer impact fees.

Water and wastewater impact fees are estimates and are payable per Section 30-253 when the building permit is issued or when a request for capacity is made.

**Transportation System** – A Traffic Study providing an analysis of the impact of the development as it relates to current and projected roadway usage and design capacities was conducted as required by the City's Comprehensive Plan Transportation Element for projects generating 100 daily trips or more. The anticipated trip generation for this development is 61 daily trips. Therefore, a full-scale Traffic Study was not required nor provided. The Applicant provided a Traffic Statement and performed data collection analysis as determined by the City's Traffic Consultant for this project, Michael Miller Planning Associates. The development will generate 10 new AM Peak Hour Trips and 6 new PM Peak Hour Trips. The City's Consultant reviewed the Traffic Statement and concluded that while some new trips are generated, the additional new traffic from the development will be minimal and not affect the LOS. Also, the local grid system surrounding the project site affords a variety of routes for motorists to utilize access to main roadways. Due to the minimal impact of the proposed development, minimal impacts are anticipated to the nearby local and regional transportation roadway network.

The applicant will be required to mitigate for traffic and transportation impacts as set forth by Section 32-794, "Traffic and Transportation Facilities". The City's transportation mitigation fee for this project is estimated to be \$26,909.

Pursuant to the City's Comprehensive Plan, Transportation Element, Policy 1.5.4, any local streets are required to be a minimum of 50 feet right-of-way. The proposed project meets the Code minimum.

**Schools** – As a fully commercial building there is no impact to the Broward County School system.

**Energy Conservation/Green Building** - This project is required to meet the City's certification-based green building standards at the Enhanced Level certification. (Achieve 75 points). The developer will be required to submit green building prerequisites and worksheets of the site and building design to the City before the building permit for the project is issued. The developer has agreed to meet the City's Green Building requirement.

### **Why Action is Necessary**

Pursuant to Section 32-205(a)(2) of the Zoning and Land Development Code, Planning and Zoning Board consideration and recommendation is required prior to City Commission approval of Major Development applications in the Hallandale Beach Boulevard-West Sub-District. The proposal is requesting Conditional Use, and Variances.

## **Cost Benefit**

The estimated building permit fee for the project is approximately \$35,000 based on the estimated construction cost of \$1 Million.

### **Staff Recommendations:**

#### **Variance Application:**

The applicant has made a significant effort in complying with the site development standards for properties within the Hallandale Beach Blvd -West Subdistrict.

The requested variances to provide 12 spaces in a row without the required interior landscape island or provide the 5 feet perimeter landscape buffer for the parking lot for the full length of the adjacent property are minor in nature. However, these requirements could be met by a reduction of the building size to accommodate the required landscaping.

However, in staff's opinion, the request does not meet all the criteria for granting a variance, therefore, staff cannot support the Planning and Zoning Board recommend approval to the City Commission of the requested variances.

#### **Major Development Application:**

The subject property is located within the City's Hallandale Beach Boulevard West Subdistrict which has been identified as a focus for redevelopment into a vibrant area. The proposed use requires a Conditional Use. However, it is consistent with the zoning district and the City's Comprehensive Plan. The proposed use is also consistent with the overall vision of the General Commercial land-use area.

The Project will help revitalize the area and encourage redevelopment/reinvestment in the area. In furtherance of the Comprehensive Plan, Zoning and Land Development Code and other applicable City provisions; and based upon the finding of facts contained herein, Staff recommends the Planning and Zoning Board recommended approval of Major Development Application # DB-21-03749 subject to the following conditions:

1. Payment of the City's water impact fee in the amount of \$6,484.45
2. Payment of the City's sewer impact fee in the amount of \$9,131.71.
3. Payment of the City's transportation mitigation cost in the amount of \$26,909.
4. Provide two (2) electric vehicle charging stations, and 3 EV Capable parking spaces.
5. Provide a Sidewalk Easement dedication of one foot in a form acceptable to the City Attorney to accommodate the required 6-foot pedestrian walkway/sidewalk prior to the issuance of the building permit for the project.

### **Attachment(s):**

- Exhibit 1- Location Map
- Exhibit 2- Aerial Map
- Exhibit 3- Applicant's Letters
- Exhibit 4- Building Rendering, Development Plans
- Exhibit 5- City Traffic Consultant Report

