



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

<b>Applicant:</b>	Atlantic Village 3, LLC	<b>Meeting Date:</b>	February 28, 2024
<b>Project Name:</b>	Atlantic Village III Variance Amendment		
<b>Property Address:</b>	601 N Federal Highway		
<b>Application No.:</b>	RD-23-06322	<b>Application Type:</b>	Variance
<b>Parcel Size:</b>	98,916 square feet (2.27 acres)	<b>Quasi-Judicial:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Planning District:</b>	Central Gateway	<b>Public Hearing:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Existing Use:</b>	Vacant Commercial	<b>After the Fact:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Existing Zoning:</b>	Central RAC – RAC Corridor Subdistrict / Transit Core Subdistrict		
<b>Future Land Use Designation:</b>	Regional Activity Center (RAC)		
<b>Proposed Use:</b>	Daycare		
<b>Surrounding Zoning:</b>		<b>Surrounding Land Use:</b>	
North: Central RAC - Greyhound Track/RAC Corridor Subdistrict South: Central RAC – RAC Neighborhood/RAC Corridor Subdistrict East: Central RAC – Transitional Mixed-Use Subdistrict West: Central RAC – RAC Neighborhood Subdistrict		North: Regional Activity Center (RAC) South: Regional Activity Center (RAC) East: Regional Activity Center (RAC) West: Regional Activity Center (RAC)	
<b>Business Impact Estimate:</b>	Exempt as per Florida Statute 166.041(4)(c)		
<b>Staff Recommendation:</b>	<b>Sponsor Name:</b>		
<input type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input checked="" type="checkbox"/> Deny	Vanessa J. Leroy, Department of Sustainable Development Director		
	<b>Prepared By:</b>		
	Deandrea Moise, AICP, Principal Planner		

## Request

The Applicant, Atlantic Village 3, LLC, requests a variance to reduce the required depth of a colonnade from ten feet to zero feet for an existing mixed-use development for a daycare center at the property located at 601 North Federal Highway.

The application filed with the City is as follows:

Application # RD-23-06322, Variance to Section 32-201 Frontage Types, to reduce the required depth of a colonnade from ten feet to zero feet for an existing mixed-use development.

Staff recommends the Planning and Zoning Board forward a recommendation for denial to the City Commission.

## Staff Summary

### **Request:**

The subject property is an existing mixed-use development that was previously approved administratively pursuant to Section 32-205(a) of the Zoning and Land Development Code through Plan Case DB-19-1881. The approximately 120,000 square foot building is comprised of office, commercial/retail, and restaurant space. The subject property is zoned RAC Corridor Subdistrict along Federal Highway and Transit Core Subdistrict along NE 4 Street. As required by Section 32-201 of the Zoning and Land Development Code, the Applicant proposed and developed the property using the colonnade frontage type, which requires a colonnade depth of ten feet.

As a part of tenant improvements, the Applicant proposes to repurpose the colonnade along NE 7 Street and NE 4 Avenue to accommodate outdoor play area for the proposed daycare tenant, Key Point Academy. The tenant improvements to repurpose the colonnade into an outdoor play area includes the installation of a seven-foot-high aluminum fence along the property line, reducing the usable and accessible colonnade depth from ten feet to zero feet. As such, a variance is required. There are minor site plan modifications as a part of the tenant improvements, however, such minor modifications do not trigger Board consideration, but do require Staff administrative review. The colonnade, while surrounded by a fence, remains structurally intact, as such should the variance be approved, Staff recommends that should a new tenant occupy this space or the space becomes vacant, the fence shall be removed, and the colonnade be returned to the original condition as approved, in addition to other conditions.

The proposed daycare is located within the portion of the site that is zoned Transit Core Subdistrict. Prior to the recently adopted code amendment, daycares were permitted by right within the Transit Core Subdistrict; however, the building permit application for tenant improvements was filed prior to the code amendment making daycares a Conditional Use. As part of the review of the proposal, however, a comprehensive review of the daycare operations and plans (on file with DSD) was conducted by appropriate disciplines to ensure no negative effects resulted by the proposed use. As such, should the variance be approved Staff recommends several conditions to the operation of the daycare to ensure appropriate circulation and operations. The Applicant has applied for an after-the-fact building permit for the interior renovations that were completed. The building permit application is currently active, however, cannot be issued prior to approval of the requested variance.

The Development Review Committee (DRC) reviewed the requested variance and the associated plans for the amendment to the previously approved site plan and issued technical comments/issues identified. Through the DRC process the Applicant revised the proposed plans to address outstanding technical comments from Staff.

## **Analysis**

### **Development Details:**

The Applicant's plans depict the following changes:

1. Repurpose of the previously approved colonnade and egress/ingress into an outdoor play area and the installation of a seven-foot-high aluminum fence along the property line, reducing the usable and accessible colonnade depth from ten feet to zero feet.
2. Closure of the previously approved egress/ingress along NE 4 Avenue.
3. Changes to the circulation and layout of the previously approved parking area on the ground floor. This includes a reduction in parking spaces on the ground floor from the previously approved 366 parking spaces to 351 parking spaces. However, despite the reduction, the 351 parking spaces provided exceeds the number of parking spaces required for development including the daycare.

### **Comprehensive Plan Considerations**

The property is located within the Regional Activity Center (RAC) Future Land Use designation. The RAC land use category within the city encourages attractive and functional mixed living, working, shopping, educational and recreational activities. The requested variance to the frontage type regulations were developed as a part of the effort to encourage attractive and functional structures.

### **Applicable Codes and Ordinances**

Pursuant to Section 32-965 of the Zoning and Land Development Code the City Commission may approve a variance to the terms of the Zoning and Land Development Code that will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the Zoning and Land Development Code will result in unnecessary and undue hardship may be granted by in compliance with the requirements. The requested variance shall be reviewed with consideration given to the following 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.**

*There are no special conditions or circumstances that are peculiar to the land, structure or building involved, and such conditions would be applicable to other lands, structures or buildings in the same zoning district. The requested variance is necessitated by the proposed tenant and would not generally apply to other uses of the same space. The structure was originally constructed in compliance with the regulations of Section 32-205(a) as it relates to frontage types.*

- 2. The special conditions and circumstances do not result from the actions of the applicant.**

*The requested variance is necessitated by the proposed tenant and would not generally apply to other uses of the same space. The structure was originally constructed in compliance with the regulations of Section 32-205(a) as it relates to frontage types.*

- 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.**

*The requested variance will not confer any special privileges that would otherwise be denied without the approval of a variance.*

- 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.**

*The literal interpretation of this regulation would not deny the applicant of the rights commonly enjoyed by the properties in the same zoning district nor work unnecessary and undue hardships on the applicant as this variance is specifically requested to accommodate a specific tenant and would not generally apply to other uses of the same space. The structure was originally constructed in compliance with the regulations of Section 32-205(a) as it relates to frontage types.*

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

*The variance is not required for the reasonable use of the land, building, or structure; however, it is desired by the Applicant for the use of the proposed tenant.*

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

*The purpose of a colonnade is to provide a linear hallway attached to the front of the building supported by columns and pillars to create a shaded environment ideal for pedestrians and conducive to retail and mixed-use buildings. Pedestrians would utilize the public sidewalk for this portion of the building where the fence is proposed. The requested variance is not in harmony with the intent of colonnades, however, while surrounded by a fence, the colonnade would remain structurally intact. Should a new tenant occupy this space, the fence could be removed, and the colonnade could return to its original condition as approved. No permanent structural changes nor enclosure of the colonnade are proposed.*

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

*The requested variance will not be injurious to the area involved or otherwise detrimental to the public welfare. No screening to the fence shall be installed prior to review, should the variance be approved.*

### **Why Action Is Necessary:**

As the Applicant is requesting a variance to Section 32-201 Frontage Types to reduce the required depth of a colonnade from ten feet to zero feet, consideration and action by the Planning and Zoning Board and the City Commission is required pursuant to Section 32-965 of the Zoning and Land Development Code.

### **Business Impact Estimate**

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

### **Cost Benefit**

The requested variance will facilitate the commencement of operations for the proposed tenant. A permit will be required to install the proposed fence, and for the interior renovation of the suite to accommodate the proposed use. Building permit fees are estimated to be approximately \$5,700, however may be subject to additional fees prior to permit issuance.

### **Staff Recommendation:**

Staff finds that the requested variance does not meet all applicable criteria for granting variances.

Should the Planning and Zoning Board recommend approval of the requested variance, the following conditions are recommended:

1. In the event the daycare space becomes vacant, or a new tenant occupies the daycare space, the fence shall be removed, and the colonnade shall be returned to the original condition as approved through Plan Case DB-19-1881.
2. Should the daycare space be occupied by a new use, the required number of parking spaces for the new use shall be calculated and provided appropriately.
3. The fence surrounding the colonnade shall not be screened prior to the review and consideration by the Planning and Zoning Division Manager or designee to ensure appropriate compliance with visibility requirements for safe vehicular circulation in public right of way and ensure compatibility with the existing design.
4. Daycare enrollment shall not exceed 190 students.
5. Pick-up/drop-off times and areas shall function as illustrated on Site Plan and Operations Plan. Any modification to the drop-off/pick-up plan and operating shifts shall be considered by the Department of Sustainable Development Director or designee. The City of Hallandale Beach maintains the right, in perpetuity, to have the property owner/developer modify the Operations Plan as deemed necessary on an ongoing basis to address any unforeseen operational or safety problems created by site generated traffic after the facility has opened.
6. A parking monitor shall be provided during pick-up/drop-off times as identified in the operation plan.
7. For the first 45 days of operation following the issuance of the Certificate of Use, the childcare facility shall provide off-duty police presence to assist in enforcing pick-up/drop-off operations.
8. Deliveries shall be coordinated so as not to interfere with student arrival or dismissal shifts.
9. Payment of the City's impact fees per Chapter 31 of \$22,407.57 for the daycare use.

**Attachment(s):**

- Exhibit 1 – Location Map
- Exhibit 2 – Aerial Map
- Exhibit 3 – Applicant’s Letter and Backup
- Exhibit 4 - Applicant’s Development Plans

Review by: Christy Dominguez  
Planning and Zoning Manager