



City of Hallandale Beach City Commission Board Agenda Cover Memo

Meeting Date:	<i>January 25, 2017</i>		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other
				X	X	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading
				X		
		X	Public Hearing: <i>(Enter X in box)</i>	Yes	No	
				X		
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No
				X		
Account Balance:	N/A		Quasi-Judicial: <i>(Enter X in box)</i>	Yes		No
				X		
Project Number:	DB-2016-0012 Major Development, Z-2016-0013 Rezoning, and CU-2016-0014 Conditional Use MG 100 Tower Project		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i> Safety <input type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal <input checked="" type="checkbox"/>			
		X				
Sponsor Name:	Jennifer Frastai, Interim City Manager		Department: Development Services	Keven Klopp, Development Services Director		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF CITY OF HALLANDALE BEACH, FLORIDA, APPLYING THE PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE PROPERTY LOCATED AT 100 SOUTH FEDERAL HIGHWAY FOR THE MG 100 PROJECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

The following resolution is provided for informational purposes only and will be heard on second reading of the subject ordinance

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING MAJOR DEVELOPMENT APPLICATION #2016-0012-DB, APPROVING THE CONDITIONAL USE PERMIT APPLICATION #2016-0014-CU, AND APPROVING THE ASSIGNMENT OF 221 RAC

UNITS AND 73 FLEXIBILITY UNITS FOR THE MG 100 PROJECT AT 100 SOUTH FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

Request:

The applicant, MG 100 Federal, LLC, is requesting Major Development Review approval of the MG 100 Tower Project, applying the Planned Development Overlay District and a Conditional Use permit to allow the proposed residential use pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct a 30-story mixed use tower with 294 residential units and 9,603 of commercial space. The property is located at 100 South Federal Highway.

The applications are as follows:

1. #Z-2016-0013, Applying the Planned Development Overlay District (PDO)
2. #CU-2016-0014, Conditional Use Permit to allow a residential use in B-L/RDO Districts
3. #DB-2016-0013, Major Development Review for the MG-100 Project.

Staff Summary:

Background

As part of the implementation of the Regional Activity Center (RAC) land use designation, the City adopted Ordinance # 2014-30, which included a provision under Section 15 for a property owner who had relied on the prior zoning and made substantial expenditures for the development of the property to claim vested rights. Upon adoption of the RAC regulations, the applicant claimed a vested right to apply under the previous zoning pursuant to the Ordinance. The vested rights were confirmed by the City. Therefore, the applicable Code provisions for the review of the subject applications are the former zonings of the property: B-L District with Planned Redevelopment Overlay (RDO) District. The applicant had until July 8, 2016 to obtain major development approval that adhered to the previous regulations and requested an extension by the Commission in order to complete the negotiations on the related Development Agreement. On July 6, 2016, the City Commission granted a 180 day extension until January 4, 2017, for the applicant to obtain the development approval. On November 1, 2016, the City Commission granted an additional 45 days. The new expiration date is February 18, 2017.

The Developer's Community Meeting required for the Major Development application was held on May 19, 2016.

On June 8, 2016, the applications were presented to the Planning and Zoning Board. The Board recommended denial of the PDO and Conditional Use applications by a vote of 3 to 1. They recommended approval of the Major Development application by a vote of 4 to 0 with staff's recommendations and the following additional recommendations:

1. The height of the building shall be reduced to a maximum of 25 stories.
2. A total of 791 parking spaces shall be provided for the Project or a proportional ratio if the number of units is reduced.

(Please refer to the Planning and Zoning Board Cover Memo (Exhibit 8) for a full technical analysis of the application and Draft Minutes and discussions at the Hearing (Exhibit 9).

Since the Planning and Zoning Board of June 8, 2016, the applicant has revised the proposal and reduced the height of the building from 35 stories to 30 stories and the number of residential units from 350 to 294 units.

Why Action is Necessary

Section 32-783(c) requires Planning and Zoning Board consideration and recommendation prior to City Commission action on applications for Major Development, Rezoning, Conditional Use, and variances.

The Project requires Major Development approval in accordance with Section 32-782(a), as it exceeds the 10 dwelling unit and 4,000 square feet of nonresidential gross floor area thresholds. The applicant is proposing 294 residential dwelling units and 9,603 square feet of commercial space.

Applying PDO is required in order to allow the project to utilize the Planned Development Overlay zoning district.

Conditional Use approval, and assignment of residential flexibility or RAC units are required in order to allow a residential use on site designated Commercial General or RAC on the City's Future Land Use Plan.

Analysis

Development Details

The applicant's plans depict the following:

1. A parcel of land 1.51 acres in size before a right-of-way dedication of 5 feet along SE 5th Avenue. The total size of the parcel after the dedication is 1.47 net acres.
2. A missed-use with 294-units, a 5,487 square feet restaurant and 4,116 square feet of retail space at ground level.
3. The building will have 30 stories with an overall height of 299'-11" feet.
4. Seven hundred thirty five (645) parking spaces are proposed (723 spaces are required).
5. The building consists of 105-one bedroom, 126-two bedroom and 63-three bedroom units for a total of 294 units.
6. The one-bedroom units are 770 square feet in size (850 square feet is the minimum required), the two-bedroom units have 1,155 square feet (1,000 square feet is the minimum required) and the three-bedroom units are 1,307 square feet in size (1,200 square feet is the minimum required).

7. There are 8 levels of parking in the garage. The residential pool, gym and other recreational amenities are on the 9th floor. The apartment levels are on the 10th thru the 30th levels.
8. The building will be setback 31'-9" feet from the front property line; 25 feet from the rear; 23 feet from the north side and 33'-5" from the south side. The building is designed with balconies, planters and overhangs which further extend into required setbacks as follows: front: 10'-3"; rear: 12'-6"; north side: 13'-0"; and south side: 6'-6". (The required setbacks of the building or extensions are: maximum of 15 feet from the front property line; a minimum of 25 feet from the rear; and, zero feet from the side property lines).
9. A 2'-10" landscape buffer is provided along north side of property (5 feet is the minimum required adjacent to a vehicular used area).
10. 21.87% of landscaping is proposed (15% is the minimum required in the B-L District).
11. Forty seven (47) trees for credit are proposed (44 trees are required).

Comprehensive Plan Considerations

The subject property is presently designated Regional Activity Center (RAC) on the City's Future Land Use Map. According to the City's Future Land Use Element, this land use designation permits a total of 4,241 RAC Units within the RAC. This number includes existing residential units. The 4,241 total RAC units were derived using the total allowed density permitted on the Broward County FLUM.

The City has recently approved various projects utilizing RAC or Flex units and is also processing various projects for which RAC or Flex units are needed in order to allow a residential component.

Currently, there are 356 RAC units remaining in the pool of available RAC units. The pool is for all currently vacant parcels and parcels that could accommodate additional dwelling units in accordance with the applicable zoning regulations. The City's residential unit pool also includes 404 flexibility units (of which 259 units must be affordable) and 289 Reserve units remaining in Flex Zone 93, the applicable flexibility zone.

Since the property is located within the City's Regional Activity Center, RAC units may also be allocated by the City Commission to the property, in addition to Flex or Reserve Units.

The 294 units proposed by the applicant results in a density of 200 dwelling units per acre on the 1.47 acre parcel. Based on the size of the parcel, the maximum number of Flex or Reserve units that can be assigned to this Project pursuant to the City's Comprehensive Plan is 73 units. The other 221 units necessary to achieve the total 294 units proposed would need to be allocated from the RAC Unit pool.

Currently, the City is in the process of preparing for City Commission consideration, the proper application to file with Broward County to increase the number of RAC units for the area. The application is subject to approval by both the City Commission and Broward County Commission.

Applicable Code and Ordinances

1. *Conditional Use request.* The applicable zoning for the Project is B-L, Business Limited District with Planned Redevelopment (RDO) Overlay District. The property does not have a PDO Overlay zoning. The applicant also seeks applying the PDO Overlay to the property.

Commercial uses are permitted by the applicable zoning. Residential uses, however, are permitted by a Conditional Use Permit and assignment of RAC, Flexibility or Reserve units.

The applicant proposes to build a mixed-use high rise building which would contain 294 residential units, and commercial space. Section 32-181(d)(2) of the RDO Overlay District regulations permits mixed multi-family uses by a Conditional Use Permit, subject to assignment of flexibility or reserve units under the Broward County Flexibility Rules Document, up to a density of 50 units per acre on lots at least 2 acres in size.

The project site is 1.47 acres, less than the 2 acre minimum to allow a density of 50 units per acre. The maximum permitted density on the property per the RDO District is 25 unit per acre or 36 units. The maximum number of flex or reserve Units that can be allocated to this Project based on the maximum allowed density of 50 units per acre per the City's Comprehensive Plan is 73 units.

2. *Rezoning to PDO Overlay.* The applicant requests to apply the Planned Development Overlay (PDO) District to the property.
3. PDO allows the developer to negotiate development standards with the City via a development agreement and approved site plan. PDO provides the flexibility to determine the appropriateness of a code modification based on the suitability to the specific site rather than the variance process. The City Commission may waive any site development standards such as, specified setbacks, floor area, building heights, density, landscaping or parking requirements in lieu of a variance within areas zoned PDO.
4. *PDO Waivers.* The applicant has requested site development modifications under the Major Development Review application for the following requirements as further discussed below:

WAIVERS OR DEFICIENCIES	REQUIRED/ALLOWED	PROPOSED
a) Maximum density allowed in RDO (parcel 1.47 acre)	25 DU/Acre	200 DU/Acre
b) Parking required	723 spaces	645 spaces
c) Dead end parking	Not Allowed	2 corridors dead end
d) Rear yard setback- Building	25 ft. min.	20 feet
i. canopies and planters	25 ft. min.	10'-3" feet
Front yard setback- Building	15 ft. max.	31'-9" feet
ii. Canopies and planters	15 ft. max.	10'-3" feet
e) Min. unit size 1 bedroom	850 s.f.	770 s.f.
f) Landscaped buffer at common P/L	5 feet	2'-10" (north)
g) 6 ft. masonry buffer wall across from residential	6 ft. wall required	3'-6" knee wall and louvered garage

- a) *Density.* The 294 units proposed generate a density of 200 dwelling units per acre. The applicant has requested a waiver from the density limitations in RDO as

allowed for properties zoned PDO.

- b) *Number of off-street parking.* The total parking required for the Project according to the applicable Code is 723 spaces and 645 spaces are provided. The commercial uses require 69 spaces and 69 spaces are provided, which meets Code. However, the parking required for the residential component of the Project based on the applicable standard of 1.75 space per one bedroom unit, 2 spaces per 2 bedroom unit and 2.5 spaces for 3 or more bedroom unit, plus 10% additional for guests is 654 spaces. The number of spaces provided for the residential use is 576 spaces, a shortage of 78 spaces (11.8%). The applicant requests the 78 spaces be waived pursuant to Section 32-186 (i)(1) of the PDO regulations.

(When compared to the RAC regulations, 562 parking spaces would be required for the Project instead of 723 spaces – 161 less spaces. The Project's proposed 645 spaces would result in a surplus of 83 spaces per the RAC Code).

- c) *Dead-end Parking.* Section 32-453 (i) (4) requires that all parking corridors in excess of four abutting parking spaces shall be designed to permit vehicle entry and exit in one continuous forward motion without using a vacant space to turn around.

The ground floor level of the parking garage is designed with one dead- end corridor on the north side of the parking garage. There is also one dead-end corridor on the 8th level of the garage with provisions for a turn- around. According to the applicant, the ground level parking will be used for the commercial uses on the ground floor. The parking garage, including the 8th level will be by assigned parking for the residential use only. However, a waiver from the Code provision is required.

- d) *Building setbacks.* Section 32-181 (g) (5) requires a street definition line be provided along the street frontage of Federal Highway at a maximum of 15 feet front yard setback from the street. The front setback proposed along Federal Highway is approximately 32 feet, exceeding the maximum allowed front setback by 17 feet. In addition, the rear building setback is proposed at 20 feet instead of the minimum 25 feet required. Also, canopies and planters are proposed that extend into the required setbacks. Therefore, a waiver is requested.

- e) *Unit Size.* Section 32-149(e)(5) requires 850 square feet in gross floor area for each (1) one bedroom apartment, 1,000 square feet in gross floor area for each (2) two bedroom apartment and 1,200 square feet for each 3 bedroom apartment on properties zoned B-L, Business Limited District. The proposed residential units do not meet the minimum size required for the 1 bedroom units as follows:

1 bedroom: 770 s.f. *(850 s.f. is the minimum required)*

2 bedroom: 1,307 *(1,100 s.f. is the minimum required)*

3 bedroom: 1,596 *(1,200 s.f. is the minimum required)*

As a result, a waiver is requested from the minimum size required for the one-bedroom units.

(When compared to the RAC regulations, the minimum one-bedroom unit size in the RAC is 700 s.f.)

- f) *Landscape buffers.* Section 32-384 (e) (2) requires a minimum 5 foot landscape buffer abutting vehicular use areas alongside common property lines. The landscaped buffer on the north side of the property is 2' feet- 3 inches in width instead of the required 5 feet width, resulting in a deficiency of 1 foot- 4 inches. Therefore, a waiver is requested.
 - g) *Buffer Wall.* Section 32-331 requires a 6 feet masonry wall for where commercial development abuts or is separated by a public right-of way from residential development. Therefore, a buffer wall is required along the west property line. In lieu of the wall, the applicant the building's parking garage is wrapped with louvers and planters to screen the vehicles. A waiver from the 6 foot wall requirement is also requested.
5. *Height.* The maximum building height permitted in the Planned Redevelopment Overlay District is 350 feet. The proposed building is 299'-11", therefore, it does not exceed the permitted height under the applicable Code.

(When compared to the RAC regulations, the maximum building height in RAC Corridor is 20 stories)

6. Pursuant to the City's Comprehensive Plan, Transportation Element, Policy 1.5.4, local streets are required be a minimum of 50 feet right-of-way. SE 5th Avenue is a 40 feet right-of-way; thus, the applicant will be required to provide a 5 feet dedication along SE 5th Avenue. The proposed site plan incorporates the required dedication and provides proper sidewalks and streetscape consistent with the City's Complete Streets Program.

PDO Review Criteria

Pursuant to city code, applications for rezoning to PDO shall be reviewed with consideration given to the following criteria:

1. That the Project would further the development or redevelopment of an area of the city consistent with the city land use and development goals, policies and development/redevelopment efforts.

The applicant states that the Project will provide for a mix of uses and activities that respond to the needs of the area and the intent of the City to create a pedestrian oriented commercial/ living environment within the RAC Corridor and the surrounding area, as well as allow more intense development along the major thoroughfares, such as Federal Highway. The Project is inconsistent with the RAC permitted height and density, however, the project has vested rights and may be reviewed and considered under the previous zoning.

The proposed site has the proper land use designation required for mixed use residential/commercial development. High density residential developments are planned in proximity to this project. In addition, the site is located on a major transit corridor. Assignment of PDO Overlay district to the Parcel is consistent with the City's adopted land use goals for the area and redevelopment efforts of

the applicable zoning.

2. That the proposed development would be of an equal or higher quality with regard to appearance, site design, compatibility with the adjacent area, landscaping, and provision of amenities that would result under the existing development standards.

The proposed development would be of a higher quality. Quality, appearance, or provision for amenities of the development are not regulated by the zoning. PDO extends the City's discretion in assuring a high quality development and compatibility with the surrounding area through the negotiated process and a Development Agreement to govern the development. The proposal includes high quality materials, extensive landscaping and architectural features consistent with established Design Guidelines for RDO. The development is a modern design with large spans of mixed materials such as glass, and stainless steel. Building elevations and design includes an urban pedestrian plaza and pedestrian walk, several gathering and outdoor seating areas along South Federal Highway.

3. That PDO would allow a more innovative design than would be possible under the development standards of the existing zoning district and development regulations.

PDO Overlay, by providing for waivers, rather than the variance process, will allow for a more innovative design of the development such, as the building placement, and architectural extensions into setbacks and creating a pedestrian-oriented commercial and living environment.

4. That the proposed development would promote the public interest, including, if appropriate, the provision of open space and amenities available for public use.

The proposed development provides for amenities along Federal Highway suitable for public use with outdoor seating areas and pedestrian sidewalks. A small pocket park which may provide for seating is proposed on the rear of the property along SE 5th Avenue. The proposal also includes restaurants and retail shops which will be opened to the public with opportunities for outdoor seating and use.

5. That mixed commercial and residential development proposals would be well planned, in any integrated design that would encourage use of mass transportation, pedestrian and bicycling modes of transportation.

The proposed development integrates retail, office, and residential uses. Staff recommended and the developer agreed to relocate the existing bus shelter to the north from its existing location at the Mobil Station to the subject property, providing a safer and more convenient location for transit use. The proposal has also incorporated bicycle racks and pedestrian pathways along Federal Highway. He has also agreed to incorporate TDM's (Transportation Demand Management) strategies to encourage use of mass transportation by residents, employees and visitors to the site.

6. That it would be more appropriate for a proposed project to be developed under PDO development standards and procedures than the existing zoning district development

standards, and development review and variance procedures, when the criteria mentioned in this subsection are considered.

It would be more appropriate to develop the property consistent with the RAC regulations' permitted height and density which would be more compatible with the neighborhood to the west. However, the project has vested rights and may be considered under the previous zoning.

The Project incorporates certain deviations from the Code standards, such as density, which are subject to commission discretion and approval. Assigning PDO to the property will facilitate the comprehensive review of the Project governed by a development agreement.

Conditional Use Review Criteria

Article VI, Section 1 (1.02) Conditional uses: 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.

Consistent. The land use of the neighborhood is Regional Activity Center which goal is for the City to direct development and redevelopment in its central core adjacent to major transportation corridors. The applicable zoning of the property is B-L/RDO, which purpose is to promote more compact vertical development. Also, the present zoning of the property and adjacent parcels is RAC Corridor, which permits the largest scale development in the RAC. In addition, the property is located along Federal Highway across from property designated RAC Corridor and a Local Activity Center (Village at Gulfstream Park) with an approved development program that includes high rise mixed uses, therefore, a mixed-use project would be well integrated with its surrounding and planned uses.

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

Consistent. The addition of a mixed use building should not create detrimental effects; instead, should spur redevelopment efforts for the Regional Activity Center improving the area consistent with the purpose of the Regional Activity Center land use, the RDO Overlay District and the Citywide Master Plan.

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

Adequate public facilities exist within the subject service area with the exception of an adequate lift station to support the development. Consistent, subject to the upgrades to the applicable lift stations to support the project being in place.

- (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.

Consistent. Vehicular and pedestrian traffic movements were reviewed as part of the Major Development Plan application and were found to be adequate with roadway and sidewalk improvements proposed.

- (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.

Consistent. A storm water drainage system will be provided as required by Code.

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

Consistent. The proposed project has been designed in general compliance with the intent of the Planned Redevelopment Overlay District and the RAC regulations which purpose is to promote mixed use projects and encourage more compact vertical development in a pedestrian friendly environment. The proposal should not result in the creation of any nuisances to neighboring properties. Service and vehicular use areas have been designed to be screened from public view.

- (7) That the land area is sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.

Inconsistent. The proposed site has the proper land-use and Comprehensive Plan designations required for mixed residential/ commercial development. High-density residential developments are planned in close proximity to the subject site and the project is located on a major transit corridor, making a mixed use project appropriate. However, the proposed density significantly exceeds the permitted density permitted by flex units (50 du/ac) and the density permitted within the RAC (90 du/ac). The Project is on a major transportation corridor, well suited for high density and commercial development. However, although the proposal has integrated measures to buffer the project along SE 5th Avenue, the proposed density is not compatible with the existing mid-density development to the west.

- (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.

Not applicable.

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

There is an existing closed restaurant building (formerly Gamaroff's) and accessory parking lot on the property. There are no desirable trees in the building area.

2. Open Space

14,379 square feet (21.87% of the site will be landscaped at ground level exceeding the applicable standard of 15 %. In addition, on the 9th floor, the building will contain 2 swimming pools, decks and other recreational amenities for the residential use.

According to the landscaped plans, the common areas will be substantially landscaped with trees, palms and shrubbery.

3. Circulation and Parking

On site vehicular circulation is designed to provide free movement within the proposed development at ground and above ground levels in the garage, with the exception of the parking corridor on the north side of the property at ground level, and the 8th parking level which although provides a backup space for turning, has one dead-end corridor. There is safe and efficient access to service areas and for emergency vehicles.

Seven hundred twenty three spaces (723) are required for the development and 645 parking spaces are proposed, a deficiency of 78 spaces, an 11.8 % reduction from the parking spaces required by the applicable Code. The applicant provided a Parking Study for City consideration to determine whether the number of spaces proposed were appropriate for the intended uses. The City's Transportation Consultant for this Project, Kittleson and Associates (KAI) reviewed the Study and concurred with the analysis and findings that the 645 spaces was acceptable to serve this mixed use project. In addition, although the property was granted vested right to develop under the prior zoning code designation instead of the RAC regulations, the proposed 645 spaces provided would result in a surplus of 83 spaces under the RAC Code.

4. Access Control

The Project will be accessed from SE 5th Avenue. Three access points are planned: one full access driveway on the southwest corner of the development (primarily for residents); one full access driveway on the northwest corner of the development (primarily for visitors to the retail and restaurant uses); and one mid-block one-way exit only driveway (for service vehicles, trash trucks, and visitors). A pedestrian pathway from SE 5th Avenue to the storefronts is also provided on the south side of the building.

5. Public Transportation

Staff recommended and the developer agreed to relocate the existing bus shelter to the north from its existing location at the Mobil Station to the subject property, providing a safer and more convenient location for transit use. The exact location of the shelter will be subject to approval by Broward County Transit Authority. Federal Highway, well served by Broward County Transit, Miami –Dade Transit and the City shuttle should encourage use of mass transportation by residents, employees and visitors to the site.

The developer will be required to install the new shelter and provide a 6 feet x 20 feet easement.

6. Community Services

The building will have a trash room in a service area on the west side of the building in the parking garage screened from view of the residential uses to the west. Proper accessibility for the City's sanitation vehicles which will service the development has been provided.

Paved areas are proposed to have underground catch basins for storm water runoff. Storm water must be retained on site. Drainage calculations will be required at time of permitting.

The applicant will be required to comply with Department of Environmental Protection (DPEP) regulations and City criteria to retain a 5-year 1-hour storm on site.

7. Building and Other Structures

The proposed development will consist of a 30-story tower with 294 residential units, and 9,603 square feet of commercial space. At the ground level active uses such as retail, restaurants and residential lobbies line the length of the site's sidewalks. The building's parking garage is wrapped with louvers and planters to screen the vehicles.

According to Section 32-787(3), shadows cast by proposed structures shall be discouraged from precluding the reasonable use of neighboring properties recreational areas. The applicant has provided a shadow study which reflects the proposed tower will not cast any shadows which would affect adjacent properties' recreational areas.

8. Concurrency Evaluation

According to Article V Section 32-782, determination of concurrency must occur prior to the approval of a building permit.

Staff has conducted a concurrency evaluation of the project relative to its impact on water, sewer, solid waste, drainage, transportation and schools. Staff has determined that concurrency requirements have been met. Water, sewer and drainage compliance are all subject to submission of hydraulic analysis, and drainage calculations to the satisfaction of the City Engineer prior to the issuance of a building permit. The City reserves the right to require upgrades to the system if it is determined the system is inadequate or will be severely taxed by development.

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 9,100 gallons of potable water per day (GPD). The plant's current capacity is 9 MGD. The City's current demand is about 6 MGD. There is sufficient capacity to maintain the proposed development. The developer will be required to pay the City approximately \$324,270.29 in water impact fees after credit for existing use.

Wastewater – The City has a Large User Agreement with City of Hollywood and several other communities for wastewater treatment. According to the applicant, the wastewater demand for the project is 47,360 GPD. There is sufficient capacity to provide for the proposed development. The developer will be required to pay the City approximately \$414,898.20 in sewer impact fees after credit for existing use.

In addition, the City requested the services of Hazen and Sawyer, the City's wastewater consultant to determine the impact of the proposed development to the wastewater infrastructure owned and operated by the City. The results of the Modeling Study determined the development would impact Lift Stations No. 7 and No .8. The applicant will be required to pay towards upgrades to the affected lift stations. The preliminary estimate of the cost is \$1,817,199.00.

Water and waste water 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. Payment for lift station and force main upgrades pro-rata is also an estimate.

Transportation System – The applicant was required to submit a Traffic Study (TIA) pursuant to Section 32-788 (g) for an analysis of the impact of the development as related to current and projected roadway usage and design capacities. The City's traffic consultant for this project Kittelson and Associates (KAI), reviewed the Study. According to the consultant, the proposed use would generate 58 AM Peak Hour trips and 119 PM Peak Hour trips. The City is within a designated Urban Infill Area, therefore, new development is exempt from roadway concurrency review in order to encourage urban infill and redevelopment. The City may approve development regardless of traffic congestion, but does not preclude the City from requiring mitigation deemed appropriate, including improvements necessary for safe and adequate access to the site or to improve general transportation operations that will serve the development. The applicant is also required to mitigate for traffic and transportation costs as set forth by Section 32-794. The City's transportation fee is approximately \$170,143.00.

KAI has recommended acceptance of the TIA with conditions as specified in the Conclusions/Recommendation section of this report. Although, the applicant has agreed to comply with transportation-related improvements in principle, the latest revised TIA submitted in August, 2016 did not incorporate all responses requested by the Consultant. KIA has recommended the applicant provide a formal revised or supplemental submission with the requested information prior to execution of the Development Agreement for acceptance and concurrence. The City reserves the right to submit further comments once a complete revised TIA report is submitted.

Schools - Based on the student generation rate adopted by the Broward County School Board this project will generate 4 elementary school students, 1 middle school student and 2 high school students for a total of 7students. Adequate school capacity is available to support the project.

9. Energy Conservation/ Green Building

Section 32-787(k), the City's Green Building Program, requires residential buildings of 50 units or greater or greater than 50,000 square feet of nonresidential floor area to obtain a green building certification from a recognized environmental rating agency accepted by the City. Therefore, the project will have to meet the City's Green building certification is required. The applicant has agreed to meet the City's Green Building requirements.

10. RDO Design Guidelines

Properties zoned RDO are also subject to the adopted Design Guidelines for the Planned Development Overlay District. The proposed development has been found to be generally consistent with the established design guidelines for properties zoned RDO.

11. Required Developer's Community Meeting

The applicant held the required Developer's Community Meeting on May 19, 2016 to present the project to the community in a public forum. The meeting was advertised and notices were mailed to area residents within ½ mile radius from the site in accordance with Section 32-1003 of the City's Code. Nine persons attended the meeting. Some of the concerns expressed voiced by attendees were: traffic, access to the site, drainage, and

inconvenience by construction.

12. Financial Impact

The project's anticipated market value at build-out is approximately \$170 Million. It is expected the proposed development will generate approximately \$882,606.00 in real estate taxes. Approximately \$838,476.00 of the revenue would go to the City's CRA. The estimated construction cost of the Project is \$80 Million. The building permit fee is approximately \$1.2 Million.

13. Development Agreement

As required for PDO properties, a Development Agreement (DA) is proposed to govern the development of the Project. Please refer to the related agenda Cover Memo regarding the Development Agreement for terms and conditions of the Agreement.

Staff Recommendations

Planned Development Overlay (PDO) Request

The objective of PDO is to enhance properties and surrounding areas while allowing flexibility in development. Adoption of PDO District was predicated on the City's desire to promote development at properties which are underutilized, in need of revitalization, or prime for redevelopment. As a vested property, PDO is generally appropriate for this parcel in order to govern the Project as one unified development. The proposed Project is consistent with the intent of the Planned Redevelopment Overlay (RDO) to maximize redevelopment potential and provide for high quality development by setting site-specific standards.

Conditional Use Permit

The proposed location is appropriate for a high-rise mixed use project but is inconsistent with the overall vision of the RAC land use of the area. Although other vested nearby projects within the RAC were approved at a higher density than this project, the proposed density of 200 dwelling units per acre still significantly exceeds the density permitted by flex units (50 du/ac) and the density permitted within the RAC (90 du/ac). In addition, although the applicable Code permits the proposed height of 300 feet/30 stories, it also significantly exceeds the maximum of 20 stories now allowed in the RAC.

The applicant is further requesting assignment of residential units from the City's residential unit pool of RAC, Flex and Reserve units. This allocation will impact the RAC, Flex and Reserve Units available for other projects until such time the City is able to increase its RAC unit pool via a City and County Comprehensive Plan amendments or the County provides a mechanism for additional residential units. The number of units allocated to this project will be determined at the City Commission's discretion. The maximum number of Flex or Reserve units that can be assigned to this Project is 73 units. The other 221 units necessary to achieve the total of 294 units proposed would need to be allocated from the RAC Unit pool.

Major Development Application

Staff has conducted a comprehensive analysis of the subject applications and has

determined the applicant's proposal meets the general requirements for Major Development Plan approval relative to concurrency.

Staff does not object to some of the code modifications requested, such as the number of parking spaces provided, dead-end parking corridor, building setbacks, and landscape buffer to the north. Staff recognizes that some modifications are consistent with the new RAC zoning of the property, such as, the size of the one –bedroom units and the parking required. Under the applicable Code, 723 spaces are required for the project, a deficiency of 78 spaces (11.8%). Based on the parking requirements of the new RAC zoning, the project provides 83 parking spaces more than the number required by the applicable Code. Therefore, staff does not object to such modifications. However, staff cannot support the application as the proposal far exceeds the maximum density permitted for mixed use projects contemplated by the applicable Planned Redevelopment Overlay District zoning and the current RAC regulations of the area.

Should the City Commission decide to approve the applications, approval should be subject to the following conditions:

1. Assignment of 294 Units from the City's Residential Unit Pool (*Maximum of 73 units from flex or reserve pool*).
2. The project shall be designed and constructed to comply with Section 32-787(k) and obtain a Green Building certification from a recognized environmental agency.
3. Payment of applicable water, sewer and transportation fees prior to the issuance of the building permit for the development.
4. The parking garage spaces shall be utilized solely as parking and not converted to any other use.
5. The applicant will be required to pay towards upgrades to the affected lift stations, the cost estimated at \$1,817,199.00, prior to the issuance of the building permit for the development.
6. Complete Street Improvements to SE 5th Avenue by reconstructing SE 5 Avenue from Hallandale Beach Boulevard to the end of the Property to include: milling and resurfacing, new sidewalks on both side of the street, new curbing, drainage, new swales, on-street parking as feasible, and street trees as specified by the City Engineer.
7. Roof-mounted equipment shall be screened from view, engineered and screened to reduce noise from the equipment.
8. Dedicate 5 feet along the west property line along SE 5th Avenue for public right-of-way.
9. The Developer shall provide a 6 feet x 20 feet bus shelter easement at a location acceptable to Broward County Transit.
10. No required tree shall be less than 15 feet in overall height and three inch caliper.
11. Developer shall provide a construction staging plan prior to the issuance of the building permit.
12. Inclusion of the TDM mitigation measures, as identified by the traffic and parking studies, in the development agreement. These measures include:
 - a) Relocate the existing bus stop location on Federal Highway to a location acceptable to Broward County Transit at the project site and install a bus passenger shelter, at the developer's expense.

- b) Applicant will include a transportation insert for the move-in packet for all new residence. The insert will include information on transit service, schedule and fares, including the local Hallandale Beach community bus service.
 - c) Applicant will offer a 50% subsidy to purchase Miami-Dade Transit or Broward County Transit monthly bus passes for new residents (one per household) for one year at the developer's expense.
 - d) Developer will provide secured bicycle parking in the garage for residents above the code minimum.
 - e) The applicant will maintain an available supply of local maps and transit schedule for residents at the developer's expense.
 - f) Inclusion of the required and proposed bicycle parking in the parking study, and provision of plans demonstrating the proposed location of bicycle parking at each level.
13. The Developer shall provide a revised traffic analysis (TIA) and full appendices for review and acceptance by the City's traffic Consultant prior to execution of the Development Agreement for the Project. The City shall reserve the right to submit further comments once the supplemental information requested by KIA is submitted and reviewed.

The following items shall be demonstrated through the revised TIA to the satisfaction of the City's traffic consultant:

- a) Pending in principle agreement by Broward County Traffic Engineering Division, the developer shall commit to and contribute payment for the following improvements at the intersection of US1/Federal Hwy and SE 3rd Street:
 - Reconfigure the eastbound SE 3rd Street approach, signal heads and controller to provide one shared left through lane and one exclusive right-turn lane, with right-turn signal overlap.
- b) The applicant will provide a list of signalized intersections that will require re-timing. The developer will coordinate and request traffic signal timing modifications (based on TIA analysis results) prior to obtaining a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for the development, provide the City with a copy of such request and responses from the County and FDOT on the request, and pay for all cost associated with the signal timing optimization when required by FDOT or Broward County Traffic Engineering Division, at the intersections with signal timing optimized.
- c) The applicant has proposed installation of "Do Not Block Intersection" signs and supplemental pavement marking at the intersection of SE 3rd Street and Old Federal Highway. The applicant will provide an MUTCD compliant signing and pavement marking plan for this treatment. The developer shall commit and contribute payment for the improvement.
- d) The applicant shall commit to a digital screen implementation or propose other measures capable of providing real-time and/or interactive transit information to encourage non-vehicular travel by residents and visitors to the Project.

- e) The requested real-time transit information digital screen for the building lobby is intended to encourage residents and visitors to utilize transit options by having the information readily available. The applicant suggests the need for a digital display will be investigated. It is recommended the applicant further commit to the digital screen implementation or propose other measures capable of providing real-time and/or interactive transit information to encourage non-vehicular travel.
- f) The applicant will demonstrate that the required sight distance triangles in accordance with the *AASHTO Green Book* at all stop-controlled egress points and the neighboring Peninsula Tower proposed access are not obstructed by proposed landscaping.

Proposed Action:

Should the Commission approve First Reading of the Ordinance applying the PDO Overlay District (100 South Federal Highway), Second Reading will be scheduled for the Commission Meeting of February 15, 2017, together with the Resolutions for the related applications and the draft Development Agreement for final Commission action.

Attachment(s):

Exhibit 1- Ordinance Approving App. #Z-2016-0013, Applying the Planned Development Overlay District to 100 South Federal Highway for the MG 100 Project (First Reading)
 Exhibit 2-Resolution Approving Major Development Application #2016-0012-DB; Approving the Conditional Use Permit Application #2016-0014-CU; and Approving the Assignment of Residential Units.
 Exhibit 3- Resolution Approving the Draft Development Agreement and Authorizing the City Manager to Execute the Development Agreement (*Please Refer to Related Agenda item*)
 Exhibit 4 - Aerial Map
 Exhibit 5 - Location Map
 Exhibit 6 - Applicant's Cover Letter
 Exhibit 7 - Proposed Development Plans and Backup
 Exhibit 8 - Planning and Zoning Board Agenda Cover Memo of June 8, 2016
 Exhibit 9 - Planning and Zoning Board Draft Minutes of June 8, 2016
 Exhibit 10 - City Traffic Consultant Report
 Exhibit 11 – Applicant's Traffic Study