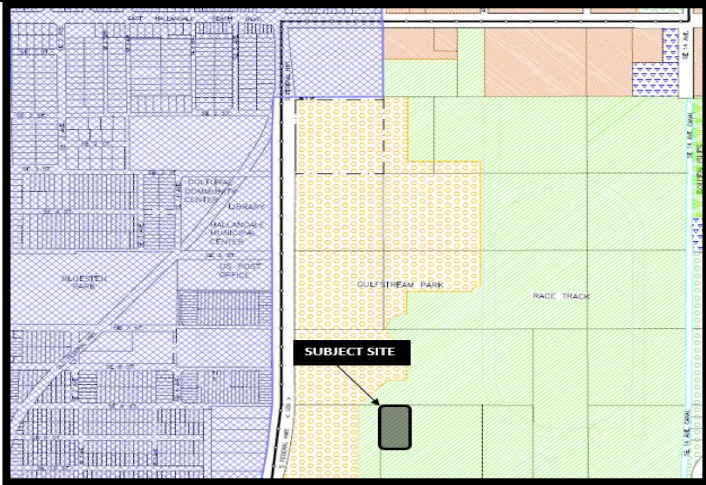
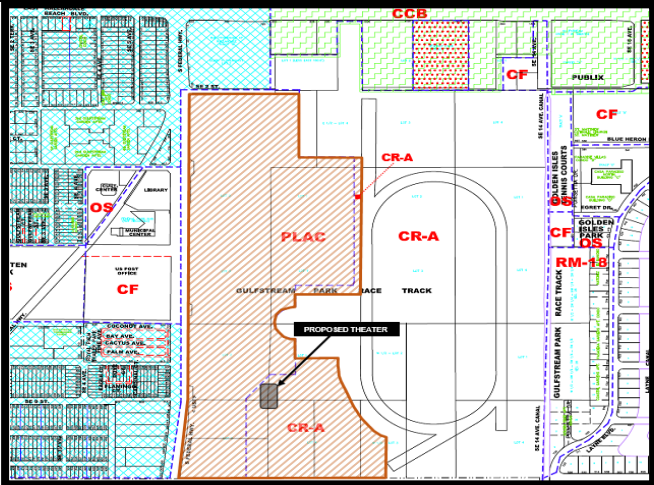




## City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

<b>Primary Application Type:</b>	Major Development Review	Hearing Date:	April 12, 2017		
<b>Additional Applications:</b>	N/A	Quasi -Judicial:	YES	NO	
			X		
<b>Project Name:</b>	Cinemex Movie Theater	Workshop:	YES	NO	
				X	
<b>Application #:</b>	#DB-16-3490	Advertisement Type Required:	DISPLAY	REGULAR	N/A
				X	
<b>Applicant:</b>	Gulfstream Park Racing Association, Inc.	Public Hearing:	YES	NO	
			X		
<b>Applicant Request:</b>	Major Development Plan approval to build a Movie Theater at Gulfstream Park.				
<b>Staff Recommendation:</b>	Approve	Approve with Conditions	Reject/Do Not Approve		
		X			
The subject application has been reviewed and processed pursuant to policies and regulations contained within: <ul style="list-style-type: none"> <li>▪ City of Hallandale Beach Comprehensive Plan</li> <li>▪ City of Hallandale Beach Code of Ordinances</li> <li>▪ Broward County Land Use Plan</li> </ul>		<b>Strategic Plan Priority Area:</b>			
		<input type="checkbox"/> <b>Safety</b>  <input checked="" type="checkbox"/> <b>Quality</b>  <input checked="" type="checkbox"/> <b>Vibrant Appeal</b>			
<b>Sponsor Name:</b>	Althea P. Jefferson, Planning and Zoning Manager	<b>Prepared By:</b>	Christy Dominguez, Principal Planner		

PARCEL/SITE DATA			
<b>Address:</b>	901 S. Federal Highway		
<b>General Location:</b>	Gulfstream Park		
<b>Land Area/Size:</b>	81.41Acres (platted area)/total site: approx.200 Acres		
<b>Existing Use:</b>	asphalt parking lot at Gulfstream Park		
<b>Proposed Use:</b>	48,467 square feet theater		
<b>Proposed Zoning:</b>	No change proposed		
<b>Future Land Use Designation:</b>	Commercial, Recreation	<b>Current Zoning District:</b>	Commercial Recreation Active (CR-A) District
			
<b>Surrounding Land Use:</b> North: Commercial Uses South: City Limits/Aventura East: Residential Multi-family West: Commercial Uses		<b>Surrounding Zoning/Subdistrict:</b> North: RAC Corridor and CCB District South: City Limits/Aventura East: RM-18, Residential Multi-family West: RAC Corridor Subdistrict	

## REQUEST

The Applicant, Gulfstream Park Racing Association Inc. is requesting Major Development Review approval pursuant to Section 32-782 of the Zoning and Land Development Code to construct a new 48,467 square feet movie theater with 996 seats at Gulfstream Park generally located at 901 South Federal Highway.

## STAFF SUMMARY

### Background

November 6, 2006 - The City Commission approved the Development Order (DO) for the Village at Gulfstream Park Development of Regional Impact (DRI) which provides for a maximum development program of 750,000 square feet of commercial use, 140,000 square feet of office space, 1,500 high-rise residential units, 500 room hotel and 2,500 seat cinema. The Commission also approved the Major Development Plan approval of Phase 1 of the project, consisting of 355,814 square feet of retail and 75,000 square feet of office space for a total of 430,814 square feet in gross floor area. In addition, the Commission approved the Master Plan and Design Guidelines for the Village at Gulfstream Park. The Development Agreement between the City and Developer was also approved on the same date.

March 26, 2007- The City Commission passed Resolution #2007-17 accepting the “Village at Gulfstream Park” Plat.

February 4, 2009- The City Commission approved the Major Development Plan approval for Phase 2 consisting of 60,447 square feet of retail for a combined Phase 1 and 2 office/retail total of 491,261 square feet.

December 7, 2011- The City Commission approved amendments to the Voluntary Regional Transportation Mitigation Agreement and the Declaration of Restrictive Covenants for Affordable Housing enacted in April 2007.

November 20, 2013 - The City Commission approved the Major Development Plan for Phase 3, Pegasus Park and revisions to the Master Plan and the Design Guidelines for the Village at Gulfstream Park.

January 22, 2014- The City Commission approved an Amended and Restated Development Agreement which amended the terms of the original Development Agreement with the City approved by the City Commission in November 2006.

June 22, 2014 - The Commission approved the Gulfstream Park Tower, a residential building with 182 units. The Tower was not built and the approval lapsed on December 18, 2015.

August 6, 2014- The Commission adopted Resolution #2014-79 establishing a procedure for the approval and monitoring of the maximum allowed development program and traffic volumes including commercial recreation uses in the Planned Local Activity Center, through the use of the Village at Gulfstream Trade-off Chart.

August 20, 2014 - The City Commission approved a Notice of Proposed change (NOPC) to a Previously Approved Development Order which amended the terms of the original 2006 Order.

January 28, 2015 - The City Commission adopted Resolution # 2015-05 approving installation of commercial recreation uses – a carousel and Ferris wheel, in the Pegasus Park area pursuant to the adopted Village at Gulfstream Commercial Recreation Trade-Off Chart.

October 14, 2016- Staff approved the Minor Development application for the Pegasus Pavilion, a 2,763 square feet outdoor restaurant at Pegasus Park.

January 27, 2016- The City Commission approved the “Gulfstream Park Plat” which added 21.5 acres of land zoned Commercial Recreation-Active District to the original Village at Gulfstream Plat, including the area of the proposed theater.

### **Why Action is Necessary**

Pursuant to Section 32-782(a) 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 to construct new nonresidential development with 4,000 square feet or more. The proposal is to build a 48,467 square feet movie theater at Gulfstream Park, thus, consideration and action by the Planning and Zoning Board and the City Commission is required.

## **Analysis**

### **Development Details**

The applicant's plans and documents depict the following:

1. Site development plans for a proposed 48,467 square feet cinema with 996 seats.
2. The cinema is a 2-story building consisting of 11 theater rooms.
3. The building will have an overall height of 83 feet (A maximum of 100 feet is allowed in CR-A (Commercial Recreation-Active) District).
4. Forty (40) credited trees are proposed to be planted in the project area.
5. An updated Parking Study of the approved shared parking arrangement for the overall Gulfstream site, including the existing racetrack, clubhouse, casino, the VGP commercial development, Pegasus Park and the proposed theater. Per the Study, the proposed theater will generate a requirement of 249 additional parking spaces.
6. Five thousand one hundred twenty-four (5,124) parking spaces are proposed for the overall operation of Gulfstream Park racetrack, casino, the existing VGP development and the proposed theater. (4,779 spaces are required per the Parking Study).
7. An impact evaluation/concurrency statement is provided, as required by Section 32-788, which includes an analysis of the proposal's impact on water, sewer, traffic and other public services.

### **Comprehensive Plan Considerations**

The property is designated Commercial Recreation on the City's Future Land Use Map. The proposed theater 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:

**GOAL 1:** To provide a coordinated and compatible mix of land uses which encourages a high quality of life meeting the social, economic and physical needs of the present and future population of Hallandale Beach, while insuring reasonable environmental protection and timely and efficient provision of services.

**OBJECTIVE 1.1:** Levels of Service: The City shall continue to condition approval of development applications upon maintaining the provision of services at the Levels of Service (LOS) which meet or exceed levels specified in this Comprehensive Plan.

**POLICY 1.1.1:** The City shall maintain, within the Comprehensive Plan Elements, Level of Service standards for City facilities which will meet the existing and future needs of Hallandale Beach population and the standards established by Chapter 163 F.S., and Rule 9J-5 F.A.C.

**POLICY 1.1.2:** Any development order or permit shall be approved only when adequate public services and facilities are in place, or will be provided to support the development at Levels of Service adopted by this Plan.

The necessary facilities and services shall be available concurrent with the impacts of development.

A.

**POLICY 1.1.3:** The City will require a development impact analysis to be submitted for developments which contain ten (10) residential dwelling units or more, or developments containing four thousand (4,000) square feet of nonresidential gross floor area or more. The applicant or his agents will be responsible for preparing the impact analysis which shall evaluate the overall effect of a proposed development on its surrounding neighborhood and the overall community.

**POLICY 1.1.4:** The City shall, through development regulations direct commercial and industrial land uses to areas with existing public facility capacity.

**POLICY 1.1.5:** The City shall maintain criteria and procedures, which obligate developments causing expansions or extensions of City services to contribute a proportionate share of the cost of provision of these supporting services and related facilities.

**POLICY 1.1.6:** The City of Hallandale Beach will provide sanitary sewer, solid waste, drainage and potable water facilities and services to correct deficiencies and to meet existing and project demands identified in this Plan.

**POLICY 1.1.8:** Prior to approving a building permit or its functional equivalent, the City shall consult with the water supplier to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent in the City.

**OBJECTIVE 1.2:** Land Use Compatibility: Continuously review and reevaluate existing and potential land use conflicts and recommend solutions, in order to enhance land use compatibility and quality of life.

**POLICY 1.2.2:** Hallandale Beach Boulevard: The City shall continue to utilize the City's Zoning Code, Land Development Regulations, Citywide Master Plan and the Design Guidelines Manual in review of development and redevelopment within the Hallandale Beach Boulevard Corridor.

**POLICY 1.2.11:** The City shall reduce land use conflicts through prohibiting incompatible commercial uses in residential neighborhoods, through enforcement of the Hallandale Beach Zoning District requirements. Commercial development shall be limited primarily to the perimeter areas of Hallandale Beach's planning districts (as delineated in this Element). Well-planned mixed use projects and appropriate neighborhood commercial uses in defined neighborhood commercial nodes are encouraged where they will improve an area or serve as neighborhood centers. However, commercial uses within residential areas shall not be considered incompatible if, through proper screening, buffering, design and access control, there are no significant noises, odors, fumes, vibrations or other negative impacts beyond the site boundaries, and provided the use is either tied to a neighborhood commercial node, or a peripheral commercial corridor or area.

**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:** 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 1.5.7:** 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.

**OBJECTIVE 1.8:** Local Activity Center Land Use: Maintain a Local Activity Center (LAC) land use category within the city to encourage compact development that includes a mixture of community-serving uses such as commercial, office, employment, civic and institutional, recreation and open space, hotel, and/or residential. Development shall be characterized by efficient infrastructure, close-knit neighborhoods with a sense of community, preservation of natural systems, promotion of pedestrian circulation, and convenient access to mass transit facilities.

**POLICY 1.8.1:** The City shall use the Local Activity Center designation as a means to carry out recommended land use policies within a unified planning district based on an adopted master or redevelopment plan.

**POLICY 1.8.2:** Local Activity Centers shall support the location of uses in a manner oriented around a five-minute (i.e. quarter mile) walk. Multiple nodes of activity oriented around a five-minute walk may be included within one Local Activity Center.

**POLICY 1.8.3:** Local Activity Centers shall support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in a Local Activity Center shall be directly assessed via pedestrian ways, and accessible to existing or future alternative public transportation modes, including bicycle and transit.

**POLICY 1.8.4:** Local Activity Centers with multiple nodes of activity shall be connected by pedestrian ways and/or transit services.

**POLICY 1.8.5:** A uniform streetscape program shall be implemented within a Local Activity Center to include pedestrian amenities, public plaza areas, bicycle facilities, unified way-finding signage, and transit related amenities.

**POLICY 1.8.6:** The City will adopt, as part of its land development regulations, design guidelines to encourage pedestrian oriented development and consistent architectural design within Local Activity Centers.

**POLICY 1.10.2:** The City of Hallandale Beach Code of Ordinances shall continue to regulate development in the 100-year flood level areas, as designated by the federal flood insurance program, and particularly in the Coastal High Hazard areas.

**POLICY 1.10.3:** The City shall continue to require building construction elevations consistent with minimum federal flood insurance regulations.

**POLICY 1.10.8:** The City of Hallandale Beach shall continue to evaluate development proposals with respect to pervious area requirements specified in the Land Development Code.

**POLICY 1.11.2:** The City shall continue to require building construction elevations consistent with minimum federal flood insurance regulations.

**OBJECTIVE 1.12:** Land Use Consistency: The City shall manage growth and development through the continued administration, and enforcement of the Hallandale Beach Zoning and Land Development Code which shall ensure that future land uses remain consistent with this Plan.

**POLICY 1.12.1:** As part of the development review and approval process, the City shall continue to implement a system of Comprehensive Plan compliance review for all development and approval petitions

**POLICY 1.12.2:** The City shall continue to ensure that the provisions of the Hallandale Beach Zoning and Land Development code include all necessary site plan requirements to further the intent of this Comprehensive Plan. These requirements shall include but not be limited to adequate drainage and stormwater management, landscaping and open space requirements, signage regulations, subdivision regulations, safe and convenient on-site traffic flow, vehicle parking and consistency of land uses with Plan designations

**POLICY 1.12.4:** The City shall maintain innovative land development regulations that encourage mixed-use developments and incorporate site design planning techniques that will enhance the quality of large scale developments or redevelopment areas.

**POLICY 1.12.5:** The City shall continue to require adequate pervious areas to improve aquifer recharge and look for alternative ways to increase stormwater recapture.

**POLICY 1.13.2:** The Hallandale Beach Zoning and Land Development Code provisions which contain design standards relative to landscaping, setbacks, and other site controls, shall continue to be strictly enforced to meet the intent of the Goal, Objective and Policies of the Future Land Use Element of the Plan

**POLICY 1.14.2:** The Development Services Department shall evaluate impacts resulting from new developments to ensure that adequate facilities are either in place or planned so that Level of Service standards are not reduced.

**POLICY 1.14.3:** The City shall adopt level of service standards and shall be used as the basis for determining the availability of facility capacity. See the Capital Improvements Element for a complete list of adopted Level of Service Standards.

**POLICY 1.14.4:** The assessment of needed capital improvements shall be based on the Level of Service standards adopted in the Transportation Element, Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge Element, and Recreation and Open Space Element of the Comprehensive Plan.

**OBJECTIVE 1.15:** Transportation: The City shall not issue a development order or permit which results in a reduction in level of service on any portion of the City roadway system below adopted level of service unless the development is located within an urban infill or redevelopment area and satisfies objectives and policies relating thereto and mitigation is provided (Note: the entire City is located within an urban infill area).

**POLICY 1.15.3:** The City shall encourage developments that promote safe and efficient on and off-site transportation improvements.

**OBJECTIVE 1.17:** Transportation Concurrency Exception Areas: Maintain urban infill and urban redevelopment area(s) within the City containing residential and nonresidential uses where public services and facilities are in place.

**POLICY 1.17.2:** Designated urban infill and urban redevelopment area(s) must contain residential and nonresidential uses and must be identified on the Future Land Use Plan Map Series consistent with the following criteria.

Where any two areas meeting the criteria for designation as urban infill, urban redevelopment or downtown revitalization area(s) are contiguous, they may be combined on the Land Use Plan Map as one distinct geographical area for the purposes of permitting development pursuant to the goals, objectives and policies of the Plan.

**OBJECTIVE 1.18:** Urban Infill and Redevelopment: Establish criteria which encourage development of urban infill and urban redevelopment area(s) to promote economic development, increase housing opportunities, and maximize the use of existing public facilities and services.

**POLICY 1.18.1:** Increase economic development and employment opportunities within urban infill and urban redevelopment area(s).

**POLICY 1.18.3:** The Hallandale Beach Land Use Plan shall encourage mixed use developments within urban infill and urban redevelopment area(s).

**POLICY 1.18.4:** Designated urban infill and urban redevelopment area(s) shall be excepted from transportation facilities concurrency requirements consistent with Chapter 163 Florida Statutes; however, application will be subject to providing a traffic analysis consistent with the Transportation Element and potential improvements to minimize impacts.

**POLICY 1.18.5:** Notwithstanding the above, all development is subject to Broward County Transportation Concurrency Management Area (TCMA) Level of Service criteria and the payment of Transit Impact Fees as determined by Broward County prior to the issuance of permits.

**POLICY 1.18.6:** Integrated transportation systems, mass transit facilities, bikeways and pedestrian corridors should be encouraged to serve urban infill and urban re-development area(s) to reduce reliance upon automobile travel.

The City shall address the transportation needs of the exception areas through Objectives and Policies identified in the Transportation Element, the Citywide Transportation Plan and participation in existing or new County, MPO and FDOT programs and projects.



**OBJECTIVE 1.19:** Crime Prevention: The City shall review all major developments for their use of Crime Prevention Through Environmental Design (CPTED) principles and standards.

**POLICY 1.19.1:** The City shall maintain a CPTED review policy and procedure in the form of administrative policy or land development regulations. The policy shall require plan review by the Development Services and Police Departments, at a minimum.

**POLICY 1.20.2:** The City shall continue to enforce the provisions of the most recent edition of the Florida Building Code, particularly the updated Energy Code (adopted 3/09) to achieve higher energy efficiency in buildings.

**POLICY 1.20.3:** The City shall require the use of low water use plumbing fixtures in new construction and continue to encourage the use of low water use plumbing fixtures in building renovations through periodic give-away toilet retrofit programs and encourage energy efficient electrical systems, such as retrofitting lighting fixtures in City buildings.

#### Applicable Codes and Ordinances

1. Gulfstream Park consists of approximately 200 acres within the City of Hallandale Beach which has two different zoning and land use designations. The portion of the property originally approved as the Village at Gulfstream Park DRI (Development of Regional Impact) in 2006 consists of 60 acres and is designated Local Activity Center in the City's Future Land Use Map (FLUM) and zoned PLAC, Planned Local Activity Center, District. The remaining 140 acres is designated Commercial Recreation in the FLUM and zoned CR-A, Commercial Recreation Active, District.

The proposed theater will be in the CR-A zoned portion of the Gulfstream Park Property. Theaters are a permitted use in the CR-A District.

2. The Development Order for the Village at Gulfstream Park (VGP) DRI was approved for 750,000 square feet of gross leasable area (GLA) of retail, 140,000 square feet gross floor area (GFA) of office, 500 hotel rooms, 1,500 residential units and a 2,500-seat theater. Although the proposed movie theater is not within the VGP, the Gulfstream Park Plat restricts the platted property to 2,500 theater seats. The 996 seats of the proposed theater would be deducted from this number leaving a balance of 1,504 theater seats for future development.
3. Pursuant to Section 32-171(f) (3), shared parking between the PLAC and CR-A zoned areas including all Gulfstream Park activities are allowed and encouraged based on the submittal of a parking study acceptable to the City.

The original Parking Study of 2006 for the mixed of uses at Gulfstream Park considered the parking needed for the racetrack, the casino operations, and the VGP. The Study has been updated for every development phase of the VGP, and most recently, for the Pavilion, rollercoaster and carousel at Pegasus Park. In February 2017, it was again updated in connection with the subject application for the proposed theater. Per the Study, the parking demand for the existing uses at Gulfstream Park racetrack, casino operations, the existing development at the VGP, and Pegasus Park, including the carousel and coaster is 4,530 spaces.

4. Pursuant to the City's Administrative Parking Document, theaters require one parking space for every 4 seats. Based on this ratio, the proposed 996 seat theater would generate an additional 249 spaces for a total of 4,779 spaces for the existing/approved uses at Gulfstream and the proposed theater. A total of 5,124 parking spaces are provided. Therefore, a surplus of 345 spaces will exist after development of the theater.

5. Buildings in CR-A District are limited to a height of 100 feet. The proposed building will be 94 feet in height, therefore, will not exceed the permitted height of the zoning district.

#### Review of Application 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

Cinemex will be built in the existing parking area east of Building 1700 behind Adena Grill and Frankey's Sports Bar in the Village at Gulfstream Park.

2. Open Space

Open space and landscaped area at Gulfstream Park will not change as the building would be constructed on the existing parking surface after removal of approximately 85 spaces east of Building 1700. The theater would be located on Silks Run within walking distance to the existing main plaza and open space of the Village at Gulfstream Park. Green Buttonwoods, Live Oaks, Royal Poinciana, Royal Palms and Montgomery and Cabbage Palms are proposed to be planted at the entry plaza to the theater, around the building and the adjacent parking area.

3. Circulation and Parking

Parking facilities will continue to be shared between Gulfstream racing and casino activities and the Village at Gulfstream Park (VGP). Shared parking is encouraged to permit a reduction in total required spaces in mixed use projects which typically do not have a peak parking demand at the same time or patrons that may visit several uses within the property. Per the updated Parking Study 4,779 parking spaces are needed for the combined racetrack, casino operations, the VGP, Pegasus Park and the proposed theater. The proposed plan will provide a total of 5,124 spaces, resulting in a surplus of 345 spaces on the property.

4. Access Control

No changes are proposed to driveway connections points to South Federal Highway and Hallandale Beach Boulevard or to existing entries and exits on the property. The theater, which will have street frontage on Silks Run, can be accessed internally via the existing street system in the Village at Gulfstream Park. It can also be accessed from the property's south entrance on Federal Highway known as Morning Line.

A drop-off lane is planned to be added on the east side of the movie theater to serve pedestrian and vehicular traffic. Valet service for theater patrons would be provided from the existing valet station on the south end of the Clubhouse.

5. Public Transportation

Broward County, Miami-Dade County and the City shuttle bus services South Federal Highway and Hallandale Beach Boulevard. There are three bus stops and shelter locations along South Federal Highway. In addition, a Transit Superstop was built in connection with the approvals of the Village at Gulfstream Park.

## 6. Community Services

According to the Impact Evaluation Statement, the proposed development will generate about 966 pounds/.46 tons per day of solid waste. The City operates its own solid waste removal system. All refuse is taken to the Choice Recycling Facility for processing and disposal. The City's Sanitation Division will service the project as required by Code.

## 7. Drainage

Storm water must be retained on site. Drainage calculations will be required at time of permitting. The applicant will be required to comply with DPEP regulations and City criteria to retain a 5-year 1-hour storm on site.

## 8. Building and Other Structures

The proposed theater will consist of a two-story, 48,467 square feet building with 996 seats and a total height of 94 feet.

The existing dumpster enclosure for Building 1700 in the rear of the building will be shared with the theater and is designed with proper accessibility for the City's sanitation vehicles which will service the facility.

## 9. Concurrency Evaluation

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

The developer has submitted an Impact Evaluation Report for the theater as required by Section 32-788 that addresses each issue, including water, sewer, solid waste, drainage, and transportation. Staff has determined that concurrency requirements have been met. The following is a summary of the expected impacts to the various public utilities for reference:

**Potable Water** – The Village at Gulfstream Park, built to date, generates a potable water demand of 155,045 gallons of water per day (gpd). The projected amount of potable water generated by the proposed theater is 3,984 gallons per day. There is sufficient capacity to maintain this development. The developer will be required to pay the City approximately \$19,322.40 in water impact fees as required by Section 30-247 through Section 30-260 of the Code of Ordinances.

**Wastewater** – The Village at Gulfstream Park, built to date, also generates a wastewater demand of 155,045 gallons of water per day (gpd). The amount of wastewater generated by the proposed theater is 3,984 gallons per day. There is sufficient capacity to maintain this development. The developer will be required to pay the City approximately \$27,210.72 in wastewater 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.

In addition, the City requested the services of Hazen and Sawyer, the City's waste water 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 Numbers 9, 12 and 14, requiring upgrades as a result of the proposed development. The development will be required to pay its proportionate share of the cost of the improvements in the amount of \$40,053 or construct such improvements prior to issuance of the building permit.

**Transportation System** – The Village at Gulfstream Park project was reviewed through the Development of Regional Impact (DRI) process and the Development Order was approved by the City Commission in November 2006. The review process involved a number of review agencies that examine all aspects of the development. As such, the overall project impacts were reviewed for concurrency issues at that time. Although this site is located in the CR-A area of the Property, the DRI included an analysis and mitigation for up to a 2,500-seat theater as well as many other land uses. In recent years, the mitigation for the trips was updated via the adoption of the Amended Regional Transportation Mitigation Agreement which was approved by the Broward County Commission and the City Commission, and requires a payment to the County as the property is developed, based on PM Peak hour trips. The theater site is also subject to this fee pursuant to the recently approved Gulfstream Park Plat.

Per the approved Development Order, the Village at Gulfstream Park development is limited to 3,582 gross trips/1,800 net new PM Peak hour trips. The applicant has provided an updated Traffic Impact Statement prepared by Kimley-Horn and Associates addressing the impact of Phase 5, the Cinemex Movie Theater. The Statement includes the proposed carousel and rollercoaster at Pegasus Park which generates 19 net new PM peak hour trips. The anticipated trip generation associated with the proposed theater is 52 gross PM peak hour trips which equates to 33 net PM peak hour trips. The City's Transportation consultant for this project, Michael Miller Planning Associates (MMPA), reviewed the Statement and concurred with the findings. MMPA commented the Project would generate an insignificant amount of new traffic, and that movie theater traffic generally occurs in the evening hours or on weekend-ends, when most work trips are not occurring.

Phases 1 through 5 cumulative development generates 1,832 gross PM peak hour trips, which equate to 997 net new PM Peak Hour trips as summarized below:

<b><u>Gross PM Trips</u></b>	<b><u>Net New PM Peak Hour Trips</u></b>	
3,582	1,800	<i>Total Project Trips Allowed</i>
(1,832)	(997)	<i>Phases 1 thru 5 Trips</i>
1,750	803	<i>Balance of Trips Allowed for Future Development</i>

Per the Amended Transportation Agreement approved by the Broward County Commission and the City Commission, payment of \$498.71 per PM peak hour trip must be paid to the County to mitigate off-site mitigation impacts. The payment due to the County based on the 52 PM trips generated by the theater is \$25,932.92.

Section 32-794, "Traffic and Transportation Facilities" requires the developer to mitigate for traffic and transportation impacts as a result of the development per the Hallandale Beach 2030 Transportation Master Plan. Per the Amended and Restated Development Agreement for the Village at Gulfstream Park, the Applicant agreed, in lieu of this payment, to pay up to One Million dollars (\$1,000,000) for the capital cost of constructing a transit station on the FEC railway in the event one is approved in the City for the Tri-Rail Coastal Link. Therefore, no payment to the City for Traffic Capacity Cost Fee is due at this time based on the Amended Development Agreement, Section 10(C).

#### 10. Energy Conservation/ Green Building

Section 32-787 (k), the City's Green Building Program, requires new commercial buildings greater than 50, 000 square feet in floor area or any project requesting financial assistance from the community redevelopment agency (CRA) to obtain a green building certification from a recognized environmental rating agency accepted by the City.

The building will have less than the 50,000 square feet in floor area and is not seeking CRA funding, therefore, Green Building certification is not required. A suggestion was made by staff for the project to have some green certification. However, no commitment has been made by the applicant.

#### 11. PLAC Design Guidelines

Buildings within the Village at Gulfstream (VGP) PLAC area are subject to the adopted Design Guidelines for the VGP which provide specific guidelines governing vehicular and pedestrian circulation, architectural, landscaping, building scale, massing, building placement, open space, site lighting, parking and signage and building materials.

Although the building is not within the PLAC, thus, not subject to the VGP Guidelines, it has been designed to incorporate principles of the VGP Guidelines mentioned above. Many of the buildings within the PLAC are Mediterranean Revival in style, however, the Guidelines do not dictate a particular style. The proposed theater, contemporary in style, is consistent with the VGP Guidelines which provides for diversity in architecture, such as the Crate and Barrel and the Pottery Barn buildings.

#### Financial Impact

The project's anticipated value at build-out is \$12 million. It is expected the proposed development will generate approximately \$69,597.60 in real estate taxes. Approximately \$66,117.72 of the tax revenue will go to the CRA.

The estimated building permit fee is approximately \$150,000 based on the estimated construction cost of \$10 million.

#### Staff Recommendations

Staff has conducted a comprehensive analysis of the application for the Cinemex at Gulfstream Park and finds that the proposal meets the general requirements for Major Development Review approval relative to concurrency and code requirements.

The proposal is also consistent with the purpose and intent of the two zoning classifications of Gulfstream Park: the CR-A District which seeks to provide suitable sites for commercial recreational attractions of an indoor or outdoor nature; also, the PLAC District which seeks to promote development that balances a mix of land uses that includes residential, retail, office, recreation, entertainment, and associated employment opportunities in an urban center. Moreover, the proposed project is within the approved development program per the approved Gulfstream Park Plat and the DRI for the Village at Gulfstream Park.

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 forward to the City Commission a recommendation for **APPROVAL** of Application # 3490-16-DB, the Major Development Plan for the proposed theater at Gulfstream Park, as presented, subject to the following conditions:

1. Payment of the City's water impact fee prior to issuance of the building permit.
2. Payment of the City's sewer impact fee prior to issuance of the building permit.
3. Payment towards the cost of upgrades to the affected sewer system lift stations in the amount of \$40,053.00 prior to issuance of the building permit.

**PROPOSED ACTION:**

The Planning and Zoning Board may:

- a) Recommend **APPROVAL**, or,
- b) Recommend **APPROVAL WITH CONDITIONS** enumerated above, or,
- c) Recommend **DENIAL**.

of

Application #DB-16-349-DB

**ATTACHMENT(S):**

Exhibit 1- Location Map

Exhibit 2- Aerial Map

Exhibit 3- Applicant's Letter

Exhibit 4- Building Rendering, Development Plans and Applicant's Backup

Exhibit 5- City Traffic Consultant Report