



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	May 17, 2017		Item Type: <small>(Enter X in box)</small>	Resolution X	Ordinance	Other
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading	2nd Reading	
		X	Public Hearing: <small>(Enter X in box)</small>	Yes	No	
				X		
Funding Source:	N/A		Advertising Requirement: <small>(Enter X in box)</small>	Yes X	No	
Account Balance:	N/A		Quasi-Judicial: <small>(Enter X in box)</small>	Yes X	No	
Project Number:	#DB-16-3490 <i>Cinemex</i>		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small> Safety <input type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal <input checked="" type="checkbox"/>			
		X				
Sponsor Name:	Roger M. Carlton, City Manager		Department: Development Services	Keven Klopp, Development Services Director		

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA, APPROVING MAJOR DEVELOPMENT APPLICATION #DB-16-03490 FOR THE CINEMEX THEATER PROJECT AT GULFSTREAM PARK GENERALLY LOCATED AT 901 SOUTH FEDERAL HIGHWAY, AS RECOMMENDED BY THE CITY ADMINISTRATION; PROVIDING AN EFFECTIVE DATE.

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 (Exhibits 2 and 3).

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 for 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. The amendment included modifications for consistency with previous City and County Commission actions relative to the Order, such as, the Transportation Mitigation Agreement and the Covenants for Affordable Housing; providing for limited commercial recreational uses through trade-offs, and the monetary commitment to the School Board. It also modified the buildout date to December 31, 2026 and the expiration date of the Order to December 31, 2028.

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.

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.

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

On April 12, 2017, the Major Development for Cinemex was presented to the Planning and Zoning Board. The Board recommended approval of the application with conditions recommended by staff by a vote of 5 to 0. Please refer to the Planning and Zoning Board Cover Memo dated April 12, 2017 (Exhibit 4) and Draft Minutes of the Hearing (Exhibit 5).

Why Action is Necessary

Pursuant to Section 32-782(a) of the Zoning and Land Development Code, City Commission approval of Major Development applications is required 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.

Related Actions

The City is in the process of negotiating with Gulfstream Park revised terms on many elements of the Development Agreement in effect for the Village at Gulfstream Park development.

Analysis

Development Details

The applicant’s plans and documents (Exhibit 6 and 7) 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 to the roof and 90 feet to top of parapet (A maximum of 100 feet to rooftop is allowed in CR-A (Commercial Recreation-Active) District).
4. Forty (40) credited trees are proposed to be planted in the immediate project area.
5. An updated Parking Study was provided 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 generates a requirement of 249 additional parking spaces.

The 249 parking spaces required for the theater is included in the total 5,124 parking spaces 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 for the existing uses and proposed theater, resulting in a surplus of 345 spaces after the proposed theater is built).*

6. An impact evaluation/concurrency statement was provided and reviewed by staff, 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. There are numerous goals, policies and objectives in the Comprehensive Plan related to the proposed development.

The proposed Project is consistent with and will further the goals, objectives and policies of the City's Comprehensive Plan detailed in the Planning and Zoning Staff Report incorporated by reference as Exhibit 4.

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 potential future theater seats within the boundaries of the Gulfstream Park Plat.

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 newly revised Parking Study (Exhibit 8), 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 to the roofline. The proposed

building will be 83 feet in height to the roof and 90 feet to top of parapet, 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 height of 83 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. The City Water Plant has adequate 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 \$40,053.00 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, such as, the South Florida Regional Planning Council, Florida Department of Transportation

(FDOT) and Broward County Engineering, 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 zoned 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 Hallandale Beach 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 (Exhibit 9) 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. The MMPA Report (Exhibit 10) comments the Project would generate a manageable 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:

Gross PM Trips	Net New PM Peak Hour Trips	
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. The Agreement also requires \$300,000.00 in capital costs for tram/trolley services at the commencement of passenger rail service, if the passenger station is designated. 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 elements. However, no commitment has been made by the applicant at this time. It is recommended the City negotiate with the applicant to require inclusion of green and sustainable design standards in the proposed Project.

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 annually \$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 City Commission approve 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 in the amount of \$19,322.40 prior to issuance of the building permit.
2. Payment of the City's sewer impact fee in the amount of \$27,210.72 prior to issuance of the building permit.
- 3.

4. 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.
5. Negotiations to include energy conservation and sustainable measures in the Project.

PROPOSED ACTION:

Staff recommends the City Commission approve the attached Resolution approving Major Development Application#16-349-DB for the Cinemex Project subject to conditions stated above.

ATTACHMENT(S):

Exhibit 1- Resolution approving the Major Development application for Cinemex Project
Exhibit 2- Location Map
Exhibit 3- Aerial Map
Exhibit 4 - Planning and Zoning Board Cover Memo of April 12, 2017
Exhibit 5 - Planning and Zoning Board Draft Minutes of April 12, 2017
Exhibit 6- Applicant's Letter
Exhibit 7- Building Rendering, Development Plans and Applicant's Backup
Exhibit 8- Applicant's Parking Study
Exhibit 9- Applicant's Traffic Statement
Exhibit 10- City's Traffic Consultant Report

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