

## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	March 20, 2019		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>  X	<b>Ordinance</b>  X Second Reading	<b>Other</b>
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>
	X					X
			<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b> X		<b>No</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b> X		<b>No</b>
<b>Account Balance:</b>	N/A		<b>Quasi-Judicial:</b> <i>(Enter X in box)</i>	<b>Yes</b> X		<b>No</b>
<b>Project Number:</b>	#PA-18-0974, #Z-17-02319, #PDO-17-02317, #DB-17-02311, and #P-17-00608 Eight Avenue Commons		<b>RFP/RFQ/Bid Number:</b>	N/A		
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<input type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal			
		X				
<b>Sponsor Name:</b>	Greg Chavarria, Interim City Manager		<b>Department:</b> <b>Development Services</b>		Keven Klopp, Development Services Director	

### SHORT TITLE:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF HALLANDALE BEACH COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 200 NW 8<sup>TH</sup> AVENUE, HALLANDALE BEACH FROM RESIDENTIAL LOW-DENSITY CATEGORY TO RESIDENTIAL, HIGH DENSITY-2 CATEGORY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING) (18-548).**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, REZONING THE PROPERTY LOCATED AT 200 NW 8<sup>TH</sup> AVENUE, HALLANDALE BEACH FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (RS-6) TO RESIDENTIAL MULTI-FAMILY (HIGH-DENSITY-2) DISTRICT (RM-HD-2); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING) (18-549).**

**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 200 NW 8<sup>TH</sup> AVENUE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING) (18-550)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA ASSIGNING 92 RESIDENTIAL FLEXIBILITY UNITS TO THE 8<sup>TH</sup> AVENUE COMMONS PROJECT LOCATED AT 200 NW 8<sup>TH</sup> AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE. (18-553)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING/ DENYING MAJOR DEVELOPMENT APPLICATION #DB-17-2311 FOR THE PROJECT KNOWN AS EIGHTH AVENUE COMMONS LOCATED AT 200 NW 8<sup>TH</sup> AVENUE, WITH CONDITIONS AS RECOMMENDED BY THE CITY ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE. (18-552)**

## **STAFF SUMMARY:**

### **Background**

The applicant, 8<sup>th</sup> Avenue Partners, LLC, proposes to construct a 6-story residential development with 200 multi-family residential units, an accessory clubhouse with 1,024 square feet and associated parking. The project is proposed at a vacant lot approximately 4.57 acres in size known as 200 NW 8<sup>th</sup> Avenue located on NW 8<sup>th</sup> Avenue between NW 2<sup>nd</sup> Street and future NW 3<sup>rd</sup> Street. The site is adjacent to the City's Public Works Compound.

The applications for the Project are as follows:

1. Application #PA-18-0974, for a local Future Land Use Plan Amendment to change the land use designation of the property from Residential, Low- Density to Residential, High Density-2 on the City's Future Land Use Map.
2. Application #Z-17-2319 rezoning the subject property from RS-6, Residential Single-Family District to RM-HD-2, Residential Multi-family (high density-2) District.
3. Application #PDO-17-2317 applying PDO (Planned Development) Overlay District to the property.
4. Application #P-17-0608 platting the subject property. (*Approved December 12, 2018*)
5. Application #DB-17-2311 for Major Development Review approval of the project as provided by Section 32-382 of the Zoning and Land Development Code.

Also requested, is assignment of 92 Residential Flexibility Units to allow for additional density over 25 dwelling units per acre allowed by the proposed RM-HD-2 zoning.

On August 2, 2018, the Developer's Community Meeting required for the Major Development application was held for the developer to present their project to area residents.

On September 26, 2018, the Planning and Zoning Board/Local Planning Agency (PZB/LPA) heard the subject applications for the Eight Avenue Project and recommended approval by a vote of 4 to 0 with conditions recommended by staff and the following modifications: Trees shall be 12 to 14 feet high at the

time of planting; provide an elevator accessible to the roof; provide more open space at ground level; provide rooftop lighting and security; improve traffic flow within the property; and; sensitivity to affordability for tenants. Please refer to the Planning and Zoning Board Cover Memo dated September 26, 2018 (Exhibit 12) and Draft Minutes of the Hearing (Exhibit 13). Since the Hearing, the applicant met with staff to discuss the Board's comments. Staff's recommendation of the Project remains positive.

On December 12, 2018, the City Commission approved the Resolution replatting the subject property, thus, no further action is necessary relative to the Plat. At the same hearing, the City Commission also approved First Reading of the following Ordinances: The Future Land Use Plan Amendment by a vote of 4 to 1 (Javellana -No); Rezoning the property to RM-HD-2 (5-0 vote); Applying the Planned Development (PDO) Overlay to the property (5-0 vote). The also approved First Reading of the Resolution approving the Development Agreement for the Project (4-1 vote, Lima-Taub-No). The City Commission requested, by consensus, for the applicant to hold a community meeting in the Northwest area, in addition to the required community meeting that was held on August 2, 2018. The applicant held the meeting at the fellowship hall of Ebenezer Baptist Church on January 16, 2019.

The applicant now requests City Commission approval of Second Reading of the Ordinances for a Future Land Use Map Amendment (FLUM) and Rezoning to RM-HD-2 and PDO, assignment of Flexibility Units, Major Development Review and Development Agreement to govern the Project.

### **Why Action Is Necessary**

Pursuant Section 32-963 of the City of Hallandale Beach Code of Ordinance, City Commission approval on applications for City Future Land Use Map Amendments and rezonings is required. The applicant proposes to change the land use designation of the property on the City's Future Land Use Map to Residential High Density-2 and Planned Development Overlay (PDO) Districts, thus Commission approval is required.

Pursuant to Section 32-783 of the City of Hallandale Beach Code of Ordinance, City Commission approval is required of applications to construct new residential development with 10 or more residential units. The proposal is to build a 200-unit residential development; thus, consideration and action by the City Commission is required.

Pursuant to Broward County Rules Document, assignment of Residential Flexibility Units requires approval by the City Commission.

### **Analysis**

#### **Development Details:**

The applicant's site plan depicts the following:

1. A 6-story apartment complex with 200 residential units on 4.57 acres acre parcel. The site will be reduced to 4.35 acres after required right-of-way dedications.
2. The apartment complex will have 64 one-bedroom/one bath units, 116 two-bedroom/one bath units, and 20 three-bedroom/two- bath units. A 1,024 clubhouse is also proposed. The total building square footage is 210, 669 square feet under air-conditioning.
3. The one-bedroom units will have a minimum of 900 square feet (1,000 sq ft. is required); the 2-bedroom units will have a minimum of 990 sq. ft. (1,100 sq. ft. is required) and the 3-

- bedroom units will have a minimum of 1,080 sq. ft. (1,200 sq. ft. is required).
4. The building is setback 16'-1" from the front property line. (30 feet front yard setback is required).
  5. A surface parking lot with 402 parking spaces (433 parking spaces are required; a deficiency of 31 spaces).
  6. Fifteen (15) on-street parking spaces are proposed on NW 2<sup>nd</sup> Street and 25 parking spaces on proposed future NW 3<sup>rd</sup> Street.
  7. One parking corridor is designed with dead-end parking for 9 vehicles in a row. (maximum of 4 in a row is allowed).
  8. A clubhouse, tot-lot play area at ground level and a roof-top recreational area with seating and shade structures.
  9. Seventeen (17%) of the property will be landscaped: 10.6% at grade and 6.5% above grade. (30% is required).
  10. A brick paver entrance driveway with a landscaped entrance feature.
  11. Two gated-unmanned entries/exits to parking areas.
  12. A 10 feet right-of-way dedication along NW 8<sup>th</sup> Avenue. (a 10 feet dedication was requested).
  13. A 12.5 feet right-of-way dedication along NW 2<sup>nd</sup> Street. (a 12.5 feet dedication is required).
  14. Six-foot-wide sidewalks on NW 8<sup>th</sup> Avenue, NW 2<sup>nd</sup> Street and NW 3<sup>rd</sup> Street.
  15. No landscaped buffer is provided along NW 2<sup>nd</sup> Street, and 6'-6" landscaped buffer is proposed along 8<sup>th</sup> Avenue. (a 10 feet buffer is required along both rights-of way).
  16. Several (9) landscaped islands are less than the minimum 7 feet in width required.

#### Other Site Details:

To the north and adjacent to the existing right-of way of NW 3<sup>rd</sup> Street, a 70 feet wide existing right-of-way presently unimproved. The developer will be required to improve this right-of way. The details of the improvements will be addressed in the required Development Agreement for the PDO zoning which is subject to City Commission approval.

#### Comprehensive Plan Considerations

The proposal is consistent with the City's Comprehensive Plan contingent upon a land use plan amendment. The subject property is presently designated Residential, Low Density on the City's Land Use Map. The applicant is requesting a local land use map amendment to change the land use designation of the City's Future Land Use Map to Residential, High Density-2 as provided by the Future Land Use Element Section 2.1(A)(4)(a) of the City's Comprehensive Plan which states:

"Dwelling units and accessory structures subject to a maximum density of fifty (50) dwelling units per net acre, provided however that any density over 25 dwelling units per net acre may only be permitted by the City Commission on site specific properties by assignment of Flexibility Units in accordance with the Flexibility Rules of the Administrative Rules Document, Broward County Land Use Plan."

(Note: Flexibility Units are defined as the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the flexibility zone by the City's Land Use Plan.)

The City Commission at its November 28, 2018 meeting approved the unification of the City's two Flex Zones. The Commission action resulted in Flex Units being available for assignment to this project if the Commission chooses to do so. Broward County has since confirm the unification of the Flex zones.

In addition to changing the land use designation of the property to Residential, High Density-2, the change to this designation would allow 108 units for the project by right, based on a density of 25

units per acre. Densities over 25 units per acre on properties designated Residential, High Density-2, require assignment by the City Commission of flexibility units. The applicant is requesting 92 flexibility units to allow for the proposed 200-unit Project which generates a density of 46 units per acre. Assignment of 92 units will reduce the City's residential flexibility unit pool to 1187 flex units.

The applicant will also be required to apply to Broward County to change the land use designation on the Broward County Land Use Map from Residential Low-Density to Residential High-Density before the City can adopt the proposed City Map amendment on final reading or the amendment becomes effective.

Upon a change in land use to Residential High Density-2, the property would be eligible for the requested rezoning to RM-HD-2, which permits densities of up to 50 dwelling units per acre.

#### Applicable Codes and Ordinances

1. The subject property is designated Residential, Low Density on the City's and County's Future Land Use Maps.

The applicant is requesting a local land use plan map amendment to Residential High Density-2 which permits densities up to 50 units per acre in order to allow the proposed multi-family residential use. In addition, the proposed density of 46 units/acre will require assignment of 92 flexibility units to allow the proposed 200-unit project as discussed under Comprehensive Plan Considerations. A Broward County Land Use Map Amendment is also required to designate the parcel Residential High Density on the County's Plan.

2. The subject property is zoned Residential, Single -Family District which does not permit multi-family residential development. Therefore, the applicant is requesting rezoning to RM-HD-2 which permits residential multi-family uses up to 50 dwelling units per acre. The proposed density of the project will be 46 units per acre, lower than permitted by the proposed zoning of the property.
3. The applicant requests the City to apply the PDO Overlay District to the property. Section 32-174(g)(5) provides procedures and requirements for rezoning to PDO. The uses permitted in PDO are those uses enumerated by the underlying district.

PDO Overlay District 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, landscaping or parking requirements in lieu of a variance within areas zoned PDO.

4. The applicant has requested site development modifications under Application # DB-17-00231, Major Development Review Approval, from the following requirements as further discussed below:

REGULATION	REQUIRED/ ALLOWED	PROPOSED	DEFICIENCY
A. Front yard setback	31 feet max.	15 feet	16 feet

B. Unit size One-Bedroom Two-Bedroom Three-bedroom	1,000 s.f. 1,100 s.f. 1,200 s.f.	900 s.f. 990 s.f. 1,080 s.f.	100 s.f. 110 s.f. 120 s.f.
C. Parking required	433 spaces	402 spaces	31 spaces
D. Dead-end parking corridor	Max. allowed 4 spaces in a row	One dead-end parking corridor 9 spaces in a row	5 spaces more than max.
E. Min. Landscaped area	30%	17%	13%
F. Min. perimeter lands. buffer	10 feet	Zero ft to 6.5 ft.	10 ft.
G. Landscaped island width	7 feet	9 islands less than 7 ft. width	1.5 ft.

5. *Number of off-street parking.* According to Section 32-455(b)(3) relative to parking for residential developments, 1.75 parking space shall be provided for every one-bedroom unit, 2 parking spaces for every 2-bedroom unit, and 2.5 spaces for every 3-bedroom unit; plus, and additional 10% of the total parking spaces reserved for guests.

Based on the above, 433 spaces are required for the proposed apartment building and 402 are provided, resulting in a deficiency of 31 spaces, a 7.2% deficiency. The applicant requests the 31 spaces be waived pursuant to the PDO regulations.

6. *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 proposal includes one corridor with 9 spaces in a row on the south side of the clubhouse, therefore, a waiver is needed by the applicant.
7. *Unit Size.* Section 32-147(c)(7) requires 1,000 square feet in gross floor area for each (1) one-bedroom apartment, 1,100 square feet in gross floor area for each (2) two-bedroom apartment and 1,200 square feet for each (3) three-bedroom apartment for properties zoned RM-HD-2 District. The proposed residential units do not meet the minimum size required for bedroom units as follows:
- a) 1 bedroom: 900 s.f. (*1,000 s.f. is the minimum required*)
  - b) 2 bedrooms: 990 s.f. (*1,100 s.f. is the minimum required*)
  - c) 3 bedrooms: 1,080 (*1,200 s.f. is the minimum required*)

As a result, a waiver is requested from the minimum unit size required.

8. *Landscaped area.* Section 32-149 (d) (5) requires a minimum of 30% of the lot be landscaped. Landscaping above grade counts at 50%. The project provides 17% landscaped area, with approximately 10.6% of the lot landscaped at ground level and 6.5% at roof level. A waiver from the Code standard is requested.
9. *Building setbacks.* Section 32-147(c)(5) requires a minimum of 30 feet front yard setback in the RM-HD 2 District. The first and second floors meet the minimum of 30 feet setback. However, the third thru sixth floors cantilever into the required front yard setback 16 feet at the north wing of the building and 16.5 feet at its south wing.

10. *Landscaped buffers.* Section 32-385(e )(1) requires a landscaped buffer strip of a minimum of 10 feet in width around the perimeter of all vehicular used areas. The proposed plan does not provide any on-site buffer along 2<sup>nd</sup> Street. In addition, the landscaped buffer along NW 8<sup>th</sup> Avenue is 6.5 feet in width. As a result, a waiver is requested.
11. *Interior Landscaping.* Section 32-385 (f)(1) requires all rows of parking spaces shall be terminated with a landscaped island of a minimum of 7 feet width. There are 9 parking islands that are less than the 7 feet required, ranging from 5.5 feet to 6.6 feet in width, thus, a waiver is requested.
12. *Required Trees.* Section 32-384 (c) (3) requires one tree for every 1,500 square feet of lot area. Section 32-384 (c) (5) requires a minimum of 5 species shall be provided when 51 or more trees. Section 32-385 (d) (2) requires a minimum of 10 feet in height trees with two inches in caliper for residential uses at least 50% of which shall be native, drought tolerant.

According to the above criteria, 124 trees are required. The applicant proposes to install 129 credited trees at grade ranging from 10 feet to 20 feet in height of which more than 50% are native, drought tolerant; also, more than 5 tree species are provided. An additional 30 trees ornamental and no-credited trees are proposed to be planted on the rooftop recreational area which are not included in the total.

Therefore, the proposal exceeds the minimum tree requirements.

13. *Building Height.* Section 32-147 (c) permits a maximum building height of 200 feet for properties zoned RM-HD2. The proposed building will have 6 stories with an overall height of 75 feet, therefore, it does not exceed the permitted height.

#### Rezoning to RM-HD-2 and Land Use Map Amendment Criteria

Article VIII, Section 32-963 of the City of Hallandale Beach Code of Ordinance, specifies the following criteria to be addressed in considering applications for rezoning and land use amendments:

- 1) The relationship of the proposed amendment to the purposes and objectives of the City's Comprehensive Land Use Plan, when adopted, with appropriate consideration as to whether or not the proposed changes will further the purpose of this and other codes, regulations, and actions designed to implement said plan.

**The proposed land use map amendment and rezoning to RM-HD-2 are consistent with and further the following Comprehensive Plan policies:**

**The proposed development will assist in furthering the goals, objectives and policies of the City's Comprehensive Plan as detailed in the Rezoning/Land Use Amendment Criteria section of the Planning and Zoning Cover Memo incorporated herein by reference (Exhibit 12).**

- 2) The proposed change would or would not be contrary to the established land use pattern.

**Consistent.** The proposed change would not be contrary to established land use patterns. There are other multi-family residential developments to the north, east and west near the subject site. In addition, the site is approximately ¼ mile north of West Hallandale Beach Boulevard, a transit-oriented corridor on which commercial/ mixed-uses and denser residential development is encouraged and allowed. Also, the proposal has been

designed with extensive perimeter landscaping which will buffer the residential project from the nonresidential uses to the south and east.

- 3) The proposed change would or would not create an isolated district unrelated to adjacent and nearby districts.

**Consistent.** The proposed change would not create an isolated district. There area is surrounded by a mixed of uses, such as single and multi-family residential, commercial/industrial and community facilities.

- 4) The proposed change would or would not alter the population density pattern and thereby have an adverse impact upon public facilities such as school, utilities, and streets.

**Consistent.** The proposed change would not have an adverse impact on public facilities or change the density pattern. The applicant completed an impact analysis for both schools and utilities that were reviewed by both City and School Board staff and found that the increase in density will not adversely impact public facilities.

- 5) Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**Consistent.** The property is located south of the single-family area north of NW 3<sup>rd</sup> Street, a 70 feet wide right-of-way presently unimproved), in an area with a mixed of uses. The High Density-2 category was designed to allow higher densities than 25 dwelling units per acre on site specific properties when found compatible with existing land use pattern. There are other existing mid-rise developments in the area. Although the applicant's proposed density of 46 units per acre exceeds the densities of the nearby midrise developments, which range from 18 DU/acre to 30 DU/acre(*Chaves Lake Apartments at 18 units per acre, Harbor Cove at 30 units per acre and Hurley Hall Assisted Living Facility at 25 units per acre*), the proposed development density of approximately 46 dwelling units per acre is not illogical, in relation to existing conditions in the area and the project's geographical location.

- 6) Changed or changing conditions make the passage of the proposed amendment necessary.

**Consistent.** The existing low-density land use designation of the parcel has not provided for redevelopment of available land in the area. Specifically, these changes will create a new land use pattern and new housing opportunities consistent with other mid-rise buildings in the area. Also, there is a need for change to encourage redevelopment and larger scale development in the area near to where transit services are provided.

- 7) Substantial reasons exist why the property cannot be used in accordance with the adopted land use plan and/or the existing zoning.

**Consistent.** The existing low-density residential land use designation and zoning would restrict the property from being developed in a manner that would create new mid-rise housing opportunities within walkable pedestrian shed to existing commercial developments on West Hallandale Beach Boulevard.

- 8) Whether or not the change is out of scale with the needs of the neighborhood.

**Consistent.** The proposed change is not out of scale with the needs of the neighborhood. Rather, the proposal will have a positive effect on the property and encourage urban infill



**residential redevelopment compatible with the neighborhood.**

**Planned Development Overlay District (PDO) Review Criteria**

Article III Section 32-186 of the Zoning and Land Development Code states applications for rezoning to PDO shall be reviewed with consideration given to the following criteria:

- 1) That the proposed project would further the development or redevelopment of an area of the City consistent with City land use and development goals, policies and development/redevelopment efforts.

**Consistent.** The subject property is located within the City's CRA and the proposed project will help revitalize the area. Assignment of PDO Overlay District to the property is consistent with the City's adopted goals and redevelopment efforts.

- 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.

**Consistent.** The proposed development would be of a higher quality than required by the underlying existing residential zoning or the proposed RM-HD-2 zoning. Quality, appearance, or provision for amenities of the development are not regulated by the underlying zoning district. PDO extends the City's discretion in assuring a higher quality development and compatibility with the surrounding area through the negotiated process and development is governed by a Development Agreement between the City and the developer. The applicant's proposal provides for additional and more mature landscaping exceeding landscaping required by the City's Landscape Ordinance. In addition, the proposal includes architectural features consistent with established Design Guidelines for PDO. The project includes the use of brick pavers, aluminum fencing surrounding the property, a play area, bike storage and charging station, shade structures and extensive rooftop landscaping and other amenities throughout the development.

- 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.

**Consistent.** PDO zoning will allow more flexibility in the development's design by allowing for amenities that will enhance the development, such as, a tot-lot play area, a rooftop recreational area, a clubhouse, an aluminum perimeter picket fence, a mix of unit types, including 3-bedroom units to appeal to varied family size. Strict adherence to the underlying Zoning Code regulations without the flexibility provided for in PDO's would not have permitted such amenities.

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

**Consistent.** The proposed development provides many amenities, such as a clubhouse, a play area, and a rooftop recreational/open space area, which will enhance its residents' recreational needs.

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

**Consistent.** The proposed development has been designed to provide for residents' easy

**accessibility to open space and recreational areas within the community. Additionally, public sidewalks 6 feet in width, (wider than the minimum of 5 feet) are planned outside the community to facilitate pedestrian, bicycling, and access to mass transportation systems to nearby major roadways. In addition, 25 bicycle storage spaces are proposed.**

- 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.

***Consistent.* It is more appropriate to evaluate the proposed project as an overall development plan under PDO than adhering to the specific Code criteria of the underlying zoning district. PDO zoning provides the flexibility to determine the appropriateness of a code modification based on the suitability to the specific site than the variances process. Adherence to the strict review criteria for variance of Section 32-965 is not applicable with PDO zoning. Such modifications can be determined to have no significant impact on the actual development and neighboring properties, or that it may actually enhance the proposal through the negotiated process.**

### **Major Development Review**

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**

The site is vacant. There are no rare, historical or valuable trees on the property.

2. **Open Space**

A tot-lot play area at ground level and roof-top recreational areas with seating, walking areas and shade structures are proposed to serve the residents. 17% of the site will be landscaped. (10.6% at grade and 6.5% above -ground on the rooftop of the building).

According to the landscaped plans, the grounds will be substantially landscaped with mature trees, ornamental trees and shrubbery, such as, Royal Palms, Live Oaks, Gumbo Limbos, Orange Geiger, Dahoon Holly and Coconut Palms exceeding the required height.

3. **Circulation and Parking**

Four-hundred-thirty-three parking (433) spaces are required for the development and 402 parking spaces proposed, 31 spaces less than required by Code (a 7.2% reduction).

The main entrance to the development is proposed on NW 8<sup>th</sup> Avenue. There are gated entries/exits to the north and south of the main entrance to the parking lot except in the center in a shared and ungated parking area with 70 parking spaces. A two-way-gated driveway is also provided at NW 2<sup>nd</sup> Avenue. A lock-box will be required to provide access for Fire Department emergency vehicles and Public Works Sanitation Departments as the dumpster for the development would be inside the gated area.

There is one dead-end corridor which is prohibited by Section 32-453(i)(4). The applicant requests this development standard be waived as provided by Section 32-186 of the PDO regulations. Assigning parking spaces to residents, which is permitted by the Parking Code, would also help reduce vehicular conflicts in the dead-end corridor.

Twenty-five (25) on-street parking spaces are proposed on NW 2<sup>nd</sup> Street and 15 on-street parking spaces are proposed on future NW 3<sup>rd</sup> Street which is presently unimproved. The developer will participate with the future construction of this street, the terms of which will be negotiated as part of the required Development Agreement for the Project.

4. Access Controls

The property will be a gated community accessed by an entryway on NW 8<sup>th</sup> Avenue and from NW 2<sup>nd</sup> Street. A lock box key for Fire Department and Public Works use will also be required at the entrances.

5. Public Transportation

Broward County Transit (BCT) does not serve NW 8<sup>th</sup> Avenue, however, the City's Mini bus does provide service along the street. Public mass transit is available on West Hallandale Beach Boulevard at the intersection of NW 8<sup>th</sup> Avenue 0.3 mile south of the parcel.

6. Community Services

Dumpsters are proposed in a masonry enclosure at the southeast corner of the property within the gated area. A lock-box will be required to provide access to the Sanitation Services. The enclosure will have trash and recycling dumpsters. The City Sanitation operation will service the development. Staff has required, and the developer has agreed to have a designated recycling chute in addition to the trash chute to service all floors within the building.

Fire hydrants to serve the development and designated fire lanes are not shown but will be required. Prior to the issuance of the building permit, the developer must provide a hydraulic analysis of the water system, including a fire flow test, to determine if system is adequate to provide required fire and domestic use demand. Any improvements required will be the applicant's responsibility to construct and pay for.

There are no existing sidewalks adjacent to the parcel. The applicant proposes to construct concrete sidewalks as required by Code along NW 8<sup>th</sup> Avenue, NW 3<sup>rd</sup> Street and NW 2<sup>nd</sup> Street as required by Code. The sidewalks will be 6 feet in width which exceed the Code specified width of 5 feet.

7. Drainage

Paved areas are proposed to have underground catch basins for stormwater runoff. Storm water must be retained on site. Drainage calculations for both sites will be required at time of permit. The applicant will be required to comply with all DPEP regulations and City criteria to retain 5-year 1-hour storm water onsite. Drainage in the streets will be required where on-street parking will be constructed.

8. Concurrency Evaluation

According to Article V Section 32-782 of the City of Hallandale Beach Code of Ordinance, 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, recreation, schools and transportation. Staff has determined that concurrency requirements have been met.

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

City of Hallandale Beach Code of Ordinance 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 42,225 gallons of potable water per day (GPD). The City's current demand is about 6.07 MGD. The water demand the City is able to meet is approximately 8.29 MGD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$203,381 in water impact fees as required by Section 30-247 through Section 30-260 of the Code of Ordinances.

**Wastewater** – The City has a Large User Agreement with City of Hollywood and several other communities for wastewater treatment. According to the applicant, the wastewater demand for the project is 37,800 GPD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$279,862 in sewer impact fees.

Water and wastewater impact fees are estimates and are payable per Section 30-253 of the City of Hallandale Beach Code of Ordinance, when the building permit is issued or when a request for capacity is made.

**Transportation System**- A Traffic Study providing an analysis of the impact of the development as it relates to current and projected roadway usage and design capacities was conducted as required by the City's Comprehensive Plan Transportation Element for projects generating 100 daily trips or more. The anticipated trip generation for this development is 1,092 daily trips per weekdays. The development will generate 72 AM Peak Hour Trips and 88 PM Peak Hour Trips. NW 8<sup>th</sup> Avenue is currently operating at a LOS "D" which is acceptable and is to remain at that LOS when the project is built. The City's Traffic Consultant for this project, Michael Miller Planning Associates (MMPA), reviewed the Traffic Study and determined the projected traffic development is not anticipated to significantly impact the surrounding roadways or worsen the LOS.

The City's Traffic Consultant also reviewed and accepted the Alternate Parking Supply Study prepared by the applicant's traffic engineering firm, Kimley-Horn, which concludes that 326 parking spaces are sufficient for the development utilizing data published by ITE (Institute of Transportation Engineers) data. *(402 spaces are provided)*.

Pursuant to the City's Comprehensive Plan, Transportation Element, Policy 1.5.4, any local streets are required to be a minimum of 50 feet right-of-way or as may be established by the City's Comprehensive Plan.

The City has established a 70 feet right-of way for NW 8<sup>th</sup> Avenue. The existing R/W is 50 feet, therefore, a 10 feet dedication along NW 8<sup>th</sup> Avenue has been required and provided to serve as a deceleration lane into the development and provide for proper right-of-way for any future roadway improvements or expansions to NW 8<sup>th</sup> Avenue.

NW 2<sup>nd</sup> Street is specified to be a minimum of 50 feet R/W requirement. The existing right-of-way along NW 2<sup>nd</sup> Street adjacent to the property is 12.5 feet; thus, an additional 12.5 feet roadway dedication is required along that portion of the property. NW 3<sup>rd</sup> Street, presently unimproved, is an existing 70 feet right-of-way which exceeds the minimum of 50 feet. There is no driveway connection from the proposed project to this future street. Fifteen (15) on-street parking spaces are proposed adjacent to the project along NW 3<sup>rd</sup> Street. The Developer will be required to participate in the construction of NW 3<sup>rd</sup> Street extension which would connect NW 8<sup>th</sup> Avenue through to NW 5<sup>th</sup> Terrace. The anticipated NW 3<sup>rd</sup> Street improvements would include: a new 2-lane road, a bike lane buffered adjacent to on-street parking, sidewalks, curb

and gutter drainage, pedestrian crosswalks, landscaping, pedestrian scale lighting, and a traffic calming round-a-bout at 5<sup>th</sup> Terrace.

Although not reflected on the proposed Plat, the applicant has provided for the required street dedications discussed above on the proposed site plan.

The applicant will be required to mitigate for traffic and transportation impacts as set forth by Section 32-794 of the City of Hallandale Beach Code of Ordinance, "Traffic and Transportation Facilities". The City's transportation mitigation fee for this project is \$14,631.

**Schools-** Based on the student generation rate adopted by the Broward County School Board this project will generate 6 elementary school students, 3 middle school students and 4 high school students for a total of 13 students. Adequate school capacity is available to support the project. At the time of the PZ Board Hearing, the required SCAD Letter from the school had expired. The applicant has since provided an updated SCAD Letter.

**Recreation and Open Space-** The 2018 Evaluation Appraisal Report amendment to the Comprehensive Plan increased the City's Level of Service standard to 3.25 acres per 1,000 population. Based on the City's 2017 population and with the new recreation and open space level of service, there is a surplus of 7.10 acres. The proposed project will generate a demand of 1.37 acres. There is sufficient recreation and open space acreage to support this project. The City is in the process of adopting a Recreation impact fee. It is anticipated the fee will be adopted during the first Quarter 2019. The fiscal impact of the project utilizing 1.37 acres of open space will be mitigated in the Development Agreement. The recreation impact fee for this project will be approximately \$195,000 and will be a requirement of the Development Agreement.

#### 9. Energy Conservation/Green Building

Section 32-787 (k), the City's Green Building Program, requires new development with more than 50 residential units, 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 Project is more than 50 units; therefore, Green Building certification is required. The applicant intends on seeking LEED certification for the project.

#### 10. Financial Impact

The project's anticipated market value at build-out is \$ 46 Million. It is expected the proposed development will generate approximately \$266,791 in real estate taxes in the next year after completed. Approximately \$253,451 of the revenue would go to the City's CRA. The estimated building permit fee is approximately \$600,000 based on the applicant's estimated construction cost of \$30 Million.

#### 11. PDO Design Guidelines

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

#### 12. Development Agreement

As required for PDD 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**

### **Land Use Plan Map Amendment/ Rezoning to RM-HD-2**

The proposed change to the City's Future Land Use Map from residential, low density to residential high density-2 designation and rezoning to RM-HD-2 District will provide for diversity in housing types near a transit corridor and allow development of the site as a planned multi-family residential community. Potential incompatibility of existing nonconforming industrial land use to the south and the City's Public Works compound to the east, is mitigated by the developer's site design of the project as a gated fenced-in community well buffered by extensive landscaping and decorative fencing.

The proposed development is not a deed restricted affordable housing project as defined by the Broward County Land Use Plan (BCLUP). Broward County Land Use Plan Policy 2.16.2 requires that amendments which propose 100 or more residential units to the existing density implement affordable housing strategies to the satisfaction of the County and/or the municipality. The Broward County Planning Council is charged with determining if the application is subject to Policy 2.16.2 after the application for a Land Use Plan amendment is submitted to the County. The applicant will need to satisfy the County's affordable housing standards as part of its application for a Broward County Land Use Plan Amendment.

Properties with a PDO Overlay designation are governed by a Development Agreement (DA). As part of the DA for this project and in accordance with past precedence, the City will negotiate a payment in-lieu-of in the amount of \$8,833 per unit for the 30 required affordable residential units (15% of total units proposed). This per unit cost represents the City's most recently calculated average assistance provided per affordable unit required, which is 15% of the market rate units being constructed. The total amount of the contribution is \$265,000. The monies will be placed in the City's affordable housing trust fund.

To maintain consistency with the County's Future Land Use Map (FLUM), a Broward County Land Use Plan Map Amendment to Residential, High Density land use category is also required. This small-scale amendment is less than 10 acres of land; therefore, it is not subject to concurrent review by Department of Economic Opportunity (DEO). The City's Land Use Plan Map amendment will be effective upon approval by the Broward County Commission of the FLUM.

### **Rezoning to PDO**

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. PDO is appropriate for the Project because of its complexity, scale and uniqueness to the area. Staff does not object to the requested waivers as most are generally appropriate and unique to the site and the property, with one exception: although the developer has made an attempt to increase the landscaped area by landscaping the rooftop of the building, the project provides only 10.6% greenery at grade with an overall credit of 17% instead of the required 30%. Staff has no objections to the requested waiver for the parking reduction based on the findings of the parking study submitted by the applicant.

Applying PDO to the property will provide for greater flexibility and allow a development at a property that is prime for redevelopment.

### **Development Agreement**

As required for PDD 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.

### **Major Development Plan Application**

As outlined in this memo, Staff has conducted a comprehensive analysis of the Project and has determined the applicant's proposal meets the general requirements for Major Development Plan approval relative to concurrency. Also, as discussed under Transportation Systems, the developer will be required to dedicate and construct right-of-way improvements, including a deceleration lane on NW 8<sup>th</sup> Avenue and on-street parking on NW 2<sup>nd</sup> Street. The developer will also be required to participate in the construction of NW 3<sup>rd</sup> Street with the road improvements negotiated in the Development Agreement for the Project. The construction of future NW 3<sup>rd</sup> Street adjacent to this project and the future easterly extension of the street to NW 5<sup>th</sup> Terrace will assist in alleviating existing traffic conditions on West Hallandale Beach Boulevard by providing an alternate east/west corridor.

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

1. Payment of the City's water impact fee in the amount of \$203,381.
2. Payment of the City's sewer impact fee in the amount of \$279,862.
3. Payment of the City's transportation mitigation cost in the amount of \$104,631.
4. The maximum number of units in the development shall not exceed 200 units.
5. Assignment by the City Commission of 92 Residential Flexibility Units.
6. The project shall be designed and constructed to comply with Section 32-787(k) and obtain a Green Building certification from LEED or a recognized environmental agency.
7. The entire property shall be enclosed with a decorative masonry wall/picket fence as detailed in the proposal.
8. The applicant shall bond for and construct any required street and right-of-way improvements including but not limited to sidewalks, pavement, construction, striping, signage, landscaping, and drainage improvements.
9. The dumpster enclosure for the development shall be of masonry construction and landscaped in a manner to obscure same and enhance the development to the satisfaction of the City.
10. The building shall be designed with a designated chute for recyclables separate at each floor from the trash chute.
11. No required tree shall be less than 12 feet in overall height at time of planting.
12. Provide an elevator accessible to the roof.
13. Provide rooftop lighting and security.
14. Improve traffic flow within the property to the satisfaction of the Development Services Director.
15. Execution of Developer's Agreement pursuant to Section 32-186(d)(2) stipulating agreed conditions of the negotiated process satisfactory to the City.
16. Approval of the City applications for a Future Land Use Map Amendment, rezoning to RM-HD-2, applying PDO zoning and the Major Development Plan, will become effective upon Broward County's approval of the required County Land Use Map amendment of the property and recertification by Broward County Planning Council of the City's Land Use Map.

**Proposed Action:**

Staff recommends the City Commission take the following actions on the attached Ordinances and Resolutions:

Application #PA-18-0974, Land Use Map Amendment:

Approve Second Reading of the Ordinance amending the City's land Use designation of the property to Residential High Density-2 subject to such action shall become effective after all required Broward County approvals.

Application #Z-17-02319, Rezoning to RM-HD-2

Approve Second Reading of the Ordinance rezoning the property to RM-HD-2 subject to such action shall become effective after all required Broward County approvals.

Application #PDO-17-02317, Applying PDO

Approve Second Reading of the Ordinance applying the PDO Overlay zoning to the property to PDO subject to such action shall become effective after all required Broward County approvals.

Application #DB-17-0231, Major Development Plan

Approve the Resolution approving the Major Development Plan for the 8<sup>th</sup> Avenue Commons Project subject to such action shall become effective after all required Broward County approvals, the terms of the Development Agreement to govern the project as may be approved by the City Commission, and all conditions set forth in this Cover Memo.

Assignment of Residential Flexibility Units

Approve the Resolution assigning 92 residential flexibility units to the Eighth Avenue Commons Project.

**Attachment(s):**

- Exhibit 1 - Ordinance Amending the City's Future Land Use Map
- Exhibit 2 - Ordinance Rezoning the Property to RM-HD-2 District
- Exhibit 3 - Ordinance Applying the Planned Development Overlay (PDO) District
- Exhibit 4 - Resolution Approving the Eight Avenue Commons Plat
- Exhibit 5 - Resolution Approving the Major Development Plan for the Project
- Exhibit 6 - Resolution Assigning Residential Flexibility Units to the Project
- Exhibit 7 - Location Map
- Exhibit 8 - Aerial Map
- Exhibit 9 - Applicant's Letter
- Exhibit 10 - Building Rendering, Development Plans, and Applicant's Backup
- Exhibit 11 - Proposed Plat and Broward County Plat report
- Exhibit 12 - Planning and Zoning Board Cover Memo dated September 26, 2018
- Exhibit 13 - Planning and Zoning Board Minutes of September 26, 2018
- Exhibit 14 - City Traffic Consultant Report
- Exhibit 15 - Applicant's Traffic Report

Prepared by:

  
Christy Dominguez  
Principal Planner

Concurred with:

  
Keven R. Klopp, Director  
Development Services



