



City of Hallandale Beach

City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
10/6/2021	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	6/16/2021	10/6/2021
		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi Judicial:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
File No.:				
#21-159 and # 136				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
N/A	N/A	N/A	N/A	
Contract/P.O. Required		RFP/RFQ/Bid Number:	Sponsor Name:	Department:
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A	Vanessa Leroy, Development Services Director	Development Services Dept
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity		<input checked="" type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 6/16/2021 Estimated End Date: 9/1/2021				

THIS ITEM IS TO BE HEARD IN CONJUNCTION WITH FILE NO. 21-136. AGENDA ITEM 11A.

SHORT TITLE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA CONSIDERING SOLARIS APARTMENTS, LTD.'S APPLICATION #RV-20-2071 REQUESTING A ROAD VACATION PURSUANT TO CHAPTER 25, SECTION 25-103 OF THE HALLANDALE BEACH CODE OF ORDINANCES FOR THAT PORTION OF THE SE 2ND STREET RIGHT-OF-WAY BETWEEN SE 7TH STREET AND SE 8TH STREET LYING BETWEEN THE TWO OWNERSHIP PARCELS OF THE PROJECT SITE IN ORDER TO CREATE ONE BUILDABLE PARCEL IN HALLANDALE BEACH, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AND RELEASE OF PUBLIC RIGHT OF WAY;

PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

and,

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING SOLARIS APARTMENTS, LTD.'S APPLICATIONS #DB-20-2058 FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE AND #RD-20-2070 FOR REDEVELOPMENT AREA MODIFICATIONS (RAMS) FROM SECTION 32-196(B)(1), SECTION 32-203(A), SECTION 32-201(A)(3), SECTION 32-453(I)(4) AND SECTION 32-787(K) OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO CONSTRUCT A 78-UNIT RESIDENTIAL DEVELOPMENT AT 118 SE 7TH STREET; PROVIDING AN EFFECTIVE DATE.

STAFF SUMMARY:

Summary:

The applicant, Solaris Apartments, LTD. is requesting Major Development Plan approval, Redevelopment Area Modifications, and a Road Vacation in order to build Solaris, a 78-unit multi-family building. The property encompasses 2 sites owned by the applicant: 118 SE 7th Street/700 Old Federal Highway. The applicant's request includes vacating the portion of SE 2nd Avenue between the 2 sites.

Background:

The applicant proposes to construct a 78-unit residential project consisting of an 8-story building, associated parking lot and on-street parking adjacent to the proposed development.

The applications filed with the City are as follows:

1. Application #DB-20-2058 for Major Development Review approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct the 78-unit residential development.
2. Application #RD-20-2070 for Redevelopment Area Modifications (RAMs) from the following requirements:
 - a) The minimum primary façade of a building frontage of buildings in the Central RAC (Regional Activity Center) District.
 - b) The minimum number of parking spaces required for multi-family residential uses in the Central RAC District.
 - c) The maximum allowable setback encroachment for bracketed balcony building frontage type in the Central RAC District.
 - d) Access requirements to off-street parking corridors resulting in dead-end parking.
 - e) The minimum Green Building certification level of Exemplary required for a 78-unit multi-family building to Enhanced certification level.

3. Application #RV-20-2071 requesting a road vacation of SE 2nd Street right-of-way between SE 7th Street and SE 8th Street lying between the 2 ownership parcels of the project in order to create one buildable parcel.

The Developer's Community Meeting required for the Major Development application was held on March 31, 2021, for the developer to present their project to area residents.

On April 28, 2021, the Planning and Zoning Board/Local Planning Agency (PZB/LPA) heard the Major Development Plan applications for the Solaris Apartment Project. Redevelopment Area (RAMs) and right-of-way vacation applications do not require Planning and Zoning Board action; however, the analyses were included for informational purposes and any comments. The Board recommended approval of the Major Development application by a vote of 4 to 0 with conditions recommended by staff omitting Condition # 9 relative to a contribution in the amount of \$63,000 to the City's Parking Fund. Please see attached Planning and Zoning Board Cover Memo and Minutes of the meeting (Exhibits 8 and 9). The Board also added the following conditions:

1. A public access easement shall be recorded and public records for the public civic space delineated on the site plan. The civic open space shall be maintained by the applicant, successors or assignees in perpetuity.
2. Execution of a restrictive covenant restricting the property to affordable housing for a minimum of 30 years.

On June 16, 2021, the City Commission approved First Reading of the Ordinance vacating of SE 2nd Street between the 2 ownership parcels.

Since First Reading of the Road Vacation Ordinance, the Applicant has requested an additional Redevelopment Area Modification (RAM) to allow an Enhanced City Green Building certification instead of the Exemplary certification required for the size of the proposed project.

Analysis:

Development Details

The applicant's plans depict the following:

1. A parcel of 80,897 square feet gross area (1.857 acres) between SE 7th Street and SE 8th Street and Old Federal Hwy as the east border.
2. That portion of SE 2nd Avenue adjacent to the project site is to be vacated and incorporated into the total site area. The vacated right-of-way will increase the site to 87,536.5 square feet or 2.05 acres.
3. There are no existing buildings to be demolished.
4. An 8-story multi-family development with a total of 78 units. (8 stories is the maximum stories allowed). the proposed density of 39 DU/Acre.
5. The proposed building is 8 stories in height (*the maximum base height allowed is 5 stories*). It is 84 feet to the flat roof.
6. The 78 units consist of 25 one-bedroom units, 39 two-bedroom units, and 14 three-bedroom units.
7. The one-bedroom units are 733 square feet in gross floor area (GFA), (*700 S.F is required*); the 2-bedroom units are 1,019 GFA (*850 SF is required*); the 3-bedroom units range from 1,295 GFA to 1,530 GFA (*1,050 SF is required*).

8. A street building setback 10 feet along SE 7th Street. (*10 feet setback is the minimum required*). The balconies above the ground floor encroach 5 feet into the required setback. (*3 feet encroachment is the maximum allowed*).
9. A building setback of 45 feet- 3 inches to the secondary street (*Old Federal Hwy*) side property line (*10 feet side setback is allowed*); A setback of 5 feet from the interior property line on the east side (*0 feet side setback is allowed*).
10. A building frontage along SE 7th Street of 65.8%. (*75% minimum building frontage required on primary streets*).
11. A surface parking lot with 131 parking spaces (*137 spaces are required*); 24 parallel on -street parking spaces are also provided. The total parking, both off-street and on-street will be 155 parking spaces.
12. Three (3) of the parking spaces on-site will have electric charging stations.
13. Two bicycle racks are provided for the parking of 8 bikes in the public civic open space and at the east exterior side of the building (*4 spaces are required*). *On-site bike storage room for 12 bikes is provided (8 spaces are required)*.
14. There are 24 on-street parallel parking spaces distributed along all three streets.
15. 23.25% of the site will be landscaped (*5% is the minimum required*).
16. A civic space is provided. (6,067 square feet - 7.5% of the site is required to be civic open space.
17. A new 10 feet-wide sidewalk along SE 7th Street (*the minimum required is 10 feet in width*); a new 8 feet sidewalks along SE 8th Street and Old Federal Highway (*the minimum is 8 feet along such streets*).
18. The site has a relatively few existing trees and palms, some which will be relocated within the site.
19. A total of 68 trees for credit are provided on-site trees (*54 on-site trees are required*).
20. A total of 28 street trees are provided (*28 street trees are required*).
21. 75% of the provided trees are native/drought tolerant (*50%is the minimum required*).
22. The project is required to meet the City's minimum standards for green building standards. Exemplary certification is required for the size project. (*Enhanced Certification/NGBS Silver is proposed*).

Comprehensive Plan Considerations

The property is designated Regional Activity Center on the City's Future Land Use Map. The residential use proposed by the applicant is permitted under the land use category. Presently, there are 173 residential RAC Units available in the Regional Activity Center for allocation to new projects. Approval of this project will reduce the available number of RAC Units to 95. The proposed development will assist in furthering the goals, objectives, and policies of the City's Comprehensive Plan as detailed in the Planning and Zoning Board Cover Memo dated April 28, 2021 (Exhibit 8).

Applicable Codes and Ordinances

1. The proposed residential use is permitted based on the present Central RAC Zoning District/ Transit Core Subdistrict.
2. The maximum permitted base density in Transit Core is 18 units per acre. The maximum density which can be earned in Transit Core with conditions is 50 dwelling units per acre. The Project consists of 78 residential apartment units which generate a density of 39 dwelling units per acre. Pursuant to Section 32-196 (d), projects with densities over the base must:

- a) Provide civic open space of 7.5% of the site, or 6,067 square feet for the subject project after the right of way vacation. The applicant does propose a civic open space for the project of 7.5%.
- b) Provide at least 15% of the project's residential units as affordable housing or contribute to the City's affordable housing fund.
- c) The Project is an affordable housing project which qualifies for requesting density bonus above the base density of 18 units per acre up to 50 units per acre.
- d) Fully concealed parking garage levels on secondary streets at the sidewalk level for a minimum depth of 20 feet with a story containing active uses, such as residential, office, or retail.
- e) Provide street/streetscape improvements consistent with the City's complete streets efforts, on both sides of adjacent rights-of-way.

The Developer complies with the criteria (a), (b) and (d) above. No parking garage is proposed thus, item "c", above, is not applicable.

The applicant requests the requirements discussed below in items 3(a) through 3(d) be waived by the City Commission pursuant to Section 32-135(a). The following chart summarizes the requested Redevelopment Area Modification waivers under Application# RD-20-2070 as further discussed below:

VAIVERS OR DEFICIENCIES	REQUIRED/ALLOWED	PROPOSED	DEFICIENCY
1) Primary Street Frontage	Min. 75% of Lot Frontage	65.8%	2%
2) Minimum # of Parking Spaces	37 spaces	131 spaces	spaces
3) 4 parking spaces max with dead-end parking	parking spaces max	19 in a row adjacent to building	5 paces
4) Setback Encroachment for Balconies	Max Encroachment of balcony 3 Feet	5 feet	2 feet
5) Green Building Certification Level	Exemplary Level	Enhanced Level	1 Level lower

- a) Table 32-196 (a) requires a minimum of 75% building frontage along Primary Streets for projects within the Central RAC District/Transit Core Subdistrict. The proposed building frontage is 65.8% along SE 7th Street, 12% less than the minimum required.
- b) Table 32-203 (a) in Section 32- 203 (b) requires a minimum of 1.25 spaces for every one-bedroom unit and 1.75 parking spaces for every 2 or more-bedroom units in the RAC. An additional 10% of the total parking is required for guest parking. Based on this ratio, the parking required for the proposed 78-unit development is 137 spaces and 131 spaces are provided, 6 parking spaces less than the minimum, thus, a waiver is required and requested.
- c) Section 32-453(i)(4) requires single and double loaded parking corridors with more than 4 parking spaces in a row to permit to allow for vehicle entry/exit in one continuous forward motion without using any spaces to turn around. The proposed plan has one corridor with 19 spaces in a row on the south side of the building without the required access, therefore, a waiver is required and requested.
- d) Table 32-196 (a) requires a minimum of 10 feet front yard setback. The proposed building will be setback 10'-0" feet along SE 7th Street at the ground floor of the building. However, the ground level porch and upper balconies project 2 more feet than the maximum allowed

encroachment of 3 feet for porches/balconies. The resulting total encroachment will be 5 feet, or a 2-foot deficiency, thus a waiver is required and requested.

- e) Section 32-787(k) requires new development with 10 to 99 residential units to meet the City's Green Building Program Certification Program. There are 3 levels for City certifications: 10–19-unit buildings require “Earth-Friendly” certification which must achieve a minimum of 50 sustainability points; 20–49-unit buildings require “Enhanced” certification which must achieve a minimum of 75 sustainability points; 50-99-unit buildings require “Exemplary” certification which must achieve a minimum of 150 sustainability points. The Applicant's proposal would achieve 78 points instead of the 150 points specified, thus is requesting a waiver to allow “Enhanced” certification instead of the “Exemplary” certification.
- 2) Section 32-196(a) requires projects which exceed the base density of 18 units per acre to provide a 7.5% civic area. The project has a density of 39%. The applicant does provide the required civic area 7.5% of the project, therefore, meets Code.
- 3) The units consist of 25 one-bedroom, 39 two-bedroom, and 14 three-bedroom units. The one-bedroom units are 733 square feet in gross floor area (GFA) (*700 S.F is required*); the 2-bedroom units are 1,019 SF (*850 SF is required*), the 3-bedroom units range from 1,295 GFA to 1,530 GFA (1,050 SF is required) thus the units exceed the minimum requirements of the Code.
In summary, the applicant is requesting Redevelopment Area Modification waivers from certain Central RAC code requirements discussed above in items 3(a) through 3(d) pursuant to Section 32-135(a) which permits the City Commission to waive these site development standards.

Major Development Review Criteria

Article V, Section 32-787 specifies the following criteria shall be utilized in the review and evaluation of applications for Major Development Review approval:

1. Natural Environment (*and existing conditions*)

The property consists of multiple platted lots (18) with no structures on the property. There are 2 specimen Oak trees on the property, these and all other trees will remain or be relocated within the property.

2. Open Space

Approximately 23% of the property will be landscaped, which exceeds the minimum 5% required by Code. A civic open area of 7.5% minimum is required per Code and provided.

Fifty-four (54) trees are required, and 68 trees are provided on-site. The grounds will be landscaped with shrubbery and canopy trees, such as Live Oaks, Mahoganies, Orange Geigers, Dahoon Hollies, and Sabal Palms, exceeding the required number and height. An additional 28 trees (Live Oak, Gumbo Limbo, Brazilian Beauty Leaf) are also proposed to be installed as street trees.

3. Circulation and Parking

The parking required for the proposed use is 137 spaces and 131 off-street spaces are provided, therefore, the proposal does not meet Code for the off-street parking requirements. The entrance to the parking lot is accessible from Old Federal Hwy via a two-way driveway on the eastern portion of the site. Twenty-four (24) on-street parking spaces are also proposed on SE 7th Street, SE 8th Street and Old Federal Highway adjacent to the project.

4. Access Control

The parking area for the development will not be gated and will be accessible via one two-way driveway from/to Old Federal Highway.

5. Public Transportation

The site is well served by existing mass transit services. Broward County bus routes service Federal Highway, east of the proposed project. In addition, the City's mini-bus route also serves the area.

6. Community Services

A trash room is provided at the west ground floor of the building area to accommodate the dumpsters which will be rolled out on service days. The location has been determined to be accessible for the City's sanitation vehicles which will service the facility from the trash/loading parking space located on SE 7th Street. At each floor level there is a trash chute with a built-in sorter for recycling as required by Code.

The applicant is replacing the existing 5 feet sidewalks with new 10 feet wide sidewalk along SE 7th Street and 8 feet sidewalks along Old Federal Highway and SE 8th Street.

7. Concurrency Evaluation

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 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 16,380 gallons of potable water per day (GPD). The City Water Plant's current capacity is 9 MGD. The City's current demand is about 6 MGD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$79,388 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 the City of Hollywood and several other communities for wastewater treatment. The wastewater demand for the project is 14,742 GPD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$100,641 in sewer 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.

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 424 daily trips. The development will generate 28 new AM Peak Hour Trips and 34 new PM Peak Hour Trips. The City's Traffic Consultant for this project, Michael Miller Planning Associates, reviewed the Traffic Study and concluded that that the proposed redevelopment project will generate some new traffic and that most of the nearby roadway system currently is operating at generally acceptable Levels

of Service (LOS). Also, while new trips are generated, the additional new traffic from the development will not significantly impact or worsen the LOS. Due to the low impact of the proposed 78 units, minimal impacts are anticipated to the nearby local and regional transportation roadway network.

The applicant will be required to mitigate for traffic and transportation impacts as set forth by Section 32-794, "Traffic and Transportation Facilities". The City's transportation mitigation fee for this project is estimated to be \$76,323.

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. The proposed project meets the Code minimum.

Schools - Based on the student generation rate adopted by the Broward County School Board has determined this project will generate 3 students to the school system; (1 elementary, 1 middle and 1 high school students), therefore, satisfies public school concurrency on the basis that adequate school capacity is anticipated to be available to support the project as proposed.

8. Energy Conservation/Green Building

The City recently adopted new Green Building requirements for new developments. The developer will be required to submit green building prerequisites and worksheets of the site and building design to the City's Green Building Coordinator before the building permit for the project is issued. According to the regulations, the developer would be required to obtain the Exemplary Level City certification based on the size of the project. The Developer has requested a Redevelopment Area Modification of the City's Green Building requirement to provide the Enhanced certification instead of the Exemplary.

Redevelopment Area Modification (RAM) Waiver Criteria

The property is located within the Central RAC; thus, the provisions of Section 32-135 apply to the property which allows the City Commission to modify zoning and land development standards through the Redevelopment Area Modification (RAM) process in lieu of a variance.

Pursuant to Section 32-135 (a), the City Commission may grant redevelopment area modifications for specified development standards relating to any proposed project if it is determined that all the following criteria are met:

1. The code standards are determined to significantly inhibit neighborhood or structural improvement efforts.

Inconsistent. The applicant proposes to construct a 78-unit residential development. There are site constraints to accommodate the development as proposed. The proposal does not meet the minimum requirements as to the building frontage (12% deficiency); setback encroachment of balconies (2 feet deficiency to allow for 5-foot balconies); dead-end parking corridor 15 spaces more than allowed; and the amount of parking spaces required (6 spaces deficiency). One hundred thirty-one (131) parking spaces are provided but is deficient 6 spaces since 137 total off-street spaces are required (124 spaces for residents and 13 for guests). Although there are 24 adjacent on-street public parking spaces, such spaces are not countable for off-street parking requirements. The shortage in parking could be accommodated by a reduction in number of units or the type of units.

In addition, the applicant proposes to decrease the City's Green building certification level from Exemplary to Enhanced which decreases the sustainability points from 150 to 75 points. The applicant would also obtain a Silver certification from the National Green Building Standard (NGBS), a nationally recognized green building program, with the 78 points that are able to achieve.

Although the project would be an improvement over existing conditions and is generally in line with the applicable regulations, strict adherence to applicable zoning standards would not inhibit redevelopment of the site.

2. The modifications adequately provide for service areas and other development features for the project.

Consistent. The proposal provides adequate access to service areas and other development features. The project is designed with proper accessibility to parking areas. ADA accessible access from SE 7th Street and the parking lot area is provided to the lobby, elevator, and other facilities.

3. The modification adequately provides for service and emergency vehicles access.

Consistent. Appropriate reviewing departments have confirmed the proposal provides adequate access for accessibility for sanitation, fire, and other service and emergency vehicles. The building's dumpster enclosure would be located in a trash room accessible from SE 7th Street, providing adequate access for servicing by the City's sanitation trucks. The modifications adequately provide for service and emergency vehicle access.

4. The modifications adequately provide for visibility of access.

Consistent. The project has been designed with adequate visibility for access to and from the project. In addition, the required 25 feet visibility triangle at the corner of SE 7th Street and Old Federal Hwy is provided, as well as the required visibility at the project's entrance driveway from Old Federal Hwy.

Right-of-Way Vacation Application

Pursuant to Chapter 25, Section 25-103 of the City's Code of Ordinances, City Commission approval is required of requests to vacate a public right- of -way.

According to Section 25-103 of the Hallandale Beach Code of Ordinance, Streets, Sidewalks and Public Ways, the City Commission shall determine whether a requested vacation would be in the interest of the public good. According to the subsection, the following criteria shall be considered in determining whether to grant or deny a vacation of right-of-way:

- 1) Whether the public benefits from the use of the subject street, right-of-way, or easement as part of the city street system;
- 2) Whether the proposed action is consistent with the city's comprehensive plan;
- 3) The availability of alternative action to alleviate the identified problems, if any, related to the vacation;
- 4) The effect of the proposed action upon traffic circulation;

- 5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
- 6) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal;
- 7) The mitigation plan proposed by the applicant to offset any potential impacts; and
- 8) The testimony, if any, of property owners within a 1,000-foot radius of the right-of-way that is the subject of the application.

The applicant requests a right-of-way vacation of that portion of SE 2nd Avenue adjacent to 2 vacant parcels - 118 SE 7th Street and 700 Old Federal Highway. The area to be vacated is a 50 feet right-of-way containing 6,639.5 square feet or 0.15 acre. The applicant is the owner and developer of the properties on both sides of SE 2nd Avenue between 7th Street and 8th Street. The subject area would be utilized to accommodate the proposed development and associated public civic open space required by City code.

Florida Power & Light, AT&T, TECO People's Gas, Comcast had no objections to the request. The City's Department of Public Works (DPW) has an 8-inch gravity sewer line in the right-of-way and had no objections to the vacation subject to the developer being responsible for the relocation and replacement of any facilities at the developer's expense.

Why Action is Necessary

Per Chapter 25 of the Hallandale Beach Code of Ordinances, right-of-way vacation applications require City Commission approval.

Pursuant to Section 32-205(a)(2) of the Zoning and Land Development Code, City Commission approval of Major Development applications in the Central RAC District is required when requesting more than the permitted density. City Commission action is required for Road Vacations and redevelopment area modifications (RAMs). The proposal is requesting redevelopment area modifications, and more than the base density permitted.

Section 32-135(a) Redevelopment Area Modifications (RAMs) allows the City Commission to modify any specified development standard relating to any proposed project through the RAM process in lieu of a variance. The City Commission may also impose conditions to mitigate any adverse impacts of the request for RAMs.

Cost Benefit

The project's anticipated market value at build-out is \$29.5 Million. It is expected the proposed development will generate approximately \$200,305 in real estate taxes in the next year after completion. Approximately \$190,290 of the revenue would go to the City's CRA. The estimated building permit fee is approximately \$600,000 based on the estimated construction cost of \$25 Million.

STAFF RECOMMENDATIONS:

Right-of –Way Vacation – Application # RV-20-2071

The applicant requests a right-of-way vacation of that portion of SE 2nd Avenue between the 2 development parcels 118 SE 7th Street and 700 Old Federal Highway. Vacation of the right –of-way will unify the 2 ownership parcels and increase the total net acreage of the project site from

1.857 acres to 2.05 acres. The road vacation would allow up to 102 dwelling units for the project. Seventy-eight (78) units are proposed.

Staff requested and the applicant has agreed to relocate the existing gravity sewer line presently within the area to be vacated as required by the City Engineer.

In staff's opinion, the right-of way vacation would still provide for accessibility for pedestrian and vehicular traffic, emergency and waste services along SE 7th Street, Old Federal Highway, and SE 8th Street adjacent to the development site, would not have any potential adverse impacts, and is consistent with the criteria for road vacation.

Should the City Commission decide to approve the application and subject Ordinance, Broward County Environmental Protection and Growth Management Department has advised that the City road vacation ordinance adopted by the City Commission shall state: "*the ordinance shall become effective upon recordation of an Engineer's Certificate into the Public Records by the City Engineer that confirms that all utilities have been removed from the right-of-way that is the subject of the vacation.*"

The above wording required by Broward County, has been included in the road vacation ordinance for adoption by the City Commission.

Redevelopment Area Modification (RAMs) - Application #RD-20-2070

The applicant has made a significant effort in complying with the site development standards for properties within the Transit Core Subdistrict. The existing sidewalks adjacent to the property will be rebuilt with curb and gutter and widened to a minimum of 10 feet along SE 7th Street and 8-feet along Old Federal Highway and SE 8th Street as required by code.

Staff suggests that the modifications for building setback of encroaching balconies by 2 feet to provide for 5 feet balconies and building frontage along principal street (12% deficiency) need not raise concern as the reduction requested is minimal and the design meets the general intent of the RAC requirements to provide for buildings closer to and lining the streets. Also, the project has been designed to provide architectural interest and a sense of place. On-street parking improvements are proposed including provision of 24 on-street parking spaces and landscaping for an improved pedestrian and traffic experience. Regarding the waiver for having 19 spaces in a row which dead-end, staff recommends such spaces be for resident parking only and assigned to specific units.

Staff, however, had concerns with the reduction on the number of parking spaces required. One hundred thirty-one (131) parking spaces are required for the project. A 6-parking space deficiency is proposed. Although public on-street parking is provided adjacent to the project, it is not countable towards meeting the minimum number of parking spaces required. Also, staff had some concerns that these spaces may be utilized by residents or visitors for extended period of time, limiting the availability of the spaces to the general public.

Accordingly, consistent with other projects which requested a parking reduction, a contribution by the developer in the amount of \$63,000 to the City's Parking Fund was recommended by staff as a condition of approval for consideration by the Planning and Zoning Board. The \$63,000 suggested amount was based on a Parking in-Lieu Fee Study prepared by Tindale Oliver which recommends

\$10,500 per parking space not provided which is the average cost per space for surface lots currently developed in South Florida. The Board recommended deletion of this condition due to the proposed project being 100% deed-restricted affordable housing project. Therefore, Condition #9 in the Planning and Zoning Board Cover Memo has been omitted from the below recommended staff conditions of approval for the Major Development Plan. Should the City Commission decide to require the contribution for the 6-parking space deficiency, the \$63,000 as discussed herein is recommended for consideration.

In addition, the applicant has requested a waiver to decrease the City's Green building certification level from Exemplary to Enhanced which decreases the sustainability points from 150 to 75 points. The applicant would also obtain certification by the National Green Building Standard (NGBS), a nationally recognized green certification program, at the NGBS Silver Level with the 78 points that are able to achieve. According to the applicant, the cost of the City's Exemplary certification would make construction of the project cost prohibitive.

Although RAM's are requested, the applicant's proposal will result in significant improvements to the area consistent with the City's Master Plan vision of creating a mixed-use Town Center around and nearby the newly redeveloped Bluesten Park. The Project will help revitalize the Regional Activity Center, encourage redevelopment/reinvestment in the area, and provide for affordable housing in the City. As a result, staff does not have major concerns of approval by the City Commission of the requested Redevelopment Area Modifications subject to conditions.

Major Development Application – Application #DB-20-2058

The proposed development is located within the City's Central RAC which has been identified as a focus for redevelopment into a vibrant area. The property is also located within the City's Community Redevelopment Area (CRA). The proposed use is consistent with the zoning district and the City's Comprehensive Plan. The proposed use is also consistent with the overall vision of the RAC land-use area.

The following are staff's recommended conditions of approval of the Major Development application:

1. Payment of the City's water impact fee in the amount of \$79,388.
2. Payment of the City's sewer impact fee in the amount of \$100,642.
3. Payment of the City's transportation mitigation cost in the amount of \$76,323.
4. Installation of sidewalks, on-street parking, and landscaping improvements along SE 7th Street, SE 8th Street and Old Federal Hwy as shown on the plans.
5. Obtain Enhanced Level certification of the building from the City and Silver Level certification by the National Green Building Standards (NGBS).
6. Assignment by the City Commission of 78 Regional Activity Center (RAC) Units.
7. Three (3) electric vehicle charging stations shall be provided as reflected in the plans.
8. The parking corridor with 19 spaces in a row with no provisions for a turn-around shall be assigned to specific units in the building.
9. Execution of a Unity of Title covenant joining all the development lots into a unified development parcel prior to issuance of the building permit for the Project.
10. Execution of a Restrictive Covenant restricting the property as affordable housing units for a minimum of 30 years.
11. A public access easement shall be recorded and public records for the public, civic space as delineated on the site plan. The civic open space shall be maintained by the applicant successors or assignees in perpetuity.

PROPOSED ACTION:

Staff recommends the City Commission approve Second Reading of the attached Ordinance vacating that portion of SE 2nd Avenue between the 2 ownership parcels as more specifically described in the Ordinance.

Staff further recommends the City Commission adopt the related Resolution approving Applications #DB-20-2058, Major Development Plan and #RD-20-2070, Redevelopment Area Modifications with the conditions listed above.

ATTACHMENT(S):

- Exhibit 1- Ordinance Vacating the Portion of SE 2nd Avenue adjacent to Project
- Exhibit 2- Resolution approving Major Development and Redevelopment Area Modifications
- Exhibit 3- Location Map
- Exhibit 4- Aerial Map
- Exhibit 5- Applicant’s Letter
- Exhibit 6- Building Rendering, Development Plans, and Applicant’s Backup
- Exhibit 7- City Traffic Consultant Report
- Exhibit 8 - Planning and Zoning Board Cover Memo dated April 28, 2021
- Exhibit 9 - Planning and Zoning Board Meeting Minutes of April 28, 2021

Prepared By: 
Christy Dominguez
Planning and Zoning Manager

Reviewed By: _____ Christy Dominguez _____
Christy Dominguez
Planning and Zoning Manager

Approved By: _____ Christy Dominguez _____
Christy Dominguez
Planning and Zoning Manager