



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>10/18/2023</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>9/13/2023</b>	<b>10/18/2023</b>
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>23-308</b>		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
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	<b>Vanessa Leroy, Director</b>	<b>Sustainable Development</b>	
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: 9/13/2023    Estimated End Date: Upon Adoption				

**SHORT TITLE:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, OF THE CITY OF HALLANDALE BEACH ZONING AND LAND DEVELOPMENT CODE, ARTICLE III SECTION 32-171 PLAC, PLANNED LOCAL ACTIVITY CENTER DISTRICT, RELATIVE TO ADDING CASINOS, PARI-MUTUEL WAGERING, SLOT GAMING MACHINES, AND CARDROOM FACILITIES TO THE PERMITTED USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF SUMMARY:**

**Summary:**

Gulfstream Park Racing Association, Inc., (*the "Applicant"*), has filed the subject Application, #LDC-23-2874 requesting an amendment to Section 32-171(d)(1) of the City's Zoning and Land Development Code to allow pari-mutuel wagering, slot gaming machines, casinos, and cardroom facilities within the Planned Local Activity Center (PLAC) District.

The following is a summary of the proposed amendments in the attached draft ordinance:

1. Amends the PLAC Permitted Uses to include casinos, pari-mutuel wagering, slot machine gaming, and cardroom facilities.
2. Removes the existing limitation allowing simulcasting screens and pari-mutuel wagering machines as an accessory use indoors in alcoholic beverage licensed facilities.
3. Removes the existing prohibition of slot gaming facilities and casinos.

The objective is to remove prohibitory language and add such uses as permitted without limited circumstances as accessory uses.

Staff has no objection and recommends the City Commission consider the Ordinance proposed by the Applicant.

**Background:**

On November 6, 2006, the City Commission adopted Ordinance No. 2006-22 creating the Planned Local Activity Center (PLAC) Zoning District, applying to properties with a Future Land Use designation of Local Activity Center per the City's Comprehensive Plan; specifically, the Village at Gulfstream Park Local Activity Center.

In January 2014, the City Commission approved the Amended and Restated Development Agreement for the Village at Gulfstream Park (VGP) which acknowledged that the Developer would initiate an amendment to the Planned Local Activity Center (PLAC) District regulations to permit pari-mutuel wagering upon approval of the Amended Development Agreement.

Gulfstream Park Racing Association subsequently filed Application # 117-14-TC to amend the PLAC list of permitted uses to allow pari-mutuel wagering and simulcasting screens accessory to facilities that are licensed to serve alcoholic beverages. On September 3, 2014, the City Commission adopted Ordinance No. 2014-25 amending Section 32-171 (d)(1) to allow simulcasting screens and pari-mutuel wagering machines as indoor accessory uses to licensed alcoholic beverage facilities, and to continue prohibiting slot gaming facilities and casinos.

On June 28, 2023, The Planning and Zoning Board reviewed the proposed Code amendments and recommended the City Commission adopt the proposed Ordinance. Please see attached Planning and Zoning Board Agenda Cover Memo date June 28, 2023, and the Meeting Minutes of the Hearing attended as Exhibits 4 and 5.

**Current Situation:**

The applicant has filed the subject application for Planning and Zoning Board recommendation and City Commission consideration, to amend the list of permitted uses in the PLAC zoning district to now allow casinos, cardroom facilities, pari-mutuel wagering, and slot gaming machines without restrictions. According to the applicant, the request is being made in order to facilitate the rebranding and maximize the potential of the VGP by evaluating the business opportunity of permitting these uses for its overall property. This request enables the applicant to expand such uses beyond the existing clubhouse and into the VGP and/or undeveloped parcels within the PLAC.

The Applicant's pari-mutuel license permits the proposed commercial recreation uses on the property; however, the existing PLAC code provisions restrict such uses on the PLAC zoned portion of the property.

### **Comprehensive Plan Considerations:**

The area of the Gulfstream Park property zoned PLAC (Exhibit 3) is designated as the Gulfstream Local Activity Center (LAC) in the City's Comprehensive Plan which provides for compact development with a mixture of community serving uses including commercial, office, employment, civic, recreation, institutional, hotel and residential.

The Gulfstream LAC, as well as the approved Development Order (DO) for the Village at Gulfstream Park (VGP) Development of Regional Impact (DRI) provides for a maximum development program of 750,000 square feet of commercial/retail use, 140,000 square feet of office space, 1,500 high-rise residential units, 500 hotel rooms, and a 2,500 theater seats. For purposes of the trade-off chart, commercial uses are accounted for within the retail category. The DO sets a maximum traffic volume of 1,800 p.m. peak hour trips that may be permitted for the Gulfstream DRI.

Pursuant to Ordinance No. 2014-26 amending the DO for the VGP and the Amended Development Agreement with Gulfstream in effect, a limited amount of commercial recreation uses is also permitted contingent upon an equivalent reduction in the maximum intensity of the other uses.

Commercial recreation uses may be allowed up to a maximum of 580 of those p.m. peak hour trips through trade-offs within the approved development program based on the number of trips generated by such uses. The use of trade-offs for commercial recreation uses is consistent with the Broward County Land Use Plan. Hallandale Beach Resolution No. 2014-79 (Exhibit 6) established a procedure for the approval and monitoring of the maximum allowed development program and traffic volumes within the VGP, including commercial recreation uses. According to the adopted resolution, the Village at Gulfstream Park Commercial Recreation Use Trade-Off Chart may only be amended by Resolution of the City Commission in order for a use to be deemed an approved use within the development program.

Should the City Commission decide to approve the proposed code amendment, any future commercial recreation use within the Gulfstream PLAC zoned portion of the property will require approval of the Chart by the City Commission.

### **Analysis**

Article III, Section 32-171 (a) states the PLAC district regulations are created to ensure development within a local activity center (LAC) future land use category is consistent with LAC land use designation and *intended to encourage and promote development that facilitates a coordinated and balanced mix of land uses, including: retail, office, hotel/conference, certain types of commercial recreation uses, residential and other similar uses. The mix of land uses associated with the PLAC district shall also provide recreation, entertainment, and associated employment opportunities while creating an urban center with high-quality architecture, pedestrian-friendly streets, outdoor public spaces, and access to public transit.*

Article III, Section 32-171 (d) PLAC District sets forth the permitted, accessory and prohibited uses in the district. Section 32-171 (d)(1) specifies the currently permitted and prohibited uses as follows:

*Permitted uses. Uses consistent with or customary to mixed-use urban centers including but not limited to multi-family residential, office, retail and commercial uses including cinemas, nightclubs, café/restaurants, hotels, accessory parking, and certain commercial recreation uses. The following commercial recreation uses shall be permitted as accessory uses indoors in facilities that are licensed to serve alcoholic beverages: simulcasting screens and pari-mutuel wagering machines. Slot gaming facilities and casinos are prohibited.*

The attached proposed ordinance amends Section 32-171 (d)(1) as follows:

(d) Permitted, accessory and prohibited uses.

(1) Permitted uses. Uses consistent with or customary to mixed-use urban centers including but not limited to multi-family residential, office, retail/ ~~and~~ commercial uses including cinemas, nightclubs, café/restaurants, hotels, accessory parking, and ~~certain~~ commercial recreation uses including casinos, pari-mutuel wagering, slot machine gaming, and cardroom facilities. ~~The following commercial recreation uses shall be permitted as accessory uses indoors in facilities that are licensed to serve alcoholic beverages: simulcasting screens and pari-mutuel wagering machines. Slot gaming facilities and casinos are prohibited.~~

As per state statutes, pari-mutuel wagering includes simulcasting screens. As such specifically listing simulcasting screens is no longer required.

The proposal is consistent with the City's Comprehensive Plan, Future Land Use Element (FLUE) Local Activity Center Land Use category purpose to encourage mixed-use development comprised of commercial, office, employment, civic, recreation, hotel, and residential. The changes also support FLUE Objective 1.8, the City should encourage compact development that includes a mixture of community-serving uses including recreation. The proposed change is also consistent with the Development Order and Development Agreement for the VGP as discussed under Comprehensive Plan Considerations.

**Why Action is Necessary:**

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted by the City Commission to amend an existing Ordinance.

**Cost Benefit:**

The proposed code changes will provide flexibility to the Village at Gulfstream Park (VGP) to accommodate continued efforts to enhance and revitalize the VGP.

**Business Impact Estimate:**

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

Per Florida Statute 166.041(4)(b), the City is not required to procure an accountant or other financial consultant to prepare the business impact estimate.

**STAFF RECOMMENDATIONS:**

Staff has no objection and recommends the City Commission consider the proposed Ordinance on First Reading.

**ATTACHMENT(S):**

- Exhibit 1 – Proposed Ordinance
- Exhibit 2 – Applicant’s Letter
- Exhibit 3 – PLAC District Boundaries
- Exhibit 4 – Planning and Zoning Board Agenda Cover Memo Date June 28, 2023
- Exhibit 5 – Planning and Zoning Board Meeting Minutes Date June 28, 2023
- Exhibit 6 – Village at Gulfstream Park Commercial Recreation Use Trade-Off Chart
- Exhibit 7 – Presentation

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