



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

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| Applicant: | Leisure Constructions 2023 LLC | Meeting Date: | April 18, 2024 |
| Project Name: | Leisure Apartments Amendment | | |
| Property Address: | 215 SE 4 Street | | |
| Application No.: | - DB-23-07946 - RD-23-07947 | Application Type: | - Major Development Review - Redevelopment Area Modification |
| Parcel Size: | 26,991 square feet | Quasi-Judicial: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Planning District: | Southeast | Public Hearing: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Existing Use: | Vacant/Under Construction | After the Fact: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Existing Zoning: | Central RAC – Transit Core Subdistrict | | |
| Future Land Use Designation: | Regional Activity Center (RAC) | | |
| Proposed Use: | Residential development consisting of 35 units | | |
| Surrounding Zoning: | | Surrounding Land Use: | |
| North: Central RAC/RAC Neighborhood Subdistrict South: Central RAC/ Transit Core Subdistrict East: Central RAC/ Transit Core Subdistrict West: Central RAC/ Transit Core Subdistrict | | North: Regional Activity Center (RAC) South: Regional Activity Center (RAC) East: Regional Activity Center (RAC) West: Regional Activity Center (RAC) | |
| Business Impact Estimate: | Not Applicable | | |
| Staff Recommendation: | Sponsor Name: | | |
| <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny | Vanessa J. Leroy, Department of Sustainable Development Director | | |
| | Prepared By: | | |
| | Deandrea Moise, AICP, Principal Planner | | |

Request

The Applicant, Leisure Constructions 2023 LLC, requests an amendment to a previously approved Major Development Plan to increase the number of units from 24 units to 35 units for a residential development located at 215 SE 4 Street. The application includes a request for a Redevelopment Area Modification (RAM) relative to the minimum secondary street setback.

The application filed with the City are as follows:

1. Application No. DB-23-07946 for an amendment to a previously approved Major Development Plan consideration pursuant to Section 32-782 of the Zoning and Land Development Code to increase the number of units from 24 units to 35 units for a residential development.
2. Application No. RD-23-0794 requesting a RAM from Section 32-196, Table 32-196(a) relative to the minimum Secondary Street setback required for buildings in the Central Regional Activity Center (RAC) District/Transit Core Subdistrict.

Staff recommends the Planning and Zoning Board forward a recommendation for approval with Staff's conditions to the City Commission.

Staff Summary

Related Actions

The Applicant's application includes a request for a RAM. Section 32-135(a) allows the City Commission to modify any specified development standard relating to any proposed project through the RAM process in lieu of a variance. RAM's may be approved by the City Commission if it is determined that all the criteria of Article III Section 32-135(a) of the Code have been met. RAM's are not subject to the variance criteria of Article VIII nor do they require Planning and Zoning Board consideration. Therefore, no formal action by the Board is required for Application No. RD-23-0794; however, the analysis is included in this report for the Board's informational purposes and comments.

Per Policy 2.16.3 of the Broward County Land Use Plan, bonus residential density in addition to permitted City density/units, may be allocated to facilitate the development of affordable housing for persons within the Low-, Very-Low-, and Moderate-income categories as defined in the Broward County Land Use Plan, based on certain bonus to affordable unit formulas. The policy requires that a restrictive covenants, in a form acceptable to the City be provided, guaranteeing that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty years. Prior to the allocation of the units associated with this policy, the City shall make a finding that adequate public facilities and services are in place or will be in place with completion of project construction. In the case of the proposed development, a finding of compatibility with existing and future land uses and development regulations must also be made during consideration as the allocation of units associated with this policy will exceed the overall permitted density. No formal action by the Board is required; however, the analysis is included in this report for the Board's informational purposes and comments.

Background:

At the June 2, 2021, City Commission meeting the City Commission approved, with conditions, the Major Development Plan and associated RAMs for a 24-unit residential development at the subject site (Resolution No. 2021-059). Although the approved development exceeded the base density of 18 du/ac, the development did not utilize the maximum density allowed. Subsequent to City Commission approval, the property owner applied for the necessary permits to construct the approved development.

The Applicant has since evaluated the feasibility of adding additional units to the project and as such filed the applicable application.

Analysis

The Applicant requests an amendment to the previously approved 24-unit residential development to increase the number of units to 35 units. Generally, the design and site plan maintain the character of the previously approved plans. The amended Major Development plan includes:

1. An increase from 24 units to 35 units. The permitted density for the subject site is limited to 30 units based on 50 du/ac, however the Applicant has requested to utilize Broward County Land Use Plan Policy 2.16.3 which allows bonus and affordable units to exceed the allowable density of the zoning district subject to criteria and City Commission approval, which results in approximately 58 du/ac for a total of five units above the permitted density. Two of the 11 units requested are required to be set aside as affordable units for the moderate-income group.
2. Height increase from three stories to four stories to accommodate the additional 11 units.
3. Ground floors units have been adjusted in size and configuration to accommodate six additional parking spaces and a multipurpose room amenity for future residents.
4. Adjustments to floor plan configurations providing for a variety of unit typologies including 2 studio units, 27 one-bedroom units, and 6 two-bedroom units.
5. Façade changes to reflect the changes to the floorplan, however building materials, colors, finishes, and textures as previously approved are not affected.
6. Minor changes to the landscape plan to reflect the changes to the ground floor units.

The previously approved Major Development plan included a RAM to allow portions of the second and third levels to encroach one foot into the required ten-foot setback; however, as the amendment to the previously approved plans proposes an additional story, a RAM must be requested to apply to the fourth story.

The previous conditions as per Resolution No. 2021-059 remain valid and in effect, and the proposed amendment is subject to conditions of approval as per Resolution No 2021-059, including ROW Dedication, streetscape improvements, green building compliance, affordable housing in-lieu payment, civic open space in-lieu payment. Conditions as it relates to water and sewer impact fees may be adjusted based on the increase in units.

The Development Review Committee (DRC) issued technical comments to the Applicant during review of the application. As such, revisions were made to the plans to address Staff's technical comments. The proposed amendment complies with applicable regulations such as but not limited to height, landscape, parking, and setbacks (other than the requested RAM).

Development Details:

The Applicant's plans depict the following:

1. The subject site is 26,991 gross square feet located along SE 4 Street between SE 1 Avenue and SE 3 Avenue.

2. A required dedication of 3.34 feet along SE 4 Street. The total net area after right-of-way dedication is 26,389.8 net square feet or 0.6058 acres.
3. The proposed building is four stories in height (the maximum base height allowed is five stories).
4. An encroachment into the required 10-foot setback for second through fourth story. A RAM was previously approved for the second and third floor; however, as the amendment to the previously approved plans proposes an additional story, a RAM must be requested to apply to the fourth story.
5. A surface parking lot with 51 parking spaces as required, which includes three spaces with electric charging stations, and five EV capable spaces.
6. No civic space is provided as per previously approved RAM Resolution No. 2021-059

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 625 residential RAC Units available for allocation. The proposed increase in units will not affect the availability of units within the RAC as previously approved 24 units are already allocated, and the additional units will be allocated through the Broward County Land Use Policy 2.16.3 which does not require units from the RAC pool. The proposed development will assist in furthering the following goals, objectives, and policies of the City's Comprehensive Plan:

POLICY 1.3.7: The City shall focus on compatible infill residential development.

POLICY 1.9.2: Non-motorized transportation, as well as mass transit, shall be encouraged to serve a Regional Activity Center to reduce reliance upon automobile travel.

POLICY 1.9.4: To enhance pedestrian movement and safety, the separation of pedestrian and vehicular traffic should be encouraged within a Regional Activity Center.

POLICY 1.9.5: Redevelopment activities should be encouraged within a Regional Activity Center.

POLICY 1.13.3: The City should continue to commit resources to the Community Redevelopment Area where neighborhood improvements are needed.

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

POLICY 1:18:1: Increase economic development and employment opportunities within urban infill and urban redevelopment area(s).

Applicable Codes and Ordinances

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 proposed amendment does not further impact the natural environment as previously approved.

2. Open Space

The proposed amendment does not further impact open space as previously approved.

3. Circulation and Parking

The previous approval required 45 spaces. The additional 11 proposed units require 51 parking spaces. The six additional required parking spaces are provided with the surface parking area. Access points remain as previously approved.

4. Access Control

The parking area will not be access controlled.

5. Public Transportation

The subject site continues to be 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

The additional units are integrated into the previously approved trash operations. The location has been determined to be accessible for the City's sanitation vehicles which will service the development.

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 on the various public utilities for reference.

Potable Water - According to the criteria in the Impact Evaluation Report, the proposed development will utilize an average of 12,250 gallons of potable water per day GPD. The Applicant is estimated to pay a total of \$32,201.96 in water fees based on Section 30-247 through Section 30-260 of the Code of Ordinances. As the originally approved 24-unit residential development is under construction, a portion of the fee has already been paid. Fees are assessed and shall be payable when the building permit is issued or when a request for capacity is made, as per Section 30-253 of the Code of Ordinances.

Wastewater – The City sends its wastewater to the City of Hollywood Southern Regional Wastewater Treatment Plant (WWTP) located at 1621 N. 14th Avenue in Hollywood, Florida. According to the criteria in the Impact Evaluation Report, the proposed development will utilize an average of 8,750 GPD. The Applicant is estimated to pay a total of \$40,850.95 in sewer fees based on Section 30-247 through Section 30-260 of the Code of Ordinances. As the originally approved 24-unit residential development is under construction, a portion of the fee has already been paid. Fees are assessed and shall be payable when the building permit is issued or when a request for capacity is made, as per Section 30-253 of the Code of Ordinances, as per Section 30-253 of the Code of Ordinances.

Transportation System – The City's Traffic Consultant reviewed the updated Traffic Statement and determined the net trip generation increase is expected to be 50 TPD with 4 more AM/PH trips. The roadway network is fixed, and the additional traffic volume will have a de minimis impact. The transportation fee per Resolution No. 2021-059 has already been paid.

Schools – The resulting impact on school facilities will be mitigated through the payment of

concurrency fees to Broward County.

Energy Conservation/Green Building - This project is required to meet the City's certification-based green building standards at the Enhanced Level City certification. The developer will be required to submit green building prerequisites and worksheets of the site and building design to the City before the building permit for the project is issued. The developer has agreed to meet the City's Green Building requirements.

Impact Fees – Pursuant to Chapter 31, Section 31-6, of the Hallandale Beach Code of Ordinances, the amendment for 11 additional units will be subject to the following fees, in addition to the previously calculated amounts per Resolution 2021-059:

11 Residential Units

| | | |
|--------------------|-------------------------|------------------------------------|
| Fire Rescue | \$198 x 11 = \$ 2,178 | |
| Law Enforcement | \$139 x 11 = \$ 1,529 | |
| Parks & Recreation | \$975 x 11 = \$10,725 | |
| Multi-Modal | \$1,394 x 11 = \$15,334 | Multi-Family, Mid-Rise (4+ levels) |

The above fees totaling \$29,766.00 shall be paid at the time of issuance of the building permit.

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. No formal action by the Board is required for Application No. RD-23-0794; however, the analysis is included in this report for the Board's informational purposes and comments.

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. Although the project would be an improvement to 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 to provide proper accessibility to parking areas. ADA accessible access from SE 4th Street and the parking lot area is provided to the lobby, elevator, and the 2 units on the first floor.

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 4th 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, although the building will be setback 11'-6" feet from SE 4th Street on the first floor. The required 25 feet visibility triangle for vehicular traffic visibility is provided at the driveway from SE 4th Street.

Allocation of Bonus Units through Broward County Land Use Plan Policy 2.16.3

Staff finds that the proposed allocation of a total of 11 bonus and affordable housing units is compatible with existing and future land uses and other land development regulations, and that there are adequate public facilities and services in place to accommodate the units. The permitted density for the subject site is limited to 30 units based on 50 du/ac, however the Applicant is utilizing Broward County Land Use Plan Policy 2.16.3 which allows bonus and affordable units to exceed the allowable density of the zoning district subject to criteria and City Commission approval. The proposed amendment results in approximately 58 du/ac for a total of 35 units, permitting five units above the permitted density. Two of the 11 units requested are required to be set aside as affordable units. At this time, the Applicant has specified that the two required affordable housing units shall be moderate-income level.

Why Action Is Necessary:

Pursuant to Section 32-205(a)(2) of the Zoning and Land Development Code, Planning and Zoning Board recommendation is required prior to City Commission approval of Major Development applications in the Central RAC District when exceeding the base density. City commission action is required for redevelopment area modifications (RAMs). Thus, action by the Planning and Zoning Board and the City Commission is required.

Cost Benefit

The estimated base building permit fee for the project is approximately \$80,704 based on the estimated construction cost of \$3,000,000. The estimated market value of the Project after completion is \$3,750,000.

Business Impact Estimate

As per 166.041(4)(c), a business impact estimate is not applicable for the following application(s) considered by resolution:

- DB-23-07946
- RD-23-07947

Staff Recommendation:

Staff recommends the Planning and Zoning Board forward a recommendation of approval to the City Commission with the following conditions:

1. Payment of the City's water impact fee in the amount of \$32,201.96.
2. Payment of the City's sewer impact fee in the amount of 40,850.95.

3. Payment of the City's impact fees per Chapter 31 of \$29,766 based on 11 residential units.
4. Affordable Housing payment in the amount of \$48,572 as established by the City's Affordable Housing In-Lieu Fee Study as per Resolution 2021-059.
5. Provide right-of-way dedication in a form acceptable to the City Attorney for a 3.34 feet roadway dedication along SE 4th Street adjacent to the property as per Resolution 2021-059.
6. Installation of sidewalks, on-street parking, and landscaping improvements along SE 4th Street and as shown on the plans as per Resolution 2021-059.
7. Compliance with the Green Building requirements for Enhanced Level City certification as per Resolution 2021-059. A green building bond in the amount of 3% of the construction cost shall be submitted prior to the issuance of the building permit.
8. Prior to issuance of the building permit, a declaration of restrictive covenant, in a form acceptable to the City Attorney, shall be recorded in the public records of Broward County, Florida, guaranteeing that the affordability of two bonus units for the moderate-income group described in Policy 2.16.3 of the Broward County Land Use Plan will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner-occupied housing. At least one affordable unit will be a one-bedroom unit. While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.
9. The "affordable" units shall be available before or concurrently with bonus units.
10. At time of building permit, the Applicant shall work with Staff to enhance landscaping along the front façade to include mature planting of shrubs or hedges ensuring adequate screening of parking area.
11. At time of permit, the Applicant shall work with Staff to approve the final design of the proposed garage screening.

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| Attachment(s): |
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- Exhibit 1 – Previously Approved Major Development Plan Resolution 2021-059
- Exhibit 2 – Land Use and Zoning Map Aerial
- Exhibit 3 – Applicant's Letter
- Exhibit 4 –Development Plans

Reviewed By: Christy Dominguez
 Planning and Zoning Manager