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**RESOLUTION NO. 2021 - 059**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING LEISURE APARTMENTS INC. APPLICATION #DB-20-976 FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO SECTION 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO CONSTRUCT A 24-UNIT RESIDENTIAL DEVELOPMENT AT 215 SE 4<sup>TH</sup> STREET AND APPLICATION #RD-20-977 FOR REDEVELOPMENT AREA MODIFICATIONS FROM SECTION 32-196; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Leisure Apartments, Inc. (“Applicant”) has submitted Application #DB-20-976 for Major Development Plan approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct a 24-unit residential development located at 215 se 4<sup>th</sup> Street; and

**WHEREAS**, Applicant has also submitted Application #RD-20-977 for redevelopment area modifications (“RAMs”), which are submitted to the City Commission for approval pursuant to Code Section 32-135 of the Land Development Code allowing the City Commission to modify specified development standards relating to any proposed project through the RAM process in lieu of a variance if certain enumerated criteria are met; and

**WHEREAS**, Application #RD-20-977 requests RAMs from the following code provisions: (a) 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, and (b) 32-196, Table 32-196(a) relative to the minimum civic space required for sites exceeding base density in the central RAC/transit core subdistrict; and

**WHEREAS**, the property is designated RAC on the City’s Future Land Use Map, the residential use proposed by Applicant is permitted under the land use category, and, presently, there are 197 residential RAC Units available in the RAC for allocation to new projects, while approval of this project will reduce the available number of RAC Units to 173; and

33           **WHEREAS**, on February 24, 2021, the Planning and Zoning Board reviewed the  
34 application for Major Development Review and rendered a recommendation of approval  
35 to the Mayor and City Commission, subject to conditions specified in Exhibit “1-A”,  
36 specifically:

- 37 1. Payment of the City’s water impact fee in the amount of \$21,016.
- 38 2. Payment of the City’s sewer impact fee in the amount of \$26,660.
- 39 3. Payment of the City’s transportation mitigation cost in the amount of \$26,419.
- 40 4. Provide right -of -way dedication in a form acceptable to the City Attorney for a 3.34 feet  
41 roadway dedication along SE 4<sup>th</sup> Street adjacent to the property.
- 42 5. Installation of sidewalks, on-street parking, and landscaping improvements along SE 4<sup>th</sup>  
43 Street and as shown on the plans.
- 44 6. Compliance with the Green Building requirements for Enhanced Level City certification.
- 45 7. Affordable Housing payment in the amount of \$48,572 as established by the City’s  
46 Affordable Housing In-Lieu Fee Study.
- 47 8. In lieu of providing the required on-site civic space, the Developer shall contribute  
48 \$23,400 for City parks and open space improvements prior to a certificate of occupancy,  
49 temporary or otherwise.

50           **WHEREAS**, pursuant to Section 32-135 of the City of Hallandale Beach Code,  
51 the City Commission may grant RAMs for specified development standards relating to  
52 any proposed project if all the following criteria are met: (1) The code standards are  
53 determined to significantly inhibit neighborhood or structural improvement efforts; (2)  
54 The modifications adequately provide for service areas and other development features  
55 for the project; (3) The modifications adequately provide for service and emergency  
56 vehicle access; and (4) The modifications adequately provide for visibility of access;  
57 and

58           **WHEREAS**, pursuant to Section 32-205(a)(2) of the Zoning and Land  
59 Development Code, City Commission approval of Major Development applications in the  
60 Central RAC District is required when requesting more than the permitted density or  
61 redevelopment area modifications (RAMs), and since the subject proposal is for more

62 than the base density permitted and requires redevelopment area modifications, thus,  
63 action by the City Commission is required.

64 **WHEREAS**, City Staff has evaluated the proposed request for RAMs, does not  
65 object to the request as long as approval is subject to the same conditions as set forth  
66 above for approval of the Major Development Application, and has determined that the  
67 proposal will result in significant improvements to the City of Hallandale Beach; and

68 **WHEREAS**, City Staff recommends approval of the Major Development  
69 Application #DB-20-976, and the RAMs Application #RD-20-977, subject to the conditions  
70 listed.

71 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY**  
72 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

73

74 **SECTION 1.** The foregoing “whereas” clauses are incorporated herein.

75

76 **SECTION 2. Approval/Denial/Approval With Conditions of Major**  
77 **Development Application.** The Mayor and the City Commission of the City of Hallandale  
78 Beach, Florida, based on substantial competent evidence presented at the public hearing,  
79 hereby approve/deny the Major Development Application #DB-20-976 subject to the  
80 plans as submitted, and subject to the conditions enumerated in Exhibit “1-A”.

81 **SECTION 3. Approval/Denial/Approval With Conditions of Redevelopment**  
82 **Area Modifications Application.** The Mayor and the City Commission of the City of  
83 Hallandale Beach, Florida, based on substantial competent evidence presented at the  
84 public hearing, hereby approve/deny Redevelopment Area Modifications Application  
85 #DB-20-977 subject to the City Administration’s conditions enumerated in Exhibit “1-A”.

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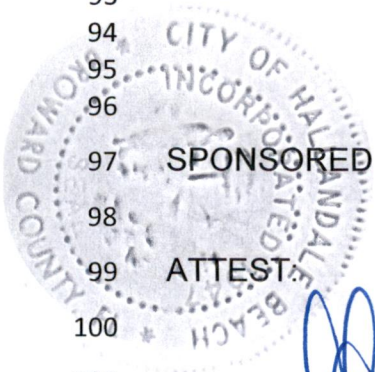
87 **SECTION 3. Effective Date.** This resolution shall be effective immediately upon  
88 its adoption.

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90 APPROVED and ADOPTED this 2<sup>nd</sup> day of June, 2021.


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\_\_\_\_\_  
JOY F. COOPER  
MAYOR



SPONSORED BY: CITY ADMINISTRATION

ATTEST:

  
\_\_\_\_\_  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

  
\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY

**FINAL VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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Exhibit "1-A"

Leisure Apartments, Inc.

Approval subject to the following conditions:

1. Payment of the City's water impact fee in the amount of \$21,016.
2. Payment of the City's sewer impact fee in the amount of \$26,660.
3. Payment of the City's transportation mitigation cost in the amount of \$26,419.
4. 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.
5. Installation of sidewalks, on-street parking, and landscaping improvements along SE 4th Street and as shown on the plans.
6. Compliance with the Green Building requirements for Enhanced Level City certification.
7. Affordable Housing payment in the amount of \$48,572 as established by the City's Affordable Housing In-Lieu Fee Study.
8. In lieu of providing the required on-site civic space, the Developer shall contribute \$23,400 for City parks and open space improvements prior to a certificate of occupancy, temporary or otherwise.
9. Applicant will endeavor to make apartments pet friendly, as appropriate.
10. Applicant will endeavor to cause governing documents to contain a Kaufman Clause providing that applicable Florida legislation "as it may be amended from time to time" will apply to the governing documents, as appropriate.