



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

<b>Applicant :</b>	Pembroke Road FD LLC	<b>Meeting Date:</b>	September 25, 2013	
<b>Project Name:</b>	Family Dollar	<b>Project Address:</b>	633 Pembroke Road.	
<b>Application #:</b>	82-13-DB	<b>Application Type:</b>	Major Development Review	
<b>Planning District:</b>	Northwest	<b>Quasi Judicial:</b> <i>(Enter X in box)</i>	<b>YES</b>	<b>NO</b>
			X	
<b>Parcel Size:</b>	.765 acre	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>YES</b>	<b>NO</b>
			X	
<b>Existing Zoning :</b>	B-G, Business General, District and Pembroke Road Overlay District			
<b>Existing Use:</b>	Two vacant commercial buildings and former landscape nursery			
<b>Proposed Use:</b>	Family Dollar (retail store)			
<b>Comprehensive Plan Future Land Use Designation:</b>	Commercial, General	<b>Surrounding Land Use:</b>		
<b>Surrounding Zoning:</b> N: Commercial in the City of Hollywood S :RS-7, Residential Single Family, District E: B-G, Business General, District and Pembroke Road Overlay District W: B-G, Business General District, and Pembroke Road Overlay District		N: Commercial in the City of Hollywood S: Residential single family residences E: Auto repair shop and a single family residence W: Swifty Coin Laundry		
		<b>Strategic Plan Priority Area:</b>		
		<b>Livable Community</b>	<input checked="" type="checkbox"/>	
		<b>Excellence in Government</b>	<input type="checkbox"/>	
		<b>Environmental Sustainability</b>	<input type="checkbox"/>	
		<b>Economic Development</b>	<input checked="" type="checkbox"/>	
<b>Sponsor Name:</b>	Althea Jefferson, Planning Manager	<b>Prepared By:</b>	Christy Dominguez, Principal Planner	

### REQUEST

The Applicant is requesting Major Development Review approval and Redevelopment Area Modification (RAM) in order to construct a one-story commercial retail store at 633 Pembroke Road.

The applications are as follows:

1. Application #82-13-DB for Major Development Review in order to construct an 8,242 square feet Family Dollar retail store.
2. Application #127-13-RD requesting Redevelopment Area Modifications (RAM) from

the following code provisions:

- a) Section 32-173-(d) (2) relative to the minimum 15 feet front yard building setback required for properties within the Pembroke Road Overlay District.
- b) Section 32-384(e) relative to the minimum 10 feet wide landscaped buffer required around the perimeter of all vehicular used areas adjacent to public rights-of-way.
- c) Section 32-384(f) requiring all rows of parking be terminated with an interior landscaped island of at least 7 feet in width for the full length of the parking space.

***(Planning and Zoning Board action is not required for this application)***

## STAFF SUMMARY

### **Why Action is Necessary**

Pursuant to Section 32-782(a) of the Zoning and Land Development Code, Planning and Zoning Board consideration and recommendation is required, prior to City Commission approval of Major Development applications, to construct new nonresidential development with more than 4,000 square feet in floor area.

The applicant is also requesting certain Redevelopment Area Waivers (RAMs). This property is located within the Pembroke Road Overlay District; thus, the requirements of Article III Section 32-173 relative to Redevelopment Area Modifications (RAM) apply to the property.

Section 32-173 (d) (10) allows the City Commission to modify any specified development standard through the RAM process in lieu of a variance.

RAM's may be approved by the City Commission if they determine all the criteria of Article III Section 32-177(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 # 127-13-RD; however, the analysis is included in this report for the Board's informational purposes.

### **Analysis**

#### **Development Details**

The applicant's plans and backup depict the following:

1. A commercial building with 8,242 square feet of retail, with an overall building height of 27 feet.
2. A total of 28 parking spaces are proposed and 28 are required.
3. A proposed building front yard setback of 10 feet. (A minimum of 15 feet front yard setback is required).
4. A proposed building setback of 20 feet. (A minimum of 20 feet setback is required).

5. An existing 7.5 feet wide concrete sidewalk along Pembroke Road and an existing 5 feet sidewalk along NW 7<sup>th</sup> Avenue. There are currently no sidewalks along NW 6<sup>th</sup> Avenue and on NW 10<sup>th</sup> Court. New 5 feet concrete sidewalks are proposed on said streets.
6. A total of 24 trees for credit are provided consisting of Mahoganies, Yellow Tabebuias, Orange Geigers, Pigeon Plum, Pitch apples and Crepe Myrtles, Pigeon Plums, Royal Palms and Alexander Palms (23 trees are required). In addition, 15 Silver Buttonwoods are proposed as street trees to be planted in the swale areas along NW 10<sup>th</sup> Terrace and NW 7<sup>th</sup> Avenue.
7. A 10 feet by 20 feet masonry dumpster enclosure set back at 10 feet as required and accessible from NW 7<sup>th</sup> Avenue.
8. An 8 feet masonry wall along the south property line of NW 10<sup>th</sup> Court landscaped with shrubs and trees on the outside of the wall.
9. An 8 feet high monument sign with 60 square feet of proposed sign area on Pembroke Road. No signage is proposed along NW 10<sup>th</sup> Court.
10. 21.8% of the site will be landscaped (15% is required).

### Interdepartmental Review

The Development Review Committee (DRC) met several times on the subject applications. Comment/issues identified by the DRC were discussed with the applicant during DRC review of the applications. The applicant has submitted applications for Redevelopment Area Modification (RAMs) concurrent with the Major Development Application. While the Code requires Major Development application be presented to the Planning and Zoning Board, RAMs only require City Commission approval. The applicant has addressed all the comments issued by the Development Review Committee or has agreed to address at building permit application.

### Comprehensive Plan Considerations

Staff finds that this development is consistent with the City's Comprehensive Plan. Specifically, the General Commercial designation permits office and retail uses. The proposed retail use is permitted under the land use category. Additionally, the proposed project will assist in furthering the following policies and objectives of the City's Comprehensive Plan:

**GOAL 1:** To provide a coordinated and compatible mix of land uses which encourages a high quality of life meeting the social, economic and physical needs of the present and future population of Hallandale Beach, while insuring reasonable environmental protection and timely and efficient provision of services.

**OBJECTIVE 1.1:** Levels of Service: The City shall continue to condition approval of development applications upon maintaining the provision of services at the Levels of Service (LOS) which meet or exceed levels specified in this Comprehensive Plan.

**POLICY 1.1.4:** The City shall, through development regulation, direct commercial and industrial land uses to areas with existing public facility capacity.

**POLICY 1.2.9:** Pembroke Road: The City shall continue to implement the Pembroke Road Corridor Plan. The City will have succeeded in meeting this objective if all further development is consistent with the plan recommendations and overlay district standards, and if additional investment occurs.

**POLICY 1.2.11:** The City shall reduce land use conflicts through prohibiting incompatible commercial uses in residential neighborhoods, through enforcement of the Hallandale Beach Zoning District requirements. Commercial development shall be limited primarily to the perimeter areas of Hallandale Beach's planning districts (as delineated in this Element). Well-planned mixed use projects and appropriate neighborhood commercial uses in defined neighborhood commercial nodes are encouraged where they will improve an area or serve as neighborhood centers. However, commercial uses within residential areas shall not be considered incompatible if, through proper screening, buffering, design and access control, there are no significant noises, odors, fumes, vibrations or other negative impacts beyond the site boundaries, and provided the use is either tied to a neighborhood commercial node, or a peripheral commercial corridor or area.

**POLICY 1.3.3:** The City shall maintain land development regulations intended to preserve and protect existing single-family neighborhoods from the negative impacts of incompatible land uses and nuisances.

**POLICY 1.5.4:** Commercial areas will continue to be regulated by development standards, such as, but not limited to, size and bulk regulations, landscaped medians, right-turn only exits and other controls or designs intended to improve vehicular and pedestrian safety.

**OBJECTIVE 1.12:** Land Use Consistency: The City shall manage growth and development through the continued administration, and enforcement of the Hallandale Beach Zoning and Land Development Code which shall ensure that future land uses remain consistent with this Plan.

**POLICY 1.12.1:** As part of the development review and approval process, the City shall continue to implement a system of Comprehensive Plan compliance review for all development and approval petitions.

**POLICY 1.12.2:** The City shall continue to ensure that the provisions of the Hallandale Beach Zoning and Land Development code include all necessary site plan requirements to further the intent of this Comprehensive Plan. These requirements shall include but not be limited to adequate drainage and storm water management, landscaping and open space requirements, signage regulations, subdivision regulations, safe and convenient on-site traffic flow, vehicle parking and consistency of land uses with Plan designations.

**POLICY 1.12.4:** The City shall maintain innovative land development regulations that encourage mixed-use developments and incorporate site design planning techniques that will enhance the quality of large scale developments or redevelopment areas.

**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).

*(The entire City is within an urban infill area)*

**POLICY 1:18:4:** Designated urban infill and urban redevelopment area(s) shall be exempted from transportation facilities concurrency requirements consistent with Chapter 163 Florida Statutes; however, application will be subject to providing a traffic analysis consistent with the Transportation Element and potential improvements to minimize impacts.

**POLICY 1:18:5:** Notwithstanding the above, all development is subject to Broward County Transportation Concurrency Management Area (TCMA) Level of Service criteria and the payment of Transit Impact Fees as determined by Broward County prior to the issuance of permits.

### Applicable Codes and Ordinances

1.) Section 32-455(c) (1) requires retail uses to provide one parking space for every 300 square feet of gross leasable floor area.

**The applicant proposes to construct an 8,242 square feet retail store. Based on the above criteria, the applicant is required to provide 28 parking spaces and proposes 28 parking spaces, thereby meeting the Code standard.**

2.) Section 32-457, Off-Street Parking and Loading, requires one loading space for retail and service establishments with 6,000 to 10,000 square feet of gross floor area. Loading spaces must be a minimum of 12 feet x 50 feet in length.

**Based on the size of the building, one loading space is required and provided per Code.**

3.) Section 32-173 (d)(4) requires an eight foot landscaped masonry wall on all commercial properties that have side or rear lot lines abutting or separated by a public right-of-way from residentially zoned property.

**An 8 foot masonry wall is provided along the south property line adjacent to residential zoned property, as required for properties within the Pembroke Road Overlay District. Dense landscaping on the outside of the wall is proposed to buffer the commercial use from the residential uses to the south.**

4.) Section 32-384(c)(3) requires 1 tree per every 1,500 square feet of total project area. Required trees must a minimum of 15 feet in height, 3 inch caliper and 5 feet of clear trunk at time of planting.

**Based on the size of the property, the applicant is required to install 23 City approved trees. The applicant proposes to install 24 credited trees. The proposed plantings meet the Code requirements.**

Redevelopment Area Modification Requests (RAM)

5.) Section 32-173(d) (2) Pembroke Road Overlay District requires street building be setback a minimum of 15 feet from the front property line. The Section also requires a minimum of 15 feet side yard setback and a minimum of 20 feet setback to adjacent or across the street from residential zoning.

**The following setbacks are proposed:**

	<b>Required</b>	<b>Provided</b>	<b>Deficiency</b>
<b>Front</b>	15 feet	10 feet	5 feet
<b>Rear</b>	20 feet	20 feet	-0-
<b>East (Side)</b>	15 feet	176 feet	-0-
<b>West (Side)</b>	15 feet	20 feet	-0-

**The proposed building is setback 10 feet from the front property line instead of the minimum 15 feet required by the Pembroke Road Overlay District. Since the proposal does not meet the Code specified minimum setback, approval by the City Commission of a Redevelopment Area Modification (RAM) is required.**

6.) Section 32-384(e) requires a minimum 10 foot landscape buffer around the perimeter of all vehicular use areas adjoining public right-of-way.

**The perimeter landscaped buffer proposed along Pembroke Road is 8 feet in width resulting in a deficiency of 2 feet. The landscaped buffer proposed along NW 10<sup>th</sup> Court is also 8 feet tapering to 2 feet in width to the west. Therefore, the applicant seeks a RAM from this Code requirement.**

7.) Section 32-384(f) requires all rows of parking be terminated with an interior landscaped island of at least 7 feet in width for the full length of the parking space.

**The rear parking row does not have the required terminal island adjacent to the west most parking space. According to the applicant, the required island cannot be provided in order to allow sufficient maneuvering area by delivery trucks to the loading space in the rear of the store. Therefore, he is requesting a RAM from the Code requirement.**

Review of Application Criteria

Major Development Review

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

The subject property is currently the site of two small commercial buildings to be demolished and an abandoned landscaped nursery. There are no desirable trees on the property to preserve or in good condition.

## 2. Open Space

The applicant is proposing 21.8 percent of the property will remain landscaped, exceeding the 15 percent required by Code. According to the plan, the property will be substantially landscaped with 24 trees such as Mahoganies, Yellow Tabebuias, Pigeon Plums, Alexander Palms, and Royal Palms. In addition, 15 required street trees (Silver Buttonwoods ) will be planted in the swale areas along NW 10<sup>th</sup> Terrace and NW 7<sup>th</sup> Avenue. Additional landscaping consisting of ground cover, shrubs, and accent trees are also proposed to enhance the property.

## 3. Circulation and Parking

Article V, Section 32-787(d) requires that parking facilities for new development be designed to provide a defined internal vehicular circulation system which allows movement within the proposed development. The parking area has been designed with a right-in/right out driveway accessed from Pembroke Road and a two-way driveway accessed from NW 6<sup>th</sup> Terrace. There are no access driveways proposed to NW 10 Court or NW 7 Avenue from the site. The subject parking and access areas have been designed for effective emergency and vehicle approach with adequate lanes widths to help increase ease of circulation and navigation. Parking on-site is considered safe and efficient.

## 4. Access Control

The project will have a right-in/right out driveway from Pembroke Road. It will also have a full access driveway from NW 6<sup>th</sup> Terrace. The location of the driveways have received primary approval by Broward County Engineering Department and the Florida Department of Transportation (FDOT).

## 5. Public Transportation

Public transportation is available on Pembroke Road just east of the subject site.

## 6. Community Services

The required bulk waste receptacle will be located in a masonry dumpster enclosure in the southwest corner of the site accessible from NW 7<sup>th</sup> Avenue. The proposed enclosure location is satisfactory for proper servicing by sanitation trucks.

## 7. Drainage

Drainage design will consist of adequate disposition of storm water without causing flow into adjoining public or private property. The proposal includes the installation of underground catch

basins for surface run-off. All landscaped retention areas will help maximize recharge through percolation. Further, drainage calculations will be required at times 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.

#### 8. Building and Other Structures

The proposed development consists of an 8,242 square feet retail building and a parking lot with 28 parking spaces.

#### 9. Concurrency Evaluation

According to Article V Section 32-782, 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, and drainage. Staff has determined that concurrency requirements for water, sewer, drainage, and solid waste have been met. Water, sewer and drainage compliance are all subject to submission of hydraulic analysis, and drainage calculations to the satisfaction of the City Engineer prior to the issuance of a building permit. The City reserves the right to require upgrades to the system if it is determined the system is inadequate or will be severely taxed by development.

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 248 gallons of potable water per day. The City Water Plant is expandable to 15 MGD (Million Gallons per Day). The plant's current capacity is 9 MGD. The City's current demand is about 6 MGD. There is sufficient capacity to maintain this development. The developer will be required to pay the City approximately \$3,980.89 in water impact fee 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. The City recently obtained additional capacity at the sewer plant.

The City's current committed capacity is 7.85 MGD and the City's total flow is 7.25 MGD according to the applicant, based on the proposed commercial use, the wastewater demand for the site is 248 gallons per day. There is sufficient capacity to maintain this development. The developer will be required to pay the City approximately \$5,357.30 in sewer impact fees.

Water and waste water 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** – The applicant was required to submit a Traffic Study pursuant to Section 32-788 (g) for an analysis of the impact of the development as related to current and

projected roadway usage and design capacities. The City's consultant for this project reviewed the Study. According to the consultant, the project would generate 40 new PM Peak Hour trips. The previous use generated 3 PM peak hour trips. The applicant will be required to mitigate for traffic and transportation impact as set forth by Section 32-794, "Traffic and Transportation Facilities". The transportation fee is approximately \$16,055.00. The fee is also an estimate and is subject to change until such time that the building permit is issued. As the City is within a designated Urban Infill area, development projects may not be denied based upon concurrency.

The property fronts on Pembroke Road, a four-lane undivided arterial roadway. The existing right-of-way on Pembroke Road is 80 feet. According to the Broward County Trafficways Plan, this Road is designated as a 94 foot Collector. Therefore, the applicant will be required to provide a 7 feet roadway easement along Pembroke Road. Also, according to the City's Comprehensive Plan, Transportation Element, Policy 1.5.4, local streets are required be a minimum of 50 feet right-of-way. NW 6<sup>th</sup> Avenue is a 40 feet right-of-way; thus, the applicant will be required to provide a 5 feet roadway easement dedication along the roadway. In addition, NW 7<sup>th</sup> Avenue is a 30 feet right-of- way. Accordingly, a 10 feet roadway easement dedication is also required for NW 7<sup>th</sup> Avenue. The applicant has agreed to the required roadway dedications.

#### 10. Energy Conservation/Green Building

The development has been designed in conformity with current Energy Code and Florida Building Code requirements for energy efficiency. The development is not subject to the City's Green Building Ordinance. However, he intends to incorporate Green Building principles into the building's design and operation including but not limited to the use of high efficiency A/C equipment, low flow plumbing fixtures, upgraded roof and wall insulation and purple pipe irrigation system.

#### 11. Financial Impact

The estimated construction cost is \$685,000. The project's anticipated market value at build-out is \$ 1.7 million. It is expected the proposed development will generate approximately \$9,661.61 in real estate taxes. Approximately \$9,178.53 of the tax revenue would go to the City's CRA.

#### 12. Pembroke Road Design Guidelines

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

#### Redevelopment Area Modification (RAM) Waiver Criteria

Section 32-173 (d) (10) allows the City Commission to modify underlying zoning and land development standards for properties within the Pembroke Road Corridor through the Redevelopment Area Modification (RAM) process, in lieu of a variance as provided in Section 32-177.

Pursuant to Section 32-177 (a), the City Commission may grant redevelopment area modifications (RAMs) for specified development standards relating to any proposed project if it is determined that all the following criteria is met:

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

**Consistent. There are site constraints which limit the development of the site and building footprint to meet all requirements of the Code. The proposed reduction in the front yard setback is due to the lot being only 110 feet in depth which causes site constraints to build the prototype Family Dollar store while meeting the required 20 feet rear yard setback to residential zoning. Also, due to the nature of the proposed retail store, deliveries by large semi-trucks are anticipated and require sufficient maneuvering area to the loading area in the rear of the building; therefore, the interior landscaped island near the loading space is not provided. In order to mitigate the reduction in the width of the perimeter landscape area, the applicant provides the required 8 feet high masonry wall and enhanced landscape materials (on-site and off-site trees and shrubs) to buffer the commercial use from the residential properties to the south on NW 10 Court. Strict adherence to the code would significantly inhibit the proposed structural improvement efforts.**

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

**Consistent. The proposal provides adequate pedestrian access from Pembroke Road to the store. The building has been designed with direct access from the front of the building to parking area. Adequate access is also provided to the loading zone.**

3. The modifications adequately provide for service and emergency vehicle access.

**Consistent. Appropriate reviewing departments have confirmed the proposal provides adequate access by emergency and service vehicles.**

4. The modifications adequately provide for visibility of access.

**Consistent. The project has been designed with adequate visibility for access to and from Pembroke Road and NW 6<sup>th</sup> Terrace and provides access per ADA requirements.**

### **Staff Recommendations**

#### **Major Development – Application # 82-13-DB**

In furtherance of the Comprehensive Land Use Plan Goals, Objective and Policies, Zoning Code and other applicable City provisions and based upon the finding of facts contained herein, staff recommends approval of the Major Development Application subject to the following conditions of approval:

1. Payment of approximately \$3,980.89 water impact fee.
2. Payment of approximately \$5,357.30 sewer impact fee.

3. Payment of approximately \$16,055.00 transportation mitigation cost.
4. Provide roadway easement dedications in a form acceptable to the City Attorney as follows:
  - a. A seven (7) feet roadway easement along Pembroke Road.
  - b. A five (5) feet roadway easement along NW 6<sup>th</sup> Terrace.
  - c. A ten (10) feet roadway easement along NW 7<sup>th</sup> Avenue.

Redevelopment Area Modification- Application # 127-13-RD

The subject property is located within a commercial zoned district. The use is consistent with the zoned district and the City's Comprehensive Plan.

The applicant has made an effort in complying with the site development standards and the Design Guidelines for properties zoned Pembroke Road Overlay district. The requested front yard setback is due to the site constraints in accommodating a prototype Family Dollar store as the lot depth is only 110 feet. The applicant has incorporated Royal Palms and Geiger trees along the building front to break up the monotony of the building wall and create a street definition line. The applicant provides the required loading space which is buffered from the residential properties to the south by an 8 feet high masonry wall as required by Code, and extensively landscaped with trees and shrubbery.

Although RAM's are requested, the applicant's proposal will result in significant improvement to the property which will enhance the Pembroke Road Corridor. In staff's opinion, the proposed development will have a positive effect on the area and encourage redevelopment/reinvestment. As a result, staff has no objections to City Commission approval of the requested redevelopment area modifications.

**PROPOSED ACTION:**

Staff recommends the Planning and Zoning Board recommend approval of Major Development Application # 82-13-DB subject to the following conditions:

1. Payment of approximately \$3,980.89 water impact fee.
2. Payment of approximately \$5,357.30 sewer impact fee.
3. Payment of approximately \$16,055.00 transportation mitigation cost.
4. Provide roadway easement dedications in a form acceptable to the City Attorney as follows:
  - a. A seven (7) feet roadway easement along Pembroke Road.
  - b. A five (5) feet roadway easement along NW 6<sup>th</sup> Terrace.
  - c. A ten (10) feet roadway easement along NW 7<sup>th</sup> Avenue.

**ATTACHMENT(S):**

- Exhibit 1- Aerial Map
- Exhibit 2- Location Map
- Exhibit 3- Applicant's Letter
- Exhibit 4- Survey/Site Plan
- Exhibit 5- Building Rendering