

ORDINANCE NO. 2006 - 24

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AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, ADOPTING THE DEVELOPMENT ORDER FOR THE VILLAGE AT GULFSTREAM PARK DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF APPROXIMATELY 60.8 ACRES WITHIN THE CITY OF HALLANDALE BEACH, FLORIDA LOCATED GENERALLY SOUTH OF HALLANDALE BEACH BOULEVARD, EAST OF FEDERAL HIGHWAY, NORTH OF THE CITY LIMITS AND WEST OF THE GOLDEN ISLES SUBDIVISION; PROVIDING FOR THE DEVELOPMENT OF A MIXED-USE RETAIL, OFFICE, ATTRACTION, HOTEL, AND RESIDENTIAL PROJECT; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING CONDITIONS AND OBLIGATIONS RELATED TO THE DEVELOPMENT; PROVIDING BUILDOUT AND EXPIRATION DATES AND OTHER GENERAL CONDITIONS; PROVIDING FOR RECORDING, RENDITION AND MONITORING; PROVIDING FOR A PROHIBITION AGAINST DOWN-ZONING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gulfstream Park Racing Association, Inc. (the "Applicant" and the "Owner") has applied for approval of the Village at Gulfstream Park Development of Regional Impact pursuant to Section 380.06, Fla. Stat. (2006);

WHEREAS, The Village of Gulfstream Park, LLC is the agent of the Owner and the Developer of the project that is subject to this Development Order; and

WHEREAS, the proposed Village at Gulfstream Park Development of Regional Impact is located wholly within the City of Hallandale Beach, Broward County, Florida (the "City");

WHEREAS, the City is required to consider and vote upon a development order approving the proposed Village at Gulfstream Park Development of Regional Impact; and

WHEREAS, the City Commission of the City of Hallandale Beach has received and considered the DRI Impact Assessment Report and recommendations of the South Florida Regional Planning Council ("SFRPC") dated June 5<sup>th</sup>, 2006;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. FINDINGS OF FACT.

1. The foregoing recitals are ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.
2. The proposed development will take place on approximately 60.8 acres legally described in "Exhibit A" (the "DRI Property").
3. The proposed development is not in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

49 4. All statutory and regulatory notice requirements have been met.

50 SECTION 2. CONCLUSIONS OF LAW.

51 1. A state land development plan does not exist for this portion of the City of  
52 Hallandale Beach and therefore the proposed development does not  
53 unreasonably interfere with such a plan.

54 2. The proposed development is consistent with the State Comprehensive  
55 Plan.

56 3. The proposed development is consistent with the Broward County  
57 Comprehensive Plan and Land Development Regulations.

58 4. The proposed development is consistent with the City of Hallandale  
59 Beach Comprehensive Plan and Land Development Regulations.

60 5. The proposed development is consistent with the report and  
61 recommendations of the South Florida Regional Planning Council  
62 submitted pursuant to subsection 380.06(12) and dated June 5, 2006.

63 6. The proposed development as approved by this Development Order  
64 makes adequate provision for the public facilities needed to  
65 accommodate the impacts of the proposed development.

66 7. The Village at Gulfstream Park DRI is approved for the development  
67 described in Section 3 (the "Development"), subject to the conditions,  
68 restrictions, and limitations specified in this Development Order.

69 SECTION 3. DESCRIPTION OF DEVELOPMENT.

70 1. Name of the Development

71 The Village at Gulfstream Park  
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73 2. Authorized Agent

74 The Village at Gulfstream Park, LLC  
75 Attn: Managing Member  
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77 3. Developer

78 The Village at Gulfstream Park, LLC, its successors and assigns  
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80 4. Owner

81 Gulfstream Park Racing Association, Inc., its successors and assigns  
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85	5.	Development Program	
86		Office	140,000 s.f.
87		Retail	750,000 s.f.
88		Residential	1,500 units <sup>1</sup>
89		Hotel	500 keys
90		Movie Theater	2,500 seats
91		Open Space	Minimum of 1.2 acres

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93 In all cases, no Certificates of Occupancy shall be issued for Development that would, in  
94 the aggregate, generate traffic volumes that exceed 1,800 total external trips as shown  
95 in the Consolidated ADA referred to in Section 10 herein.

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97 <sup>1</sup> includes a minimum of 75 Affordable/Workforce Housing\_on-site in accordance with  
98 Section 4, Condition 16 of this Development Order (below).  
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100 SECTION 4. CONDITIONS OF APPROVAL.

101 The application for development approval is approved subject to the following  
102 conditions:

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104 THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS, JOINTLY OR SEVERALLY,  
105 SHALL:

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107 1. Ensure that stormwater runoff is retained within the project site in  
108 accordance with applicable regulations of the South Florida Water Management District  
109 (SFWMD), Broward County and the City of Hallandale Beach. Design, construct and  
110 maintain the stormwater management system for the project and any additions,  
111 expansions, or replacements to the stormwater management system to meet the  
112 following standards:

113 a. Comply with the regulations and requirements of the South Florida  
114 Water Management District, Broward County Environmental Protection  
115 Department (EPD), and the City's comprehensive plan drainage level of  
116 service requirements for surface water management in effect at that time.

117 b. Install pollutant retardant structures to treat all stormwater runoff  
118 at each of the new project outfall structures in accordance with the  
119 stormwater management system drainage permits and master drainage  
120 plan, and periodically remove pollutant accumulations as required by the  
121 stormwater permitting agencies.

122 c. Use silt screens and aprons during any phase of project  
123 construction that may increase turbidity in adjacent surface waters.

124 d. Mulch, spray, or grass exposed areas to prevent soil erosion,  
125 minimize air pollution and stormwater runoff.

126 2. Design, construct, and maintain the onsite irrigation system for the  
127 project, expansions, or replacements to the onsite irrigation system to minimize salt-  
128 water intrusion and excessive irrigation in accordance with SFWMD guidelines. When

129 practicable, use water conserving techniques to reduce the demand on the region's  
130 potable water supply; including the installation of rain sensors on irrigation timers, and  
131 compliance with restrictions on irrigation timing as required by the City of Hallandale  
132 Beach.

133 3. Incorporate the use of water sensors, ultra-low volume water use  
134 plumbing fixtures, self-closing and/or metered water faucets, and other water conserving  
135 devices/methods to reduce the demand on the region's potable water supply. These  
136 devices and methods shall meet the criteria outlined in the water conservation plan of  
137 the public water supply permit issued to Broward County by the SFWMD.

138 4. a. Prior to issuance of the first building permit for any permanent  
139 structure in accordance with the Development Program provided in  
140 Section 3 and Section 4, Condition 6 of this Development Order ensure  
141 that sufficient wastewater capacity exists to meet the wastewater flows of  
142 the project.

143 b. Prior to issuance of the first certificate of occupancy for any  
144 permanent structure in accordance with the Development Program in  
145 Condition 6, complete or cause the completion of appropriate expansions  
146 and improvements to the lift stations and force mains which are  
147 necessary to provide wastewater service for the project.

148 5. Comply with the tree preservation requirements and the landscaping  
149 standards of the City of Hallandale Beach. When practicable, the Applicant should  
150 follow xeriscape principles in landscape design and the selection of species for planting.  
151 Substitute landscaping species may only be used if written approval is provided by the  
152 City of Hallandale Beach in consultation with the Broward County EPD and SFRPC staff.  
153 Such approval will be based on the following criteria for plant materials:

154 a. Does not require excessive irrigation or fertilizer;

155 b. Is not prone to insect infestation or disease;

156 c. Does not have invasive root systems; and

157 d. Other criteria as may be appropriate.

158 6. The Applicant shall be permitted to develop a maximum amount of  
159 development in accordance with the land uses listed below, subject to the required  
160 federal, state and local approvals. In all cases, no Certificates of Occupancy shall be  
161 issued for Development that would, in the aggregate, generate traffic volumes that  
162 exceed 1,800 total external trips as shown in the Consolidated ADA. The development  
163 program shall be developed in accordance with the table below:

164 DEVELOPMENT PROGRAM SUMMARY

165	Land Use*	Proposed Total 166 Development
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169	Office	140,000 SF GFA**

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Retail	750,000 SF GLA***
Residential	1,500 DUs****
Hotel	500 keys
Movie Theatre	2,500 Seats

\* Self-Storage facilities and warehouses are not permitted as principal uses within the Village at Gulfstream Park. Storage space may be provided as accessory space within individual buildings within the development to serve residents and tenants of the project.

\*\* Square Feet; Gross Floor Area (GFA)  
\*\*\* Square Feet; Gross Leasable Area (GLA)  
\*\*\*\* Dwelling Units (DU), including a minimum of 75 Affordable/Workforce Housing on site

7. Utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the project. Examples of such agencies and programs include, but are not limited to, those contained in the South Florida Small and Minority Business Resource Directory. The Developer shall attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Developer is encouraged to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the project's employment needs. This information shall be biennially updated and submitted as a part of the Biennial Status Report, using a form that is attached as Exhibit 1.

8. This DRI is not anticipated to include laboratories or other uses which would have a significant hazardous materials generation/usage impact as defined in Rule 9J-2044(2)(f) and (5)(a) of the Florida Administrative Code. In the event that hazardous material usage on any project within the DRI will have a significant impact, prior to issuance of a certificate of occupancy for any such use, the Owner(s) and/or Developer(s) of the specific project ("Project Developer(s)"), to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by the City of Hallandale Beach, the Broward County Environmental Protection Department (EPD), the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council, which conforms with the requirements of Rule 9J-2.044(5)(b)2 of the Florida Administrative Code. The Project Developer(s), their successors and/or assigns, shall provide a copy of the approved plan to the City of Hallandale Beach Fire Department. The HMMP shall be incorporated into the development by lease as applicable and shall be incorporated into the project by sale agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property is conveyed, as applicable.

9. a. No later than 180 days prior to the issuance of the first certificate of occupancy the Developer shall meet with Broward County Environmental Protection Department, Florida Department of

219 Environmental Protection and the South Florida Regional Planning  
220 Council to establish parameters for a Carbon Monoxide Air Quality  
221 Analysis and a Broward County EPD Parking Facility license. The  
222 analysis shall incorporate the methodology of the latest FDEP guidelines  
223 and shall address worst case carbon monoxide concentrations for each  
224 phase through build out. In addition, the analysis shall be limited to  
225 consideration of LOS "E" or "F" intersections impacted by 5% or more  
226 project traffic and surface parking area of 1500 vehicle trips per hour or  
227 parking garage of 750 vehicle trips per hour and any combination of  
228 surface parking and parking garage generating 1000 or greater trips.

229 b. No later than 90 days prior to the issuance of the first certificate of  
230 occupancy for any permanent structure in accordance with the  
231 Development Program provided in Condition 6, the Developer shall  
232 submit a Carbon Monoxide Air Quality Analysis, based upon the agreed  
233 methodology, to EPD, FDEP, SFRPC and the City of Hallandale Beach  
234 for their reviews and approvals. The analysis shall demonstrate that the  
235 National Ambient Air Quality Standards for Carbon Monoxide will not be  
236 violated as a result of the Development at buildout and, if necessary, shall  
237 include mitigation measures for which the Developer shall be responsible.

238 10. Shall provide a letter from the solid waste utility provider that the  
239 projected solid waste generated from the proposed development can be appropriately  
240 met by the off-site solid waste company prior to the issuance of building permits.

241 11. Shall comply with section 32-639 as may be amended of the City of  
242 Hallandale Beach Code of Ordinances (entitled "Garbage Collection by City; Private  
243 Haulers; Permit Required") as it may be amended from time to time, attached as Exhibit  
244 5.

245 12. Incorporate, as practicable, energy conservation measures into the  
246 design and operation of projects developed within the DRI. At a minimum, Project  
247 Developers shall construct all development in conformance with the specifications of the  
248 applicable building code at the time of the issuance of the building permit and the Florida  
249 Energy Code. Consider using natural gas and/or renewable energy sources (e.g., solar  
250 heating) for water heating, space heating, air-cooling and lighting control. Monitor  
251 design review procedures and electrical energy conservation measures, proposed in the  
252 ADA, during the project construction phase to assess the effectiveness of same.

253 13. Assure that any fill material utilized at the site, whether from onsite  
254 excavation activities or from offsite sources, meets the clean soils criteria of the FDEP  
255 and EPD, as applicable.

256 14. a. The Applicant shall ensure the adequate provision of fire/rescue  
257 services necessary to serve the Development, to the City's satisfaction.  
258 Each Project Developer shall submit a site plan to the City Manager for  
259 review to identify unique space, equipment and/or facilities impacts that  
260 the project may generate.

261 b. The Applicant shall ensure adequate provision of police services  
262 for the Village at Gulfstream Park, to the City's satisfaction, and the

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Applicant shall meet with the City's Police Department to discuss those services.

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c. The Applicant shall provide a mini- or sub-station within the Development which shall provide a location for Police and EMS service personnel to staff during peak periods of operation within the Development. Said mini- or sub-station shall not be included as part of and reduced from any portion of the approved development program. Upon selection to the satisfaction of the City of space to be allocated to this use, the Applicant shall report this allocation as part of its Biennial Report.

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15. Prior to requesting the first building permit for a residential structure within the Development, the Developer shall file a Declaration of Restrictive Covenant, to enable legal enforcement of its \$2,000,000 commitment to the School Board of Broward County for school improvements within the City of Hallandale Beach and within the school feeder pattern serving City residents, which may include Hallandale Elementary School and Nichols Middle School. Prior to issuance of the first certificate of occupancy for a residential structure within the Development, the Developer must enter into a tri-party agreement with the School Board of Broward County and the City of Hallandale Beach to specify how the funds will be utilized, timed and dispersed in a manner that addresses the impacts created by the Development through buildout.

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16. Construct or cause the construction of a minimum of 225 "affordable housing" and/or "workforce housing" units (Affordable/Workforce Housing Units) within the City of Hallandale Beach and in accordance with the City of Hallandale Beach's applicable affordable and workforce housing regulations and procedures, the provision of which is equivalent to 15% of the proposed residential units. A minimum of 75 Affordable/Workforce Housing Units will be built on site. These Affordable/Workforce Housing Units shall be completed in accordance with the following schedule or as otherwise agreed upon in accordance with the terms and conditions of the Development Agreement with the City of Hallandale Beach:

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a. Prior to the issuance of the first certificate of occupancy for the 1<sup>st</sup> residential unit within the project, construct or cause the construction of a minimum of sixty (60) Affordable/Workforce Housing Units.

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b. Prior to the issuance of the final certificate of occupancy for the 750<sup>th</sup> residential unit within the project, construct or cause the construction of an additional ninety (90) Affordable/Workforce Housing Units (for a total of 150 units) or in accordance with the terms and conditions of the Development Agreement.

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c. Prior to the issuance of a final certificate of occupancy for the 1000<sup>th</sup> residential unit within the project, construct or cause the construction an additional seventy-five (75) Affordable/Workforce Housing Units (for a total of 225 units) or in accordance with the terms and conditions of the Development Agreement.

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In the event of a conflict between this Ordinance and the Development Agreement, the terms and conditions of the Development Agreement shall control.

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For the purpose of satisfying this condition, "affordable housing" units are as defined in Rule 9J-2.048, Florida Administrative Code and until such time as "workforce housing" is defined by legislation or ordinance, "workforce housing" units are defined as units priced so that a household earning an income between 120% and 140% of area median income will be able to afford rents and/or payments (inclusive of principal, interest, taxes and insurance) which will not exceed thirty percent (30%) of their gross annual income. Nothing shall preclude the Applicant of availing itself of any governmental or other applicable grant or assistance programs to satisfy this condition.

17. Primary project vehicle access points to the offsite roadway network will consist of the locations in Exhibit 4. Number, locations and configurations of project driveways may be adjusted upon approval by appropriate review agencies with jurisdiction over same and with approval of the City, through the major development review process.

18. The Applicant shall comply with the transportation improvements requirements contained in Groups A, B and C of Exhibit 3. Transportation mitigation measures shall be implemented by the Applicant as outlined in the schedule below. At a minimum, the total cost of these measures will equal the Applicant's calculated proportionate share cost of \$6,574,082.52 and includes a minimum of \$3,227,000 of transit-related improvements (the "Transit Funds"). The Applicant shall satisfy the regional Transportation Concurrency requirements of Broward County in accordance with Policy 3.4.23 of the Transportation Element of the 2006 Broward County Comprehensive Plan. It is understood that the Applicant intends to seek a credit from Broward County for its payment of the Transit Funds and nothing herein shall be construed to prohibit the Applicant from seeking Transit Concurrency credits from Broward County.

a. On or before January 15, 2007, the Applicant shall implement the following improvement as outlined in Exhibit 3:

- Item C-1

b. Prior to the issuance of the first Certificate of Occupancy for any permanent structure in accordance with the Development Program provided in Condition 6, the Applicant shall fund, construct or cause the construction, as applicable, of the following improvements outlined in Exhibit 3:

- Item B-1  
- Item B-2  
- Item B-3  
- Item B-4  
- Item B-5  
- Item B-6  
- Item B-7  
- Item B-8  
- Item A-3  
- Item C-4

353 c. Prior to the issuance of Certificates of Occupancy for any  
354 permanent structure in accordance with the Development Program  
355 provided in Condition 6 exceeding 1,750 gross pm peak hour trips  
356 calculated in accordance with Trip Generation Rates as shown in Exhibit  
357 6, the Applicant shall fund, construct or cause the construction, as  
358 applicable, of the following improvements outlined in Exhibit 3:

- 359 - Item A-1
- 360 - Item A-2
- 361 - Item C-5
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363 d. Prior to the issuance of Certificates of Occupancy for non-  
364 residential structures in accordance with the Development Program  
365 provided in Condition 6 exceeding 1,750 gross pm peak hour trips  
366 calculated in accordance with Trip Generation Rates as shown in Exhibit  
367 6, the Applicant shall fund, construct or cause the construction, as  
368 applicable, of the following improvements outlined in Exhibit 3:

- 369 - Item C-6
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371 e. Twelve months after the first certificate of occupancy for any  
372 permanent non-residential structure in accordance with the Development  
373 Program provided in Condition 6, the Applicant shall fund, construct or  
374 cause the construction, as applicable, of the following improvements  
375 outlined in Exhibit 3:

- 376 - Item C-2
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378 The Applicant shall fulfill its obligations for Item C-3 of Exhibit 3 at such time that the City  
379 of Hallandale Beach conducts the charrette mentioned in this Item.  
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381 19. Prior to the issuance of the first certificate of occupancy for any  
382 permanent non-residential structure in accordance with the Development Program  
383 provided in Condition 6, have open to traffic or cause to have open to traffic all site  
384 access-related improvements as described in Exhibit 4, pending final permit approval by  
385 appropriate review agencies with jurisdiction over same. The responsibility for these site  
386 access-related improvements, which may include traffic signals, shall be borne by the  
387 Applicant. These site access-related improvement costs are not part of the  
388 Proportionate Share requirements. In addition, Developer shall provide such mitigation  
389 pf traffic impacts on City roads as required by City Code and the Development  
390 Agreement.

391 20. Incorporate the following into the project design and operation:

392 a. Coordinate with Broward and Miami-Dade County Transit to  
393 establish a program that encourages transit use of the site. This program  
394 shall include performance objectives, and shall incorporate incentives  
395 such as transit passes for employees and promotions for visitors to use  
396 transit to access the site. These activities shall be coordinated with  
397 Broward County and Miami-Dade Transit as well as the Cities of  
398 Hallandale Beach and Aventura.

- 399 b. On an annual basis, encourage transit use, carpooling and  
400 vanpooling by provision of rideshare and transit information to tenants  
401 and employees, providing a transit superstop, provision of improved  
402 service on transit routes serving the site, and other amenities to increase  
403 ridership, utilizing services and programs listed in Exhibit 2.
- 404 c. Provide for the design and location of pedestrian and bicycle  
405 facilities to maximize transportation access onsite and connecting to  
406 adjacent facilities, including onsite bicycle storage facilities to encourage  
407 the use of alternative modes of transportation.
- 408 d. To the extent that it is cost effective, utilize efficient, low emission  
409 vehicles for onsite services like parking enforcement maintenance, and  
410 security services, with specific consideration of alternative fuel vehicles.
- 411 e. Regularly schedule vacuum sweeping of all parking lots of eleven  
412 or more parking spaces.
- 413 f. Designate employee parking spaces, conveniently located, for  
414 exclusively high occupancy vehicle use for appropriate land uses such as  
415 office and medical.
- 416 g. Submit with each building permit request a status sheet of trip  
417 generation, showing the cumulative trips generated by existing  
418 development, development under construction, and development  
419 proposed in the building permit application.
- 420 h. Submit transit ridership data every 2 years for shuttle service and  
421 bus service and consider the ridership in analyzing the number of trips  
422 produced by the project during building phases and at buildout.
- 423 21. The Applicant agrees to enter into a separate development agreement  
424 with the City of Hallandale Beach to address the various impacts that are required to be  
425 mitigated for impacts to City services and facilities directly related to the City. In the  
426 event of a conflict between this Ordinance and the Development Agreement, the terms  
427 and conditions of the Development Agreement shall control.
- 428 THE CITY OF HALLANDALE BEACH SHALL:
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- 430 22. Withhold the issuance of building permits or certificates of occupancy, or  
431 both, if the Project Developer fails to meet the requirements of Conditions 1 – 21 and  
432 Sections 8, 10 and 13 herein.
- 433 23. Withhold the issuance of building permits or certificates of occupancy, or  
434 both, if potable water demand and wastewater flows exceed capacity available to serve  
435 the project.
- 436 24. Prior to the issuance of the first certificate of occupancy for any  
437 permanent structure in accordance with the Development Program provided in Condition

438 6, the City shall ensure that sufficient water treatment and conveyance capacity is  
439 available to serve the project.

440 25. a. Withhold the issuance of the first building permit for any  
441 permanent structure in accordance with the Development Program  
442 provided in Condition 6, until sufficient wastewater capacity to meet the  
443 wastewater flows is made available to serve the project in satisfaction of  
444 Condition 4, above.

445 b. Withhold the issuance of the first certificate of occupancy for any  
446 permanent structure in accordance with the Development Program  
447 provided in Condition 6, until adequate expansions and improvements to  
448 the lift stations and force mains, which are necessary to provide  
449 wastewater service to serve the project, have been completed in  
450 satisfaction of Condition 4 above.

451 26. Withhold issuance of the first residential building permit until the  
452 Developer has filed a Declaration of Restrictive Covenant that provides for enforcement  
453 of its commitment to provide additional mitigation of \$2,000,000 to the School Board of  
454 Broward County for school improvements.

455 27. Withhold issuance of the certificate of occupancy for the first residential  
456 unit until the Developer has entered into a tri-party agreement with the School Board of  
457 Broward and City of Hallandale Beach to specify how the additional \$2,000,000 will be  
458 utilized.

459 28. Review project landscape plans to ensure that only those plant species  
460 identified in the applicable codes of the City of Hallandale Beach are used for project  
461 landscaping and that xeriscape principles are utilized in such landscape plans, as  
462 practicable.

463 29. Monitor site development to ensure that invasive exotic plant species are  
464 removed and the property maintained to prevent the re-establishment of invasive exotic  
465 species.

466 30. Withhold the issuance of building permits or certificates of occupancy for  
467 any use that will have a significant hazardous materials generation/usage impact as  
468 defined in Rule 9J-2044(2)(f) and (5)(a) of the Florida Administrative Code until the  
469 submittal of an HMMP in accordance with Condition 8.

470 31. In the event the Applicant, its successors, or assigns violate any of the  
471 conditions of the Development Order or otherwise fails to act in substantial compliance  
472 with the Development Order (those parties hereinafter "violator"), the City shall stay the  
473 effectiveness of the Development Order as to the tract, or portion of the tract, in which  
474 the violation or conduct has occurred and withhold further permits, approvals, and  
475 services for development in said tract, or portion of the tract, upon passage of any  
476 appropriate resolution by the City, adopted in accordance with this paragraph, finding  
477 that such violation has occurred. The violator will be given written notice by the City that  
478 states: 1) the nature of the purported violation and 2) that unless the violation is cured  
479 within 15 days of said notice, the City will hold a public hearing to consider the matter  
480 within 30 days of the date of said notice.

481 32. If the violation is not curable in 15 days, the violator's diligent good faith  
482 efforts to cure the violation within that period will obviate the need to hold a public  
483 hearing and the Development Order will remain in effect unless the violator does not  
484 diligently pursue the curative action to completion within a reasonable time, in which  
485 event the City will give 15 days' notice to the violator of its intention to stay the  
486 effectiveness of the Development Order and withhold further permits, approvals, and  
487 services as to the tract, or portion of the tract, in which the violation has occurred and  
488 until the violation is cured. For purposes of this paragraph, the word "tract" shall be  
489 defined to mean any area of development identified on the Village at Gulfstream Park  
490 DRI Property, legally described in Exhibit A. In addition, the phrase "portion of a tract"  
491 means a division of a tract into more than one ownership as created by deed or plat.

492 33. The lessees of tracts or portions of tracts within the DRI Property from the  
493 Applicant shall not be considered successors of the Applicant for the purpose of  
494 affirmative compliance hereunder, including but not limited to all obligations for  
495 notification, execution of utility agreements and reporting requirements. Compliance by  
496 a lessee as to its tract or portion of tract shall be considered compliance by the  
497 Applicant. However, nothing herein shall be construed to limit the obligation of the  
498 Applicant to ensure compliance with this Development Order.

499 **SECTION 5. MONITORING OFFICIAL.**

500 The City Manager for the City of Hallandale Beach or his designee (the "City  
501 Manager") shall be the local official responsible for monitoring compliance with this  
502 Development Order. In carrying out this responsibility, the City Manager shall review  
503 and approve all applications for development permits for compliance with the terms and  
504 conditions of this Development Order. The City Manager shall have the authority to  
505 temporarily suspend this Development Order and withhold future development permits  
506 upon notification and verification of a violation of any condition herein in accordance with  
507 Section 4, Conditions 31 and 32 of this Development Order.  
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509 Upon the written request of the owner(s) or developers of the property or tract,  
510 the City Monitoring Official shall certify in writing to the owner(s), developers,  
511 mortgagees, and potential mortgagees or other designees of the above, the compliance  
512 status of the conditions of this Development Order relative to the stated property or tract.  
513 If all conditions of this Development Order are being satisfied or are otherwise in  
514 compliance, the certification shall provide that the Development Order is in full  
515 compliance. If all conditions are not being complied with, the City Monitoring Official shall  
516 specify in writing the conditions with which the owners or developers are not in  
517 compliance.  
518

519 **SECTION 6. ELECTION REGARDING ENVIRONMENTAL RULES.**

520 In accordance with Section 380.06(5)(c), Florida Statutes (2006), the Developer  
521 has elected to be bound by the rules adopted pursuant to chapters 373 and 403 in effect  
522 when as of the date of this Development Order. Such rules shall be applicable to all  
523 applications for permits pursuant to those Chapters which are necessary for and  
524 consistent with the development authorized in this Development Order, except that a  
525 later adopted rule by the appropriate state agencies shall be applicable to an application  
526 if:  
527

- 528 1. The later adopted rule is determined by the rule-adopting agency to be  
529 essential to the public health, safety, or welfare;
- 530 2. The later adopted rule is adopted pursuant to s. 403.061(27) which  
531 provides for the identification and regulation of "Outstanding Florida  
532 Waters";
- 533 3. The later adopted rule is being adopted pursuant to a subsequently  
534 enacted statutorily mandated program;
- 535 4. The later adopted rule is mandated in order for the state to maintain  
536 delegation of a federal program; or
- 537 5. The later adopted rule is required by state or federal law

538 SECTION 7. DOWNZONING PROTECTION.

539 In accordance with Section 380.06(15), Florida Statutes (2006), the Village at  
540 Gulfstream Park DRI as approved in this Development Order shall not be subject to  
541 downzoning, unit density reduction, or intensity reduction before December 31, 2019,  
542 unless the Developer consents to such change or the City of Hallandale Beach  
543 demonstrates that substantial changes in the conditions underlying the approval of this  
544 Development Order have occurred or that the Development Order was based on  
545 substantially inaccurate information provided by the Applicant, or that the change is  
546 clearly established by the City of Hallandale Beach to be essential to the public health,  
547 safety and welfare.

548 SECTION 8. BIENNIAL REPORTING.

549 The Applicant shall prepare a biennial report for the Village at Gulfstream Park  
550 DRI in accordance with 380.06(15) and (18), Florida Statutes (2006). The biennial  
551 report shall be distributed to the South Florida Regional Planning Council, the  
552 Department of Community Affairs, Florida Department of Transportation (District 4 and  
553 District 6), the City of Hallandale Beach and Broward County EPD, no later than March 1  
554 of every other year until buildout, commencing March 1, 2008. If the City of Hallandale  
555 Beach does not receive the report or receives notification that the SFRPC, DCA or  
556 Broward County has not received the report, the City of Hallandale Beach shall request  
557 in writing that the Developer submit the report within 30 days. The City Manager shall  
558 temporarily suspend the Development Order if the developer fails to submit the report  
559 within 30 days of such notification. The biennial report shall include the following:

- 560 1. Any changes in the plan of development, or in the representations  
561 contained in the Application for Development Approval, or in the phasing  
562 for the reporting year and for the next year.
- 563 2. A summary comparison of development activity proposed and actually  
564 conducted since the previous monitoring report and activity projected for  
565 that period until submittal of the next regular monitoring report. The  
566 summary will include a description of site improvements, gross floor area  
567 constructed by land use type, location and phase, with appropriate maps.

- 570 3. Identification of undeveloped tracts of land, other than individual single  
571 family lots, that have been sold to a separate entity or developer.
- 572 4. Identification and intended use of lands purchased, leased or optioned by  
573 the developer adjacent to the original DRI site since the Development  
574 Order was issued;
- 575 5. A specific assessment of the Developer's and the City of Hallandale  
576 Beach's compliance with each individual condition of approval contained  
577 in the Development Order and the commitments which are contained in  
578 the Application for Development Approval and which have been identified  
579 by the City, the Regional Planning Council or the Department of  
580 Community Affairs as being significant.
- 581 6. Any known incremental DRI applications for development approval or  
582 requests for a substantial deviation determination that were filed in the  
583 reporting year and to be filed during the next year.
- 584 7. An indication of a change, if any, in local government jurisdiction for any  
585 portion of the development since the Development Order was issued.
- 586 8. A listing of any significant local, state and federal permits which were  
587 obtained, applied for or denied during this reporting period, specifying the  
588 agency, type of permit, parcel, location(s) and activity for each permit.
- 589 9. A statement that all persons have been sent copies of the biennial report  
590 in conformance with subsections 380.06(15) and (18), Florida Statutes.
- 591 10. A copy of any recorded notice of the adoption of a development order or  
592 the subsequent modification of an adopted development order that was  
593 recorded by the developer pursuant to paragraph 380.06(15)(f), Florida  
594 Statutes.
- 595 11. If no additional development pursuant to the Development Order has  
596 occurred since the submission of the previous report, then a letter from  
597 the Developer stating that no development has occurred shall satisfy the  
598 requirement for the biennial report.
- 599 12. A complete response to each question in Exhibit 1 and Condition 7.

600 SECTION 9. BUILDOUT AND EXPIRATION OF THE DRI.

- 601 1. The buildout date for the Village at Gulfstream Park DRI project shall be  
602 December 31, 2014.
- 603 2. December 31, 2019 is hereby established as the expiration date for this  
604 Development Order.

605

606 SECTION 10. INCORPORATION OF THE ADA.

607 1. The Applicant shall integrate all original and supplemental ADA  
608 information into a Consolidated Application for Development Approval  
609 (CADA) that reflects the approved development program, and submit two  
610 copies of the CADA to the SFRPC; one copy each to the City of  
611 Hallandale Beach and one copy to the DCA within 30 days of the effective  
612 date of the Development Order. The CADA shall be prepared as follows:

613  
614 a. Where new, clarified, or revised information was prepared  
615 subsequent to submittal of the ADA but prior to issuance of the  
616 Development Order, whether in response to a formal statement of  
617 information needed or otherwise, the original pages of the ADA will be  
618 replaced with revised pages.

619 b. Revised pages will have a "Page Number (R) – Date" notation  
620 with "Page Number" being the number of the original page, "(R)"  
621 indicating that the page was revised, and "Date" stating the date of the  
622 revision.

623 2. Pursuant to Rule 9J-2.025, Section (3)(b)9, F.A.C., the Consolidated  
624 Application for Development Approval (as prepared pursuant to Section 10, herein) and  
625 the SFRPC DRI Assessment Report are incorporated herein by reference and relied  
626 upon by the parties in discharging their statutory duties under Chapter 380, F.S., and  
627 local ordinances. Substantial compliance with the representations contained in the ADA  
628 is a condition for approval unless waived or modified by agreement among the local  
629 governments of jurisdiction, the SFRPC and the Applicant, their successors, or assigns.

630 SECTION 11. RENDITION.

631 Within thirty (30) days of the adoption of this Development Order by the City of  
632 Hallandale Beach City Commission, the City of Hallandale Beach shall render a copy of  
633 this Development Order certified as complete and accurate, by certified mail, return  
634 receipt requested, to the Florida Department of Community Affairs, the South Florida  
635 Regional Planning Council and the Developer in accordance with 9J2-2.025(5), Florida  
636 Administrative Code.

637  
638 SECTION 12. EFFECTIVE DATE.

639 This Development Order shall take effect upon the effective date of the City of  
640 Hallandale Beach Comprehensive Plan amendments creating the Local Activity Center  
641 (LAC) future land use category and designating the Property as the LAC use; the  
642 adoption of the appropriate zoning district under the City Codes.

643  
644 SECTION 13. RECORDATION OF DEVELOPMENT ORDER.

645 Within thirty days of the Effective Date, the Developer shall record this  
646 Development Order and any subsequent amendments with the Clerk of the Circuit Court  
647 for Broward County in accordance with Sections 28.22 and 380.06(15)(f), Florida  
648 Statutes (2006).

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SECTION 14. BINDING EFFECT.

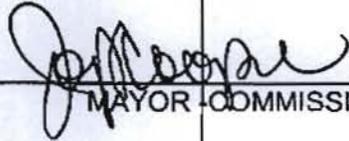
This Development Order shall run with the land and bind the successors and assigns of the Owner and Developer of the DRI Property.

PASSED AND ADOPTED on first reading on September 19, 2006.

PASSED AND ADOPTED on second reading on November 6, 2006.

ATTEST:

  
CITY CLERK

  
MAYOR COMMISSIONER



	VOTE	
	AYE	NAY
Mayor Cooper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice-Mayor Julian	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comm. Gibbons	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comm. Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comm. Schiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>

06 NOV 22 PM 12: 56  
CITY OF HALLANDALE  
CITY CLERK

LAND DESCRIPTION  
VILLAGE AT GULPSTREAM PARK  
EXHIBIT "A"

A portion of Lots 1, 3 and 4, Block 7, Lots 1 through 4, Block 10, and Lots 1 through 3, Block 15 all in MAP OF THE TOWN OF HALLANDALE, according to the plat thereof as recorded in Plat Book B, Page 13 of the Public Records of Dade County, Florida, also being portions of HALLANDALE PARK NO. 12, PART 2, according to the plat thereof as recorded in Plat Book 10, Page 17, portions of HOLLYDALE PARK, according to the plat thereof as recorded in Plat Book 11, Page 2 and portions of HALLANDALE PARK NO. 12, according to the plat thereof as recorded in Plat Book 12, Page 35, the three (3) previous plats being recorded in the Public Records of Broward County Florida and being particularly described as follows:

COMMENCING at the Southeast corner of Section 27, Township 51 South, Range 42 East, Broward County, Florida;

THENCE South 88°01'22" West on the South line of said Section 27, a distance of 2,093.59 feet to the POINT OF BEGINNING;

THENCE continue South 88°01'22" West on said South line of Section 27, a distance of 570.55 feet to the Intersection with the East right-of-way line of South Federal Highway (U.S. 1) as shown on State of Florida Department of Transportation Right-of-Way Maps for State Road 5, Section 86010-2519, said point located on the arc of a non-tangent curve concave to the West, whose radius point bears North 79°45'42" West;

THENCE on said East right-of-way line of South Federal Highway (U.S. 1) the following sixteen courses and distances;

1. Northerly on the arc of said curve having a radius of 3,909.83 feet; through a central angle of 05°16'33", and an arc distance of 360.01 feet to a point of non-tangency;
2. South 85°02'14" East, a distance of 0.85 feet;
3. North 07°51'26" East, a distance of 99.85 feet to a point on the arc of a non-tangent curve concave to the West, whose radius point bears North 86°49'11" West;

Prepared By  
CALVIN, GLORDANO AND ASSOCIATES, INC.  
1800 Eller Drive suite 600  
Fort Lauderdale, Florida 33316  
July 6, 2005  
Revised August 3, 2005  
Rev September 26, 2005

4. Northerly on the arc of said curve having a radius of 3,743.00 feet, through a central angle of  $05^{\circ}00'35''$ , and an arc distance of 327.27 feet to a point of tangency;
5. North  $01^{\circ}49'46''$  West, a distance of 32.91 feet;
6. South  $88^{\circ}10'14''$  West, a distance of 4.50 feet to a point on the arc of a non-tangent curve concave to the West, whose radius point bears South  $88^{\circ}14'02''$  West;
7. Northerly on the arc of said curve having a radius of 3,909.83 feet, through a central angle of  $00^{\circ}03'48''$ , an arc distance of 4.32 feet to a point of tangency;
8. North  $01^{\circ}49'46''$  West, a distance of 1,521.75 feet;
9. North  $02^{\circ}03'07''$  East, a distance of 67.65 feet;
10. North  $01^{\circ}49'46''$  West, a distance of 200.25 feet;
11. North  $43^{\circ}07'48''$  East, a distance of 38.89 feet;
12. North  $01^{\circ}52'33''$  West, a distance of 106.00 feet;
13. South  $88^{\circ}07'27''$  West, a distance of 10.97 feet;
14. North  $66^{\circ}56'55''$  West, a distance of 23.16 feet;
15. North  $01^{\circ}50'08''$  West, a distance of 555.82 feet;
16. North  $33^{\circ}52'37''$  East, a distance of 40.03 feet to the intersection with the South right-of-way line of Hibiscus Street as shown on THE PROMENADE AT HALLANDALE, according to the plat thereof as recorded in P1st Book 112, Page 4 of the Public Records of Broward County, Florida;

THENCE North  $88^{\circ}13'39''$  East on said South right-of-way line and its Easterly projection, a distance of 594.33 feet

THENCE South  $01^{\circ}46'21''$  East, a distance of 10.00 feet;

THENCE North  $88^{\circ}13'39''$  East, a distance of 110.41 feet;

THENCE South  $01^{\circ}06'17''$  East, a distance of 29.83 feet;

THENCE South  $01^{\circ}50'08''$  East, a distance of 414.60 feet;

Prepared By

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1800 Eller Drive suite 600

Fort Lauderdale, Florida 33316

July 6, 2005

Revised August 3, 2005

Rev September 26, 2005

THENCE North 88°09'52" East, a distance of 277.46 feet;

THENCE South 01°53'41" East, a distance of 1,205.42 feet to a point on the arc of a non-tangent curve concave to the Southeast, whose radius point bears South 08°25'32" East;

THENCE Southwesterly on the arc of said curve having a radius of 59.13 feet, through a central angle of 81°41'52", an arc distance of 84.31 feet to a point of tangency;

THENCE South 00°07'24" East, a distance of 34.90 feet;

THENCE South 88°09'52" West, a distance of 170.01 feet;

THENCE South 01°50'08" East, a distance of 226.96 feet to a point on the arc of a non-tangent curve concave to the East, whose radius point bears South 12°35'36" East;

THENCE Southerly on the arc of said curve having a radius of 116.08 feet, through a central angle of 158°29'04", and an arc distance of 321.09 feet to a point of non-tangency;

THENCE South 01°50'08" East, a distance of 315.49 feet;

THENCE South 88°09'52" West, a distance of 103.71 feet;

THENCE South 43°09'52" West, a distance of 276.44 feet;

THENCE South 01°50'08" East, a distance of 618.62 feet to the POINT OF BEGINNING;

Said lands lying in the City of Hallandale Beach, Broward County, Florida and containing 2,646,985 square feet (60.7664 acres), more or less.

Prepared By

CALVIN, GLORDANO AND ASSOCIATES, INC.

1800 Eller Drive suite 600

Fort Lauderdale, Florida 33316

July 8, 2005

Revised August 3, 2005

Rev September 26, 2005

Sheet 3 of 8 Sheets

NOTES:

1. Not valid without the signature and original embossed seal of a Florida licensed Professional Surveyor and Mapper.
2. Lands described hereon were not abstracted, by the surveyor, for ownership, easements, rights-of-way or other instruments that may appear in the Public Records of Broward County.
3. Bearings shown hereon are relative to the South line of the SE ¼ of Section 27-51-42 having a bearing of South 88°01'22" West.
4. The description contained herein and the attached sketch, do not represent a field Boundary Survey.

Prepared By  
CALVIN, GLORDANO AND ASSOCIATES, INC.  
1800 Eller Drive suite 600  
Fort Lauderdale, Florida 33316  
July 6, 2005  
Revised August 3, 2005  
Rev September 26, 2005

**EXHIBIT 1**  
**DEVELOPMENT OF REGIONAL IMPACT**  
**BIENNIAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting a biennial report to the local government, the regional planning agency, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 488-4925.

Send the original completed biennial report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction (along with the required \$250 review fee);
- b) All affected permitting agencies (particularly the County and PDOT)
- c) Division of Resource Planning and Management  
Bureau of Local Planning  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399  
850/488-4925

**BIENNIAL STATUS REPORT**

Reporting Period: \_\_\_\_\_ to \_\_\_\_\_  
Month/Day/Year Month/Day/Year

Development: \_\_\_\_\_  
Name of DRI

Location: \_\_\_\_\_  
City County

Developer: Name: \_\_\_\_\_  
Company Name

Address: \_\_\_\_\_  
Street Location  
\_\_\_\_\_  
City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a. Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
  - b. State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
  - c. Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), P.S.
2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.
  3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

Buyer	Tract
-------	-------

Note: If a response is to be more than one sentence, attach as Exhibit D.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA land sale how and when each condition or commitment has been complied with during the biennial report reporting period.

Note: Attach as Exhibit G.

9. Provide any information that is specifically required by the development order to be included in the biennial report.

10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.0(15) and (18), F.S.

Person completing the questionnaire: \_\_\_\_\_

Title: \_\_\_\_\_

Representing: \_\_\_\_\_

**EXHIBIT 2  
TRANSPORTATION DEMAND MANAGEMENT  
VILLAGE AT GULFSTREAM PARK  
DEVELOPMENT ORDER CONDITIONS**

**TRANSIT/TRANSPORTATION DEMAND MANAGEMENT PROGRAM**

**1. INTRODUCTION**

Condition \_\_\_\_\_ from Ordinance \_\_\_\_\_ requires the preparation and submittal of a Transit/Travel Demand Management (TDM) Program by the owners/operators of the Village at Gulfstream Park DRI. The TDM Program has been prepared to implement the viable strategies set forth and evaluated in the DRI as part of the response to Question-21 Transportation. These TDM strategies and programs contain both optional as well as mandatory programs to promote transit and TDM strategies to reduce traffic congestion during the traditional peak travel hours.

**2. CONDITION**

As a condition of the Development Order, the Applicant will submit to the City Hallandale Beach, Broward County Mass Transit, Division and Florida Department of Transportation District 4 (FDOT) a Transit/Transportation Demand Management ("TDM") Program for the Village at Gulfstream Park DRI. The TDM plan shall be appropriate to the size, scale and location of the proposed use and shall demonstrate that reasonable and practicable actions will be taken in conjunction with and over the life of the use that will produce a reduction in the traffic and related impacts of the use. The TDM program developed by the Village at Gulfstream Park shall include a biennial TDM status report, and promote or commit to one or more of the following:

1. A mixed-use development program which will encourage multi-purpose trips. Retail, entertainment, restaurant and other uses will provide commuter assistance to employees.
2. A fully accessible internal pedestrian access system which will connect all uses directly to a major transit facility.
3. The transit facility will provide a number of amenities which will encourage bicycle, pedestrian and transit usage.

4. A parking supply and layout that will encourage multi-purpose trips.
5. On-site management staff will promote and/or coordinate ridesharing and/or vanpooling services as well as disseminate information on transit operations and other priority parking for carpools and/or vanpools and emergency ride home services.
6. On-site Management will disseminate transit passes for employees who wish to use transit.
7. Shuttle service to and from the nearest Tri-Rail stations north and south of the site shall be provided in a manner that is consistent with encouraging transit usage and reasonably usable by employees. Service quality and quantity shall be monitored and reported. Coordination with the SFRTA for station access and promotion of ridership will be required.
8. Management staff will provide a liaison with South Florida Commuter Services to develop and maintain an effective TDM Program.
9. Connections will be made to the bicycle lanes on adjacent streets and bicycle racks will be provided on-site for bicycle storage.

**EXHIBIT 3  
VILLAGE AT GULFSTREAM PARK  
DEVELOPMENT ORDER CONDITIONS**

**GROUP A- TRANSPORTATION IMPROVEMENTS**

1. Intersection modifications at Hallandale Beach Boulevard & NE/SE 1<sup>st</sup> Avenue and Hallandale Beach Boulevard & Dixie Highway to create single point intersection or install an alternative geometric configuration accepted by the City, Florida Department of Transportation (FDOT) and Broward County that eliminates split-phase signal operation on Hallandale Beach Boulevard.
2. Signal interconnection on Hallandale Beach Boulevard corridor from I-95 to State Road A1A as designed in the Broward County Advanced Transportation Management System Communications Design and Deployment Project (Phase 4). This shall include the following elements:
  - Lightning protection, grounding and surge protection system
  - Fiber optic cable
  - Repairs and replacement to conduit, as necessary
  - Pull boxes
  - Switches
  - Cabinet and controller equipment modifications, as necessary
  - CCTV equipment, assemblies and poles
  - Video encoders
3. Signal-controlled westbound dual right-turn movement onto the northbound I-95 ramps at Hallandale Beach Boulevard, subject to permit approval from FDOT. In the event that this improvement is not deemed feasible or is otherwise not permitted by FDOT, Applicant shall install a westbound right turn signal at the intersection of Hallandale Beach Boulevard and I-95 or implement a similar improvement subject to permit approval by FDOT.

**GROUP B- SITE RELATED IMPROVEMENTS**

1. New traffic signal, dual southbound left turn lanes and northbound right turn lane at US 1 and 9<sup>th</sup> Street, subject to permit approval from FDOT.
2. Median access closure at US 1 and 7<sup>th</sup> Street subject to permit approval from FDOT.
3. Super Stop along the east side of US 1 south and/or north of 5<sup>th</sup> Street subject to approval from the authorizing agencies including, but not limited to, the Broward County Mass Transit Division and after consultation as to design and location with FDOT District IV and Miami-Dade County Transit Division, with full array of the following amenities:
  - Transit route and system signs
  - Specialty paving
  - Passenger shelters
  - System Map/Fare Information
  - Route Map and Schedules
  - Benches
  - Leaning Rails
  - Trash Receptacles
  - Restroom for bus operators
  - Landscaping
  - Emergency Telephones
  - Lighting
  - Bicycle Storage
  - Information Kiosks
  - Bus Bays
  - Drinking Fountain

4. Establishment and implementation a pedestrian crossing plan in all directions at 5<sup>th</sup> Street and US 1 to serve the transit Super Stop.
5. Minimization of intersection width at US 1 and 5<sup>th</sup> Street by not providing exclusive northbound right turn lane on US 1 at the site entrance.
6. Adjustment to queue storage for northbound left turning vehicles at Hallandale Beach Boulevard and U.S. 1 by closing current channelized opening at S.E. 2<sup>nd</sup> Street and extending dual northbound left turn lanes, subject to approval from City of Hallandale Beach and permit approval from FDOT.
7. Provision of full-time access to the site at entrances along Hallandale Beach Boulevard and along U.S. 1.
8. Provision of multiple full-time access points along site perimeter and provide connectivity within the site to minimize the need for cars to make turning movements at Hallandale Beach Boulevard and US 1.
9. There shall be no vehicular access connection, except for emergency access as required by government between the Project and N.E. 213<sup>th</sup> Street within the City of Aventura. Vehicular access to N.E. 213<sup>th</sup> Street may be allowed only if and after the Developer, City of Hallandale Beach and the City of Aventura, by Resolution of the City Commission, in each party's sole discretion, mutually agree in writing to allow such access and providing the specific location of said access drive.

#### Group C- TRANSIT AND OTHER IMPROVEMENTS

1. Applicant shall post surety to the benefit of the South Florida Regional Transportation Authority and Broward County in the amount of \$3.0 million. The benefit of this surety shall be directed towards the establishment of a North/South rail station to be located in a general area that includes Pembroke Road to the north and the Broward/Miami-Dade County line to the south, pending approval from the appropriate review agencies. If no binding commitment for a rail station is achieved within 24 months from posting of the surety, this posted surety is transferred to Broward County, to be used on any or all of the following bus transit projects outlined in 1 (a) - (c) below, or any similar programmed transit improvements serving the City of Hallandale Beach
  - a) Implementation of new Limited Stop Service on U.S. 1
  - b) Implementation of high capacity service on Hallandale Beach Boulevard
  - c) Reduction in weekday headways on Route 28 from 30 minutes to 20 minutes
  - d) Reduction in weekday headways on Route 5 from 60 minutes to 30 minutes
2. Until such time as a new rail station is constructed, or until the buildout date as defined in Condition 38 of this Development Order, whichever comes first, the Applicant shall provide shuttle service between the Hollywood Tri-Rail station to and from the site using a minimum of two vehicles, each operating a minimum of 8 hours per weekday.
3. Participate in charrette for Hallandale Beach and Hallandale Beach CRA to address redevelopment potential and connectivity between the Village at Gulfstream Park Site, the FEC corridor, and the City of Hallandale Beach CRA.
4. Provide payment of \$300,000.00 to the Florida Department of Transportation, District 6, for the construction of ramp improvements at the interchange of I-95 and Ives Dairy Road for payment of the proportionate share of the project's impacts at Ives Dairy Road & I-95.
5. Provide payment of \$250,000.00 to the City of Hollywood towards transportation improvements including, but not limited to traffic calming measures in the area bounded by Pembroke Road, Diplomat Parkway, Hollywood Boulevard and I-95, contingent upon an adopted plan to be developed and implemented by the City of Hollywood.
6. Provision of offsite parking for a minimum of 500 project employees at an off-site location or locations with transit service planned to be in place through the buildout phase of this DRI project, agreed upon for such use by the Applicant, Broward County and the City of Hallandale Beach.

**EXHIBIT 4  
VILLAGE AT GULFSTREAM PARK DRI  
DEVELOPMENT ORDER CONDITIONS**

**SITE RELATED ACCESS POINTS:**

1. Hallandale Beach Blvd. and north project driveway- existing full access signalized
2. US 1 and 3<sup>rd</sup> Street- existing full-access signalized
3. US 1 and 5<sup>th</sup>- proposed SB Left-in, NB right-out from the site
4. US1 and 7<sup>th</sup> Street- existing directional (NB-only right-out from site) access point.
5. US 1 and 9<sup>th</sup> Street- existing directional access point; proposed full-access signalized access point.
6. US 1 and 11<sup>th</sup> Street- existing right-in/right out access point proposed directional access point.

EXHIBIT 5  
Section 32-639, City of Hallandale Beach Code of Ordinances

**Sec. 32-639. Garbage collection by city; private haulers; permit required.**

- (a) *Generally.* All garbage which is produced in the city shall be collected, conveyed and disposed of by the city except as provided in this section. No person shall collect or convey over any of the streets or alleys in the city any garbage produced in the city, without a hauling permit or disposal permit, as applicable, issued pursuant to this division. The issuance of such hauling permit shall be based solely on the factors set forth in subsection (e) of this section and in the case both of hauling permits and disposal permits on the inability or refusal of the city to provide service as the circumstances may require. Renewal of existing hauling permits shall be based upon compliance with the factors set out in subsections (e) and (f) of this section. Persons who are presently served by the holder of a hauling permit may obtain a disposal permit notwithstanding the present ability of the city to serve that account.
- (b) *Frequency of pickups.* Days, hours and frequency of garbage pickups are in the sole discretion of the city manager. Restaurants and other establishments serving food for immediate consumption on or off the premises shall have garbage collection at least four times per week or as otherwise authorized by the city manager. Other nonresidential customers shall have garbage collection at least one time per week.
- (c) *Prior placement.* No garbage, trash or bulk items to be collected by a private hauler shall be placed on the right-of-way for a period longer than 24 hours, prior to collection. (d) *Collection by private contractor.* No person shall collect, convey or dispose of any garbage accumulated in the city without first having obtained a permit from the city manager. A permit shall be issued only upon the criteria set forth:
- (e) *Permit required.* Any person who wishes to obtain a permit to collect, convey or dispose of any garbage accumulated in the city must first make application to the city manager. The application shall include a cashier's check or certified check in the amount established for such permit and the established application fee for the permit. Each applicant shall submit in writing a list of its qualifications for a garbage permit. Such list shall include the following:
- (1) Evidence of adequate number of trucks to provide service, and backup level to properly service the number of customer accounts applied for.
  - (2) Certification of proper and adequate insurance coverage of not less than \$500,000.00 public liability insurance.
  - (3) Evidence of sufficient maintenance ability to meet the service needs of the number of trucks and equipment to be used by the permittee.
  - (4) Demonstration that a business office with a toll free telephone number will be operated to provide adequate response to customer inquiries or complaints. The office address shall be provided.
  - (5) Agreement that hours of service will be limited to the hours of 7:00 a.m. to 8:00 p.m.
  - (6) Agreement that all pickup of food and other putrescents from commercial establishments shall be at least four times a week, regardless of the size of the container.
  - (7) Agreement that service will not be discontinued unless written notice is delivered to the address receiving the service ten days prior to the discontinuance of service, with a copy of the notice being sent at the same time to the city manager.
  - (8) Name, address and telephone number of the person to be contacted by city with reference to the operation of this section.
  - (9) Names and addresses of the owners of the company making the application. If the applicant is a corporation, this includes a list of all officers and directors. If the applicant is a partnership, this includes a list of all partners.

- (10) The applicant shall provide a list of all felony convictions within the past ten years in federal court, or the court of any state for violation of antitrust, anticompetitive, racketeering or fraudulent practices laws with a brief description of the circumstances. This subsection also applies to all individuals listed in subsection (e)(9) of this section.
- (11) The applicant shall list any and all cities and counties from which the applicant or the principals have involuntarily withdrawn service during the five-year period immediately preceding the date of the application. The applicant shall also list any and all franchises issued to the applicant which have been suspended or revoked for the five-year period immediately preceding the date of the application with a brief description of the reason for such withdrawal.

(f) *Issuance of hauling permit.*

- (1) In determining whether to issue a hauling permit, the city manager shall consider the information provided by the applicant under subsection (e) of this section. The city manager shall determine, based on these criteria; whether the applicant has sufficient experience, ability, integrity and expertise to allow the applicant to successfully operate within the city in accord with all applicable laws and regulations. In analyzing the information provided in subsection (e)(10) and (11) of this section, the city manager shall consider the number and seriousness of the specific incidents listed.
- (2) The minimum fee for a permit shall be payable in advance on or before October 1 of each year; provided that if more is due for the quarter commencing October 1 based on the cubic yards of available container capacity, such greater amount shall be paid. All permits shall expire each September 30. However, if a permit is granted for a period of less than six months, the minimum fee shall be half the established annual permit fee in addition to the application fee. A renewal application and an application fee is required each year. Such fee shall be payable on a quarterly basis in advance within 30 days of the beginning of each quarter, and the minimum fee due under this subsection shall be credited against the fee collected on a per-cubic-yard basis as reported to the city by the hauler in accordance with subsection (f)(5) of this section. Failure to timely provide information required under subsection (f)(5) of this section or to remit the fee required under this subsection (f)(2) shall be cause for revocation of any issued hauling permit and a violation of this Code punishable as provided in section 1-8.
- (3) All changes in customer accounts, whether additions or deletions, shall be reported in writing to the city manager within five days of such change, including giving the name of such customer and the disposal permit number of such customer.
- (4) a. The city manager is authorized to designate a disposal facility named in any interlocal or private waste disposal agreement entered into by the city, and to require holders of hauling permits to dispose of waste, recyclables and other materials of a similar nature at such location. Failure by a private hauling permit holder to dispose of waste, recyclables and other materials of a similar nature at such location shall be a violation of this Code, punishable as provided in section 1-8, and shall be cause for revocation of the violator's hauling permit.
- b. Private haulers that do not deliver all solid waste collected in the city or the established quota of solid waste to the city's designated disposal facility are required to pay an equalization fee for any shortfall if the city is charged a shortfall fee by the facility. The fee may be reduced by a prorated percentage among haulers so that the equalization fees equal but do not exceed the city's shortfall charge.
- c. The fee is due and payable within 30 days of invoice by the city. The failure to pay the equalization fee, as calculated by the city, shall be cause for revocation of the private hauler's permit.
- (5) It shall be a condition of issuance or renewal of any hauling permit that the holder of such hauling permit shall report to the city on a quarterly basis at or before a date fixed by the city manager, the bulk tonnage of all materials originating within the city, conveyed, transported or disposed of by such private hauler and the following information about individual customers served by the hauler within the city:
- a. Location of service.

- b. Number, size and type of containers provided.
- c. Frequency and days of week service is provided.
- d. Duration of contract.
- e. Name and address of each account.

This requirement shall also apply to persons currently holding a hauling permit, and it shall be deemed unlawful and a violation of this Code to fail to timely make the required report.

- (6) All permitted private haulers conveying, transporting and disposing of newspapers, cardboard, paper, aluminum and similar materials suitable for recycling are required to conform to the requirements of subsection (f)(4) and (5) of this section. The exemptions provided for in section 32-647 do not relieve haulers from the requirements of subsection (f)(5) of this section.
- (g) *Appeal to city commission upon denial of permit; retention of application fee.*
  - (1) Any person who applied for a permit for garbage collection and is refused such a permit may appeal directly to the city commission for a review of the decision of the city manager.
  - (2) This appeal shall be forwarded in writing to the city manager for placement on the commission agenda.
  - (3) If a permit application is denied and no appeal is taken under subsection (g)(1) of this section or if the city commission upholds the city manager's denial of a permit, the city manager shall refund the money submitted under subsection (e) of this section less the application fee.
- (h) *Revocation of permit.* Should any person who holds a permit for garbage collection violate any of the provisions of the Code of Ordinances, or fail to do a required act of the Code of Ordinances, and should the city manager determine that a permittee is operating in a manner harmful to the health, safety or welfare of the citizens of the city, based upon the requirements of subsections (e) and (f) of this section, or in violation of such requirements, he may revoke the permit for collection of refuse after a hearing.
  - (1) Any revocation shall not be effective sooner than three days from the date of mailing and shall not be effective if the permittee requests a hearing within five days of that date. (2) The permittee shall be given at least seven days' notice of the time, date and place of a hearing to be held by the city manager or his designee. The notice shall state the charges or violations to be heard and shall be held in accordance with due process of law.
  - (3) At the conclusion of the hearing, the city manager may affirm the revocation or specify such compliance as may be necessary for compliance with this Code or applicable law.
  - (4) The decision of the city manager may be appealed to the city commission by the permittee's filing of a written request for hearing within ten days of the decision with the city clerk.
  - (5) Upon hearing, the city commission may affirm, modify or reverse the decision of the city manager.
- (i) *Disposal permits.*
  - (1) The owner, tenant, occupant, or his agent, of the premises upon or from which such garbage is produced who desires to have such garbage collected, conveyed or disposed of by a hauling permit holder shall apply to the city manager for a disposal permit upon forms to be supplied by the city manager and shall pay an annual fee. Such application shall specify the nature of the garbage the applicant will dispose. The disposal permit provided in this subsection shall be nontransferable. It shall be unlawful for any person to offer garbage for collection, conveyance or disposal to any person other than the city unless the owner, tenant or occupant of the premises upon or from which such garbage is produced has first obtained the disposal permit required in this subsection. It shall also be unlawful for any person other than the city to collect, convey or dispose of garbage produced within the city unless the owner, tenant or occupant of the premises upon or from which such garbage is produced has first obtained the disposal permit required in this subsection. It shall further be deemed a violation of this Code subjecting the holder of a hauling permit to its revocation if such holder services a customer who does not hold a currently valid disposal permit.

(2) Persons served at the effective date of Ordinance No. 87-26 by a private hauler holding a valid hauling permit and occupational license shall obtain the disposal permit provided in this subsection within 90 days of such effective date. The city manager is authorized to promulgate rules and regulations reflecting proof of service by a private hauler at such effective date.

(Code 1980, § 24-5)

**EXHIBIT 6**  
**ITE 7<sup>th</sup> Edition Trip Generation Rates**

**P.M. Peak Hour Gross Trip Generation Rates**

Land Use	Source	Independent Variable	Rate
Cinema	*	X = seats	$T = 0.052 \times X$ (48% in, 52% out)
Office	[ITE 710]	X = 1,000 s.f. GFA	$T = 1.12(X) + 78.87$ (17% in, 83% out)
Hotel	[ITE 310]	X = rooms	$T = 0.59 * (X)$ (53% in, 47% out)
Residential/ Condos	[ITE 230]	X = dwelling units	$\ln(T) = 0.82 * \ln(X) + 0.32$ (67% in, 33% out)
Commercial Retail	[ITE 820]	X = 1,000 s.f. GFA	$\ln(T) = 0.66 * \ln(X) + 3.4$ (48% in, 52% out)

**Notes:**

\* Based upon a locally-established rate agreed upon in the original traffic analysis methodology for the ADA.

All other trip generation rates are based upon data published by the Institute of Transportation Engineers (ITE) in *Trip Generation, Seventh Edition*.