

STAFF REPORT 20-824
Hallandale Oasis
037-MP-15

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Board on August 16, 2016. The property is located on 10 acres on the South side of Hallandale Beach Boulevard between Gulfstream Way and Southeast 14 Avenue, in the City of Hallandale Beach. An extension to record the plat was issued on January 23, 2018, per the applicant's request and in accordance with Florida Statutes 252.363. Therefore, the expiration date to record this plat was extended to 176 days and 6 months. The plat was recorded on February 14, 2019 (Plat Book 183, Page 246).

The current note, which was approved by the Board on August 16, 2016, restricts the plat as follows:

This plat is restricted to 60,000 square feet of office use, 50,000 square feet of commercial use, a 200-room hotel and 500 high rise units. No free standing or drive-thru bank facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to amend the plat note to decrease the office use from 60,000 square feet to 42,000 square feet, delete the 200-room hotel, increase commercial use to 60,000 square feet and high-rise uses remain the same. The proposed note would read as follows:

This plat is restricted to 42,000 square feet of office use, 60,000 square feet of commercial use, and 500 high rise units.

The applicant is advised that, in accordance with Ordinance 2013-30, effective October 4, 2013, high-rise units are defined as nine (9) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels).

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "General Commercial" land use category. The Planning Council Staff notes that the existing and proposed commercial and offices uses are in compliance with the permitted uses of the effective land use plan.

Concerning the proposed 500 high-rise dwelling units, the Planning Council staff further notes that the City of Hallandale Beach's certified land use plan permits multi-family residential and mixed residential and neighborhood commercial uses in areas designated "General Commercial" subject to the allocation of "flexibility units". The staff has received written documentation that on April 16, 2008, the City allocated 250 "flexibility units" through Resolution No. 2008-21 and on May 18, 2016, allocated an additional 250

“flexibility units” through Resolution No. 2016-67. As a result, the proposed 500 high-rise dwelling units are in compliance with the permitted uses and densities of the effective land use plan.

Regarding affordable housing, it is noted that this plat is not subject to Broward County Land Use Plan Policy 02.16.2 (formerly Policy 1.07.07), as it is not the subject of a Broward County Land Use Plan amendment.

Concurrency Review

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents a decrease of 118 PM peak hour trips. The plat is located within the Southeast Transportation Concurrency Management District and meets the regional road network standards specified in Section 5-182(a)(5)(b) of the Broward County Land Development Code.

Impact Fees

This plat includes a total replat of the Regency Plat (Plat Book 111, Page 29). The underlying Regency Plat was subject to road impact fees of which road impact fees were paid in the amount of **\$27,506** for an approved 50,375 square feet of office use. This amount may be credit towards future concurrency fees. Also, at the time of plat application, 62,285 square feet of office use, 12,762 square feet of commercial use and a 4,444 square foot bank existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, 11,910 square feet of office and the commercial uses may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. **No credit will be granted for demolition occurring more than eighteen (18) months prior to the review of construction plans submitted for County Environmental Review Approval. Credit will be applied either for fees previously paid, or for demolition, but not for both.**

In addition, it was noted that an existing structure (Building 1100) was previously converted from 6,250 square feet of office use to a commercial gym without environmental review approval or the payment of County impact fees. Therefore, unless Building 1100 is demolished, transportation concurrency fees in the amount of **\$8,222** are due for the conversion of Building 1100 from office to commercial gym use due to the increased trips.

Reviewing Agency Comments

On September 17, 2018 the City of Hallandale Beach approved this plat note amendment (Resolution No. 2018-099).

This application has been reviewed by Highway Construction and Engineering Division staff who has no objections to this request.

The attached pre-application letter from the Florida Department of Transportation (FDOT) indicates approval of the proposed modifications of the site are subject to the conditions and comments contained therein. The applicant is advised to contact Dalila Fernandez, FDOT Access Management, at 954-777-4363 or dalila.fernandez@dot.state.fl.us.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

The Broward County Aviation Department has no objections to this plat. However, the information submitted with this plat application does not indicate the height of any proposed buildings. The applicant is advised by staff of the Aviation Department that any proposed construction on this property with a height exceeding 200 feet, or the use of cranes or other high-lift equipment, must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply to this development. Based on the location of the proposed project, the FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on previously recorded resource(s).

- 1) The subject property is adjacent to: BD04259 Gulfstream Park Race Track (Not Evaluated by SHPO), BD04261 Gulfstream Park: Turf and Dirt Tracks (Not Evaluated by SHPO), BD04229 Gulfstream Race Track (ineligible for NRHP), and BD04260 (Not Evaluated by SHPO)

The consulting archaeologist also notes that this property is located in the City of Hallandale Beach and is outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. The property owner/agent is advised to contact Vanessa Leroy of the City of Hallandale at 954-457-1300 or vleroy@cohb.org to seek project review for compliance with the Broward County's historic preservation regulations. In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **May 19, 2021**.

The amended note must also include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **May 19, 2025**, then the County's finding of adequacy shall expire, and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **May 19, 2025**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

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