



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Applicant :	CVS 10078 FL, LLC	Meeting Date:	April 23, 2014	
Project Name:	CVS Pharmacy	Project Address:	2101 E. Hallandale Beach Blvd.	
Application #:	#54-12-DB	Application Type:	Major Development Review	
Planning District:	Diplomat/Three Islands	Quasi Judicial: <i>(Enter X in box)</i>	YES	NO
			X	
Parcel Size:	2.36 acres	Public Hearing: <i>(Enter X in box)</i>	YES	NO
			X	
Existing Zoning :	CCB, Central City Business District; PRD, Planned Redevelopment Overlay District and PDD, Planned Development Overlay District			
Existing Use:	Vacant Lot			
Proposed Use:	CVS Pharmacy			
Comprehensive Plan Future Land Use Designation:	Commercial, General	Surrounding Existing Use:		
		N: Hallandale Beach Fire Station S: Bank E: Wal-Mart/Seawalk Point Commercial Center W: Hotel and RK Diplomat Center		
Surrounding Zoning:		Strategic Plan Priority Area: <i>(Enter X in box)</i>		
N: Community Facility District S: Central City Business District and Planned Redevelopment Overlay District E: Central city business District Planned Redevelopment Overlay District, and Planned development District W: Central City Business District and Planned Redevelopment Overlay District		Cohesive Visual Appeal	<input checked="" type="checkbox"/>	
		Civil & Respectful Government	<input type="checkbox"/>	
		Create Local Jobs	<input checked="" type="checkbox"/>	
		Economic Development	<input checked="" type="checkbox"/>	
		Improve City Infrastructures	<input type="checkbox"/>	
		Improve Safety, Security & Comfort of Residents	<input type="checkbox"/>	
		Operational Excellence	<input type="checkbox"/>	
Quality of Life	<input checked="" type="checkbox"/>			
Vibrant Destination	<input checked="" type="checkbox"/>			
Sponsor Name:	Althea Jefferson, AICP, Planning & Zoning Manager	Prepared By:	Christy Dominguez, Principal Planner	

REQUEST

The Applicant, CVS 10078 FL, LLC, is requesting approval of Application #113-13-DB for Major Development Review in order to construct a one-story CVS Pharmacy at 2101 E. Hallandale Beach Boulevard.

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 non-residential development with more than 4,000 square feet in floor area.

Related Actions

On January 3, 2006, the City Commission approved Application # 54-05-DB by V- Strategic Group for the European Club Project, a 29 story mixed use building consisting of 12,208 square feet of bank space; 91,032 square feet of office space; 5,638 square feet of office retail space; 25,604 square feet gym and spa facility; a hotel with 170 condominium hotel units with 16,234 square feet of hotel accessory uses and 118 residential units. The City also entered into a Development Agreement with V-Strategic Group which was approved and executed. The project was not built and approvals expired on February 1, 2011.

Development Details

The applicant's plans and backup depict the following:

1. A 2.36 acre vacant parcel at the northwest corner of the intersection of Three Islands Boulevard and E. Hallandale Beach Boulevard.
2. A one-story CVS Pharmacy, with a total of 14,290 square feet and an overall building height of 24'-4" to 30 feet to top of mansard.
3. A total of 76 parking spaces are proposed and 48 are required (28 spaces extra).
4. A proposed building front yard setback of 144 feet. (A maximum of 15 feet front yard setback is allowed).
5. Existing 5 feet wide concrete sidewalks along East Hallandale Beach Boulevard and Three Islands Boulevard to remain.
6. A total of 78 trees for credit are provided consisting of Pigeon Plums, Silver Trumpets, Slash Pines, Bald Cypress, Montgomery Palms and 8 existing Royal Palms, (69 trees are required).
7. Masonry dumpster and compactor enclosures in the rear of the building.
8. Wall signs on the south and east building elevations.
9. One loading zone 1 feet x 50 feet in the rear of the building (2 loading zones are required).
10. 39% of the site will be landscaped (15% is required).
11. An existing bus shelter and proposed 10 feet x 3 feet bus shelter easement on East Hallandale Beach Boulevard and an existing bus stop and proposed 10 feet x 20 feet bus shelter easement on Three Islands Boulevard.

Interdepartmental Review

The Development Review Committee (DRC) met several times on the subject application. Comment/issues identified by the DRC were discussed with the applicant during DRC review of the application. The applicant addressed some of the comments raised by the DRC, such as,

increasing the amount and size of plantings, providing enhanced bus shelter areas, and improvements to the building façade and finishes. The applicant did not agree to other staff recommendations such as, construction of a two story building and setting the building closer to the street as required by Code; utilizing the CVS store building prototype located at Pembroke Road and US 1; or, decreasing the number of excess parking for the project. Thus, the aforementioned were not incorporated into the final plans.

Comprehensive Plan Considerations

The Future Land Use designation of the subject property is General Commercial. Staff finds that this development is consistent with the City's Comprehensive Plan; specifically, the General Commercial designation permits retail uses. 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 1.2.11: 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 1.5.4: 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.

(The entire City is within an urban in fill area.)

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

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.

The project was also reviewed for conformance with the following policies:

POLICY 1.2.2: Hallandale Beach Boulevard: The City shall continue to utilize the City's Zoning Code, Land Development Regulations, Citywide Master Plan and the Design Guidelines Manual in review of development and redevelopment within the Hallandale Beach Boulevard Corridor.

POLICY 1.5.7: Development and redevelopment along Hallandale Beach Boulevard and U.S. 1 shall continue to be reviewed and evaluated based on guidelines established for these corridors in the City's Zoning Code, Land Development Regulations, the Citywide Master Plan and the Design Guidelines Manual.

Applicable Codes and Ordinances

1. The subject property is zoned Central City Business (CCB) District. The Planned Redevelopment Overlay (PRD) District and Planned Development (PDD) Overlay are also assigned to the property. A retail pharmacy is a permitted use in CCB District.
2. Section 32-174 (i) provides assignment of PDD as an optional zoning procedure to permit site design flexibility and greater land use intensity in order to encourage high quality innovative development and promote its most appropriate use consistent with Comprehensive Plan policies. Development in PDD is governed by a development agreement pursuant to Section 32-174(d)(2).

The required development agreement to govern the development of this parcel will be presented directly to the City Commission for their consideration, as required by the aforementioned section.

3. All site development standards within a PDD are to be negotiated between the City and the applicant as part of the development process in accordance with. Applicable City codes, regulations and standards set forth in the City’s Design Guidelines Manual. PDD zoning provides the flexibility to determine the appropriateness of a code modification based on the suitability to the specific site rather than the variance process.
4. As stated previously, the subject property was rezoned by the City to PDD on January 17, 2006. The applicant is requesting site modification waivers as allowed for PDD properties from the following code requirements, as further discussed in items 6 thru 10 below:

Code Standard	Required/Allowed	Proposed	Deficiency
1. Maximum Front Yard Setback	15 feet	144 feet	129 feet
2. Building stories/height	2 stories/30 feet height	1 Story/24 feet	1 story/6 feet
3. Loading Zone	2 spaces	1 space	1 space
4. Façade street frontage	60%	44.4%	15.6%
5. Building facade treatment	40% window treatment	South wall (front)- 17% North wall (rear)- 0% West- 0% East (3 Islands Blvd.)- 7%	23% 40% 40% 33%

5. Section 32-175 (f) (3), CCB District allows a maximum front yard setback of 15 feet. In addition, Section 32-176(g)(5) PRD Overlay District requires new development to provide a street definition line not exceeding 15 feet from the front property line.

The following setbacks are proposed:

	Required	Provided	Deficiency
Front	15 feet max	144 feet	129 feet
Rear	15 feet	147 feet	-0 -
East	0 feet	83 feet	-0-
West	15 feet	38 feet	-0-

The proposed building exceeds the maximum front yard setback allowed. The building is setback 144 feet from East Hallandale Beach Boulevard and the maximum allowed is 15 feet, a deficiency of 129 feet. Since the proposal does not meet the specified setback, the applicant is requesting a waiver from the Code requirement.

6. Pursuant to Section 32-175 (f) (3), buildings in CCB District must be a minimum of 2 stories and 30 feet in height. The proposal is for a one story building with a height of 24 feet to the roofline and 24'-4" to 30 feet height to the top of mansard. As a result, a waiver from this requirement is also requested.
7. Pursuant to Article III, Section 32-176(g) (4) requires new commercial buildings within PRD shall have facades that occupy at least 60 percent, but no more than 80 percent of the lot.

The development parcel is 218 feet in width. The proposed building façade occupies 44% of the lot width along the street front of East Hallandale Beach Boulevard, less than the minimum of 60% required by Code. Therefore, a waiver from this requirement is also requested.

8. Section 32- 176 (g) (4) sets transparency standards for new commercial buildings with PRD that allow no more than 40% of any individual building to be a blank wall without window treatment.

The proposed building elevations provide 17% window/glazing on the front elevation and 7% glazing on the east (Three Islands Boulevard). No glazing is provided in the rear or west elevations. Therefore, a waiver from this code requirement is also requested.

9. Pursuant to Section 32-457, Off-Street Parking and Loading, two loading spaces are required for retail and service establishments with 10,000 to 40,000 square feet of gross floor area. Loading spaces must be a minimum of 12 feet x 50 feet in length.

The proposed development has a total of 14,290 square feet of gross floor area; therefore, two loading spaces are required. The applicant provides only one loading space, and is seeking a waiver for the one loading space not provided.

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

The proposed retail pharmacy will have 14,290 square feet. Based on the aforementioned standard, 48 spaces are required and 76 spaces are proposed. Thus, the proposal exceeds the Code requirement by 28 spaces.

Per Section 32-454, any proposed site plan requiring 20 or more parking spaces that provide an excess of 25% of the required minimum shall be approved by the City Commission. The applicant provides 36.85% excess parking. Therefore, approval of the excess parking by the City Commission is also required.

11. Based on the 2.36 acre parcel, the applicant is required to install 69 City approved trees. A total of 78 trees for credit are provided consisting of Pigeon Plums, Silver Trumpets, Royal Palms, Slash Pines, Bald Cypress, and Montgomery Palms. The proposed plantings meet the Code requirements.

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 project site currently consists of a vacant lot. There are 8 existing Royal Palms on the property which will be preserved.

2. Open Space

The applicant is proposing 19.16 percent of the property will be landscaped area, exceeding the 15 percent required by Code. According to the plans, the property will be landscaped with various species for credit such as, Royal Palms, Silver Trumpets, Pigeon Plums, Bald Cypress, and Montgomery Palms.

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 subject parking and access areas have been designed for effective emergency and vehicle approach with adequate lane widths to help increase ease of circulation and navigation and proper parking space dimensions. The drive-through facility is located on the north side of the building designed with the proper number of stacking spaces and a by-pass lane.

Pursuant to Section 32-454, any proposed site plan requiring 20 or more parking spaces that provide an excess of 25% of the required minimum shall be approved by the City Commission. Forty-eight (48) parking spaces are required and 76 parking spaces are provided, which equates to a surplus of 28 spaces or 36.85% excess parking. Staff recommended to reduce the excess parking and instead, provide additional landscaped area or public open space; however, the applicant did not agree, thus 76 spaces are provided per the plans.

4. Access Control

The parking area has been designed with a right-in/right-out driveway accessed from Hallandale Beach Boulevard, and a secondary two-way drive from Three Islands Drive that allows for north and south bound traffic exiting the project.

The location of the driveway on Hallandale Beach Boulevard has received preliminary approval by Broward County Engineering Department and the Florida Department of Transportation (FDOT).

5. Public Transportation

Public transportation is available on East Hallandale Beach Boulevard adjacent to the property which has an existing bus shelter. There is also a bus stop on Three Islands Boulevard, adjacent to the property, however, there is no bus shelter at this location. The applicant has agreed to contribute towards the City's Bus Shelter Program for the installation of a bus shelter at this location. The applicant has also agreed to dedicate a 10 feet x 32 feet easement for an enhanced bus shelter on Hallandale Beach Boulevard and a 10 feet x 20 feet bus shelter easement on Three Islands Boulevard.

6. Community Services

The required bulk waste receptacle will be located in a masonry dumpster enclosure in the rear of the site accessible from Three Islands Boulevard. The proposed enclosure location is satisfactory for proper servicing by city 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 a one story building with a total of 14,290 square feet and a parking lot with 76 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, transportation 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 1,429 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 \$6,930.65 in water impact fees 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 8.7135 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 1,429 gallons per day. There is sufficient capacity to maintain this development. The developer will be required to pay the City approximately \$9,574.30 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 706 daily trips and 72 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 \$99,082.00. The fee is 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.

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, the applicant intends to incorporate Green Building principles into the building's design and operation, which will be specified in the required Development Agreement.

11. Required Developer's Community Meeting

The applicant held the required Developer's Community Meeting on February 13, 2014 to present the project in a public forum. The meeting was advertised, and notices were mailed to area residents within a ½ mile radius from the site in accordance with Section 32-1003 of the City's Code.

12. Financial Impact

The proposed development will generate approximately \$9,995.00 in real estate taxes, based on a market value of approximately \$1.9 million.

13. Design Guidelines

Properties zoned Planned Redevelopment and Planned Development Overlay Districts (PRD/PDD) are also subject to the City's adopted Design Guidelines. The proposed development has been found to be generally consistent with the design guidelines. However, it is inconsistent with specific established guidelines for PRD zoned properties, such as, building placement, building façade frontage, number of stories and glazing requirements.

Staff Recommendations

Staff has conducted a comprehensive analysis of the subject applications and has determined the applicant's proposal meets the requirements for Major Development Plan approval relative to concurrency and general code requirements with the exception of the requested waivers.

The subject property is located within the Hallandale Beach Gateway East Center per the City's Master Plan and is zoned Central City Business District, a commercial district which permits the proposed retail use.

The intent of the CCB District is as follows:

- a. Encourage commercial and office uses which enhance and support financial and upscale office professional based industries;
- b. Promote the development of mixed use projects with an emphasis placed on upscale office and commercial projects combined with upper floor residential;
- c. Promote the creation of a pedestrian-friendly environment; and,
- d. Encourage more compact vertical development instead of sprawling horizontal development within the district.

The Code provision also states: *it is also intended that within the CCB, the City Commission will exercise the ability to maximize redevelopment potential and provide for high-quality development by setting standards that are site-specific when appropriate and consider specific constraints and opportunities relative to the parcel.*

In staff's opinion, the proposed development is inconsistent with the purpose and intent of the CCB District stated above which seeks to encourage more intense urban development closer to the street than the proposed suburban, 14,290 square feet building, setback 144 feet from the street on 2.36 acre. It also inconsistent with the City's Zoning Code and Design Guidelines for properties within the PRD Overlay District in regards to building placement, building façade, number of stories and glazing requirements.

The adopted Citywide Master Plan implementation strategies for the Hallandale Beach Gateway East Center also calls for the creation of a continuous street frontage building line. The Citywide Master Plan Vision Statement is: "*shape development of a vibrant, mixed use, sustainable, pedestrian-oriented urban environment with an appealing character and sense of place.*" In staff's opinion, the proposed development is also inconsistent with this Vision.

Although the proposal is an underutilization of a high visibility location within the Gateway East area, the majority of residents from the area expressed support for the project at the required Community Meeting for this project. The residents believe the proposed development is a lower traffic generation use than the development permitted by the zoning district. Residents also expressed the proposed use would provide a convenience to the surrounding neighborhood.

PDD Overlay District is assigned to the property. The objective of PDD is to enhance properties and surrounding areas while allowing flexibility in development. Adoption of PDD was predicated on the City's desire to promote development of underutilized properties, in need of revitalization, or prime for redevelopment.

The applicant made an effort in addressing some of staff's comments during the DRC process by enhancing the building elevations and substantially landscaping the property; however, in staff's opinion, the requested waivers are not due to site constrains. The 2.36 acre site can accommodate a development that is consistent with the City's requirements for the CCB District.

Based upon the findings of facts contained herein, staff cannot support approval of the application and therefore recommends denial. However, should the Planning and Zoning Board decide to recommend approval to the City Commission, staff recommends that such approval be subject to conditions stated in item A, below.

PROPOSED ACTION:

The Planning and Zoning Board may:

- A. Recommend the City Commission **approve** Application #54-12-DB **subject to the following conditions:**
 - 1. Payment of approximately \$ 6,930.65 water impact fee.
 - 2. Payment of approximately \$ 9,574.30 sewer impact fee.
 - 3. Payment of approximately \$ 99,082.00 transportation mitigation cost.
 - 4. Provide a 10 feet by 32 feet bus shelter easement on East Hallandale Beach Boulevard and a 10 feet by 20 feet easement on Three Islands Boulevard
 - 5. Eliminate or reduce the number of excess parking from the surplus of 28 spaces and increase green area as determined by the City Commission.
 - 6. Further enhancement of the building elevation and materials to be similar to the

- Pembroke Road store to the satisfaction of the Development Review Committee.
7. Approval and Execution of the required Development Agreement by the applicant and the City stipulating agreed conditions.

or,

- B. Recommend the City Commission **deny** Application # 54-12-DB.

ATTACHMENT(S):

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