



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: February 14, 2012

TO: Robert Baldwin, City Manager *Robert Baldwin*

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, LEED Green Associate, Principal Planner *CL*

SUBJECT: **SP-58-08, VA-59-08, and VA-01-12:** The applicant, Jorge Fallad, is requesting a new landscape and parking variance and a site plan modification for a property located at 102 N. Federal Highway.

VARIANCES

1. Chapter 28, Section 275-110
 - a. To allow a three (3) foot landscape buffer adjacent to residential (on north east); code requires a ten (10) foot landscape [Section 275-110(D)].
 - b. To provide no wall adjacent to residentially used property; code requires a six (6) foot masonry wall adjacent to residentially used property [Section 275-110(D)(1)].
 - c. To provide no hedge; code requires a hedge planted 1 shrub for every 3 feet adjacent to residentially used land [Section 275-110(D)(3)].
2. Chapter 28, Section 275-190 (D)
 - a. To provide zero (0) shade/canopy trees; code requires 40% of total trees shall be shade trees, Category 1 (reaching 50' height or width).
3. Chapter 29, Section
 - a. To allow 6 parking spaces for a retail showroom/office use; code requires 10 parking spaces.

SITE PLAN MODIFICATION

To approve site plan modifications changing the previously approved landscape and parking provided on the site plan.

PROPERTY INFORMATION

ZONING:	City Center (CC)
LAND USE DESIGNATION:	Regional Activity Center (RAC)
OVER LAY DISTRICT:	Community Redevelopment Area (CRA), Principal Arterial Commercial Design Standard Overlay District.

This site plan was originally approved on August 22, 2006. The applicant has received two site plan extensions from the City Commission. On September 8, 2010 the applicant submitted an application to modify the previously approved site plan. On January 3, 2012 the applicant submitted a landscape variance addressing the shortcomings of the site plan modification. On January 20, 2012, the applicant submitted a parking variance addressing one (1) missing parking space. The applicant currently occupies the site where he sells and displays ornamental iron work.

The applicant has made significant changes to the building elevation which was originally constructed as a gas station.

VARIANCES

LANDSCAPING

Three (3) of the variances requested are related to buffering requirements next to residential, which exists at the northeast corner of the property. This property is a built site with existing non-conforming design in several areas, one of which is landscape buffering. The applicant is not building a new building. However, because the property was vacant for several years, the site is required to meet today's code requirements for landscaping.

Variances are requested to reduce the width of the landscape buffer, to provide no wall, and no hedge. The first variance requested (1.a.) is to allow a three (3) foot landscape buffer adjacent to residential when code requires a ten (10) foot landscape buffer. This is an existing condition of the site. The area in question is paved.

The second variance request (1.b.) is to provide no wall adjacent to residentially used property when code requires a six (6) foot masonry wall. Both the subject property and the neighboring property are existing buildings. In addition, the majority of the activity on the subject site will occur on the west side of the property, where merchandise is displayed and the commercial entrance is located. A metal picket fence is provided along the northeast property line.

The third variance request (1.c.) is to provide no hedge adjacent to residentially used land. While the landscaped area provided along the northeast property line (adjacent to a residential use) is narrow, sufficient space exists to accommodate a landscape hedge. As such, staff objects to this variance request and recommends installation of a Podocarpus hedge or similar plant material due to the limited space.

The fourth variance request (2.a.) is to provide no shade/canopy trees when the code requires 40% of trees on site to be shade trees. A shade tree is considered to be a tree which grows to reach a height or width of 50 feet. The applicant is proposing a total of 16 trees: 8 Silver Buttonwood trees and 8 Sable Palms. The intent of the applicant is to provide landscape material that offers visibility of his property and merchandise.

PARKING

Required parking is based on use. The project will provide 4,262 square feet of retail showroom area and an accessory 348 square feet of office space, which requires a total of 10 parking spaces under the City Center zoning designation. The approved site plan provided 2 new parking spaces on the west side of the building and 5 parking spaces on the east for a total of 7 parking spaces. A variance for 3 parking spaces was granted.

The modified site plan provides only 6 parking spaces. The applicant is requesting a new parking variance (3.a.) addressing the reduction of onsite parking from 7 to 6. The business is seldom occupied by more than 2-3 cars.

As part of the adoption of the Unified Land Development Code (ULDC) on September 14, 2010, the City Commission adopted the payment in lieu parking program in recognition of the need for additional public parking in the downtown area. In accordance with section 265-92 ULDC, the owner of a property may request a waiver of a portion of the required off-street parking spaces through payment of a fee-in-lieu of providing required parking. The

payment-in-lieu of parking fees shall be deposited in the city's designated payment-in-lieu of parking fund and shall be used to pay for the costs of acquiring land, or development of parking improvements to off-street or on-street parking areas. The total number of required parking spaces that can be provided through contribution of the payment-in-lieu of parking fee may not exceed thirty (30) percent of the amount of off-street parking required by code for the site. The total spaces required for this use is eleven, therefore three parking spaces may be provided by contribution to the payment in lieu. In accordance with the payment in lieu program, the cost per parking space is \$6,500. The ULDC outlines specific payment options for the applicant.

In accordance with Section 625-40 of the ULDC, variances may be granted when:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) Granting the variances requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures in this same zoning district;
- (4) Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this code and would work unnecessary and undue hardship on the applicant;
- (5) The variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and
- (6) The variances granted will be in harmony with the general intent and purpose of this Land Development Code, and that such variances will not be injurious to the area involved or otherwise detrimental to the public welfare.

SITE PLAN MODIFICATION

Vehicle access to the west side of the property is restricted to NE 1st Avenue; a pedestrian gate is shown on US 1. The owner exhibits stone, wrought iron, aluminum, and wood work in the front yard. The applicant has been made aware that the previous and current zoning prohibits any fabrication or assembly work. In addition, outdoor storage is also prohibited at this location. The current business contains some decorative signage not permitted by Code. The use of front yard exhibits and decorative signage is at the discretion of the City Commission and was previously approved with the restriction that the maximum height of "art" display outside would not exceed the building height of 16 feet (per Resolution No. 2009-219).

The site plan modification is proposed to allow for the variances requested and to remove 2 of the conditions identified in the previous resolution

1. Provide awning over windows on south side of building, per Resolution No. 2009-219. **Request for City Commission to change the requirement.**
2. Add faux windows on south elevation, for a total of 4 windows, per Resolution No. 2009-219. **Request for City Commission to change the requirement.**

The site plan modification was reviewed by the BSO Fire Marshal, City Engineer, the City's landscape consultant, Community Development and CRA staff. The applicant was able to address all of staff's fire and engineering comments. The variances applied for will address the landscape and planning comments.

There are no outstanding code violations on this property, however, the property owner has submitted an after-the-fact permit for the installed pavers on the east side of the property.

This property is located within the Community Redevelopment Agency (CRA) and the request has the support of the CRA Director.

PREVIOUS CITY COMMISSION ACTION

On November 10, 2009, the City Commission approved a one (1) year extension of a previously approved variance and site plan.

On October 28, 2008, the City Commission approved a variance and site plan extension for one (1) year with conditions and a newly introduced two (2) part phasing plan.

On August 22, 2006, the City Commission approved with conditions the building color, yard exhibits, site plan and variance to provide 9 parking spaces on site, at that time 12 parking spaces were required.

STAFF RECOMMENDATION

VARIANCES

LANDSCAPING

- 1.a. Landscape buffer adjacent to residential.
Approve.
- 1.b. Wall adjacent to residential.
Approve.
- 1.c. Hedge adjacent to residential.
Deny.
- 2.a. Shade/canopy trees.
Approve.

PARKING.

- 3.a. To allow a total of 6 parking spaces on the site.
Applicant to participate in the payment-in-lieu of parking for the one space the applicant is requesting to waive.

SITE PLAN MODIFICATION

Approve, provided the above referenced variances, except variance number 1.c., are granted, and a Podocarpus hedge or similar material is planted along the northeast property line.



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643
 (954) 922-2687 Fax



Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: _____

Date Rec'd: _____

Petition No.: VR01-2012

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: 102 North Federal Highway

Lot(s): 22&23 Block: 11 Subdivision: Town of Modelo (Dania) B-49 D

Recorded Plat Name: Town of Modelo (Dania) B-49 D

Folio Number(s): 504234011710 Legal Description: See attached
Jorge M. Fallad

Applicant/Consultant/Legal Representative (circle one) _____

Address of Applicant: 102 North Federal Highway Dania Beach, FL. 33004

Business Telephone: 954 929-9982 Home: 786 489-5020 Fax: 954 929-9787

E-mail address: jorgefallad@comcast.net

Name of Property Owner: Jorge Fallad & Maria Velez

Address of Property Owner: 102 North Federal Highway Dania Beach, FL. 33004

Business Telephone: 954 929-9982 Home: 786 489-5020 Fax: 954 929-9787

Explanation of Request: Variance

*For Plats please provide proposed Plat Name for Variances please attach **Criteria Statement** as per Section 625.40 of the Land Development Code.*

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Charles D. Burdakov (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 2 DAY OF January, 2012

By: MARIA A VELO
(Print name of person acknowledged)
[Signature]
(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public - State of Florida)


Personally known _____ or Produced Identification F.I.D.L.
Type of identification produced: F.I.D.L. or Drivers License F430-433-62-142-0
V420-541-65-721-0

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

Charles O. Buckalew
Consulting Engineering Services, Inc.

801 S. Ocean Drive, Suite 201
Hollywood, Florida 33019

Phone (954) Mobile: 558-1189
Fax: 926-7810

Mrs. Corrine Lajoie
City of Dania Beach
Community Development Department
100 West Dania Beach Boulevard
Dania Beach, Florida 33004

Revised February 3, 2012

**RE: Ornamental Home Design
@ 102 North Federal Highway
Sp-58-08
Project No. 11-499**

Dear Mrs. Lajoie,

The Ornamental Home Design Site was originally a gas station with absolutely NO landscaping or parking on the site. The owner has improved the site immensely by fencing the display area which was originally vehicular use areas, and has architecturally enhanced the building to make it look like the entrance to Dania Beach Downtown Areas.

Other City have a reduced landscaping code requirement for existing buildings being renovated so that a portion of the code can be met without hindering the existing site totally.

The following previously Approved by the Commission Items are:

1. Provide Awnings over windows on south side of the building per Resolution No. 2009-219 If you review the attached picture the area has been enhanced with a wooden type garage doors and metal type framed windows and architectural features use to enhance this south side of the building. We feel that this presently looks better than the proposed awning over the windows, and would be out of character for the building.
2. Add faux windows on south elevation for a total of four (4) windows per Resolution No. 2009-219. Again see response for item number one, above.

We are respectfully asking for a Variance to the Current Landscape Code and Zoning Code for the Following areas;

3. New Landscaping Variance

a. Ten (10) trees (double Row) are required as perimeter buffer (1: 40 linear feet) where adjacent residential land use. The trees indicated for a portion of this requirement are one sabal palm tree. The residential building faces N.E. 1st Avenue. And a buffer hedge is provided for the three car parking area.

b. Twenty percent (20 %) of VUA is required to be landscaped. The trees that are counted for this requirement are one sabal palm. The site has a total of six parking spaces only.

Ornamental Home Variance

Page Two

- c. Five (5) Foot landscaped area required adjacent to building (on west Side) and zero is provided. The site again was a gas station and potted plants are distributed through the site.
- d. Forty Percent (40 %) of total trees shall be shade trees category 1 (reaching 50 feet height or width- Silver Buttonwood does not meet this requirement. The sabal palms and silver button wood palms and trees total sixteen (16) for this site. The
- e. Ten (10) foot landscape buffer adjacent to residential (on North Side) 3 feet is provided.
- f. Six (6) foot high masonry wall adjacent to residential used property.

The following is in response to the City Comments dated October 27, 2011 in regards to the above referenced project.

Landscaping:

1. Identify Material: The legend shows the palms, trees, and hedge materials. A second Landscape sheet has been added. All planters shall have white rock stones.
2. Completion of Work: The project will be completed sixty days after the approval of the City.
3. Code Violation work; This last code violation is the landscaping and this will be completed upon approval of the City.
4. After the Fact permit: This has been resolved t with the building department.
5. Maximum height of the art displayed shall not exceed 16 feet per Resolution: This is being adhered to.
6. Awning over the windows on the south side of the building. Per Resolution 2009-219: This side of the building has an architectural feature with iron work and roof line braces We would like to ask the Town Council to revise this requirement..
7. Faux windows on south elevation per Resolution No. 2009-219 see number 6 comments. Again we would like to ask the City Council to revise this requirement and keep as shown. See attached Photos.

The handicapped detectable warning and slope has been shown for the handicapped parking space. Please remember that the original site was a gas station, which had no landscaping, and now every landscaped area had to be cut out through the existing concrete or asphalt area.

Parking:

The Parking code requires a total of six parking spaces the site due to adding a formal handicapped space will have only five (5) parking spaces.

The nature of the business being a specialty item and /or destination point and walk in traffic justifies the reduction of one space for the site. The Owner and staff only occupy two of the five spaces at any time. Off Street Parking is available in the area. Like the old days people are asked to walk and browse around shopping in the area.

Ornamental Home Variance
Page Three

VARIANCE CRETERIA

1. Special conditions and circumstances exist which are peculiar to the land, structure or building; The site was an existing gas station which was built in the early 60's, This site had no landscaping or parking, most likely because zoning codes were no in affect at the time. The setbacks to the adjacent properties which are only five feet prohibit the installation of the normal trees and landscaping which are on a site.
2. Special conditions or circumstances do not result from the actions of the applicant.: The owner purchased the site not as a gas station but retail commercial sales of unique and ornamental products which are very unusual and enhance any building or home.
3. Granting the variance requested will not confer the applicant any special privilege that is denied by this code to other lands, buildings or structures in the same zoning district. I believe that this site is the only site like it in the City and by granting this variance will not give any special privileges to the applicant or site.
4. Literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the same terms of the code and would work unnecessary and undue hardship on the applicant.: The hardship is basically the number of trees required around the site cannot be adhered to without limiting the visibility to the site and the retail products displayed.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.: The variance if granted will allow the site to be visible from the street and the allow the normal retail sales to operate in a normal fashion.
6. The variance granted will be in harmony the general intent and purpose of this Land Development Code and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.: This site has been improved by the applicant and by granting this variance the downtown area has been enhance to promote walking and shopping like the old days.

If you have any additional comments or questions please feel free to contact this office.

Very Truly Yours,
Charles O. Buckalew
Consulting Engineering Services, Inc.



Charles O. Buckalew
President

cc: Ornamental Home

RESOLUTION NO. 2009-219

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY PROPERTY OWNER JORGE FALLAD, ORNAMENTAL DESIGNS, FOR AN EXTENSION TO THE APPROVED VARIANCE (VA-59-08) BY RESOLUTION 2008-206 AND SITE PLAN (SP-58-08) BY RESOLUTION 2008-207, GRANTED ON OCTOBER 28, 2008, FOR PROPERTY LOCATED AT 102 NORTH FEDERAL HIGHWAY, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 28, 2008, pursuant to Resolution No. 2008-206, the City Commission approved a variance request to allow 7 parking spaces associated with a retail showroom/office use (Chapter 28, "Zoning", Article 21, "Downtown Transit Oriented Development (TOD) District" requires 10 parking spaces); the property is located at 102 North Federal Highway, Dania Beach; and

WHEREAS, on the same date, pursuant to Resolution No. 2008-207, the City Commission approved a site plan request (SP-58-08) for the proposed modification of existing buildings to allow a decorator retail showroom and office for the property; and

WHEREAS, property owner Jorge Fallad, Ornamental Designs, is requesting an extension of the approvals associated with the above described project until October 27, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the request to extend the expiration date of the approvals to October 27, 2010 for the site plan and variance requests are approved, subject to the conditions previously approved by the City Commission as follows:

1. Change color of building to meet code, i.e. pastel.
2. Provide additional information regarding courtyard display.
3. Maximum height of "art" displayed outside should not exceed height of building, which is 16 feet.
4. Additional palm trees should be added to the planting beds on the west side of building.
5. Additional palm trees should be planted between the 2 oaks on the south elevation.
6. Provide additional architectural treatment to south elevation.
7. Provide awnings over windows on south side of building.

8. Add a faux window on south elevation, for a total of 4 windows.
9. Provide additional architectural treatment to east building elevation.
10. Consider installing solar lights, especially along the west façade.

Section 2. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 3. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on November 10, 2009.

Anne Castro

ANNE CASTRO
MAYOR-COMMISSIONER

ATTEST:

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK



APPROVED AS TO FORM AND CORRECTNESS:

Thomas J. Ansbrosio
THOMAS J. ANSBROSIO
CITY ATTORNEY

RESOLUTION NO. 2008-207

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY PROPERTY OWNER JORGE FALLAD, ORNAMENTAL DESIGNS, FOR PROPERTY LOCATED AT 102 NORTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 8.4 of Article 1 of Chapter 8 of the Code of Ordinances of the City of Dania Beach, Florida, states that a site plan is required as a condition to the issuance of a building permit; and

WHEREAS, property owner Jorge Fallad, Ornamental Designs, is requesting site plan approval (SP-58-08) for the proposed modification of existing buildings to allow a decorator retail showroom and office for property located at 102 North Federal Highway in the City of Dania Beach; and

WHEREAS, the Planning and Zoning Board on October 15, 2008, recommended that the City Commission grant the site plan request (SP-58-08), based upon the criteria set forth in Section 8.4 of Article 1 of Chapter 8 of the Code of Ordinances of the City of Dania Beach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That that certain application (SP-58-08) for site plan approval, a copy of which is attached and made a part of this Resolution as Exhibit "A" is approved with the following conditions:

1. Change color of building to meet code, i.e pastel.
2. Provide additional information regarding courtyard display.
3. Maximum height of 'art' displayed outside should not exceed height of building, 16 feet.
4. Additional palm should be added to the planting beds on the west side of building.
5. Additional palm should be planted between the 2 oaks on the south elevation.
6. Provide additional architectural treatment to south elevation.
7. Provide awnings over windows on south side of building.

8. Add a faux window on south elevation, for a total of 4 windows.
9. Provide additional architectural treatment to east building elevation.
10. Consider installing solar lights, especially along the west façade.

It is further noted that the original site plan is maintained in the office of the Community Development Department of the City of Dania Beach.

Section 2. That based upon the criteria set forth in Section 8-4(p) of Article 1 of Chapter 8 of the Code of Ordinances of the City of Dania Beach, all site plan approvals shall automatically expire and become null and void unless building permits are obtained on or before 12 months from the date of this Resolution.


Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on October 28, 2008.


ALBERT C. JONES
MAYOR-COMMISSIONER

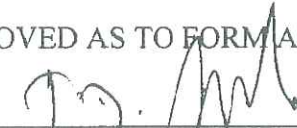
ATTEST:


LOUISE STILSON, CMC
CITY CLERK



APPROVED AS TO FORM AND CORRECTNESS:

BY:


THOMAS J. ANSBRO
CITY ATTORNEY

RESOLUTION NO. 2008-206

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY PROPERTY OWNER JORGE FALLAD, ORNAMENTAL DESIGNS, FOR PROPERTY LOCATED AT 102 NORTH FEDERAL HIGHWAY, DANIA BEACH; FROM CHAPTER 28, "ZONING", ARTICLE 6.21 "OFF-STREET PARKING"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Dania Beach Code of Ordinances, Chapter 28, "Zoning", Article 6.21, sets the off-street parking requirements for the City of Dania Beach; and

WHEREAS, property owner Jorge Fallad, Ornamental Designs, has applied for a variance (VA-59-08) to allow 7 parking spaces associated with a retail showroom/office use (Chapter 28, "Zoning", Article 21, "Downtown Transit Oriented Development (TOD) District" requires 10 parking spaces); property is located at 102 North Federal Highway, Dania Beach; and

WHEREAS, the Planning & Zoning Board on October 15, 2008, recommended that the City Commission grant variance request VA-59-08, based upon the criteria set forth in section 10.13 of Article 10, of Chapter 28, "Zoning", of the Code of Ordinances of the City of Dania Beach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That that certain application VA-59-06, for a variance as described above from requirements in Chapter 28, "Zoning", Article 21, "Downtown Transit Oriented Development (TOD) District", of the City of Dania Beach Code of Ordinances, a copy of which application is attached and made a part of this Resolution as Exhibit "A", is approved.

Section 2. That based upon Section 10.13 of Article 10 of Chapter 28, of the Code of Ordinances of the City of Dania Beach, the variance shall automatically expire and become null and void unless building permits are obtained on or before 12 months from the date of this Resolution.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED and ADOPTED on October 28, 2008.



ALBERT C. JONES
MAYOR-COMMISSIONER

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

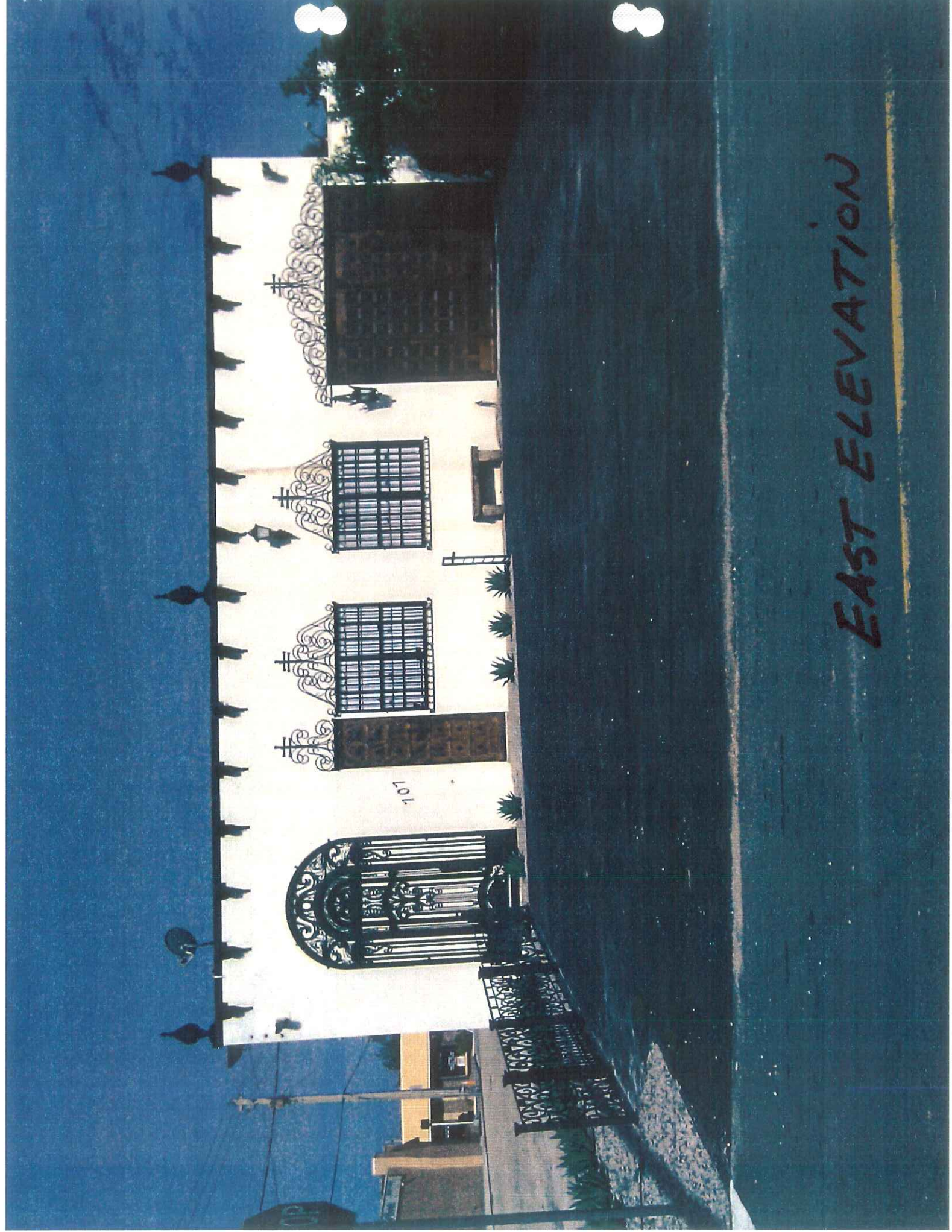


APPROVED AS TO FORM AND CORRECTNESS

BY: 
THOMAS J. ANSBRO
CITY ATTORNEY

SOUTH ELEVATION

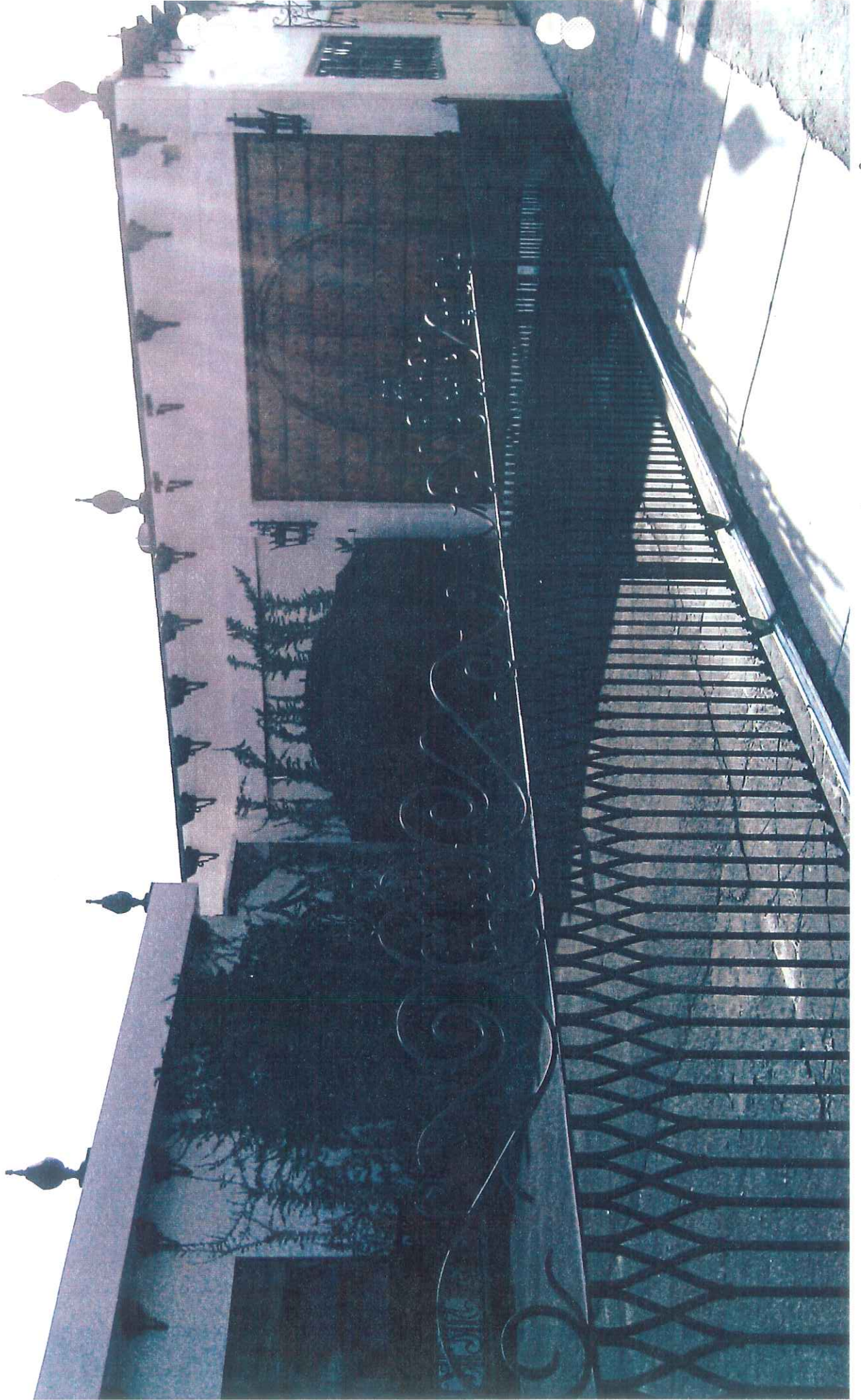




EAST ELEVATION



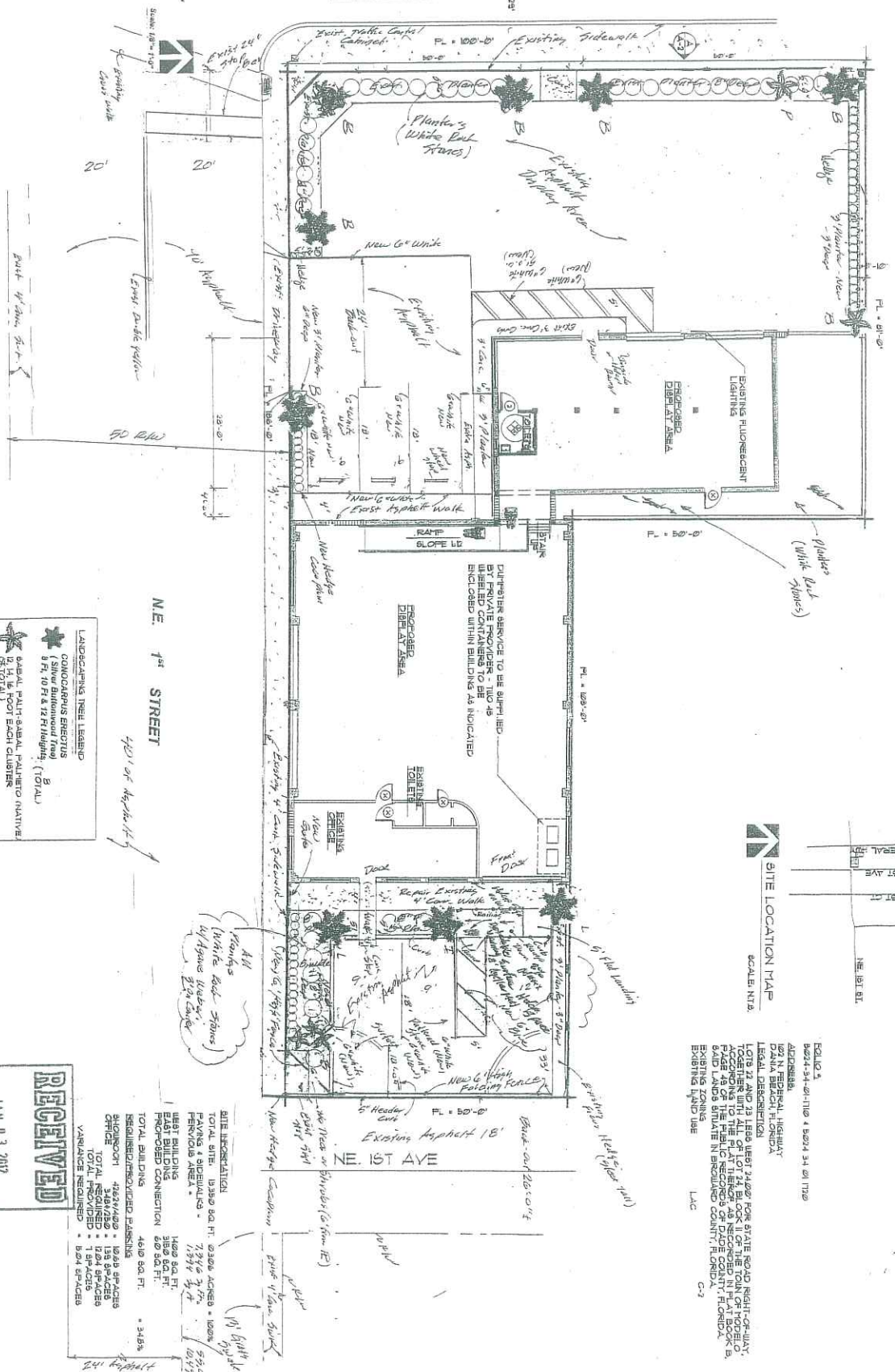
WEST ELEVATION



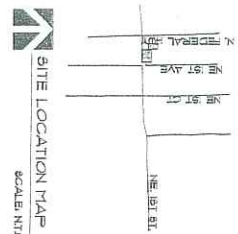
WEST ELEVATION



WEST ELEVATION



- LANDSCAPING TREE LEGEND**
- COMMOCARPUS ERIOCTUS**
(Silver Buttonwood Tree)
8 FT. 0 IN. TO 12 FT. 0 IN. (TOTAL)
12.5 H. IS FOOT EACH CLUSTER
 - ASIALA MAULI ASIALA PALMERIO NATIVE**
8 FT. 0 IN. TO 12 FT. 0 IN. (TOTAL)
12.5 H. IS FOOT EACH CLUSTER
 - LAGER ACCESSORY LIGHT CHRISTOPALANUS**
(LAGOON NATIVE)
2 FT. 0 IN. TO 3 FT. 0 IN. O.C.
(51 TOTAL HEIGHTS)
 - PLANTING BED - 3' DIA. 3' DIA. 3' DIA.**
(700 PLANTS)



SCALE 1/4" = 1'-0"

ADDRESS:
DANIA BEACH, FLORIDA

LEGAL DESCRIPTION:
LOT 22 AND 23 LESS WEST 74.00 FT. FOR STATE ROAD RIGHT-OF-WAY, ACCORDING TO THE PLAT OF LOT 22, BE COR. 11 OF THE TOWN OF FORT LEO, PAGE 48 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. EXISTING LAND USE

SCALE 1/4" = 1'-0"

SITE INFORMATION:

TOTAL SITE	13,850 SQ. FT. 0.3156 ACRES
TOTAL BUILDING	14,000 SQ. FT.
EAST BUILDING	3,500 SQ. FT.
PROPOSED CONNECTION	4,500 SQ. FT.
TOTAL BUILDING	14,000 SQ. FT.
REQUIRED/PROPOSED PARKING	102.5 SPACES
OFFICE	125 SPACES
TOTAL PROVIDED	1 SPACES
VARIANCE REQUIRED	101.5 SPACES

RECEIVED

JAN 03 2012

Planning Department

DATE: August 2010
SCALE: 1/4" = 1'-0"
DRG. NO.: C-1
DRG. DATE: 02/12/12
SHEET NO.: C-1

DRWG. TITLE:

SITE ENGINEERING PLAN

Charles O. Buckalew
Consulting Engineering Services, Inc.
801 South Ocean Drive, Suite 201
Hollywood, Florida 33020
C.O.B. Number: 6255
Tel: (854) 927-0561 / 555-1185

1/23/2012 Rev.
Rev. C-1
Comments
1/11/12 Rev.
Rev. C-1
Comments
1/11/12 Rev.
Comments
Rev. C-1



VA-01-12
(SP-58-08MOD -VA-59-08EXT)

NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Commission, on Tuesday, February 14, 2012, or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR MODIFICATIONS TO SITE PLAN SP-58-08, ORIGINALLY APPROVED ON OCTOBER 28, 2008 BY RESOLUTION 2008-207 AND SECOND EXTENSION OF THE VARIANCE (VA-59-08) ORIGINALLY APPROVED ON OCTOBER 28, 2008 BY RESOLUTION 2008-206, AND APPROVAL OF ADDITIONAL VARIANCES (VA-01-12); THE ORIGINAL SITE PLAN (SP-58-08) AND ORIGINAL VARIANCE (VA-59-08) APPROVALS WERE EXTENDED BY THE CITY COMMISSION ON NOVEMBER 10, 2009, BY RESOLUTION 2009-219. REQUEST IS SUBMITTED BY JORGE FALLAD, REPRESENTING ORNAMENTAL HOME DESIGN, FOR PROPERTY LOCATED AT 102 NORTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

VA-01-12 - The applicant Jorge Fallad, is requesting additional variances (VA-01-12) to site plan SP-58-08 relating to the proposed modification of an existing building at 102 North Federal Highway, to allow a decorator retail showroom and office as follows:

1. Chapter 28, Section 275-110
 - a. To allow a three (3) foot landscape buffer adjacent to residential (on north east); (Land Development Code requires a ten (10) foot landscape pursuant to Section 275-110(D))
 - b. To provide no wall adjacent to residentially used property; (Land Development code requires a six (6) foot masonry wall adjacent to residentially used property pursuant to Section 275-110(D)(1)).
 - c. To provide no hedge; (Land Development code requires a hedge planted 1 shrub for every 3 feet adjacent to residentially used land pursuant to Section 275-110(D)(3)).
2. Chapter 28, Section 275-190 (D)
 - a. To provide zero (0) shade/canopy trees; (Land Development code requires 40% of total trees shall be shade trees, Category 1 (reaching 50' height or width).
3. Chapter 29, Section
 - a. To allow 6 parking spaces for a retail showroom/office use; (Land Development code requires 10 parking spaces).

Property is legally described as: Lots 22 and 23 less west 24.00' for state road right-of-way, together with all of Lot 24, Block 11 of the Town of Modelo according to the plat thereof, as recorded in Plat Book B, Page 49 of the Public records of Dade County, Florida. Said lands situate in Broward County, Florida.

A copy of the proposed request(s) is available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m.,

Monday – Friday please call (954) 924-6805 x3643 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

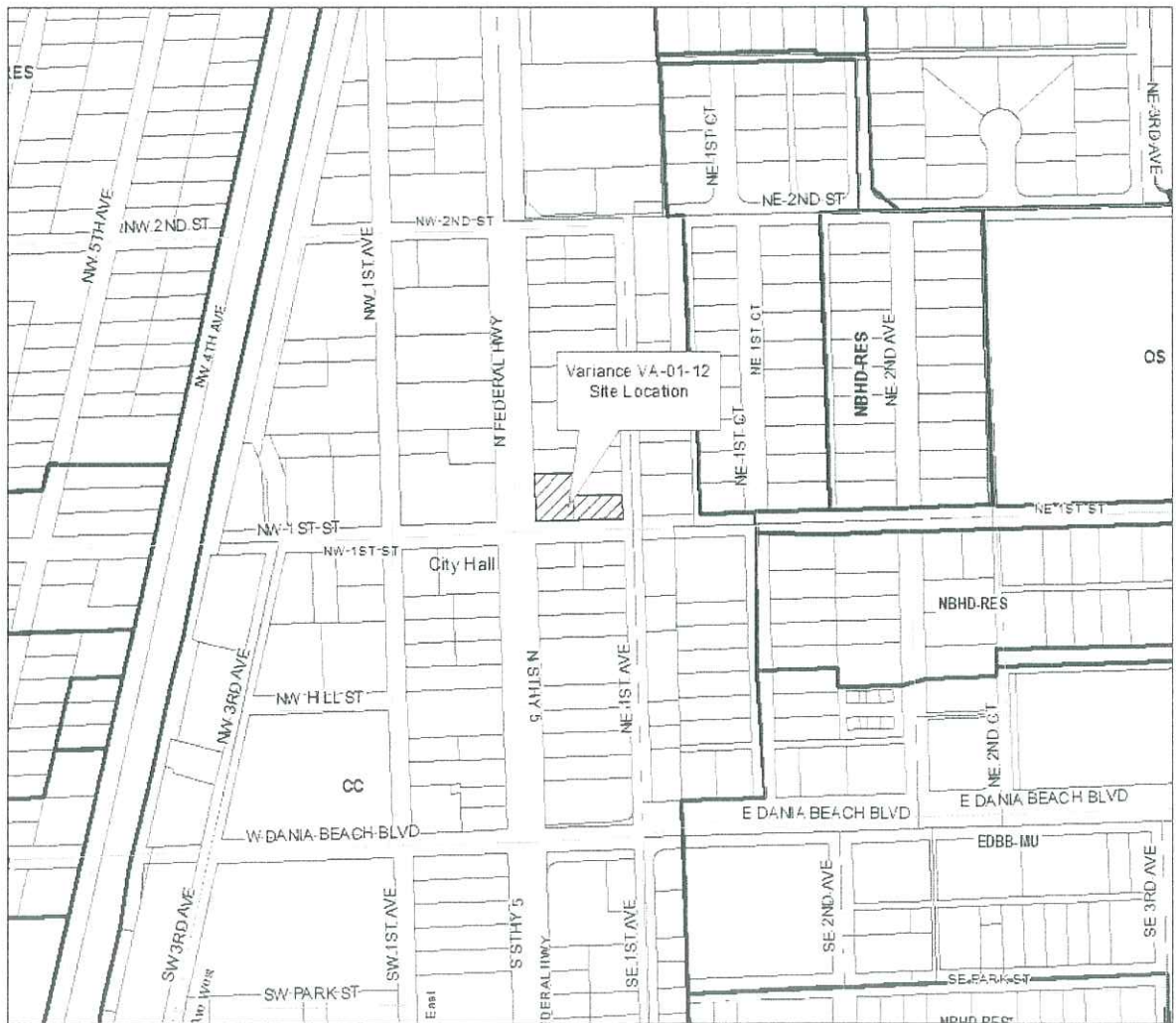
Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Community Development Department
Planning Division
Friday, February 3, 2012

Location Map



Variance VA-01-12
(SP-58-08MOD / VA-59-08EXT)
Ornamental Home Design
102 N Federal Hwy



Scale 1" = 100'