



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

DATE: March 25, 2014

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *[Signature]*

FROM: Corinne Lajoie, AICP, Principal Planner, LEED GA *[Signature]*

SUBJECT: **VA-33-14/VA-34-14/VA-40-14/SP-69-13:** The applicant, Lawrence Kramer on behalf of the property owner, Village at Dania Beach, LLC., is requesting variances, design variations and site plan approval for the construction a mixed-use, seven-story building totaling approximately 83,875 square feet to be located at 180 East Dania Beach Boulevard.

**REQUEST
VARIANCE**

1. To allow 260 parking spaces; code required 277 parking spaces via the parking reductions for mixed use development; per Section 265-90.
2. To allow five percent (5%) pervious area, code requires a minimum of ten percent (10%) pervious area; per Section 303-60(D).

DESIGN VARIATIONS

1. **DUMPSTER:** Per Section 307-30(B), dumpster and enclosure shall not be located within 20' of any street line or Build-to-Line (BTL); six (6) feet setback provided. Per Section 307-30(C), dumpster and enclosure shall be screened from view at street frontage by wall and planter at street, and the city may require additional screening if necessary to obscure from street view; no wall or planter provided.
2. **MAXIMUM NUMBER OF STORIES:** Per Section 303-60(O), the maximum building height permitted with the use of incentives is 6-stories/70 feet; and 7-stories/70 feet is requested.
3. **BUILDING FRONTAGE:** Per Section 303-60(L), the 70% minimum of the lot width for which façade must be on the Build-to-Line (BTL) for primary street frontage; 58% is being provided.
4. **UPPER STORY RECESS:** Per Section 303-60(N) the minimum upper story recess of 20' is require; none is provided.

SITE PLAN

To allow the construction of a mixed-use, seven-story building totaling approximately 83,875 square feet utilizing the attainable housing incentive to increase density from 94 dwelling units to 144 dwelling units.

PROPERTY INFORMATION

EXISTING ZONING:

E. Dania Beach Boulevard Mixed Use (EDBB-MU)

LAND USE DESIGNATION:

Regional Activity Center (RAC)

The subject property is approximately 1.9 acres in size located on the south side of East Dania Beach Boulevard where the Dania Beach Hotel previously stood. The property is surrounded on three (3) sides (north, east and south) by roadway, but is immediately adjacent to residential property to the west.

VARIANCE

Parking Variance Request

The site plan proposed includes requests for two (2) variances. The first variance is to reduce the amount of required parking. Based on the parking requirements identified in Section 265-50 the project requires 308 parking spaces. However, the code allows for parking reductions for mixed use development. Based on the regulations identified for parking reductions for mixed use development identified in Section 265-90, the project is required to provide 277 parking spaces. The applicant is requesting to waive 17 parking spaces, to provide 260 combined spaces located in the parking garage and on-street parking.

The code permits variances when found to be consistent with the following criteria identified in Section 625-40, which are identified below:

(1) That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

The applicant has indicated that the property is located in the EDBB-MU zoning district, which is an urban transit corridor encouraging persons to use public transportation and therefore rely less on private vehicles. In addition, the applicant has identified that they are encouraging a sustainable life style by giving tenants without a car a credit on their rent, providing electronic vehicle charging stations and hybrid car preferred parking spaces, as well as motorcycle parking and 58 bicycle parking spaces.

(2) That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The proposed development is compatible with the surrounding land uses.

(3) That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city.

The applicant indicates that the request is consistent with the goals, objectives and policies of the adopted Comprehensive Plan. They also believe that they are providing adequate parking for the commercial and residential uses. They state that the retail, coffee shop and restaurant will not attract significant patronage from outside the local community.

(4) That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome.

The applicant indicates that the East Dania Beach Boulevard – Mixed Use zoning district requirements, mixed use, specific building geometry and other required design elements are unique to this district, limiting their ability to design into the project additional parking; yet the district is in the transit oriented corridor allowing for significantly reduced parking. The applicant has indicated that they believe the provided parking is more than adequate for the development.

(5) That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.

The applicant has indicated that they believe the provided parking is more than adequate for the development. They have also stated that the projected demographics for the residents targeted for the development have annual incomes ranging from \$40,000.00 to \$65,000.00 and therefore it is anticipated that the majority of the residents will have only one car. In addition, the applicant notes that the project is located along a mass transit corridor with highly accessible bus routes and a rail station close by. The applicant anticipates that a substantial amount of the tenants will utilize the mass transit.

Pervious Area Variance Request

The second variance request is to reduce the amount of pervious area on the property. The applicant is requesting to reduce the pervious area from ten percent (10%), as required by code, to five percent (5%). The code allows the City Commission to permit reductions in pervious area provided the volume of stormwater runoff that would be increased by granting the partial waiver shall be completely mitigated through design and construction methods, including but not limited to, underground stormwater storage vaults, French drains, green (landscaped) roofs that absorb stormwater, stormwater storage and reuse systems for irrigation, positive outfall systems, use of pervious ground stabilization systems where deemed appropriate by the city engineer, and other improvements to aid in the retention and filtration of stormwater runoff.

The City Engineer confirmed adequate provisions are being proposed to accommodate the stormwater runoff of the project.

The code permits variances when found to be consistent with the following criteria identified in Section 625-40, which are identified below.

(1) That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

The applicant indicated that the reduction in pervious area in the urban environment being created by this project will not be visibly evident or environmentally significant. The design concept provides for green spaces at the second level parking deck and the roof, both of which are not calculated as pervious area.

(2) That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The applicant has indicated that the reduced pervious area will not change the compatibility with the land uses and would not be detrimental to the community.

(3) That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city.

The reduction of the pervious area will not change objectives and policies of the Comprehensive Plan.

(4) That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome.

The applicant has indicated that the requirement to develop a mixed use building, retail and residential, with the added need to construct a parking structure and the dimensional characteristics of the property required them to seek the variance.

(5) That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.

The applicant indicates that the pervious area reduction is a minimum deviation from the code and the character of the structure is maintained as demonstrated in the proposed design.

SITE PLAN

The site plan proposed is for the construction of a mixed-use, seven story building totaling approximately 83,875 square feet. The development includes 144 residential units and 8,700 square feet of retail/commercial space. The subject parcel of land is the former location of the Dania Beach Hotel which was demolished by the City.

In addition to the two (2) variances requested, the applicant is also requesting four (4) design variations and the use of one (1) incentive to achieve the proposed site plan design.

Design Variations

Dumpster – The City's Land Development Code, Section 307-30(B), requires that dumpsters and their enclosure shall not be located within 20' of any street line or Build-to-Line (BTL). The proposed site plan shows the location of the dumpster and enclosure six (6) feet from the south property line which fronts on South East Park Street.

In addition, the LDC, Section 307-30(C), also requires dumpster and enclosure to be screened from view at street frontage by wall and planter at street, and the city may require additional screening if necessary to obscure from street view. The dumpster access gates, as currently proposed, faces South East Park Street, no wall nor landscaping is provided. Staff is requesting the applicant provide a rollup door, in lieu of the swinging gate, as a way to increase screening of the dumpster.

The code permits design variations for specific items when found to be consistent with the following criteria identified in Section 301-50, which are identified below.

1. Whether the request is for a reasonable accommodation of design flexibility that results in overall superior development and design consistent with the intent and principals of this subpart that govern the standard for which variation is requested; or

The applicant has identified that the request is a reasonable accommodation of design flexibility that will result in an overall superior development and design consistent with the intent and principals of this subpart that govern the standard for which the variation is requested. In addition, the applicant indicated that Waste Management requires

unobstructed access to the dumpster, which also includes overhead clearance which cannot be met inside the structure. The applicant further indicates that the parking and building structures occupy 95% of the site thereby preventing them from reasonably accessing the dumpster unless the deviation is granted. The applicant also states that they do not have space or ability to set the dumpster back 20 feet from the property line on South East Park Street, as required by code.

2. Whether the variation is appropriate to accommodate the conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent with the intent and principals of the subpart that govern the standard for which variation is requested.

See above justification.

Maximum Number of Stories - The City's Land Development Code, Section 303-60(O) identifies the maximum building height permitted with incentives as being six (6) stories/seventy (70) feet. The site plan is proposing a building seven (7) stories/seventy (70) feet.

The code permits design variations for specific items when found to be consistent with the following criteria identified in Section 301-50, which are identified below.

1. Whether the request is for a reasonable accommodation of design flexibility that results in overall superior development and design consistent with the intent and principals of this subpart that govern the standard for which variation is requested; or

The applicant has indicated that the request for the additional story fills an eighteen (18) foot void caused by the required vertical dimensions of the parking structure. The in-fill, second floor, allows the applicant to add amenities such as a 2,500 square foot gym, a 1,750 square foot recreation room and townhomes style two (2) story residence along South East Second Avenue. In the additional space, the applicant is providing mezzanines at the coffee shop and restaurant that will be used by the tenants as private seating areas with access from the second level recreation area.

2. Whether the variation is appropriate to accommodate the conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent with the intent and principals of the subpart that govern the standard for which variation is requested.

See above justification.

Building Frontage - The City's Land Development Code, Section 303-60(L), requires a minimum of seventy percent (70%) of the lot width for which the façade must be located on the BTL for primary street frontage, which is East Dania Beach Boulevard. The applicant is providing only fifty-eight percent (58%).

The code permits design variations for specific items when found to be consistent with the following criteria identified in Section 301-50, which are identified below.

1. Whether the request is for a reasonable accommodation of design flexibility that results in overall superior development and design consistent with the intent and principals of this subpart that govern the standard for which variation is requested; or

The applicant has indicated that the requested design variation will allow them to develop the retail and restaurant frontage on East Dania Beach Boulevard in an aesthetic manner and provide for public spaces for dining and building access. The applicant also indicated that the requested variation will allow for a front plaza to the lobby and two (2) intimate outdoor dining spaces along East Dania Beach Boulevard.

2. Whether the variation is appropriate to accommodate the conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent with the intent and principals of the subpart that govern the standard for which variation is requested.

See above justification.

Upper Story Recess - The City's Land Development Code, Section 303-60(N) states that a minimum upper story recess of twenty (20) feet is required. The site plan proposed provides no upper story recess.

The code permits design variations for specific items when found to be consistent with the following criteria identified in Section 301-50, which are identified below.

1. Whether the request is for a reasonable accommodation of design flexibility that results in overall superior development and design consistent with the intent and principals of this subpart that govern the standard for which variation is requested; or

The applicant has indicated that the requested design variation will allow them to develop the structure as currently designed incorporating the residential element and the retail/commercial spaces at the first floor. The applicant has stated that the fixed dimensions of the parking garage and the requirements of the residential structure above will not allow them to step the structure back as required. In addition, the applicant has indicated that by allowing the variation, the buildings geometry is preserved and the aesthetic is maintained while allowing the applicant to construct a structure that will provide for a well-designed parking garage, retail on East Dania Beach Boulevard and residential units above.

2. Whether the variation is appropriate to accommodate the conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent with the intent and principals of the subpart that govern the standard for which variation is requested.

See above justification.

Incentives

The City's Land Development Code, Article 305 entitled Incentives, provides developers with list of amenities that, if provided, can increase allowable density and building height and reduce pervious area of a development, as specifically identified. The applicant has chosen to provide fifty-five (55) workforce housing units as an amenity which grants the project a bonus of one (1) market rate dwelling unit for each unit in the building that is workforce-income, up to the maximum density allowed in the district. Therefore, fifty-five (55) units above the thirty-five (35) dwelling units per acre allowed by right ($35 \times 2.6935 = 94 + 55$ bonus units = 149), equals 149 dwelling units total units and three (3) additional stories of building height permitted. The site plan submitted is designed for only 144 dwelling units.

Development Review Committee

The site plan was reviewed by the Development Review Committee, which includes representative from the Fire Marshal's office, Public Services, the City's landscape consultant and the Planning Division. The following outstanding comments remain, which are identified below:

1. **DEDICATION OF PARK LAND:** Section 805-110(E)(3) limits the required park land dedication to 20% of the total property (83,875 s.f. X 20% = 16,775 s.f. dedication required). Section 805-110(E)(4) allows credits for private open space or private recreation spaces above 6% (83,875 s.f. X 6% = 5,032.5 s.f.) minimum public park land dedication. Provide dimensions of all private recreation space. Applicant stated in written response dated 3/3/14 that they would like to count outdoor pool, recreation, gymnasium, and open landscaped areas. Dimensions of these areas were not provided on site plan. Based on the appraisal dated March 6, 2014, the appraised value of the property is \$1,600,000.00; therefore the payment in lieu is \$96,000.00 (6% X 1,600,000 = 96,000). (Planning Division)
2. **SIGNS:** Prior to issuance of a building permit for any sign, the Applicant shall provide a master sign program for staff approval, per Section 505-200. Applicant must provide a table showing "proposed and allowable total sign area", as required by Section 505-200(B)(2). Signage material must also be identified, per Section 505-200(B)(3). Applicant must identify the signage information as "Master Signage Plan" as all future signage will have to comply.
3. Provide a roll-up door for access to the dumpster from SE Park Street to provide maximum screening as possible (Planning Division).
4. Workforce housing language and proposed restrictive covenant is being reviewed by the City Attorney's Office. Applicant must enter into restrictive covenant prior to City Commission meeting (Planning Division).
5. Must provide cost recovery funds pay outside council prior to issuance of the building permit (Planning Division).
6. Please provide an electronic copy of the final, approved plans in PDF form to Claudia Alzate at claudi.alzate@metriceng.com (Landscape Consultant).
7. The Hydrant Flow Test Data was incomplete. The twenty-four hour recorded data was provided and received but the following information was missing and is still required:
 - A. A Flow Graph (Graph is provided – see attached)
 - B. A Satellite Picture Identifying the hydrant locations in relation to the site (ID Static/Residual Hydrant and Flow Hydrant(s))
 - C. A Fire Flow Data Sheet on Company Letterhead Indicating all the following:
 1. Project Name
 2. Project Address
 3. Date of Flow Test
 4. Time of Flow Test
 5. Static Pressure
 6. Residual Pressure
 7. Flow Hydrant 1 (Pitot and GPM)

8. Flow Hydrant 2 (Pitot and GPM)
9. Name & Signature of Person Performing the Flow Test
10. Name of Fire Inspector Witnessing the Test

8. The Application for Approval of the Fire Protection Water Supply Design identified an incorrect job site location (180 E. Atlantic Blvd.) and is missing the water purveyor information. Please make necessary corrections and complete the form (Fire Marshal).'
9. Confirm with Public Services that the new 6" water main crossing East Dania Beach Blvd. and feeding the new hydrant is adequate in size. Typically new installations are required to be 8" and may need to be connected to the 12" water main in lieu of the 6" existing main. (Fire Marshal).
10. Sheets SP-1 and LSP-1 do not match the Civil Plans and correctly reflect the correct location of the re-located hydrant at the SE corner of the structure (on the east side of the structure) (Fire Marshal).
11. PROVIDE THE FIRE DEPARTMENT WITH A COPY OF THE COMPLETE SET OF APPROVED PLANS IN PDF FORMAT FOR PRE-FIRE PLANNING PURPOSES. THIS CAN BE ACCOMPLISHED BY SENDING THEM THROUGH EMAIL TO kennethsean.brown@sheriff.org OR BY DELIVERING THE FILES ON CD-ROM TO THE FIRE PREVENTION OFFICE LOCATED AT 103 (Fire Marshal).
12. Property owner, Village at Dania Beach, LLC., in a letter dated March 12, 2014 has voluntarily agreed to submit construction documents to the City's Building Department for permits for the development approved by the City Commission by May 31, 2014. Upon receipt of the building permit, Property owner, Village at Dania Beach, LLC. shall commence construction of the development approved by the City Commission within forty-five (45) days. Property owner, Village at Dania Beach, LLC willingly proffers and agrees that the development orders approved by the City Commission shall expire unless the Applicant applies for a building permit within sixty (60) days after approval of the site plan, and construction of the development approved by the City Commission is commenced no later than 45 days after issuance of the building permit.

Volunteered Conditions for Approval

The property owner, Village at Dania Beach, LLC., in a letter dated March 12, 2014 has voluntarily agreed to submit construction documents to the City's Building Department for permits for the development. Upon receipt of the building permit, Property owner, Village at Dania Beach, LLC. shall commence construction of the development approved by the City Commission within forty-five (45) days. Property owner, Village at Dania Beach, LLC willingly proffers and agrees that the development orders approved by the City Commission shall expire unless the Applicant applies for a building permit within sixty (60) days after approval of the site plan, and construction of the development approved by the City Commission is commenced no later than 45 days after issuance of the building permit.

STAFF RECOMMENDATION

VARIANCES:

- Parking – approve
- Pervious Area – approve

DESIGN VARIATIONS:

Dumpster - approve
Maximum Number of Stories - approve
Building Frontage - approve
Upper Story Recess - approve

SITE PLAN:

Staff is recommending approval of the site plan, provided the variance requests to reduce the parking and pervious area are approved, and the design variations for the dumpster, maximum number of stories, building frontage, and upper story recess are also approved, and further, provided that the applicant complies with all remaining DRC staff comments prior to the issuance of a building permit, unless otherwise stated.