




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

DATE: February 10, 2015

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director 

FROM: Corinne Lajoie, AICP, LEED G. A., Principal Planner

SUBJECT: **VA-12-15/VA-13-15/VA-14-15/VA-15-15/VA-16-15/VA-17-15/VA-18-15/VA-19-15/VA-20-15/SP-99-14** The applicant, David R. Miller, AIA of David Miller and Associates, P.A., on behalf of the property owner N and S Properties, LLC., is requesting a several variances, design variations and site plan approval to construct a 143-room hotel at 48 S. Federal Highway.

VARIANCES

1. To waive 88 required parking spaces; code requires 140 parking spaces, per Section 265-30.
2. To allow building elevations that do not provide a shopfront are inconsistent with code, per Section 311-20(E).
3. To allow building frontage type and design inconsistent with code, per Section 303-40(L).
4. To allow parking in the first layer of the building; code prohibits parking in first layer, per Section 303-40(G).
5. To allow less than twenty-five (25) percent of first layer as active uses to be located on Federal Highway, code requires 70%, per Section 303-40(M).
6. To allow a sign on the interior (north) building elevation, where code allows none, per Section 505-90(W); and
7. To allow a parking garage with zero (0) feet of clearance between parking spaces and walls; code requires a minimum of two and a half (2.5) feet separation, per Section 265-140(C).
8. To allow a dumpster enclosure to be located four (4) feet from the street line; code requires twenty (20) feet, per Section 307-30(B).
9. To allow a marquee sign to be ninety (90) square feet on each side, code allows a maximum of thirty (30) square feet, per Section 55-210(H)(4).

DESIGN VARIATIONS

1. To allow a solid wall 202 feet in length without vertical articulation; code allows a solid wall no more than twenty (20) feet in length; per Section 525-30(G).
2. To allow no upper story recess; code requires a ten (10) foot recess at the sixth story on the west elevation; per Section 303-40(P).

SITE PLAN

To allow the construction of a new, 143-room hotel.

PROPERTY INFORMATION

EXISTING ZONING:

City Center (CC)

LAND USE DESIGNATION:
OVERLAY DISTRICT:

Regional Activity Center (RAC)
Principal Arterial Design Overlay District

The subject property is located on the west side of South Federal Highway, east of City Hall. As of the time of writing this report demolition of the property is in progress but no yet complete.

VARIANCES

The site plan does not comply with certain dimensional, use and intent provisions of the City Center zoning district. The following list of variances as proposed by the applicant and the criteria for approval of proposed variances are summarized below:

1. To allow a reduction of required parking from 140 parking spaces to 88 parking spaces.

The proposed project shows 52 parking spaces on the site, resulting in the need for eighty-eight (88) required parking spaces to be waived, but which will otherwise be provided in the City's parking garage adjacent to the development site. The applicant is working with the City Attorney's office to allow use the city's parking garage. At the time of writing this report the parking agreement was not yet finalized. The developer shall be responsible for obtaining and providing all of the required parking in accordance with the applicable City Codes and agreements at all times.

2. To allow building elevations that does not comply with the code.

The Land Development Code (LDC) requires buildings with the street frontage in the City Center zoning district to have a shopfront. The code defines shopfront as have a minimum of 70% translucent glazing on the ground floor with window bottoms no higher than 2 feet above the sidewalk, and must have one of the following elements: Gallery roof over sidewalk, awnings projecting a minimum 7 feet forward, or arcade extending a minimum of 10 feet forward.

The proposed Federal Highway elevation provides 43.5% translucent glazing and three (3) awnings projecting five (5) feet forward. The proposed SW 1st Avenue elevation provides zero (0) percent translucent glazing a no gallery roof, awning, or arcade.

3. To allow building frontage type inconsistent with code.

The LDC requires the building type to be shopfront. The proposed building does not meet the code's definition of a shopfront.

4. To allow parking in the first layer of the building, that does not comply with the code.

The form base City Center zoning district prohibits parking within the first layer of the project. The LDC defines the first layer as the first thirty (30) feet from the Build To Line (BTL). In this case there are six (6) parking spaces located within the first layer adjacent to the east (Federal Highway) property line.

5. To allow less than twenty-five (25) percent of first layer (active uses) to be located on Federal Highway.

The LDC requires 70% of the buildings active first layer (the first 30 feet from the BTL) to be located along the street frontage. As currently designed, less than 25% of the active first layer is located on the BTL on the Federal Highway (east) frontage.

6. To allow a sign on the interior (north) building elevation.

The applicant is proposing to install a gallery edge wall sign above the gallery roof on the north building elevation. The code only permits signage on building frontages that face a street. The north side of the property is an internal side, not a street frontage, therefore no sign is permitted at this location.

7. To allow a parking garage with zero (0) feet of clearance between parking spaces and walls.

The code required additional two and a half (2.5) foot space between solid structures (such as walls) and parking spaces. As currently designed, the site plans shows five (5) parking spaces next to walks, where zero (0) additional space is provided.

8. To allow a dumpster enclosure to be located four (4) feet from the street line.

The proposed dumpster is located immediately adjacent to the west property line. The dumpster location provides for doors on the building elevation to screen from public view. The zoning code requires dumpster enclosures to be a minimum twenty (20) feet from the street line.

9. To allow a marquee sign to be ninety (90) square feet on each side.

The applicant is proposing one (1) two-sided marquee sign on the east building elevation, facing South Federal Highway. The sign, as currently designed, is ninety (90) square feet on each side. Code permits a maximum marquee sign area of thirty (30) square feet for each side. In addition, a marquee sign is only permitted as a CRA Design Incentive to be approved by the City Commission.

VARIANCE CRITERIA

Section 625 of the Land Development Code states, the city commission or planning and zoning board, if applicable, shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the request meets the criteria identified in Section 505-180, 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."
- (2) "That the requested variance is otherwise compatible with the surrounding 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."
- (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."
- (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 will provide information identified how the variance requests are consistent with these criteria at the City Commission meeting.

DESIGN VARIATIONS

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. The City Commission may approve such variations as part of the site plan approval utilizing the following criteria:

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"
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."

SOLID WALL

The City's Land Development Code (LDC) allows a solid wall no more than twenty (20) feet in length. The proposed south building elevation provides a 202 linear foot solid wall. The south building is located on the south property. The code envisions property on the north and south to develop to the shared property lines. With this form of development the neighboring property would also develop very close to the property line resulting in the internal building elevation not being visible.

UPPER STORY RECESS

The City's LDR required a ten (10) foot recess at the sixth story on the west elevation. This code provision is to ensure light and air between very tall buildings. Buildings in this zoning district could potentially built to fourteen stories through the use of incentives. However, this proposed building is only seven (7) stories tall.

The applicant will provide information identified how the design variance requests are consistent with these criteria at the City Commission meeting.

SITE PLAN

The proposed site plan application is for the construction of a new, 143-room hotel. The new building will be seven (7) stories tall with an architectural roof feature resulting in an overall height of eight-four (84) feet. This project is located in the Regional Activity Center (RAC), therefore assignment of hotel rooms is necessary.

MARQUEE SIGN

The code allows for a signage design flexibility to be granted by the City Commission as an incentive. A marquee sign is permitted only as an incentive for producing signage consistent with Section 505-210. The criteria for awarding signage incentives are identified in Section 505-210(C) and are listed below:

1. Thematic signs must embody and respect the design concepts of the architectural theme established in this section, but must be unique and original.
2. Architectural signs, must have creative, sculptural designs using superior materials that build upon and enhance the architecture of the establishment or development that it identifies, and coordinate with the landscape architecture where placed. Additionally:

- (a) Materials must exceed the standard plastic or plexiglass channel letters. Alternative materials of higher quality appearance include stainless steel, gold, titanium-plated stainless steel, and specialty aluminum. Signs can be floated on sculptural backgrounds of perforated aluminum or other materials instead of being bolted directly to a wall.
 - (b) Color creativity is encouraged.
 - (c) Lighting should be creative and integral to the design. Creative lighting might include front and rear illumination of letters, side lighting, outlining, projecting light off the background in a creative way, or the use of non-traditional light sources.
 - (d) Integration within the landscape is encouraged, such that signs may be designed and arranged to work together as part of an overall design that transcends the individual sign.
- (3) All signs:
- (a) Reflect the architectural character of its associated building and its specific façade.
 - (b) Respond to the immediate physical context by considering scale, proportions, character, uses, and viewing context.
 - (c) Let architectural elements suggest the location of signage and frame the sign.

The applicant will provide information identified how the marquee sign request is consistent with these requirements at the City Commission meeting.

The site plan was reviewed by the Development Review Committee (DRC) which includes personnel from the Fire Marshal's Office, Public Services, the City's landscape consultant and the Planning Division. The applicant has several outstanding staff comments that need to be addressed prior to issuance of a building permit. The outstanding DRC comments are listed below.

1. APPLICATION: Confirm application was properly completed and signed and proper application fee was paid. Per Section 635-50, site plan application submittal must contain the following information:
 - (E) Adjacent land uses and buildings within 200 feet of the property. 3rd TIME REQUESTED.
 - (M) The dimensions, and character of construction of proposed curb cuts, entrances and exits, parking and loading areas, pedestrian use areas, and vehicular use areas. Provide detail of curbing design as well, should be type "D" or "F". Revise plans accordingly. 3rd TIME REQUESTED.
 - (U) Existing and proposed public transit routes, bus shelter locations and easement for which shelters, and proposed layout of ROW is necessary. Identify on plan or provide note. 3rd TIME REQUESTED (Planning).
2. RIGHT-OF-WAYS: Identify if r-o-w dedication is required. Broward County Traffic Way Plan shows the ultimate right of way width for S. Federal Highway to be 92', therefore 46' to centerline is required. Provide copy of dedication to the FDOT. Show ROW dimension to centerline on site plan. 3rd TIME REQUESTED (Planning).
3. RAC TRAFFIC IMPACT MITIGATION: Based on the traffic analysis provided by McMahan dated January 27, 2015, 45 PM peak hour trips will be generated, therefore

the RAC Traffic Impact Mitigation fee for this project will be \$956.70 which must be paid prior to issuance of a building permit (Planning).

4. SIGNS:

a. Per Section 505-90(D)

- Cumulative sign area allowed is 293.1 square feet (109 linear frontage on South Federal Highway X 1.5 = 163.5 + 108 linear frontage on SW 1 Avenue X 1.2 = 129.6 = 293.1), not 303 as identified on Sheet A-10. Revise accordingly.
- Identify the number of directional signs proposed so total sign area proposed can be calculated. Calculating total sign area as shown on Sheet A-10 using 2 directional signs as shown in details results in 280 total square feet not 292 as shown in Tabular Data. Revise accordingly.
- Clarify if the address square footage shown in the Tabular Data on Sheet A-10 reflects the address at the hotel entrance and at the restaurant entrance. Revise accordingly.
- Canopy sign at Porte Cochere facing west, which is identified in Tabular Data on Sheet A-10 detail, is not shown on same sheet. Revise accordingly.

b. Marquee sign:

- Per Section 505-90(E), 505-130(E), 505-210(D) marquee signs are permitted as an incentive provided the design meets the criteria identified in Section 505-210(C) & 505-210(G) identify how the proposed signage meets the 11 General Design Standards in order for the City Commission to grant the signage incentive.

5. Provide documentation from Dave Huizenga that Broward County Land Development Code Section 5-195(b)(6) does not apply. 3rd TIME REQUESTED (Planning).

6. Street Scape

- a. Per Section 306-20/307-20(C)/309-10 construction of on-street parking, sidewalk and street furniture are required. Provide detail of street furniture proposed for Federal Highway and SW 1 Avenue. No street furniture detail provided. 3rd TIME REQUESTED.

7. Per Section 525-30(I) upper story windows should be bordered & accented by architectural trim. Revise accordingly. 3rd TIME REQUESTED (Planning).

8. Applicant must pay for variance applications fees (\$2,300 each X 9 = \$20,700) prior to issuance of building permit (Planning).

9. Awaiting traffic study report for review (Engineering).

10. Tree transplant and removal plan: A filed inspection of tree No. 13 revealed that it is a specimen tree, please provide its dollar value in accordance with Sec. 825-140 of the Dania Beach Code (Landscape Consultant).

11. Irrigation plan: unable to comments. An irrigation plan was not included with this submittal (Landscape Consultant).

12. Landscape Plan (LP-1): Please depict the overhead utility lines and setback from proposed larger landscape (Landscape Consultant).

13. The address posted is out of sequence with the rest of the block. The address shall be changed to 28 S. Federal Highway. The address has already been changed. Please reflect this change on you plans (Fire Marshal).

14. Fire lanes meeting the requirements as noted below shall be provided at the following locations:**

1. Drop off lanes (drop off lanes shall be for loading and unloading only, no parking).
2. The curb at the east and west end of the drop off lanes.

Provide an exit at the east end of the covered parking area. This exist may be used for the general public if permitted or may be gated for emergency vehicle egress only if necessary and identified as a fire lane (Fire Marshal).

15. Drive aisle must be a minimum of 12 feet in width (Fire Marshal).

16. A minimum vertical clearance of 14 feet as required by AHJ shall be provided throughout the site as well as the drop off lanes and the first floor parking area (Fire Marshal).

17. Fire Department access roads shall have an unobstructed width of not less than 20 feet (Fire Marshal).

18. Width and signage requirements for curbside vehicle parking in fire department access lanes:

1. Fire department access roads 20' to 27' – “NO PARKING” signs on both sides of the road.
2. Fire department access roads 28' to 35' – “NO PARKING” signs on one side of the road.
3. Fire department access roads 36' or greater – no signage required (Fire Marshal).

19. “NO PARKING: signage, painted curbs and/ or fire lanes striping required for fire lands, fire department access roads ad in front of fire department connections. Fire lanes, fire department access roads and the areas in front of the fire department connections. Shall be designated by yellow painting, striping or markings on the curbs and roadways.

1. Provide a curb detail not to indicate that all curbs are to be painted yellow.
2. All pavement markings shall be of thermoplastic paint.
3. Demonstrate that these areas are to be marked with freestanding signs with the working “NO PARKING FIRE LANE BY ORDER OF THE FIRE DEPARTMENT” or similar wording.
4. Such signs shall be 12 inches by 18 inches with a white background and red letters.
5. These signs shall be a maximum of 7 feet in height from the roadway to the bottom of the sign.
6. These signs shall be within sight of the traffic flow and be a maximum of 60 feet apart. (Fire Marshal).

20. Plans show inadequate parking throughout the site. Clearly identify on the plans where overflow parking is proposed (Fire Marshal).

21. Demonstrate that the required Fire Department access road shall have a surface designed to:

1. Accommodate fire apparatus with a minimum weight of 32 tons.
2. Have a surface suitable for all-weather driving capabilities – Example: turf block, concrete, stone, etc. (Fire Marshal).

22. The required width of a fire department access road shall not be obstructed in any manner (Fire Marshal).
23. Where gates are utilized, provide a Knox entry system to allow fire department access (Fire Marshal)
24. Clearly identify on the plans turning radii of 38' inside radius and 50' outside radius with a clear sweep of 12' of drive aisle for throughout the parking lot and covered parking area (Fire Marshal).
25. Identify the needed fire flow requirements for all buildings/structures. Fire flow calculations shall be prepared by a professional engineer currently licensed in the state of Florida for each newly constructed building. The needed fire flow requirement must be in accordance with NFAP1 Chapter 18, Section 1834 for manual suppression efforts (Fire Marshal).
26. Provide a hydrant flow test to determine the available water supply to this project. The hydrant flow test must be in accordance with the Broward County Amendments. This test must be performed by a qualified company of the builder's choice. In addition, the static pressure at the main shall be determined by a recorded method for a minimum 24 hour period. The actual flow test must be witnessed by, and recorded data sent to the Broward Sheriff's Office Fire Marshal's Bureau, Dania Beach District in any area where water is being supplied by the City of Dania Beach Public Services (Fire Marshal)
27. Automatic sprinklers required (Fire Marshal).
28. Fire flow testing of the water supply for automatic fire protection systems and automatic standpipe systems using water as an extinguishing agent for new buildings and structures and existing buildings and structures where the AFPS and ASS are altered by more than 75% of their value shall be as identified in DRC comments provided on 2-9-14 (Fire Marshal).
29. Private fire service mains connection from waterworks systems by PIV or underground gate valve (Fire Marshal).
30. Post indicating valves shall be located min. 40' from buildings. Post indicating valves shall be located not less than 40' from buildings (Fire Marshal).
31. Distribution systems to be looped. All distribution systems shall be designed to reduce the dead-end mains and provide a look for new and existing mains (Fire Marshal).
32. Min. size for private fire service mains. Pipe smaller than 8 inches in diameter shall not be installed as a private service main supplying hydrants (Fire Marshal).
33. Material for private fire service mains. Clearly identify on the plans the material to be used for private fire service mains. Materials shall meet the requirement outlined in NFPA 24 and shall be installed by a Florida licensed fire protection contractor with a class 1, 2, or 5 license (Fire Marshal).
34. Sprinkler system required. Buildings 3 or more stories in height & 3 or more units attached shall be equipped with a complete automatic fire sprinkler system. Completed engineered fire sprinkler drawings are required with construction document submittal (Fire Marshal).
35. Clearly identify the fire sprinkler system point of service as outlined in Florida State Statute (Fire Marshal).
36. Hydrant spacing shall not exceed 300' linear separation for commercial properties. Hydrants shall be no further than 175' from the building being constructed.

Provide a fire hydrant meeting the requirement noted in DRC comments in the front of the building on the Federal Highway side. Provide a fire hydrant meeting the requirement noted below at the corner of SW 1 Street and S. Federal Highway (Fire Marshal).

37. Hydrants shall be located not less than 40' from the building or wall hydrants shall be permitted to be used where approved by AHJ (Fire Marshal).
38. Please provide fire hydrant detail in accordance with DRC comments dated 12-9-14 (Fire Marshal).
39. Provide 1 blue double-reflective department of transportation type road marker to be adhered to the hard surfaces of the roadway in the middle of the lane nearest to and directly in front of the newly installed fire hydrants (Fire Marshal).
40. Provide bollards consisting of 3 inch steel pipe buried at 3' deep, with 3' of height above ground level & spaced 3' apart, these bollards are to be filled with concrete & capped are acceptable (Fire Marshal).
41. Provide clearances of 7'6" in front of & to the sides of the fire hydrant with a 4' clearance to the rear of any hydrant or fire protection appliance (Fire Marshal).
42. Clearly identify on the landscape plans all fire hydrants, fire department connections, etc. No trees, shrubs, etc, shall be planted within 7'6" in front of and to the sides of & 4' to the rear of all fire hydrants, fire department connections Only grass, decorative stone, mulch, etc. is permitted (Fire Marshal).
43. Hydrants mains must have a minimum 8" diameter connection with the mains (Fire Marshal).
44. Provide a class 2 standpipe system in accordance with the provisions of NFPA 13.2.2.2 & NFPA 14 where any of the following conditions identified in the DRC comments dated 12-9-14 exist (Fire Marshal).
45. Location of fire department connections. Two fire department connections shall be located as described in DRC comments dated 12-9-14 (Fire Marshal).
46. Signage for fire department connections. The FDC must be identified as to the building (complete address) or portion of the building it serves. Provide a permanent tactile sign at the FDC to meet requirements identified in the DRC comments dated 12-9-14. Each fire department connection shall be designated by a sign having raised letters as least 2' in height, cast on a plate or fitting that reads "STANDPIPE", "STANDPIPE AND AUTOSPKR" or "AUTOSPKR AND STANDPIPE". A sign also shall indicate the pressure required at the inlets to deliver the system demand. (Fire Marshal).
47. Provide backflow prevention assembly for the fire sprinkler system that meets the following requirements. All backflow preventers must be accessible for service & maintenance. All backflow preventers must be listed for fire protection service. All backflow preventers must be installed above ground (Fire Marshal).
48. Demonstrate fire department access routes during the construction phase (Fire Marshal).
49. Develop a fire safety and prevention program in accordance with the requirements of NFPS 241 Chapter 7 for the construction site during the construction phase (Fire Marshal).
50. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality 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.

This project is located within the Community Redevelopment Agency (CRA) boundary. Jeremy Earle, Executive Director of the Dania Beach CRA is in full support of this project as proposed.

RECOMMENDATION

VARIANCES – The applicant will present how the requested variances meet applicable regulations at the City Commission meeting. Approve the proposed variance resolution.

SITE PLAN/DESIGN VARIATION/SIGNAGE DESIGN FLEXIBILITY – The site plan application meets all applicable regulations, as determined by the DRC provided all nine (9) variances and both design variations are granted and further provided that the applicant address all fifty (50) DRC comments prior to issuance of a building permit. Approve the proposed site plan resolution.