



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

**DATE:** March 10, 2015

**TO:** Robert Baldwin, City Manager

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

**FROM:** Corinne Lajoie, AICP, LEED G. A., Principal Planner *[Signature]*

**SUBJECT:** **VA-84-14\VA-95-14\VA-118-14\VA-119-14\VA-120-14\VA-121-14\SP-08-13:** The applicant, Michael Vonder Meulen/Keith & Associates, Inc., on behalf of the property owner Broward County Board of County Commissioners, is requesting a several variances and site plan approval to permit the expansion of a water treatment facility at 4980 SW 40 Avenue.

**VARIANCE**

1. To provide zero (0) trees adjacent to the vehicle use areas; code required trees planted 1:40 feet resulting in a total of 12 trees required, per Section 275-90(C)(b).
2. To provide no hedge or wall along the vehicle use area; code requires a continuous wall or hedge; per Section 275-90(C)(c).
3. To allow no six-foot masonry wall separating residential use; code requires six-foot masonry wall, Per Section 275-110(D)(1).
4. To provide no trees and no shrubs adjacent to residential property; code requires a minimum of one tree per 40 linear feet (16 trees required) and one shrub per three linear feet (208 shrubs required), per Section 275-110(D)(3).
5. To allow a seven (7) foot landscape buffer along the west and north property lines; code requires a ten (10) foot minimum, Per Section 275-120.
6. To allow zero perimeter buffer trees on the property, code requires one tree per 40 linear feet (48 trees required); per Section 275-120.
7. To allow zero hedge material along the perimeter of the property; code required a row of hedges, per Section 275-120.
8. To allow the proposed storage tank to have zero shrubs; code requires a minimum of twenty (20) percent of the front of the structure to be planted with shrubs, per Section 275-170(A).
9. To allow a setback of 50 feet from the south property line adjacent to residential and 137 foot setback from the residential on the west where 500 feet is required; per Section 115-40(17).

**SITE PLAN**

To allow the construction of a new water storage tank.

**PROPERTY INFORMATION**

EXISTING ZONING:	General Industrial (IG)
PROPOSED ZONING:	Industrial, Research, Office, Commercial (IROC)
LAND USE DESIGNATION:	Utilities

The subject property is located on the east side of SW 40 Avenue where the existing Broward County Water Facility is currently located. This property was annexed into the City of Dania Beach in 2001. Prior to that time the property was located in unincorporated Broward County.

Today the property is zoned General Industrial (IG), which does not permit water treatment plants. The applicant has requested to rezone the property to Industrial, Research, Office, Commercial (IROC) which allows water treatment facilities as a special exception use with conditions. The rezoning request was heard and approved on first reading by the City Commission on December 9, 2014. These actions are necessary to allow expansion of the facility. The county is proposing to add a new water tank to the site as part of an infrastructure improvement project.

The site plan application includes the following variances. The applicant is aware of the zoning code provision that may allow the City Commission to waive all code requirements for other governmental entities projects or facilities. The applicant has included the variance applications necessary to incorporate modified standards, along with justification for each variance (attached with application).

#### **VARIANCE**

1. To provide zero (0) trees adjacent to the vehicle use areas; code required trees planted 1:40 feet resulting in a total of 12 trees required, per Section 275-90(C)(b).

Parking width along the front property line is 115 linear feet. Driveway length along the south property line is 365 linear feet. Therefore a total of twelve (12) trees must be planted ( $115+365=480/40=12$ ). The County has revised their plans, at staff's request, to now provide six (6) trees planted between the front property line and the new tank. The existing site does not conform to the city's current landscape requirements found in Article 275. Granting this variance will make the existing condition legal.

2. To provide no hedge or wall along the vehicle use area; code requires a continuous wall or hedge; per Section 275-90(C)(c).

The applicant is proposing no wall along the vehicle use area. There is an existing parking lot adjacent to the west property line that is 115 feet in length. The driveway length along the south property line is 365 linear feet. The cost to construct a continuous wall (based on RS Means) along the vehicle use area is estimated to cost \$46,080. The cost to install a continuous hedge along the vehicle use area is estimated to cost \$8,000. The existing site does not conform to the city's current landscape requirements found in Article 275. Granting this variance will make the existing conditions legal.

3. To allow no six-foot masonry wall separating residential use; code requires six-foot masonry wall, Per Section 275-110(D)(1).

Residential use is located immediately adjacent to the south property line for a total of 622 linear feet. The approximate cost of construction for a wall (based on RS Means) to meet this code requirement will be \$59,712. The water treatment facility exists today with no wall, however a new water tank is proposed fifty (50) feet from the shared south property line. The existing site does not conform to the city's current requirements found in Article 275. Granting this variance will make the existing conditions legal.



4. To provide no trees and no shrubs adjacent to residential property; code requires a minimum of one tree per 40 linear feet (16 trees required) and one shrub per three linear feet (208 shrubs required), per Section 275-110(D)(3).

The south property line is immediately adjacent to residential property and is where the new water tank is proposed. The south property line is 622 feet in length. Therefore 16 trees are required ( $622/40 = 15.55$ ). The County has revised their plans, at staff's request, to now provide five (5) new trees along the south property line, however, three (3) existing Black Olive trees are proposed to be removed. The cost to plant the required trees is estimated to be \$800. Zero (0) shrubs are proposed. The cost to plant the required shrubs is estimated to be \$10,400.

5. To allow a seven (7) foot landscape buffer along the west and north property lines; code requires a ten (10) foot minimum, Per Section 275-120.

These setback deficiencies exist today and will not change with improvements currently proposed. Granting the variance will make the existing condition legal.

6. To allow zero perimeter buffer trees on the property, code requires one tree per 40 linear feet (48 trees required); per Section 275-120.

The property is approximately 337 feet wide and 620 feet deep. Therefore 48 trees are required. The cost to plant the required trees is estimated to be \$2,400. The County has revised their plans, at staff's request, to now provide a total of eleven (11) perimeter buffer trees.

7. To allow zero hedge material along the perimeter of the property; code required a row of hedges, per Section 275-120.

The property is approximately 337 feet wide and 620 feet deep. A total of 636 shrubs are required to be planted at one plant per every three feet. There are no perimeter hedges on the site today and the applicant is not proposing any at this time. The cost to plant the required hedges is estimated to be \$31,800. Granting the variance will make the existing condition legal.

8. To allow the proposed storage tank to have zero shrubs; code requires a minimum of twenty (20) percent of the front of the structure to be planted with shrubs, per Section 275-170(A).

For calculations purposes, staff has calculated only the front 120 feet of the proposed tank, as that is likely to be the most visible section of the structure from the road. Compliance with this section of the code would cost approximately \$1,200. The applicant is proposing no shrubs around the new tank, citing safety concerns. Alternatively, the applicant revised their plans, at staff's request, to now provide an enhanced exterior tank elevation which includes decorative treatments such as incorporation of arches and columns as well as the use of three (3) colors.

9. To allow a setback of 50 feet from the south property line adjacent to residential and 137 foot setback from the residential on the west where 500 feet is required; per Section 115-40(17).

The City's Land Development Code identifies minimum separation requirements of 500 feet between water treatment facilities and residential use as a buffer. The existing tank on the property provides a 50 foot setback from the south property line. The applicant is proposing the new tank to have the same setback.



## 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."

## SITE PLAN

### BUILDING ELEVATIONS

The applicant indicated that the Guidelines for the Physical Security of Water Utilities standards discourage the installation of landscape material on the site. In order to respond to the variance criteria, staff requested the County has revised the original plans which now include the following:

- 11 new trees on the site along the front (west) and side (south) property lines;
- 2 new swale trees along the front (west) property line;
- New decorative metal fence with concrete columns and sliding gate to replace the existing chain link fence with barbed wire; and
- An enhanced exterior tank elevation which includes decorative treatments such as incorporation of arches and columns as well as the use of three (3) colors.

The site plan was reviewed by the Fire Marshal, Public Services, the City's landscape consultant and the Planning Division. The applicant has addressed all of staff's comments. Therefore the site plan meets all applicable regulations provided the all of the requested variances; special exception and rezoning requests are approved.

Additional city approvals for this project are necessary. In addition to these variance requests, the applicant has also applied for a rezoning and special exception approval for construction of a new tank and site improvements.

## CITY COMMISSION PREVIOUS ACTION

On January 27, 2015 the City Commission continued this item at the request of the applicant.

**RECOMMENDATION**

**VARIANCES**

The variance applications meet all applicable regulations as illustrated by the applicant's justification statement. Approve the variance resolution.

**SITE PLAN**

The site plan application meets all applicable regulations determined by the Development Review Committee. Approve the site plan resolution, provided each of the requested variances are approved.