





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

DATE: April 14, 2015

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director 

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

SUBJECT: **SP-09-12mod/VA-58-14/VA-33-15:** The applicant, CLIMA, LLC., is requesting approval to modify a previously approved site plan and variances for the construction of two buildings located at 4470 Ravenswood Road.

VARIANCES

1. To provide no trees in the landscape islands; code requires two (2) trees per island, Section 275-100(C)(D); and
2. To provide a five (5) foot landscape buffer along the front (west) property line; code requires a ten (10) foot buffer, Section 275-90(C);

WAIVER

To provide 14.65 percent pervious area; code required 25 percent pervious, per Section 215-130.

SITE PLAN

To allow the construction of two (2) buildings approximately 8,920 square feet.

PROPERTY INFORMATION:

ZONING: Industrial, Research, Office, Marine – Airport Approach (IROM-AA)

FUTURE LAND USE: Industrial

CODE VIOLATIONS

The structure in question has already been installed without obtaining a building permit. On June 12, 2012 a Notice Letter of Violation; Unsafe Structures was issued by Broward County Environmental Protection and Growth Management Department, in coordination with the City's Building Official. Subsequently, on July 17, 2012 the property owner was brought before the Broward County Unsafe Structures Board. Code Compliance has outstanding violation fines on the property for work done without a permit in the amount \$17,250. An Abatement Request Hearing to discuss this fine is scheduled for April 2, 2015. In addition, Code Compliance has an open code case regarding an unsafe

structure on the property. The property owner has until March 14, 2015 to remove the unsafe structure or pay a fine of \$200 per day.

On November 27, 2012 the City Commission granted approval of a site plan for this property, which included the approval of the existing, non-permitted structure. However, the applicant later requested changes to the approved site plan which requires City Commission approval.

VARIANCES

1. LANDSCAPE ISLAND TREES

Code requires two (2) trees per island. The applicant is providing no trees in five (5) landscape islands. A total of ten (10) trees are required. The applicant will be providing the ten (10) required trees elsewhere on the property. The applicant has indicated in their justification statement that leaves from shade trees cause a hazard for the nearby boats in the marina.

2. LANDSCAPE BUFFER

The Land Development Code (LDC) requires a ten (10) foot landscape buffer along the street frontage. The applicant is providing five (5) feet of landscaping on the west side of the fence. As indicated in the applicant's justification statement, the site is monitored by Florida Department of Environmental Protection and a consent Final Judgement Order and thereby prevents the property owner from meeting this code requirement.

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."

WAIVER

The proposed revised site plan provides 14.65 percent pervious area, the LDC required 25 percent pervious to be provided. The LDC allows the City Commission to waive this requirement provided the city engineer deems appropriate the design and construction methods proposed by the applicant to completely mitigate the stormwater runoff increase that would occur by granting the waiver. Ronnie Navarro, City Engineer is working with the applicant and has not yet provided an opinion on the waiver request.

SITE PLAN

The applicant is requesting site plan approval for an existing 7,200 square foot metal storage building and an existing 1,720 square foot vinyl covered storage structure, both located on the west side of the property, adjacent to Ravenswood Road. The buildings will be used as private boat storage.

The site plan identifies new landscaping and fence along the west property line, new 'green' landscaped islands adjacent to the marina and electrical charging stations for vehicles available for public use. The changes proposed with this site plan modification include the following:

- Elimination of a gravel display area.
- Elimination of 40 parking spaces
- Elimination of 18 previously proposed trees.

CONSTRUCTION BOND

Broward County has a bridge reconstruction project planned on Ravenswood Road, much of which will be located immediately west of the project. The project is scheduled to begin September 2015 and be completed by September 2017. During construction the right-of-way and western portion of the property will be within the project area or used as construction staging. This activity will prevent the applicant from installing the landscaping and fence along the west property line as shown on the site plan.

The LDC required sidewalks to be constructed along public roadways. The applicant has indicated that the new bridge construction will eliminate the sidewalk. The Public Services Director has stated that sidewalks are required for all new construction per an ADA lawsuit settlement by which the City is obligated. Therefore, the applicant must include the cost of sidewalk construction in the value of the bond or provide a written statement from Florida Department of Transportation or Broward County stating the sidewalk construction on the east side of Ravenswood Road is not feasible.

The applicant is required to post a construction bond in the amount equal to the cost of the items identified above. The City's Building Official will confirm construction value. The exact work and value of the bond has not yet been finalized.

DEVELOPMENT REVIEW COMMITTEE (DRC)

The site plan was reviewed by the BSO Fire, Public Services, the City's landscape consultant and the Planning Division on four (4) separate dates; April 13, 2014, June 17, 2014, July 24, 2014 and January 5, 2015. The following staff comments are still outstanding and must be addressed by the applicant prior to issuance of a building permit:

1. Applicant must post a construction bond for the value of all improvements proposed to occur after bridge construction is complete, prior to further action of the building department. The value of the bond to be approved by the City's Building Official (Community Development).
2. Construct sidewalk along west property or provide letter from FDOT/Broward County that a sidewalk in this location is not feasible prior to issuance of a certification of occupancy (Community Development).
3. According to the "Landscape Code for City of Dania" table, 25 buffer trees are proposed along Ravenswood Road, however, the plan depicts 22 trees. Please make necessary corrections (Landscape Consultant).
4. According to the "Landscape Code for City of Dania" table, 6 buffer trees are proposed on the south side of the property, however, the plans depicts 11 trees. Please make necessary corrections (Landscape Consultant).
5. According to the "Landscape Code of City of Dania" table, 4 trees are proposed for other non-vehicular open space, however, the plan depicts 5 trees. Please make necessary corrections (Landscape Consultant).
6. The plans indicate that the west buffer trees will be installed after bridge construction. Per Section 275-500(A), if the landscape requirements have not been met at the time that a certificate of occupancy could be granted and it requested, the owner or agent must post a bond of 100% of the completion cost. Acceptance of a bond in lieu of completion of landscape requirements prior to certification of occupancy is at the discretion of the Director of Community Development Landscape Consultant).
7. Please identify what is being modified (Fire Marshal).
8. Provide a fire hydrant flow test (Fire Marshal).
9. Provide fire flow demand (Fire Marshal).
10. Provide a completed application for approval of the Fire Protection Water Supply Design to be signed and sealed by the Engineer of Record (Fire Marshal).

CITY COMMISSION PREVIOUS ACTION

On March 24, 2015 the City Commission continued this item at the applicant's request.

On November 27 2012 the City Commission approved a site plan for the construction of an approximately 7,200 square foot boat storage building that was already constructed.

STAFF RECOMMENDATION

VARIANCES

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

WAIVER

Approve, provided the City Engineer supports the request.

SITE PLAN

The site plan application meets all applicable regulations determined by the Development Review Committee provided all DRC comments are addressed prior to the issuance of a building permit unless otherwise identified, further provided each of the requested variances, pervious area waiver and establishment of the construction bond, as confirmed by the Building Official, are approved.