



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

DATE: April 28, 2015

TO: Robert Baldwin, City Manager

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

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

SUBJECT: **VA-103-14/VA-28-15/OT-26-15/SP-102-14:** The applicant, HWC, on behalf of American Maritime Officers Building of Dania Beach, LLC., is requesting a Special Exception, Variances, Design Variations and Site Plan approval for the construction of a new 31,000 square foot building located at 2 Dixie Highway.

**REQUEST
VARIANCE**

1. To provide 220 parking spaces on site and 66 off-site parking spaces as shared parking; code requires 548 parking spaces, per Section 265-50.
2. To provide no on-street parking; code requires on-street parking, per Section 309-10

DESIGN VARIATION

1. To provide no street furniture, plantings and street scape elements as required by the Land Development Code (LDC); per Section 307-20.
2. To provide an eight (8) foot to twenty-seven (27) foot front building setback; Code requires a zero (0) to twelve (12) foot building placement; per Section 303-80(k).

SITE PLAN

To allow the construction of a new 31,000 square foot building that will include office and galley/dining area.

PROPERTY INFORMATION

EXISTING ZONING: South Federal Highway – Mixed Use (SFED-MU)
LAND USE DESIGNATION: Regional Activity Center (RAC)

This property is the location of the American Maritime STAR Center. The owner has owned this property for more than forty (40) year. Over time, several properties have been assembled to create a campus environment. The applicant has indicated that this site currently supports 13,547 square feet of business/vocational school, 30,744 square feet of business office and 126 beds distributed among various residential facilities for the Center's student population.

The American Maritime STAR Center is proposing to demolish approximately 8,716 square

foot in order to modernize the facility with the construction of a new 31,000 square foot building that will include space for office use and a galley/dining area. To do so, several variances and design variations are necessary to support the proposed site plan.

VARIANCE

1. Parking

Currently the property has a total of 229 parking spaces on site. The proposed new building construction will eliminate nine (9) parking spaces from the site resulting in 220 remaining spaces. The applicant is proposing to provide the 220 existing parking spaces on site and record an existing off-site parking agreement with a neighboring church property for an additional 66 parking spaces. This off-site parking agreement must be approved by the City Commission and recorded in Broward County Public Records prior to issuance of a building permit.

Although the LDC requires a total of 538 parking spaces on site, the applicant has provided parking analysis conducted by Kimly-Horn which indicated that the remaining 286 (220 on-site parking + 66 off-site parking) total parking spaces that will be provided will be "adequate" to meet future parking demand for the property.

2. On-Street Parking

This property is located in the Community Redevelopment Area (CRA), in the South Federal Highway – Mixed Use (SFED-MU) zoning district, which is a form based district. The CRA Redevelopment Plan and the Land Development Code (LDC) requires "Complete Street Improvements" in the CRA form based districts, which includes the SFED-MU. The Complete Street Improvements includes the construction of on-street parallel parking. This on-street parking is supposed to be located in the right-of-way adjacent to the subject property, which can then be counted toward the required parking for the use. The proposed new building fronts on Dixie Highway which is a county road, however the other two (2) street frontages for the project which are located on the city roads that could be retrofitted to include on-street parking. Such newly created on-street parking could then be counted toward the total parking available for the use, further reducing the parking shortage that exists today.

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 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."
- (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

The American Maritime STAR Center is proposing to construct a new 31,000 square foot building that will include space for office use and a galley/dining area.

Due to the fact that this property is located in the Regional Activity Center (RAC) land use, the RAC Traffic Impact Mitigation fee of \$21.26 per PM peak hour trip must be paid prior to issuance of a building permit, per an agreement with Broward County. As such, the applicant has provided an analysis by Kimley-Horn stating that the PM peak hour trips due to the expansion (new construction) will be ten (10). Therefore the RAC Traffic Impact Fee of \$212.60 will be required at time of permitting.

This property is located within the CRA and has the full support of Jeremy Earle, Executive Director of the CRA. However, because of the project location square footage must be allocated by the City Commission from the RAC tables.

DESIGN VARIATION

1. Street furniture/Sidewalk/Street Trees

As a result of the project's location in the CRA and having a form based zoning designation, the code requires complete street improvements as identified in the CRA Redevelopment Plan and the LDC. Complete street improvements include construction of on-street parking, widened sidewalks, installation of street furniture and street trees. The application states, due to the percentage of the existing building that is being demolished (8,716 square feet), compared to the overall square footage of the existing school, it is not feasible to comply with the LDC and they are therefore requesting a design variation from this section.

2. Building Placement

This property is located in the SFED-MU zoning district, which is a form based district that identifies Build-To-Lines (BTL) in lieu of building setbacks. The BTL indicated where the building must be placed. The BTL location varies from zero (0) feet to twelve (12) feet depending on the type of building frontage provided. The applicant is requesting a design variation from this requirement because, as indicated in the applicant's justification statement, the majority of the square footage on the property is not going to be replaced by new construction. The applicant claims that it is not feasible to comply with the LDC's, for this reason, and therefore are requesting a design variation from this regulation.

DESIGN VARIATION CRITERION

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."

DEVELOPMENT REVIEW COMMITTEE (DRC)

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

1. RIGHT-OF-WAYS: Identify if r-o-w dedication is required. Federal Highway ROW width is identified on the Broward County Trafficway Map showing an ultimate width of 92'. Show current width of ROW to centerline to determine if dedication is required (Community Development).
2. Per Section 265-80, off-site parking is proposed, as identified in narrative prepared by Chen Moore. Therefore provide the following information:
 - (A)(2) landscape/survey showing perimeter landscaping is provided. Show landscaping of off-site parking location (Church property). 2nd time requested.
 - (C) Provide written agreement approved by the City Attorney, which must include the following:
 - (1) Proof of cross access, ingress and egress and reservation for off-street parking use for the duration of the agreement.
 - (2) Permissible hours of operation.
 - (3) Enforcement.
 - (4) Document must be recorded in Broward County Public Record prior to issuance of a building permit (Community Development).
3. RAC Traffic Impact Fee of \$212.60 will be required at time of permitting (Community Development).
4. Per Section 275-100(D) terminal landscape peninsulas shall be ten feet wide and as long as the required length of the parking stall in that aisle, exclusive of curb dimensions. Each peninsula shall have a minimum of two category 1 trees. Please adjust the size of the peninsulas, and the number of species of trees provided as needed (Landscape Consultant).
5. Math error noted on C4.02 tabulation; average sewage flow is erroneous (Public Services).
6. Notes on all sheets with "Datum Information" should be corrected to reflect the official conversion factor for Broward County, for reference check the following link: <http://www.broward.org/PermittingAndLicensing/Licensing/Engineering/FloodZoneMaps/Pages/Requirements.aspx> (Public Services).
7. Provide drawing file (dwg or dgn) disk of the approved site plan in Florida State Plane Coordinate (NAD83). This should be addressed as part of the final submittal (Public Services).

In addition to the Variances, Design Variations and Site Plan, the applicant has also submitted application for Special Exception approval for the property, which will be heard separately.

STAFF RECOMMENDATION

VARIANCE

The variance applications meet the variance criteria as indicated in the applicant's justification statements, provided the City Commission approved the off-site parking agreement and the applicant records such agreement in Broward County Public Record prior to issuance of the building permit. Approve the proposed variance resolution, with conditions of recordation.

SITE PLAN AND DESIGN VARIATION

The site plan application and design variations meet all applicable regulations, as determined by the DRC and identified by the applicant. Approve the proposed site plan resolution provided the variances and design variations are granted and further provided that the applicant address all DRC comments prior to issuance of a building permit.