



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

DATE: July 28, 2015
TO: Robert Baldwin, City Manager
VIA: Marc LaFerrier, AICP, Director
FROM: Corinne Lajoie, AICP, Principal Planner, LEED GA *CM Lajoie*
Mariluz Maldonado, City Planner *M.M.*

SUBJECT: SP-18-89MOD2/VA-053-15/VA-073-15: The applicant, Christopher Hollen, P.E. with Kimley-Horn on behalf of the owner, DDRM Sheridan Square LLC, is requesting a site plan modification and variances to accommodate a Walmart Neighborhood Market at the property located at 401 East Sheridan Street.

REQUESTS

SITE PLAN MODIFICATION

The site plan is being modified to accommodate the Walmart Neighborhood Market with a drive through pharmacy component.

VARIANCES

1. To provide a drive through distance separation of approximately four-hundred (400) feet between drive through driveways on the same side of the designated arterial road; code section 110-190 (A)(9) requires a five-hundred (500) foot separation.
2. To provide two (2) wall signs along the street frontage with a total of approximately two-hundred and thirty (230) sq. ft. on Sheridan Street; code section 505.110 allows for one (1) sign per building frontage with a maximum square footage of approximately one-hundred and eleven (111) sq. ft.

PROPERTY INFORMATION

EXISTING ZONING: Commercial (C-2)
LAND USE DESIGNATION: Commercial

The property is located along Sheridan Street, east of Federal Highway. The property currently functions as a shopping center. The subject tenant space where the Walmart Neighborhood Market and pharmacy with a drive through is proposed used to house a Publix Supermarket.

SITE PLAN MODIFICATION

Some of the modifications to the site include: adding a drive thru for the pharmacy component, enlarging a pond to increase the property drainage, shifting an existing dumpster for easy access and adding a 3rd required loading space.

A minor site plan modification was administratively approved for this site back in April this year, which including interior/exterior alterations to accommodate the proposed Walmart Neighborhood market. Since then additional modifications have been identified to incorporate a drive-through pharmacy. In addition, other site improvements are being proposed which included: removal of excess parking spaces to enlarge a retention pond on the site, shifting the existing dumpster and adding a third loading zone to comply with the code.

Development Review Committee

The site plan and variances were reviewed on May 22, 2015 by the Development Review Committee, which includes representative from the BSO Fire, Public Services, the City's landscape consultant and the Planning Division and all comments were addressed.

DRIVE-THROUGH VARIANCE

The applicant is requesting a variance to waive the required 500 feet measured from the driveways of any two (2) sites on the same side of the designated arterial road. The site currently has a shopping center with several retail and restaurant uses. There is also an outparcel with a bank/office building and a drive through facility. However, because the bank parcel with the drive through is not separated by a minimum of 500 feet as the code requires, the variance is necessary.

The proposed drive through lane has been reviewed against the City's Land Development Regulations, Section 625-40 below criteria and the following findings were made:

(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.

As provided by the applicant, "the proposed drive through is necessary for a successful Walmart Neighborhood Market grocery store and retail pharmacy at this location, and a new, thriving anchor tenant". Furthermore, based on the provided traffic statement, the number of trips/traffic on the site is not being increased since the square footage of the building did not change.

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

"The requested variance is compatible with the surrounding land uses and would not be detrimental since the shopping center is a long established commercial use. When it was approved, the impacts were evaluated relative to its neighbors. Furthermore, additional features include: additional trees and landscaping along the drive through, new accessible curb ramps, repaint, improve drainage and limit sound levels", as provided by the applicant.

(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 requested variance to allow a drive through facility will be consistent with the goals and objectives of the comprehensive plan by promoting growth, mix of uses, and allowing the redevelopment of a vacant tenant space into an active use", as provided by the applicant.

(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 variance is necessary because "the bank building at the intersection of Sheridan Street and SE 5th Avenue, which is a separate outparcel will not be separated by a minimum of 500 feet as the code requires", as indicated by the applicant. Also as provided within the justification criteria, drive through facilities would help increase the marketability of the pharmacy component. In addition, the applicant is requesting a variance to allow one drive through lane when the code allows for up to three lanes.

(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.

As previously indicated, the applicant is requesting a variance to waive the required 500 feet separation between drive through facilities. However, the applicant is requesting the minimum necessary to accommodate a one lane drive through, when the code allows for up to three lanes.

SIGNAGE VARIANCE

The proposed sign has been reviewed against the City's Land Development Regulations, Section 505-180 below criteria and the following findings were made:

(1) The variance request is in harmony with the general intent and purpose of this article, and is not contrary to the public interest, especially with regard to the aesthetic impact on the surrounding area.

"The requested variance for additional signage is for identification purposes and the aesthetic impact has been considered and is an improvement to the site", as provided by the applicant. The additional sign and the increased signage area are to identify the drive thru area and the increase in size is to ensure proper identification and visibility from Sheridan Street traffic.

(2) The variance is necessary in order for the sign to achieve the level of visibility and effectiveness typical for conforming signs within the same zoning district in the city and intended by this article.

"The sign size was chosen to match the level of visibility of adjacent similarly zoned buildings, as provided by the applicant in the justification criteria. Furthermore, as the applicant provides, the proposed signage is less than what the previous tenant (Publix) had on the building. The main Walmart sign will be approximately 188 sq. ft. and the drive through pharmacy sign will be approximately 43 sq. ft.

(3) The impaired visibility or effectiveness of the signage allowed in this article would result in unnecessary or undue hardship.

"This request is for a major anchor tenant to the shopping center which is much larger than average space and store frontage", as provided by the applicant. In addition, the building is significantly setback from the main road and partially obscured by both buildings and existing mature landscaping which hinders the visibility from the main road. As, such the proposed signage will enhance identification of business and uses while helping improve the directional flow into the site.

(4) The hardship is not a result of the applicant's actions, financial hardship, or any inconvenience of complying with the code, but is a result of:

- (a) Conditions that are unique to the land, building, site configuration; or
- (b) Conditions that are unique to the configuration of the site in relation to adjacent sites or features; or
- (c) Other unique conditions that are not self-created by the applicant.

"The hardship is the result of the large building setback from the main road, the existing landscape and the existing configuration and conditions on the site which make it necessary to request the signage variance for business and uses identification, as provided by the applicant in the justification criteria.

(5) The request is the minimum necessary deviation from the requirements of this article to provide for reasonable and adequate sign visibility and effectiveness, with due consideration for the aesthetic of the sign and its scale relative to that of buildings and signs on the same and adjacent properties.

"The proposed new signage will have an aggregate area of approximately 230 sq. ft.", as indicated by the applicant. As previously mentioned, the hardship is the result of the large building setback from the main road, the existing landscape and the existing configuration and conditions on the site which make it necessary to request the signage variance for business and uses identification.

STAFF RECOMMENDATION

VARIANCES

The variances applications meet all applicable regulations as illustrated by the applicant's justification statement. Therefore, approve the variances.

SITE PLAN MODIFICATION

The site plan modification application meets all applicable regulations determined by the Development Review Committee. Therefore, approve the site plan modification.

RESOLUTION NO. 2015- _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING A SITE PLAN MODIFICATION (SP-18-89MOD2) AND VARIANCES (VA-053-15/VA-073-15) SUBMITTED BY CHRISTOPHER HOLLEN, P.E. WITH KIMLEY-HORN, ON BEHALF OF THE PROPERTY OWNER, DDRM SHERIDAN SQUARE, LLC FOR PROPERTY LOCATED AT 401 EAST SHERIDAN STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 28 of the Code of Ordinances of the City of Dania Beach (the City Code"), which chapter contains the City Land Development Code (the "LDC"), pursuant to Part 6, "Development Review Procedures and Requirements", Section 635, states that site plan approval is required as a condition to the issuance of a building permit; and

WHEREAS, Chapter 28 of the City Code, Part 6, Article 625 of the LDC states that a variance approval may be granted by the City Commission at the time of site plan approval; and

WHEREAS, Christopher Hollen, P.E. with Kimley-Horn, representing the property owner, DDRM Sheridan Square, LLC, (the "Applicant") has applied to the City of Dania Beach (the "City"), for site plan modification approval (SP-18-89MOD2) and variance approvals (VA-053-15/VA-073-15), for property legally described in Exhibit "A"; and

WHEREAS, previously a minor site plan modification was administratively approved on April 8, 2015, which included interior/exterior alterations necessary to accommodate the proposed Walmart Neighborhood Market; and

WHEREAS, additional site modifications have been identified by the Applicant, which are necessary to accommodate a drive through pharmacy, as well as site modifications to enlarge a pond for increased property drainage, shifting an existing dumpster location for easier access and providing for a third required loading space; and

WHEREAS, the Applicant is requesting variance approval to waive the drive through distance separation of five-hundred (500) feet measured from the driveways of any two (2) sites on the same side of the designated arterial road per code section 110-190 (A)(9) to provide a distance of approximately four-hundred (400) feet between driveways; and

WHEREAS, the Applicant is requesting variance approval to permit two (2) wall signs to be located along the street frontage which total approximately two-hundred and thirty (230) sq. ft. on

Sheridan Street; City Code Section 505.110 only provides for one (1) sign per building frontage with a maximum square footage of approximately one-hundred eleven (111) sq. ft.; and

WHEREAS, on May 22, 2015 the City's Development Review Committee (DRC), which is includes representative from the BSO Fire, Public Services, the City's landscape consultant and the Planning Division staff, reviewed the site plan modification and variances for compliance with all applicable regulations; and

WHEREAS, staff recommends approval of the site plan modification, drive through variance and signage variance for the Walmart Neighborhood Market: and

WHEREAS, the City Commission conducted a duly noticed public hearing in accordance with Article 610 of the City's LDC; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2. That those certain applications for a site plan modification (SP-18-89MOD2) and variances (VA-053-15/VA-073-15), copies of which are attached as composite Exhibit "B" and Exhibit "C", which are made a part of and incorporated into this Resolution by this reference, are hereby approved.

Section 3. That based upon the criteria set forth in the City's Land Development Code Section 625 for variances and Section 635 for site plans, the site plan modification approval (SP-18-89MOD2) and variance approvals (VA-053-15/VA-073-15) shall automatically expire and become null and void unless the Applicant files a complete building permit application with construction drawings for all improvements shown on the plan, within eighteen (18) months from the date of this Resolution.

Section 4. That the 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 does not fulfill the obligations imposed by a state or federal agency, or undertakes actions that result in a violation of state or federal law.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED _____, 2015.

ATTEST:

**LOUISE STILSON, CMC
CITY CLERK**

**MARCO A. SALVINO, SR.
MAYOR**

APPROVED AS TO FORM AND CORRECTNESS:

**THOMAS J. ANSBRO
CITY ATTORNEY**

EXHIBIT "A"

Sheridan Square Legal Description

Legal Description of Shopping Center Land

TRACT A SANDPIPER BAY COMMERCIAL, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 117, PAGE 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT A; THENCE ON AN ASSUMED BEARING OF 88 DEGREES 37 MINUTES 24 SECONDS EAST ALONG THE SOUTH BOUNDARY OF SAID TRACT A, A DISTANCE OF 418.36 FEET TO THE POINT OF BEGINNING; THENCE: NORTH 01 DEGREES 37 MINUTES 09 SECONDS WEST A DISTANCE OF 265.00 FEET; THENCE NORTH 88 DEGREES 37 MINUTES 24 SECONDS EAST A DISTANCE OF 200.00 FEET TO THE INTERSECTION WITH THE SAID EASTERLY BOUNDARY OF TRACT A, THENCE SOUTH 01 DEGREES 37 MINUTES 09 SECONDS EAST ALONG SAID EASTERLY BOUNDARY A DISTANCE OF 229.85 FEET TO AN ANGLE POINT ON THE BOUNDARY OF TRACT A,

THENCE SOUTH 43 DEGREES 30 MINUTES 07.5 SECONDS WEST AND ALONG SAID BOUNDARY A DISTANCE OF 49.60 FEET TO THE SOUTH BOUNDARY OF TRACT A; THENCE SOUTH 88 DEGREES 37 MINUTES 24 SECONDS WEST ALONG SAID SOUTH BOUNDARY A DISTANCE OF 164.85 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS

TRACT A OF SANDPIPER BAY COMMERCIAL, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 117, PAGE 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THAT PORTION DESCRIBED AS TRANSFLORIDAS BANK OFFICE BUILDING, A CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 13221, PAGE 342, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

