



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

**DATE:** September 8, 2015

**TO:** Robert Baldwin, City Manager

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

**FROM:** Corinne Lajoie, AICP, LEED GA, Principal Planner *CL Lajoie*

**SUBJECT:** **SE-44-15/VA-68-15/SP-43-15:** The applicant, Bonnie Miskel, Esq., with Dunay, Miskel & Backman, LLP, on behalf of Archdiocese of Miami Church of the Resurrection C/O Suzan Dockery, Esq., is requesting a special Exception, variance and site plan approvals for the property generally located at 441 NE 2 Street.

**REQUEST**

**SPECIAL EXCEPTION**

To allow marina use; per Section 105-20.

**VARIANCE**

To provide zero (0) foot separation between a driveway and intersection of a local street; Code requires a forty-five (45) foot separation; per Section 265-160.

**SITE PLAN**

To allow the construction of a 3,900 square foot marina office and four (4) piers.

**PROPERTY INFORMATION**

**EXISTING ZONING:** Single-Family Residential District (RS-8000)  
**LAND USE DESIGNATION:** Regional Activity Center (RAC)

The subject property is approximately four and a half (4.5) acres in size located on the south side of Dania Cut Canal and north of Resurrection Church. The property is currently undeveloped. To the east are single family residential homes. To the west is the old tomato field currently owned by Dania Jai Alai. The property is currently under contract to be purchased from the Archdiocese of Miami.

The property is directly adjacent to the Dania Cut Canal and is situated to provide dockage of large vessels or mega yachts. The marina is designed to accommodate luxury boats by providing docking services to owners that maintain a home off of the premises, boats that are transitioning from charters or boats in route to their home port. A marina office is proposed in order to maintain a small business office, facilities for crew and storage facilities for the operation of marina.

## **SPECIAL EXCEPTION**

The Land Development Code (LDC) permits marine use as a Special Exception use in the RS-8000 zoning district. Section 630-50 of the Land Development Code states, the City Commission or Planning and Zoning Board, if applicable, shall review the application to determine whether the Special Exception use complies with the following criteria standards:

(1)"That the use is permitted as a special exception use as set forth in the use regulations of part 1 of this code."

(2)"That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located."

(3)"That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning."

(4)"That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities."

(5)"That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets."

(6)"That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community."

(7)"That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community."

(8)"That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance."

(9)"That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan."

(10)"That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses,

uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.”

(11)”That the use will not overburden existing public services and facilities.”

The applicant provided a justification statement identifying how their request is consistent with the Special Exception criteria.

#### VARIANCE

The City’s LDC requires new driveways to be located a minimum of forty-five (45) feet from the intersection of a local road. At staff’s request, the applicant has located the entrance drive directly west of the intersection of NE 3 Street and NE 5 Avenue as opposed to offsetting the driveway as code requires, which would cause the entrance to the marina to be located across from a single family house.

Section 625 of the City’s LDC 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.”

The applicant provided a justification statement identifying how their request is consistent with the Variance criteria.

#### SITE PLAN

The proposed site plan includes the construction of a 3,900 square foot marina office, four (4) piers and a surface parking lot. The property will have access from NE 5 Avenue on the

east. The applicant is providing a significantly landscaped buffer on the east side of twenty-five (25) feet in width.

The applicant has submitted an application to vacation NE 4 Court, which will enable them to push the marina west, away from the existing single family homes and to provide a larger landscape buffer in this area than would have otherwise been provided.

Staff has requested the applicant to provide access to the property during construction via NE 4 Court or through the church property and not on NE 5 Avenue to eliminate local residential traffic from being impacted by construction traffic.

#### Development Review Committee (DRC)

The plat was reviewed by the DRC, which includes representative from the BSO Fire, Public Services, the City's landscape consultant and the Planning Division. The applicant has the following comments that have not yet been addressed.

1. The applicant must provide access to the property during construction via NE 4 Court or through the church property (Planning).
2. Applicant must deed restriction limiting uses to boat detailing, minor boar repair, the receiving of boat supplies, food or other types of provisions uses to stock a boat (Planning).
3. Applicant to provide enhanced detail of eastern landscape buffer, showing material, dimensions, berm height and width (Planning).
4. RAC TRAFFIC IMPACT MITIGATION: Based on Traffic Impact Statement provided by Cathy Sweetapple, 13 PM peak house trips will be generated; therefore \$276.38 mitigation fee is required at the time of permitting (Planning).
5. SIGNS: Signs must meet requirements of Part 5 of the City's Land Development Code (Planning).
6. Clarify lot area calculation. Sheet SP-1 shows property area = 228,584 s.f. or 5.247 acres. Application shows 4.557 acres. Revise plans accordingly. 2<sup>nd</sup> time requested (Planning).
7. Table on Sheet SP-1 shows 479'/20' side setback. The measurements shown on drawing are 459'/31'. Revise accordingly (Planning).
8. Provide revised lighting plans showing light levels at property line at access point on NE 5 Avenue (Planning).
9. Reconcile storm water calculations with survey information. Total project area does not match (Engineering).
10. Provide copy of the percolation results as used in your storm water calculations; reconcile pre- and post-development areas; marina occupied by water under proposed development should be included (Engineering).
11. Show section of proposed retention areas. Perimeter grade shall meet the 25-year storm event flood stage (Engineering).
12. May need to revisit proposed sewer system once pump out system is resolved. Building can connect directly by gravity to existing gravity system but not the pump-out which require a force main system; this may require installation of a drop manhole to connect to the gravity system (Engineering).

13. Per Dania Beach Code of Ordinances (Article 415 – Sidewalks and Swales), owner is responsible for sidewalks and swale improvements within the road right-of-way. Please show extent of offsite improvements in sufficient detail including but not limited to paving, grading and drainage along NE 5 Avenue. It seems that the proposed alignment is along edge of pavement; this requires curbing for safety reasons (Engineering).
14. Provide section and details of at-grade driveways and at-grade parking areas (Engineering).
15. In compliance with Article 805 of the City Code of Ordinances, applicant shall provide a projection water demand, and sewage and solid waste generation in tabular format (Engineering).
16. Further comments may be offered based on future plan revisions (Engineering).
17. Provide drawing file (dwg or dgn) disk of the approved site plan in Florida State Plane Coordinate (NAD 83). This should be addressed as part of the final submittal (Engineering).
18. Per Section 825-50, trees No 41, 44, 54 & 60 are considered specimen trees: "Specimen tree: ... any palm tree which has a minimum of 6 feet of clear wood and a DBH of 15 inches or greater." For these trees, please provide the dollar value calculated in accordance with section 825-140 of Dania Beach code (Landscape Consultant).
19. Trees No, 41, 44, 54, and 60 are specimen palm trees in good condition proposed for removal. Specimen trees are subject to the preservation and relocation criteria. Applicant is responsible to provide justification of why retention or relocation is not feasible. If it is determined by the City that relocation is not feasible, then payment shall be made into the tree trust fund. If relocation is proposed, relocation notes shall be included in sheet L-3 (Landscape Consultant).
20. Per Section 275-100(D), terminal landscape peninsulas shall be 10' wide and as long as the required length of the parking stall in that isle (exclusive of curb dimensions); each peninsula shall have a minimum of 2 category 1 trees. Buttonwood and sable palms are depicted for 2 terminal islands SE and NW corners of the marina office. These species are not category 1 trees (Landscape Consultant).
21. Per Section 275-110(D), when any property zoned or used for commercial purposes directly abuts a residentially zoned or used property, a landscape area at least 10' in depth shall be provided, containing a 6' masonry wall, 1 tree per every 40 linear feet of residential property, and 1 shrub per every 3' of residential property (Landscape Consultant).
22. A fire hydrant is depicted in one of the intermediate peninsulas, please ensure that no vegetation is planted within 36" of the hydrant or any other connections, and note it on page L-1(Landscape Consultant).
23. Tree Removal Mitigation Table, Sheet L-4, indicated a total canopy loss of 23,040 s.f., mitigation of 9,900 s.f. and tree trust fund contribution for the remaining 13,143 s.f. Be advised that per Section 825-100(5), an additional 50% tree replacement shall be required for trees removed on all new or amended development, which will increase the mitigation requirement to 34,560 s.f. Please make the necessary corrections in addition, mitigation for any trees that are in conflict with the sidewalk along NE 5 Avenue will have to be included in the mitigation calculations (Landscape

- Consultant).
24. A pavement marking plan demonstrating fire lane locations and striping detail, "No Parking" details demonstrated – Note: provide fire lane striping at the hammerhead turnaround (BSO Fire).
  25. A set of civil plans indicating the following:
    - Dimensions of the 3 nearest adjacent hydrants to the project site – notes: provide closest hydrant location on NE 5 Ave and on NE 2 St.
    - Proposed fire department connection locations – note: plan shows that proposed FDC is connected to the 8" water main. The FDC should not be connected to water main.
    - Provide locations of post indicating valves and back flow preventer on the plan.
    - Provide dock fire protection (fire department hose valve and hose cabinet).(BSO Fire)
  26. A detail sheet accompanying the Civil Plans with the following details:
    - Roadway Pavement Marker (RPM) Detail for Fire Hydrant Locations (Blue Reflective Markers)
    - Post Indicating Valve Detail (where applicable).
    - Underground Gate Valve Detail (where applicable)
    - Backflow Preventor/Double Detector Check Valve (DDCV) Detail (where applicable)
    - Signage Detail for the Fire Department Connections (BSO Fire).
  27. Fire Hydrant Flow Test (BSO Fire).
  28. Fire Flow Demand Calculations signed and sealed by licensed engineer. The calculations provided are for the marina office building only. Provide calculation which includes the marina office building and largest vessel at dock (BSO Fire).
  29. A completed application for approval of the fire protection water supply design (BSO Fire).
  30. Statement of verification from the design professional of record, on official company letterhead, that the proposed water main sizing, fire hydrant spacing, and fire hydrant locations, are in compliance with Broward County Land Use Code and the Florida Fire Prevention Code (BSO Fire).
  33. Provide a note on the plan that a Knox Key entry system will be provided allowing access to the entrance gate and piers (BSO Fire).

In addition to the Special Exception, Variance and Site Plan applications, the applicant has also submitted a Vacation of right-of-way application.

#### **CITY COMMISSION PREVIOUS ACTION**

On August 25, 2015 the City Commission approved the first reading of the vacation request.

On July 28, 2015 the City Commission continued the first reading of the vacation request to allow the Planning and Zoning Board to reconvene and provide a recommendation.

#### **STAFF RECOMMENDATION**

##### **SPECIAL EXCEPTION**

The Special Exception applications meet all applicable regulations as illustrated by the applicant's justification statement, therefore approve the resolution provided the following:

1. the applicant provides access to the property during construction via NE 4 Court or through the church property; and
2. the applicant provides a deed restriction limiting uses on the property to boat detailing, minor boat repair, receiving of boat supplies, food or other types of provisions used to stock a boat.

#### **SITE PLAN/VARIANCES**

The site plan and variance applications meet all applicable regulations, as illustrated by the applicants justification statement and as determined by the DRC, therefore approve the resolution provided the following:

1. the Special Exception is granted;
2. the Variance is granted;
3. the applicant provides access to the property during construction via NE 4 Court or through the church property;
4. the applicant provides a deed restriction limiting uses on the property to boat detailing, minor boat repair, receiving of boat supplies, food or other types of provisions used to stock a boat; and
5. the applicant address all DRC comments prior to issuance of a building permit.