




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

**DATE:** November 10, 2015

**TO:** Robert Baldwin, City Manager

**VIA:** Marc LaFerrier, AICP, Director 

**FROM:** Corinne Lajoie, AICP, LEED G. A., Planning and Zoning Manager

**SUBJECT:** **SP-89-15/OT-92-15/OT-93-15/OT-94-15:** The applicant, Florida Park Residences, LLC., on behalf of the property owner Lawrence O. Turner, Jr. and Roberta Backus Turner, Co-Trustees of the Lawrence O. Turner Jr. Revocable Intervivor Trust Agreement and Mary Ann Turner Roach, is requesting several design variations and site plan approval to construct a 14-story, 293 unit, multifamily building located on the south side of East Dania Beach Boulevard, east of SE 5 Avenue.

**DESIGN VARIATIONS**

1. To provide no sloping setback from East Dania Beach Boulevard (at the north property line); code requires a 1:2 sloping setback, per Section 303-70(P) and Figure 303-21.
2. To provide a six (6) foot side (west) building setback; code requires a ten (10) foot setback, per Section 303-70(K).
3. To provide an eleven (11) foot buffer abutting trafficways; code requires fifteen (15) feet per Section 275-130(B).
4. To provide a zero (0) foot landscape buffer abutting a local right-of-way; code requires ten (10) feet per Section 275-130(C).

**SITE PLAN**

To allow the construction of a 14-story, 293 unit, multifamily building.

**PROPERTY INFORMATION**

**EXISTING ZONING:** Gateway Mixed-Use (GTWY-MU)  
**LAND USE DESIGNATION:** Regional Activity Center (RAC)

The subject property is located on the south side of East Dania Beach Boulevard, east of SE 5 Avenue. The property is approximately four (4) acres in size. A significant portion of the property is covered with marsh and mangroves.

**DESIGN VARIATIONS**

The Land Development Code (LDC) 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."

The applicant has provided a written justification stating how their requests are consistent with the criteria.

#### 1. SLOPING STEP BACK

The Land Development Code (LDC) requires a sloping stepback from the property line. This regulation typically results in a tiered building elevation where the build continuously steps back as the height of the building increases. The intent of this regulation is to allow air and light to flow between the buildings, to decrease the perception of mass from the street level, and to avoid creating a "canyon" effect with tall buildings framing the street.

The applicant has submitted a design variation application and is proposing an alternate design that essentially cuts off the north west corner of the building, resulting in the front façade of the building being only 100 feet wide at the front (north) building setback line with the remainder of the front façade angling back, increasing the building setback as the building travels west.

#### 2. SIDE BUILDING SETBACK

The LDC requires a ten (10) foot building setback from secondary streets. An unimproved Right-of-Way (ROW), Ponce de Leon Avenue, is located immediately to the west of this property, however the applicant is only providing a six (6) foot setback. The applicant has indicated in their justification statement that the ROW is unimproved and will likely remain so, thereby eliminating the need for adequate buffering. The applicant also identified the need for the setback reduction results from the preservation of wetlands and mangroves on site, which reduces the building area of the property.

#### 3. BUFFER ABUTTING TRAFFICWAYS

The LDC requires a fifteen (15) foot landscape buffer abutting trafficways, including Dania Beach Boulevard. The landscape buffer exceeds the fifteen (15) foot requirement in some areas. However, in order to provide for safe vehicular movement and circulation around the main points of ingress and egress, the buffer is decreased to eleven (11) feet in some areas. In addition, the buildable area of the property is reduced due to the preservation of the wetlands and mangroves on site.

#### 4. BUFFER ABUTTING LOCAL RIGHT-OF-WAY

The LDC requires a ten (10) foot landscape buffer abutting the local ROW, which is Ponce de Leon Avenue on the west. The applicant is proposing zero (0) feet of landscaping. In the justification statement, the applicant identified the reduced buildable area due to the preservation of mangroves as an unforeseen condition. In addition, a larger buffer is

being provided on the east side of the property to help reduce the impacts of the planned multifamily building on the adjacent property.

## **SITE PLAN**

The proposed site plan application is for the construction of a new 14-story, 293 unit, multifamily building. Approximately 91,040 square feet of the property is being preserved as wetland/mangrove area and is therefore unbuildable.

The LDC, Section 303-70, entitled GTWY-MU, Beach Gateway Mixed-Use District, allows a maximum density of 50 dwelling units per acre and seven (7) stories by right and up to 100 dwelling units per acre and fourteen (14) stories through the utilization of incentives. The applicant is requesting a total of fourteen (14) stories and 71.5 dwelling units per acre through the utilization of sustainable building practices and public parking incentives discussed below.

## **INCENTIVES**

### **Sustainable Building Practices**

Per the LDC, Section 305-50(G)(1) an additional four (4) stories and 28 dwelling units per acre can be earned as an incentive for developments that meet all of the criteria for certification under a third-party program. As identified in the applicant's site plan narrative, the applicant will be seeking a third party green certified building design to meet this incentive and will be supplementing the initial submittal with details of the green building measures that will be incorporated into the project and other documentation required by the LDC to meet this incentive.

### **Public Parking Incentive**

Per the LDC, Section 305-60 an additional one (1) story and five (5) dwelling units per acre, and two and one half (2.5) percent impervious area reduction for each ten (10) public parking spaces provided on the site or via payment-in-lieu, can be earned as an incentive. As indicated in the applicant's site plan narrative, the applicant seeks an additional three (3) stories to reach the overall building height of fourteen (14) stories through the use of the public parking incentive. Payment-in-lieu of off-street parking for thirty (30) public parking spaces provides the additional three (3) stories desired for the project. This payment is required prior to issuance of a building permit.

### **Alternate Parking Standard**

The LDC, Section 265-60 (D) allows the City Commission to review and approve alternative parking standards concurrent with the approval of a site plan. As identified by the applicant in their site plan narrative, the applicant is seeking a reduced parking ratio based upon alternate parking standards. The LDC, Section 265-50 lists the parking requirements for multi-family residential developments. The proposed project requires 526 parking spaces. The applicant is proposing to provide 478 parking spaces, a reduction of approximately nine percent (9%).

The applicant makes the following justification for the use of the proposed alternative parking standard:

1. Based on the Urban Land Institute (ULI) parking demand study entitled Shared Parking, owned residential units that are "not downtown but well served by transit" have a parking demand of 1.4 spaces per unit (1.4 X 293 units = 411 parking space demand).
2. The site is within 300 feet of a Broward County Transit (BCT) stop.

3. The project will include a shuttle to take residents to the nearby activity center and transit stops.

#### Development Review Committee (DRC)

The site plan was reviewed by the DRC which includes personnel from the BSO Fire, Public Services, the City's landscape consultant and the Community Development Department Planning Division. The applicant has several outstanding staff comments that must be addressed prior to issuance of a building permit. The outstanding DRC comments are listed as conditions of approval in the resolution.

1. Recreation and Open Space Impact Fee will be required in accordance with Sec. 805.110. Payment of this fee is due prior to the issuance of a building permit.
2. RAC Transportation Impact Fee is \$21.26 per PM peak hour trip. Per traffic analysis performed by McMahon dated September 2015 the PM peak hour trips total 145 (145 X \$21.26 = \$3,082.70). Therefore \$3,082.70 is due prior to the issuance of a building permit.
3. Public Parking Incentive: the applicant is proposing an additional 3-stories via payment-in-lieu of 30 public parking spaces. Per Section 305-60, each space is \$6,500 which amounts to \$195,000.00 for 30 parking spaces. The payment of \$195,000.00 is required prior to issuance of a building permit.
4. SIGNS. On Sheet A-702, in the cumulative sign area table, change "Required" to "Allowed".
5. Valet: Per Section 265-120:
  - Agreement must be recorded in the Broward County Public Records prior to issuance of a building permit.
  - Valet operator must obtain a Business Tax Receipt (BTR) prior to obtaining a Certificate of Occupancy.
6. Incentives/Use of Sustainable Building Design:
  - Per Section 305-50(F)
    - 5 – Provide original signed and notarized, and revised, affidavit.
7. Incentives/Use of Sustainable Building Design. Per Section 305-50(H) participants in the voluntary green building program, at the time of building permit application, shall post a performance bond, letter of credit or other form of surety approved by the City Attorney in an amount as described in subsections of this regulation (PLANNING).

#### **STAFF RECOMMENDATION**

##### **SITE PLAN/DESIGN VARIATION**

Approve the resolution with the outstanding DRC comments as conditions of approval which must be addressed prior to issuance of a building permit.