



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

DATE: November 24, 2015

TO: Robert Baldwin, City Manager

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

FROM: Corinne Lajoie, AICP, LEED GA, Planning and Zoning Manager *[Signature]*

SUBJECT: **SE-105-15/VA-104-15:** The applicant, Susan F. Delegal, Esq., on behalf of the property owner Coed-Stirling LLC, is requesting a Special Exception and variance approvals for the property located at 180 SW 18 Avenue.

REQUEST

SPECIAL EXCEPTION

To allow hotel use; per Section 110-20.

VARIANCE

To provide 164 parking spaces, code requires 197 parking spaces, per LDC, Section 265-50.

PROPERTY INFORMATION

EXISTING ZONING:	Community Business (C-2)
LAND USE DESIGNATION:	Medium High (25) Residential
OVERLAY DISTRICT:	Hotel Overlay

The subject property is located north of Stirling Road, east of Interstate 95. The property is currently operating as a 156-room hotel, the Hilton Garden Inn.

The applicant has stated in their request, that subsequent to the completion of the hotel, and sometime during 2004 and 2005, the zoning code of the City of Dania Beach was amended affecting the property in two significant ways:

1. Hotels are now permitted in the C-2 zoning district only by Special Exception; and
2. Parking requirements have been amended to increase required off-street parking applicable to the property.

Both of these changes to the zoning code result in the property being placed into legal non-conforming use status. It is the desire of the property owner to request and obtain approval from the City that will restore the property as a legal conforming use.

SPECIAL EXCEPTION

The Land Development Code (LDC) permits hotel use as a Special Exception use in the C-2 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 applicant is requesting approval for the reduce the number of provided parking spaces of 164, as exists today. Today's LDC requires 197 parking spaces. The original staff report for the site plan indicates that 172 parking spaces are provided on site, and the code required 171 parking spaces be provided. Today, the applicant indicates that there are only 164 parking spaces provided on site.

The applicant submitted a parking study conducted by Keith and Schnars dated September 10, 2015 which indicates that "since the maximum projected parking accumulation is less than current supply, the requested parking variance for 33 spaces is reasonable and should be granted".

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.

CITY COMMISSION PREVIOUS ACTION

On June 27, 2000 the City Commission approved the site plan (via Resolution No. 2000-095) and variances (via Resolution No. 2000-094) to allow the construction of the existing hotel.

On November 28, 2000, the City Commission approved a small scale Future Land Use amendment (via Ordinance No. 2000-050) changing the Future Land Use designation of the property from Commercial to Residential 25.

STAFF RECOMMENDATION

Approve the resolutions for the Special Exception and Variance.