



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

**DATE:** May 10, 2016

**TO:** Robert Baldwin, City Manager

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

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

**SUBJECT:** **RZ-114-15:** The applicant, Dennis D. Mele, Esq. with Greenspoon Marder on behalf of the property owners Dania Live 1748, LLC., and Discount Auto Parts, LLC, are requesting to rezone approximately 103 acres of land generally located between Interstate 95 and Bryan Road north of Stirling Road (FIRST READING)

**REQUEST  
REZONING**

To rezone approximately 103 acres of land from Commercial (C-2, C-3, and C-4) to Planned Mixed-Use Development (PMUD).

**PROPERTY INFORMATION**

EXISTING ZONING:	Commercial Business District (C-2) & General Business District (C-3)
PROPOSED ZONING:	Planned Mixed-Use District (PMUD)
LAND USE DESIGNATION:	Regional Activity Center (RAC)

**VIOLATIONS ON PROPERTY**

There are two (2) violations on this property.

680.30(c) and (e) of the City's Land Development Code (LDC) prohibited issuance of development orders when there are outstanding code violations.

The applicant has assembled multiple parcels generally located east of Interstate 95, north of Stirling Road, west of Bryan Road and south of the Design Center of the Americas (DCOTA). This assembly will result in approximately 103 acres of land (the "Subject Property"). The property owners are in the process of preparing the land for development and have submitted several development applications for the Subject Property. Some applications have already been to public hearing and some are still being processed.

**RECENT APPROVALS AND ACTIONS**

The City of Dania Beach has processed the following approvals/ actions for the development of Dania Pointe:

- Rezoning of 2 parcels from Industrial to Commercial. The rezoning was heard by the Planning and Zoning Board and approved by the City Commission on January 10, 2012.
- A Planned Mixed Use Development (PMUD) Zoning District was created to provide a new regulatory framework for large scale mixed use development in the Regional

Activity Center (RAC). This new Zoning District defines both specific and integrated design development standards, phasing plans, infrastructure, and land uses for an urban center. The rezoning was heard by the Planning and Zoning Board on March 31, 2016 and approved by the City Commission on October 13, 2015.

- A temporary use to allow storage of fill on the site was approved by City Commission on February 24, 2015.
- Text Amendments to the City's Land Development Code (LDC) to allow certain site work (i.e. clearing, fill, infrastructure) before Site Plan approval. These amendments were heard by the Planning and Zoning Board and approved by the City Commission on October 27, 2015.
- A Tree Removal permit for the lake area was issued by the Building Department.
- A fill permit for the lake which has been issued by the Building Department.
- Demolition permits for existing buildings and structures (rollercoaster demo permit application has not been submitted) were issued by the Building Department.
- A temporary fence permit for the perimeter of the site was issued by the Building Department.
- The coordination of water/sewer capacity and service. Permit has been issued by the Building Department.
- A site clearing and tree removal agreement was approved by the City Commission on January 12, 2016
- Site preparation activities, permits for fill, demolition of buildings, tree removal, and construction trailers. Permits were issued by the Building Department.
- The Plat of the property was approved by the Planning and Zoning Board on January 20, 2016 and by the City Commission on February 9, 2016 and February 23, 2016.
- Alcohol Beverage Regulations: These regulations are proposed to allow additional alcohol beverage opportunities and specific regulations for entertainment uses at Dania Pointe. These regulations were heard by the Planning and Zoning Board and approved by the City Commission on February 9, 2016.

#### UPCOMING APPROVALS AND ACTIONS

- MPO/FDOT: The developer is currently coordinating a schedule of improvements to the I-95/ Stirling and I-95/ Griffin Road interchanges with the MPO/FDOT.
- Plat: The Plat application was approved at the Planning and Zoning Board hearing/meeting on January 20, 2016, and by the City Commission on February 9<sup>th</sup> & 23<sup>rd</sup>, 2016. The Broward County Plat approval will be scheduled in the 3<sup>rd</sup> quarter of 2016. The Plat approval will include land use, traffic, and utility service.
- PMUD Rezoning/DDG's: The Development Design Guidelines (DDG's) are new zoning regulations prepared specifically for this project. These DDG's will be incorporated with the PMUD rezoning property of the Subject Property. The current application request is for this action.
- Phase I/Site Plan: Staff had several meetings with the developer's team on the Site Plan for Phase 1 (area South of West Dania Beach Boulevard) and is awaiting a 3<sup>rd</sup> revision. The Site Plan application will be scheduled for meetings in the second quarter of 2016.
- Sewer Line Construction Agreement: A new sewer line to serve Dania Pointe will be needed. An agreement between the City and the developer to provide for the construction of the new sewer line will be forthcoming.
- Easement Vacations: Various City easements will need to be vacated for the project. Applications for these approvals are pending City Commission approval.

The applicant is requesting to rezone the Subject Property in order to develop a commercial, office, and residential mix of uses known as Dania Pointe. Currently the Subject Property has Commercial Business District (C-2), General Business District (C-3) & General Commercial District (C-4) zoning designations. On October 13, 2015 the City Commission adopted an ordinance which created Article 340, the Planned Mixed-Use District (PMUD) zoning designation. The Land Development Code (LDC) reserves the PMUD zoning designation only for properties located within the Dania Beach Regional Activity Center (RAC) that have a minimum size of fifty (50) acres of contiguous land. In addition, Section 340-10(B) of the LDC requires the establishment of Development Design Guidelines (DDG) when property is rezoned to PMUD.

#### DEVELOPMENT DESIGN GUIDELINES (DDG)

The DDG is intended to regulate development within the PMUD in much the same manner as the City's LDC controls development in other zoning districts. No building permit for a structure may be issued pursuant to PMUD zoning except in conformance with City Commission approved DDG, items not referenced in the DDG will be regulated pursuant to the City's LDC. As such, the DDG contains a great deal of information that will affect the use and design of the Subject Property. The DDG submitted by the applicant identifies the following regulatory sections:

- SEC (1) Master Development Plan
- SEC (2) Permitted Uses
- SEC (3) Density/Intensity
- SEC (4) Building/Lot Coverage/Lot Size Standards
- SEC (5) Buildings
- SEC (6) Connectivity
- SEC (7) Parking
- SEC (8) Landscaping – Buffering
- SEC (9) Signage
- SEC (10) Lighting
- SEC (11) Utilities
- SEC (12) Stormwater
- SEC (13) Site Plan Submittals
- SEC (14) Other Provisions

In addition, the DDG includes the following documents in the appendix:

- A – Dania Pointe Master Vehicular Circulation Plan
- B – Dania Pointe Master Pedestrian Connectivity Plan
- C – Dania Pointe Master Bicycle Connectivity Plan
- D – Dania Pointe Master Multimodal Connectivity Plan
- E – PMUD Ordinance
- F – Legal Description

Below are a few of the more significant items referenced within the DDG.

#### Off-Site Improvements

The site and intensity of the proposed development requires various improvements to be made off-site. The implementation of off-site improvements will be tied to each phase of development.

A Development Agreement will be required in order to ensure the timely and coordinated completion of the off-site improvements. These improvements have been coordinated with FDOT and Broward County and include, but are not limited to, the following:

- Turn lanes - modification of existing and installation of new turn lanes on Stirling & Bryan Road to improve access to the project.
- New intersection or roundabout improvements at Old Griffin and Bryan Road.
- Roadway improvements on Old Griffin, west of Bryan Road.
- Expansion of Bryan Road for traffic safety and capacity.
- Sidewalks- widening of existing and installation of new sidewalks on Stirling & Bryan Roads, including shade trees for street beautification.
- Additional traffic signal on Stirling Road for traffic safety.
- New off-site sewer line.

### Signs

There are several types of signage anticipated by the DDG, including the following:

- Bill Boards – Relocated and reconstructed off-site advertising billboards to face I-95 and regulated by FDOT, may be LED digital display boards, the largest being fifty (50) feet tall by twenty (20) feet wide, subject to and in accordance with F.S. 70-20 Relocation and Reconstruction Agreement.
- Message Boards – on-site digital displays for on-site tenant advertising, programming and event information with LED digital display boards.
- Project Identification- entry feature signage identifying arrival onto the property with the possibility to use LED digital display boards.
- Project Directional- signage providing information as to the location of tenants within the property with the possibility of having LED digital display boards.
- Tenant Signage- signs identifying the name of each tenant located above tenant locations.

### Uses

A wide variety of commercial and residential uses are identified as permitted uses within the Dania Pointe Development including “age in place” residential, indoor auto dealership, and residential and/or office high rise. Prohibited uses are identified as well which include, but are not limited to adult entertainment, pawn and heavy industrial uses.

### Development Entitlements

The Subject Property is located in the RAC and requires assignment of uses from the maximum development rights assigned to the RAC. The DDG includes extended vesting entitlements for the property until 2030, which is fourteen (14) years beyond the current LDC provision of eighteen (18) months. This will preserve the assignment of uses for development of the site. After 2030, the unused uses (if any) will return to the RAC for use by other properties unless extended upon by mutual agreement between the City and Applicant and approved by the City Commission.

In addition, the DDG document modifies the LDC, Section 265-100(A) which provides site plan shall be vested for a period of five (5) years. The current LDC provision grants site plan approval for eighteen (18) months.

#### Multi-Model Transportation

The mix of uses and compact development anticipated in future phases is conducive to multi-modal transportation. The DDG will provide bicycle and pedestrian connections throughout the site as well as bus stop locations (1-existing, 2-proposed) along the exterior of the property on Stirling & Bryan Roads. Additional Broward County Transit (BCT) and community transit facilities will be included.

#### Entertainment District

The DDG creates an Entertainment District within the Dania Pointe development, which is unique in the City of Dania Beach. The Entertainment District will allow extended hours for serving alcohol and providing live entertainment in limited areas of the development site. The Entertainment District will also allow consumption of alcoholic beverages anywhere within specifically identified areas.

#### Landscaping

Careful attention has been paid to landscape treatments in key areas of the development. These areas include:

- Road way design – adjacent to the sidewalks and within medians.
- Perimeter buffer treatments identified in the DDG are adequate.
- The tree preservation requirement is consistent with the existing code.
- On-site landscaping identified in the DDG is minimal and will be reflected on each site plan as they are submitted.

#### Building Heights

The DDG provides a description of building types proposed along with a corresponding table identifying the building type, building height, primary use and block where the building may be located. High rise buildings are proposed for office (20-stories/250 feet), hotel (25-stories/250 feet), residential (25-stories/250 feet), parking structures (10-stories/120 feet) and flex/other buildings (250 feet).

In addition to numerous internal staff meetings, staff members from Public Services, Community Development, BSO Fire, the City's Landscape Consultants, the City's Engineering Consultants and the City's Legal Consultants have met with the development team to discuss the DDG on the following dates:

August 18, 2015  
September 10, 2015  
November 20, 2015  
December 17, 2015  
January 21, 2016  
February 18, 2016  
March 17, 2016  
March 28, 2016

April 7, 2016  
May 2, 2016

At this point in the application review cycle, there are still a number of outstanding comments remaining that have not yet been addressed by the applicant. On March 31, 2016 the Planning and Zoning Board recommended approval of the rezoning request with the condition that staff's outstanding comments be addressed by the applicant prior to City Commission public hearing. The applicant has failed to meet the Planning and Zoning Board's recommendation. However, each of these comments must be addressed by the applicant prior to City Commission. These outstanding comments are provided below:

1. Provide letter from Broward County Planning Council stating proposed RAC conversion request is acceptable. The letter from BCPC should grant approval to convert the specific number of single family, duplex, townhomes & garden apartments to high rise (or whatever form needed). As previously requested by the Community Development Director, retain at least 10% of each use as originally designated for future use within the RAC. Letter is needed prior to rezoning of the property and prior to site plan approval, per project progress meeting on 2-18-16 and 3-17-16.

**THIS IS THE 5<sup>th</sup> TIME THIS INFORMATION HAS BEEN REQUESTED.**

2. Submit Neighborhood Traffic study for area east of Bryan Road to US 1 and east of SW 12 Avenue to US 1 in order to continue to City Commission public hearings, per ML, 3-7-16.

**THIS IS THE 4<sup>th</sup> TIME THIS INFORMATION HAS BEEN REQUESTED.**

3. Add statement to DDG stating the developer will be responsible for all off-site improvements as required by the city, per ML at 3-14-15 staff meeting. Amend last sentence on phasing paragraph on page 6 to read as follows:

"Specific information will be provided with the respective Site Plan submittal package for each portion of development. On-site infrastructure necessary to support a particular phase of development shall be provided as needed to fully support each building and to comply with applicable codes. In addition, all off-site improvements will be constructed as required by the Development Agreement (see Section 13 Off-Site Improvements)."

Add the word "fully" as previously requested.

This is the 2<sup>nd</sup> time this information has been requested.

4. Sec (5)(B)(3) Amend second sentence to read, "Except where necessary to provide intersection site distance(s), minimum 5' building setback for building frontages shall be provided along internal roadways." Roadway encroachment for FRONT of building ok. Identify where measurement will be taken from; edge of asphalt, curb, sidewalk, etc... Please specify for clarity.

**THIS IS THE 3<sup>RD</sup> TIME THIS INFORMATION HAS BEEN REQUESTED.**

5. DDG, Pg. 18 Sec (5)(B)(6) add "...after building is constructed."

**THIS IS THE 4<sup>th</sup> TIME THIS INFORMATION HAS BEEN REQUESTED.**

6. DDG, Pg. 46, delete (e) Outdoor sales of alcoholic beverages, in its entirety. These activities are defined for the Entertainment District.  
This is the 2<sup>nd</sup> time this information has been requested.
7. DDG, Pg. 46, add the following language to (c):  
"Storefront City Police and Fire Station to serve Dania Pointe will be provided at no cost to the City as needed."  
This is the 2<sup>nd</sup> time this information has been requested.
8. On Pages 26 to 31, in the notes below the cross sections, the table number for the Vehicular Circulation Types is referencing Table 2. As shown in page 15, Table 2 is Building Types and not Vehicular Circulation Types. The table number for Vehicular Circulation Types is 3. Please change the table number reference for Vehicular Circulation Types to table 3. Also, on page 33, under section (B)(5) about "Sidewalks", the table number for Vehicular Circulation Types is shown as table 2. Please correct this table number to 3.
9. DDG, Page 12, add "Underage and teen club uses require a Special Exception for approval in accordance with Chapter 28, Article 630 of the City's Land Development Code. Comment made on behalf of the Dania Beach Police Chief.
10. DDG, Page 46, Section (15)(b)(1)(b) delete "... ~~except establishments located within the Dania Pointe Entertainment Districts may sell or offer for sale or deliver or serve or permit to be consumed until 3:00 a.m. daily.~~" Comment made on behalf of the Dania Beach Police Chief.
11. DDG, Page 46, Section (15)(b)(1)(c) Revise to read as follows, "Consumption and possession of alcoholic beverages within Dania Pointe. Alcoholic beverage sold for consumption on the premises by a vendor within Dania Pointe, ~~may be held, carried and shall be transported in substitute a non-glass container,~~ at any location within the Entertainment District, either indoors or outdoors to the extent it is permitted by the state. This provision shall not permit any consumption in parking lots or parking garages facilities." Comment made on behalf of the Dania Beach Police Chief.
12. DDG, Page 46, Section (15)(b)(1)(d) revise to read as follows, "Hours for music and entertainment. Music and other forms of live entertainment whether amplified or not, shall be permitted indoors at any time during regular business hours of any business within Dania Pointe, and in addition music and live entertainment shall be permitted outdoors within the Entertainment District until ~~3:00~~ 12:00 a.m.; all other areas within Dania Pointe shall comply with Chapter 17, Articles 6 of the City Code." ~~Until 1:00a.m.~~ Comment made on behalf of the Dania Beach Police Chief.
13. Bifurcate the Entertainment District – Block 9 delineating the mid-point dividing it east from west. The Entertainment District is allowed in the west area of Block 9 only. Revise accordingly.
14. DDG, Page 45, Section (13) revise first sentence to read as follows: "Off-site improvements require and/or recommended by FDOT, Broward County and the City of Dania Beach shall be provided..."

15. DDG, Page 47, Section (15)(b)(1)(e) delete entire section. Comment made on behalf of the Dania Beach Police Chief.
16. DDG, Page 47, Section (15)(b)(1)(f) delete entire section. Comment made on behalf of the Dania Beach Police Chief.
17. DDG, Page 47, Section (15)(c) revise to read as follows: "Commencing in 2016: Dania Pointe shall provide the City on an annual basis a Security and Emergency Services Response Plan approved by the Police and Fire Chiefs to include but not limited to:
  - Security Service contract
  - Store front Police and Fire stations provided at no cost to the City
  - List of any events with greater than 1,000 attendees
  - Special duty detail for additional enforcement
  - Crime and prevention methods; incident data, projections and service demands.Comment made on behalf of the Dania Beach Police Chief.

Finally, a Development Agreement shall be required to ensure the timely and coordinated completion of the off-site improvements. This Development Agreement must be adopted and executed prior to the issuance of a building permit.

In addition, the applicant must pay all outstanding invoices from professionals on contract with the city which reviewed the DDG document.

#### REZONING

The request satisfies the rezoning criteria identified in Section 645-40 of the City's LDC as indicated in the applicant's justification statement. The criteria are identified below.

- (1) "That the request is consistent with the city's comprehensive plan; and"
- (2) "The request is consistent with all applicable redevelopment plans, corridor plans, neighborhood plans, and master plans approved by the city commission; and"
- (3) "The request would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts; and
  - a. the request furthers the city's adopted community redevelopment plan, if applicable; or
  - b. An error or ambiguity must be corrected; or
  - c. There exists changed or changing conditions which make approval of the request appropriate; or
  - d. Substantial reasons exist why the property cannot be used in accordance with the existing zoning; or
  - e. The rezoning is appropriate for the orderly development of the city and is compatible with existing (conforming) adjacent land uses, and planned adjacent land uses".

The Planning and Zoning Board, sitting as the Local Planning Agency, heard the rezoning request on March 31, 2016 and recommended approval of the rezoning with the condition that staff's comments are addressed by the applicant prior to City Commission public hearing. The applicant has been unable to address staff's comments prior to first reading, as requested by the Planning and Zoning Board.



The rezoning application requires two (2) readings by the City Commission for approval.

**CITY COMMISSION PREVIOUS ACTION**

On February 23, 2016 the City Commission approved the plat for the Subject Property on second reading.

On February 9, 2016 the City Commission approved a text amendment to the City's Code of Ordinance, Alcohol regulations for the Subject Property on second reading.

On January 12, 2016 the City Commission approved a Tree Removal and Mitigation Agreement for the Subject Property.

On January 12, 2016 the City Commission approved a Tree Agreement for this removal of trees on the Subject Property.

On October 27, 2015 the City Commission approved a LDC Text Amendment to allow site preparation before site plan approval for this site.

On October 13, 2015 the City Commission approved the establishment of the Planned Mixed Use Development Zoning District on second reading.

On February 24, 2015 the City Commission approved a Temporary Use to allow storage of fill on the site.

On September 9, 2014 the City Commission rezoned several properties from industrial to commercial zoning.

**PLANNING AND ZONING BOARD RECOMMENDATION**

On March 31, 2016 the Planning and Zoning Board recommended approval of the rezoning request with the condition that staff's comments are addressed by the applicant prior to City Commission public hearing.

**STAFF RECOMMENDATION**

Recommendation of approval of first reading.