



**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: **DR-131-15/VA-07-16/VA-09-16/VA-10-16/VA-21-16/VA-22-16/SE-129-15/SP-128-15:** The applicant, Dennis Mele, Esquire, on behalf of the property owner, Sheridan House Baptist Church, Inc., is requesting delegation requests, variances, a special exception and site plan approval to construct approximately 77,320 square feet of additional residential care facility buildings on a property located at 4200 SW 54 Court.

REQUESTS

DELEGATION REQUESTS

To change the use identified on the plat from non-residential to Special Residential Facility Category 3 consisting of 152 sleeping rooms (16 existing, 136 proposed).

SPECIAL EXCEPTION

To allow a residential care facility use.

VARIANCES

1. To allow the elimination of three (3) terminal landscape islands and to allow two (2) terminal landscape islands to be four (4) feet by twenty (20) feet in size; code requires ten (10) feet by eighteen (18) feet terminal islands, per Section 275-50 & 275-100(C & D).
2. To allow the elimination of the continuous row of hedges as required per Section 275-120.
3. To allow one (1) tree per terminal landscape island; code requires two (2), per Section 275-170(D).
4. To allow fifty-seven (57) parking spaces; code requires eighty-two (82) parking spaces, per Section 265-50.
5. To allow a setback as little as thirty-two feet and four inches (32' 4"); code requires one hundred (100) feet, per Section 330-50(C).

SITE PLAN

To allow the construction of approximately 77,320 square feet of additional residential care facility buildings.

PROPERTY INFORMATION

EXISTING ZONING:

Community Facility (CF)

LAND USE DESIGNATION:

Irregular Residential (12-13.5)

VIOLATIONS ON PROPERTY

There are no open violations on this property.

The subject property is approximately six (6) acres in size and is currently operating as a residential care facility located in five (5) existing structures. The applicant is proposing to retain three (3) of the existing structures and construct three (3) new buildings totaling 77,320 square feet, resulting in a total building area of 95,625 square feet.

DELEGATION REQUESTS

The applicant is requesting to amend the restrictive note on the plat as required by Broward County to more accurately describe the use of the property as follows:

FROM:

This Plat is exempted from compliance with Ordinance 79-1. It is approved for non-residential.

TO:

This Plat is restricted to Special Residential Facility Category 3 consisting of 152 sleeping rooms (16 existing, 136 proposed) and ancillary buildings. The permanent residence of school aged children is prohibited within this plat.

SPECIAL EXCEPTION

Today the City's Land Development Code (LDC) allows residential care facilities as a Special Exception use in the CF zoning district. Although a community facility is currently operating on the property, no record can be found granting a Special Exception for the use. Therefore the use is considered legally-non-conforming. Expansion of the use requires Special Exception approval to meet today's code.

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.

VARIANCES

1. LANDSCAPING - TERMINAL ISLANDS

The applicant is requesting approval to provide no terminal landscape islands at three (3) locations and to provide a reduced terminal island of four (4) feet by twenty (20) feet; the City's LDC required terminal landscape islands to measure ten (10) feet by eighteen (18) feet. The applicant has indicated that preservation of the existing tree canopy and constraints presented by the existing structures and circulation drive limited their ability to meet minimum requirements.

2. LANDSCAPING – BUFFER

The applicant is proposing a perimeter landscape buffer around the site which includes a mulched jogging path. The applicant is requesting approval to provide zero (0) hedge material where the LDC required a continuous row of hedges. The applicant has stated that design in compliance with code requirements would require relocation or elimination of existing shade trees in order to establish an open area of sunlight necessary for hedges to survive and thrive.

3. LANDSCAPING – TREES

The applicant is requesting to plant only one (1) tree per landscape island. The applicant has indicated that the approval of this variance will better promote the possibility that large canopy trees will be able to mature in place given the proposed size of the landscape islands and given that the placement of one large shade tree which can mature in a landscape island will be more sustainable over time.

4. PARKING

The applicant is proposing to provide fifty-seven (57) parking spaces. The LDC requires eighty-two (82) parking spaces for the proposed use. The applicant has indicated that given the nature of the proposed renovation and expansion of the residential care facility, there will be fewer spaces needed to accommodate the operation than the LDC requires. The applicant has also indicated that the residents of the facility will not be permitted to have cars on the property and will be dropped off.

5. BUILDING SETBACK

This property was annexed into the City in 2001, at which time the current structures were existing. Today the existing structures do not meet the 100 foot building setback requirement. While the setbacks required are larger than most, they are intended to provide separation and buffering between a residential care facility and adjacent residential homes. The closest existing building is thirty-two feet, four inches (32' 4") from the property line. The smallest setback for the new buildings will be thirty-six (36) feet from the east property line and thirty-two (32) feet from the west property line.

Section 625 of the City's LDC states that 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 a 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."

SITE PLAN

The applicant is proposing to construct three (3) new buildings totaling 77,320 square feet, for a total of 95,625 square feet. The existing and continued use of a residential care facility is permitted as a Special Exception use.

Development Review Committee

The site plan was reviewed by the DRC which includes personnel from the BSO Fire, Public Services, the City's landscape consultant and Community Development Department's 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. Per Section 635-50 must provide the following with application submittal:
 - 1 – Locations and dimensions of all existing and proposed ROW and dedications, including ultimate ROW lines, easements, property lines, streets, buildings, etc. Sheet SH-1 delete Parcel 3 from ACSM Land Survey as it is not part of this project, as indicated on Sheet SP1 & SP2.
2. TRAFFIC STUDY: per Section 605-30(K), a traffic study is required for all development generating in excess of 50 peak hour trips. Provide estimated number of peak trips. Traffic Statement identifying peak hour of trips must be provided by an engineer, on a signed and sealed document.
3. The proximity to the airport will require FAA review and approval. Contact William Castillo, Airport Planner with Broward County Aviation Department, located at 2200 SW 45 Street, Suite 101, Dania Beach, FL 33315, ((54) 359-6100. 2nd time requested.
4. PARKING: Per Section 265-50(15) Residential care facility parking is based on maximum capacity. Identify maximum permitted capacity on site plan. Fitness center and Residential building #2 provides 16 rooms X 2 = 32. The maximum capacity is 164 residents (100 + 32 + 32), therefore, 82 parking spaces are required. Revise parking calculations on Sheet SP1 and variance request and justification statement accordingly.
VARIANCE REQUESTED
5. Identify and dimension the two nearest adjacent hydrants on both sides to the project site. Provide one addition hydrant on S.W. 54 Ct. between the two existing hydrants approximately 100' south of the entrance to the property (BSO Fire).
6. Demonstrate the locations of all Post Indicating Valves or Underground Gate Valves, Double Detector Check Valves, Fire Department Connections (Siamese) on the interior and exterior of the building or structure (for buildings or structures with fire sprinkler systems), etc. – Relocate the Siamese FDC for the Cafeteria building across the street next to the fire hydrant and other FDC. Provide detail for signage (for each FDC) as to which building each controls (BSO Fire).
7. Identify which buildings will be sprinklered. Plan indicates that the two existing Residence Halls will be sprinklered. Please provide the locations of the Siamese FDC's and DDCV's for each (BSO Fire).
8. Knox entry system will be required. Please obtain application from the Fire Marshal's Office. Okay to provide at Permit (BSO Fire).

9. Provide a Fire Hydrant Flow Test. Still Needed – Please provide (BSO Fire).
10. Fire Flow Demand Calculations Signed and Sealed by Licensed Engineer. Still Needed – Please provide (BSO Fire).
11. Provide a completed Application for the Approval of the Fire Protection Water Supply Design (See the last page of this document). Still Needed – Please provide.
12. 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 the Broward County Land Use Code and the Florida Fire Prevention Code. (This document shall bear the seal and signature of the engineer). This document is required to be sealed by the E.O.R. Please resubmit a sealed copy (BSO Fire).

STAFF RECOMMENDATION

Approve with the outstanding DRC comment as a conditions of approval, to be addressed prior to issuance of a building permit.