



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

DATE: May 24, 2016

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *MLF*

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

SUBJECT: **VA-41-16/VA-42-16/OT-43-16/OT-44-16/OT-45-16/OT-46-16/OT-48-16/OT-48-16/SP-06-16:** The applicant, Dunay, Miskel & Backman, LLP, on behalf of the property owner, Dania Development Group, LLC, is requesting variances, design variations and site plan approval for the property located at 302 N. Federal Highway.

VARIANCES

1. To allow sixty-six (66) parking spaces, code requires eighty-seven (87) parking spaces, per Section 265-50 of the City's Land Development Code (LDC).
2. To allow zero (0) loading spaces; one (1) is required per Section 270-20(B) of the LDC.

DESIGN VARIATIONS

1. To allow a terminal landscape island of four (4) feet in width, code requires ten (10) feet, per Section 275-100(D) of the LDC.
2. To allow ingress and egress from Federal Highway, Code permits access only from secondary street or alley, per Section 303-40(G) & 306-(10)(A)(2) of the LDC.
3. To allow a building façade with one hundred, forty-seven (147) feet in length, code requires one hundred, fifty-four (154) feet, per Section 303-40(M) of the LDC.
4. To allow a street wall thirty-five (35) feet in length along the street, code requires a street wall along the entire vehicular use area, per Section 307-30(G).
5. To allow no retail shops on ground level, code requires one (1) retail shop, per Section 520-50(E)(1) & (2) of the LDC.

SITE PLAN

To allow construction of a seven (7) story, 105-room hotel with one (1) residential dwelling unit.

PROPERTY INFORMATION

EXISTING ZONING: City Center (CC)
LAND USE DESIGNATION: Regional Activity Center (RAC)

VIOLATIONS ON PROPERTY

There are no open violations on this property.

The subject property is approximately one (1.1) acre in size and is currently vacant. The applicant is proposing to construct a seven (7) story, 105-room hotel with one (1) dwelling unit located at the top of the structure. The property is located at the south east corner of North Federal Highway and NE 3 Street. The building will offer an observation deck on the roof.

VARIANCES

1. PARKING

The applicant is requesting a parking variance to provide sixty-six (66) parking spaces, eighty-seven (87) parking spaces are required. The applicant has indicated in the justification statement that a 24 hour shuttle service to the airport and sea port will be provided, thereby reducing the need for on-site parking.

2. LOADING

The applicant is requesting a variance to provide zero (0) loading spaces when one (1) is required. The applicant indicates that the petitioner operates many similar hotels which utilize the main drop-off area for laundry and refreshment items deliverers, therefore a separately designated loading space is not necessary.

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."

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

DESIGN VARIATIONS

1. TERMINAL LANDSCAPE

The Design Variation request is to allow a terminal landscape island of four (4) feet in width. The City's LDC, code requires ten (10) feet. Only two (2) of the landscape islands narrow to four (4)

feet, the majority of landscape islands on the site measures at eight (8) feet, excluding curbing. The terminal peninsula islands adjacent to the drop-off area, located adjacent to the main entrance of the building are angled and smaller than code required to accommodate for vehicle movement.

2. INGRESS/EGRESS

A Design Variation is requested to allow ingress and egress from Federal Highway. The City's LDC permits access only from secondary streets or alleys. The applicant has identified that the property is uniquely shaped, providing a long narrow strip of land extending east, adjacent to existing single family homes. As such, this area is not suitable for placement of a building. Therefore, the building is placed on the west side of the property, adjacent to Federal Highway as required by the LDC. The applicant states that the proposed access point is needed for circulation.

3. BUILDING FAÇADE PLACEMENT

The applicant is requesting to allow a building façade with one hundred, forty-seven (147) feet in length. The City's LDC code requires one hundred, fifty-four (154) feet. The applicant indicated that the intent of the code has been met with placement of the building along Federal Highway. However, due to the unique shape of the property, that applicant is proposing access from Federal Highway which limits the length of the building façade. If the ingress/egress Design Variation was not granted, the project could be designed to meet the minimum building façade requirement for which the applicant has requested a variance.

4. STREET WALL

The applicant is requesting to allow a street wall thirty-five (35) feet in length along the street. The City's LC requires a street wall along the entire vehicular use area. As proposed, the project provides a wall to screen the vehicle use area along Federal Highway and a portion of NE 3 Street. However, planting of required trees and installation of water meters will conflict with a portion of the wall.

5. RETAIL SHOP

The applicant is requesting a Design Variation to allow no retail shops on ground level. The City's LDC requires a minimum of at least one (1) retail shop. The applicant identifies in their written justification statement that the reason for not providing a retail shop is because "...it is not a use typically associated with similar hotel projects."

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.

SITE PLAN

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 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.

DEVELOPMENT REVIEW COMMITTEE

- 1) The width of the intermediate landscape peninsulas has been revised according to Section 275-100(C), to accommodate two category 2 or 3 trees, however, two category 1 trees are proposed in each. Please select smaller tree categories or increase the width of the islands, as per Section 275-100(C).
- 2) According to the response letter, a wall, and the trees and shrubs required by Section 275-110(D), have been added. Sheet C-2 of the submitted set of plans shows a chain link fence between this property and the abutting residential areas; please identify on the plans, specifically Sheet L-1, if a masonry wall will be provided. In addition, the north side of the property abutting a residential area does not satisfy the minimum requirements of 1 tree every 40 linear feet (coconut palms do not count). A hedge is proposed along the perimeter of the property, however, the shrub requirement has not been fulfilled (shrubs shall be installed one per ever 3 feet of residential property between the wall and the residential property).
- 3) Please show the new location of the trees and palms proposed to be relocated.
- 4) Mitigation requirements are based on the square footage of canopy removed, and for new development shall be 150%, as per Section 825-100(A, 5) of the code. Trees used to satisfy site plan requirements cannot be counted to satisfy mitigation for tree removal. Please add an item to the table on Sheet L-2, providing square footage of canopy removed, plus 50%, and five the total number and category of trees proposed to satisfy mitigation.
- 5) The applicant will be submitting an irrigation plan at the next site plan submittal.
- 6) Proof of water supply and fire flow demands as follows:
 - a. Fire hydrant flow test – please provide.
 - b. A completed application of the approval of the Fire Protections Water Supply Design – There is a conflict between this application and the fire flow demand calcs provided by the EOR with regards to the total fire flow required. Please revise and provide a better, more clear copy of this application.
- 7) Additional Fire Department Access information as follows:
 - a. Load limits for bridges and grading for significant changes in elevation (if applicable).
 - b. Fire department access routes during construction – still needed

- 8) A detail sheet accompanying the civil plans with the following details:
 - a. Fire hydrant detail
 - b. Bollard/impact protection detail for hydrants, FDC's & DDCV's
 - c. Roadway pavement marker detail for fire hydrant locations
 - d. Post indicating valve detail (where applicable)
 - e. Underground gate valve detail (where applicable)
 - f. Backflow preventor/double detector check valve (DDCV detail (where applicable) that identifies the DDCV as being listed for fire use.
 - g. Signage detail for the fire department connections (where applicable)
- 9) Address detail.
- 10) RIGHT-OF-WAY: Revise plans to show dedication and new property line. All setbacks must be shown from new property line on site plan. Measurement from property line to first parking space is not measured from new property line after dedication. Revise accordingly. 3RD TIME REQUESTED.
- 11) SIGNS: Provide copy of all signs for compliance review.
 - Per Section 505-90 (C) identify total cumulative sign area permitted then deduct sign area proposed. Cumulative sign area not provided. 2nd time requested.
 - Per Section 505-90(H) & Section 505-40(D) maximum directional sign area permitted is 3 s.f.; 4 s.f. proposed. No directional signage shown on latest set of plans. Revise accordingly. 2nd time requested.
- 12) The proximity to the airport will require FAA review and approval. 2nd time requested.
- 13) PARKING: must provide parking for hotel (84.8 parking spaces) and dwelling unit (1.75 parking spaces). Both uses required 87 total parking spaces (84.8 + 1.75 + 86.55 or 87 total) on site. Revise calculations on plans accordingly.
- 14) Provide minimum bicycle parking requirements identified in Section 265-51. Commercial use requires 10% of REQUIRED parking (not provided), therefore 9 bicycle parking spaces are needed. Provide calculations on Sheet A-1. Revise accordingly. 3RD TIME REQUESTED.
- 15) RAC TRAFFIC IMPACT MITIGATION: Provide an analysis, signed and sealed by a certified engineer, identifying the amount of RA mitigation for traffic impact due based on resolution No. 2014-049 which established a rate of \$21.26 per p.m. peak hour trip. Per Hotel Traffic Analysis letter from McMahan dates 12-21-15, 31 PM peak hour trips will be generated, resulting in a RAC Traffic Impact Mitigation fee of \$659.06 which must be paid prior to issuance of a permit.
- 16) Per Section 303-40(L) Identify the building frontage type proposed on Sheet A1 in order to determine the building placement. Per Section 303-40(N) only "Shopfront" or "Arcade" building frontage type permitted at this location. 3RD TIME REQUESTED.
- 17) Per Section 306-10(C) "All surface parking lots in rear yards shall be designed for connection to existing or future parking lots on abutting properties on the same side of block and on both sides of the block if there is no alley." Provide recorded copy of cross access easement prior to issuance of a building permit.

18) Per Section 309-10(C) must construct on-street parking, sidewalks and street furniture per CRA Redevelopment Plan. Must show location of street furniture on plans. Revise accordingly. 3RD TIME REQUESTED.

19) Revise exterior building material to a material indicative of south Florida architecture.

STAFF RECOMMENDATION

Approve the site plan provided the outstanding DRC comments are addressed and further provide that each of the variance and design variances are granted.