

**CITY OF HALLANDALE BEACH
MEMORANDUM**

DATE: March 21, 2012
TO: Planning and Zoning Board
FROM: Christy Dominguez, Director of Planning and Zoning
THRU: Thomas J. Vageline, Development Services Director
SUBJECT: Applications #07-12-DB and #08-12-V by Liberty Sites, LLC
Hallandale Townhomes, 901-925 SW 9th Street

I. BACKGROUND INFORMATION

APPLICANT

Liberty Sites, LLC

REQUEST

The applicant is requesting Major Development and a Variance approval in order to construct a 12-unit townhouse development at 901-925 SW 9th Street.

The applications are as follows:

1. Application #07-12-DB requesting a Major Development Approval pursuant to Section 32-782(a)(2) for a 12-unit townhouse development at the property.
2. Application #08-12-V requesting a variance from the following Code provisions:
 - a. Section 32-731(a)(9)a. which requires a 5 foot landscape area between the building and the parking areas; and
 - b. Section 32-731(a)(9)c. which requires townhouse groupings with six or more units to provide a setback variation comprised of at least half of each unit width.

LOCATION

The property is located at 901-925 SW 9th Street which is legally described as lots 1 to 7, Block 7, Golden Heights, according to the plat thereof as recorded in Plat Book 4, Page 9, of the Public Records of Broward County, Florida.

PARCEL SIZE

41,477 square feet or .95 acre

EXISTING LAND USE DESIGNATION

Low-Medium Density up to 14.0

EXISTING ZONING

RD-12 Residential two-family (duplex) district.

EXISTING USE

Vacant lot

PROPOSED USE

A 12-unit townhouse development

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

City: Low-Medium Density
County: Low-Medium Density

SURROUNDING ZONING

North - RD-12 (Residential Two- Family Duplex)
South - RD-12 (Residential Two- Family Duplex)
East - RD-12 (Residential Two- Family Duplex)
West - RD-12 (Residential Two- Family Duplex)

SURROUNDING LAND USE

North - Single-family home and 4-unit multi-family building
South - 12-unit multi-family building, 3-unit multi-family building, 3-unit multi-family building, and a 5-unit multi-family building
East - Two-family duplex
West - Single-family home

II. LAND USE HISTORY

RELATED LAND USE HISTORY

None, relative to this request

IV. DETAILS OF THE APPLICATION

Development Details

The applicant's plans depict the following:

1. Twelve, two-story 3 bedroom townhouse units with 1,392 square feet in floor area. (1,150 square feet per unit is required)
2. A total of 30 parking spaces are proposed. (2 parking spaces per unit plus 6 guest spaces for a total of 30 required parking spaces)
3. A proposed 5 foot concrete sidewalk along SW 9th Avenue and SW 9th Street.
4. A total of 35 trees for credit are provided consisting of 2 Live Oaks, 1 Gumbo Limbo, 3 Geigers, 1 Wild Tamarind, 12 Silver Buttonwoods, 5 Seagrapes, 5 Dahoon Hollies, 2 Medjool Date Palms and 14 Sabal Palms. (28 trees are required)
5. A 6 foot high masonry wall along a portion of the north side of the property and a 6 foot high aluminum bar fence around the remainder of the property.
6. A 13 foot x 8 foot masonry dumpster enclosure.
7. A landscape area between the buildings and parking areas 2 feet 6 inches in width. (5 feet is the minimum required)
8. A variation in building setback of 11 feet 7 inches in width. (The required variation shall comprise of at least half the width of the unit or 14 feet 4 inches)
9. A 40% landscape area is proposed with a combination of 38% landscaping and 2% pervious paver material. (40% landscape area is required of which 15% may be pervious paver material)

OTHER SITE DETAILS

None

V. COMPREHENSIVE PLAN CONSIDERATIONS

The subject property is designated Residential Low-Medium Density on the City's Future Land Use Map which permits densities of up to 14 dwelling units per acre. The proposal is consistent with the Comprehensive Plan.

VI. INTERDEPARTMENT REVIEW SUMMARY

The Development Review Committee (DRC) met on December 1, 2011 on the subject applications. Comments/issues identified by the DRC were discussed with the applicant during DRC review of the applications. The applicant has submitted an application for two variances concurrent with the Major Development Application. Excluding the

requested variances, the applicant has addressed all the comments issued by the Development Review Committee or has agreed to address at building permit application.

VII. APPLICATION CODES AND ORDINANCES

1. The subject property is presently zoned RD-12 residential two-family (duplex) District. Section 32-154(b)(7) of the City's Zoning and Land Development Code, permits townhouses in the aforementioned zoning designation subject to the site development standards specified in Section 32-731 of the City Code.

Based on the maximum density permitted of 14 dwelling units per acre, 13 units are allowed on the .95 acre parcel. The applicant proposes to construct 12 townhouse units, which will consist of two buildings each with six units. The overall height of each building will be 25 feet 8 inches. The maximum height permitted is 30 feet.

2. Section 32-731(a)(4) requires townhouses to maintain the following setbacks:

	Required	Proposed	Deficiency
Front (east)	25 ft.	48 ft. 10 in.	0 ft.
Rear (west)	20 ft.	41 ft. 9 in.	0 ft.
Side (north)	15 ft.	15 ft. 2 in.	0 ft.
Side (south)	15 ft.	15 ft. 2 in.	0 ft.
Buildings arranged front to front	40 ft.	40 ft. 1 in.	0 ft.

The applicant's proposal meets the above referenced setback requirements for townhouse developments.

3. Section 32-731(a)(8)(c) requires three bedroom townhouse units to have a minimum 1,150 square feet of floor area.

Each unit is proposed to have 1,392 square foot, thereby exceeding the Code requirement.

4. Section 32-455(d)(2) requires two spaces for every townhouse unit plus one-half space per unit for guest parking with developments of 10 units or more.

Based on the number of townhouse units, 24 spaces are required plus an additional 6 spaces for guest parking for a total of 30 parking spaces. The applicant's proposal meets the required number of parking spaces for the project.

5. Section 32-384(a)(3) requires a minimum landscape area of 40% for townhouse development. Section 32-383(b)(4) allows approved pervious paver material to count up to 15% of the required landscape area.

The applicant proposes a 40 percent landscaped area as required. The landscaped area will be met with 38 percent landscaping materials and the remaining 2% required will be achieved through the use of pervious paver materials, as approved by the City Engineer.

6. Section 32-384(c)(3) requires 1 tree per every 1,500 square feet of lot area. At least 50 percent of the required trees shall be native, drought-tolerant, native plant material indigenous to South Florida. In addition, at least 50 percent of the required trees shall be shade trees.

	Required	Proposed	Deficiency
Total Number of Trees (41,477 / 1,500)	28	35	0
50% Native Tree Requirement	14	33	0
50% Shade Tree Requirement	14	29	0

As depicted in the above table, the applicant is required to provide 28 trees and the proposal shows 35 credited trees. Fourteen trees are required to be native species and 33 native trees are proposed. In addition, fourteen trees are required to be shade trees and 29 shade trees are proposed. Thus, the Code requirement has been satisfied.

7. Section 32-635(b) requires multi-family dwelling units of four or more units to have bulk waste receptacles within an opaque wood or masonry enclosure.

The applicant proposes a masonry dumpster enclosure, with opaque wood doors, and a pedestrian access as required by Code.

8. Section 32-731(a)(9)a. requires a minimum of 5 feet of landscaped area shall be provided separating paved parking areas from buildings.

The applicant proposes a landscaped area 2 feet 6 inches between the parking areas and the building which is a deficiency of 2 feet 6 inches; thus, the applicant is requesting a variance.

9. Section 32-731(a)(9)c. requires townhouse groupings with six or more units to provide at least two units in such groupings shall have a variation in setback of at least five feet from an adjoining unit. Such required setback shall comprise at least half of each unit width.

Each townhouse unit is 29 feet 8 inches in width therefore a setback variation of 14 feet 10 inches is required. The applicant proposes each unit have a setback variation of 11 feet 11 inches which is a deficiency of 2 feet 11 inches;

thus, a variance is required.

VIII. REVIEW OF APPLICATION CRITERIA

Major Development Review

Article V, Section 32-787 specifies the following criteria shall be utilized in the review and evaluation of applications for Major Development Review approval:

1. Natural Environment

The subject property is currently a vacant lot. There are no rare, historical or valuable trees on the property.

2. Open Space

The applicant is proposing that 40% percent of the property will remain landscaped area as required by Code. According to the plan, the property will be landscaped with 2 Live Oaks, 1 Gumbo Limbo, 3 Geigers, 1 Wild Tamarind, 12 Silver Buttonwoods, 5 Seagrapes, 5 Dahoon Hollies, 2 Medjool Date Palms and 14 Sabal Palms. Ornamental trees such as Buccaneer Palms and other shrubbery will also be planted.

3. Circulation and Parking

Article V, Section 32-787(d) requires that parking facilities for new development be designed to provide a defined internal vehicular circulation system which allows movement within the proposed development. The amount of on-site parking meets City Code. The parking area has been designed with a one-way in driveway accessed from SW 9th Avenue and a one-way out exit onto SW 9th Street. The subject parking and access areas have been designed for effective emergency and vehicle approach with adequate lane widths to help increase ease of circulation and navigation. Parking on-site is considered safe and efficient. Further, as mentioned above in Section VII, 30 parking spaces are required and 30 spaces are provided, thereby meeting Code.

4. Access Control

The building will be accessed from SW 9th Avenue via a one-way in driveway centered on the property and a one-way out exit onto SW 9th Street. An electronic slide gate is proposed at the entrance and exit of the development. The entrance provides one lane for residents and one lane for guest, each with sufficient stacking room for two vehicles onsite.

5. Public Transportation

Presently, Broward County public transportation stops are available along SW 11th Avenue and SW 8th Avenue and the City's mini-bus service travels along SW 10th Street and SW 8th Avenue.

6. Community Services

The required bulk waste receptacle will be located in a masonry dumpster enclosure along the western portion of the site. The proposed enclosure location is satisfactory for proper servicing by sanitation trucks. The applicant also proposes to construct a 5 foot concrete sidewalk along SW 9th Avenue and SW 9th Street, as required by Code.

7. Drainage

Drainage design will consist of adequate disposition of storm water without causing flow into adjoining public or private property. The proposal includes the installation of underground catch basins for surface run-off. All landscaped retention areas will help maximize recharge through percolation. Further, drainage calculations will be required at time of permit. The applicant will be required to comply with all DPEP regulations and City criteria to retain 5-year, 1-hour storm water onsite.

8. Building and Other Structures

The proposed development consists of twelve, two-story townhouse units each with 3 bedrooms and 1,392 square feet in floor area. The total building area proposed is 10,312 square feet. No parking garage is provided and there will be 2 parking spaces in front of each unit and guest parking near the entrance and exit. A pool and pool deck is proposed at the northeast corner of the lot and will be enclosed with a 6 foot high aluminum fence. There will also be a masonry dumpster enclosure on the western portion of the site.

9. Concurrency Evaluation

According to Article V, Section 32-782, determination of concurrency must occur prior to the approval of a building permit.

Staff has conducted a concurrency evaluation of the project relative to its impact on water, sewer, solid waste, and drainage. Staff has determined that concurrency requirements for water, sewer, drainage, solid waste, and school facilities have been met. Water, sewer and drainage compliance are all subject to the satisfaction of the City Engineer prior to the issuance of a building permit. The City reserves the right to require upgrades to the system if it is determined the system is inadequate or will be severely taxed by development.

The developer has submitted an Impact Evaluation Report as required by Section 32-788 that addresses each issue. The following is a summary of the expected impacts to the various public utilities for reference.

Schools: The Broward County School Board calculated the potential student impact of the proposed development. According to the School Board, the proposed development would generate 1 high school student, 1 middle school student, and 2 elementary school students for a total of 4 students. The schools impacted by the proposed development are Hallandale Elementary School, Gulfstream Middle School and Hallandale High School; however all schools are currently operating below the adopted Level of Service

(LOS) requirement. Therefore, adequate school capacity is available to accommodate the projected students.

Potable Water - According to the criteria in the Impact Evaluation Report, the development will generate the need for approximately 3,000 gallons of potable water per day. The City Water Plant is expandable to 15 MGD (Million Gallons per Day). The plant's current capacity is 9 MGD. The City's current demand is approximately 6 MGD. There is sufficient capacity to maintain this development. The developer will be required to pay the City \$12,870 in water impact fees.

Wastewater - The City has a Large User Agreement with City of Hollywood for wastewater treatment. The City's current committed capacity is 7.85 MGD (Million Gallons per Day) and the City's total flow is approximately 7 MGD. According to the applicant, the wastewater demand for the site will be approximately 3,000 gallons per day. There is sufficient capacity to maintain this development. The developer will be required to pay the City \$17,220 in sewer impact fees.

Transportation System – The applicant was required to submit a traffic statement pursuant to Section 32-788(g) for an analysis of the impact of the development as related to current and projected roadway usage and design capacities. The City's consultant for this project reviewed the statement. According to the consultant, the project would generate 102 average vehicle trips per day and 11 PM Peak Hour trips. As the City is within a designated Urban Infill area, development projects may not be denied based upon concurrency. The consultant concludes the roadways could handle the traffic generated by the proposed project as it provides for minimal impact. Based on the trips generated by the proposal, the transportation mitigation fee is \$8,529 per the City's adopted Transportation Master Plan.

10. Energy Conservation/Green Building

The development will be designed in conformity with current Energy Code and Florida Building Code requirements for energy efficiency. The applicant has not designed the project for LEED certification. However, he intends to incorporate Green Building principles into the building's design and operation through the use of energy efficient appliances and fixtures.

11. Financial Impact

The project's anticipated value at build out is \$1.85 million. It is expected the proposed development will generate approximately \$10,915 in tax revenue. Approximately \$10,369 of the tax revenue would go to the City's CRA.

Variance

In review of applications for variances, the following standards shall be observed in making any decisions or recommendations:

Section 32-965 Variances: A variance to the terms of the this code that will not be contrary to the public interest where, due to special conditions, a literal enforcement of

the provisions of the code will result in unnecessary and undue hardship may be granted by the City Commission in compliance with the requirements of this code.

(b) In order to authorize any variances to the terms of the City Code, it must be found that:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not generally applicable to other lands, structures, or buildings in the same zoning district.

Inconsistent. No special conditions or circumstances exist which are peculiar to the applicant's land or building which are not generally applicable to other lands or buildings in the same zoning district. The property is currently vacant and could be alternatively designed to meet the requirements of the Code.

- (2) That the special conditions and circumstances do not result from the actions of the applicant.

Inconsistent. The applicant's justification for the variances is based upon a desire to construct a townhouse development that does not meet the required code for the zoning district. The applicant's request is not a result of any special circumstances relative to the land, structure, or existing or proposed buildings. There is sufficient space for the project to be redesigned to provide the required 5 foot landscape area between the building and the parking area. In addition, the project could be reconfigured to provide the minimum setback variation of 14 feet 10 inches, although it may result in a reduction in unit size or the number of units provided.

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Code to other lands, buildings, or structures in the same district.

Inconsistent. Granting of the subject variances will confer upon the applicant special privileges that are customarily prohibited by the Code to other lands, buildings, and structures in the City. This subject property is presently a vacant lot and the applicant could modify the design to meet the requirements of the City's Code. The development standards for townhouses are established to provide architectural character to buildings. Other townhouse developments have been required to provide 5 foot landscaped areas separating paved parking areas from buildings and setback variations equal to half the width of a townhouse unit.

- (4) That literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would work unnecessary and undue hardships on the applicants.

Inconsistent. Literal interpretation of the Code will not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and will not cause unnecessary and undue hardship on the applicant. As noted, all properties in the same zoning district are required to adhere to the development standards set forth by the Code.

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Inconsistent. The proposed development could be modified to provide an additional 2 feet 6 inches in landscaped area and an additional 2 feet 11 inches in setback variation width. This would eliminate the need for the variances, although it may require a reduction in unit size or the amount of units proposed to meet the required codes.

- (6) That the granting of the variance will be in harmony with the general intent and purpose of the Code.

Inconsistent. The general intent of the Code is to provide regulations for development and design of a townhouse project. The requirement to provide a setback variation in townhouse units is to encourage diversity in design. In addition, five feet landscaped areas are required separating paved parking areas from buildings to prevent blank walls and facades. The variances requested are not related to setbacks, landscape percentages, or other Codes as they relate to the safety or function of the development, but rather those related to aesthetics. The applicant has chosen not to explore alternative design options that will meet the requirements and intent of the City Code; however, the variances requested are minimal and are not likely to result in a negative impact to surrounding properties.

- (7) That such a variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Consistent.

IX. STAFF RECOMMENDATIONS

DEVELOPMENT REVIEW APPLICATION:

The applicant's proposal meets the general requirements for Development Review projects relative to concurrency and other Code requirements.

VARIANCE:

The proposed development is generally consistent with the City's codes. The applicant is requesting a variance from the requirement to provide a 5 foot landscape area between the building and the parking areas and the requirement for townhouse groupings with six or more units to provide a setback deviation comprising of at least half of each unit width. The plans could be revised to eliminate the need for the variances; however, compliance with those Codes could result in less square footage for each unit or less units proposed which could have a significant impact on the overall project. In staff's opinion, the proposal does not meet the criteria of the Code for granting variances;

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however, the variances requested are minimal and not likely to result in a negative impact to surrounding properties.

Should the Planning and Zoning Board decide to approve the Major Development Application and requested Variances, approval should be subject to the following conditions:

1. Developer shall pay \$17,220 for additional capacity required for sewer treatment at the Hollywood Sewer Treatment Plant prior to the issuance of a Certificate of Occupancy; and
2. Developer shall pay the transportation mitigation fee of \$8,529 as required per the City's Transportation Master Plan; and
3. Developer shall pay the City \$12,870 in water impact fees prior to the issuance of a Certificate of Occupancy.

Prepared By: _____

Sarah Suarez, AICP
Senior Planner