

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 16-051**

STAFF REPORT

TO: Chair and Members
Planning and Development Board and City Commission

THRU: Michael Rumpf *MR*
Planning and Zoning Director

FROM: Amanda Bassiely *AB*
Senior Planner – Urban Designer

DATE: December 15, 2016

PROJECT: Riverwalk Plaza
CDPA 16-002

REQUEST: Approve request for a Community Design Appeal of Chapter 2, Article II, Section 4B.3 “Build-to-line”, requiring buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of 139 feet on Woolbright Road.

Property Owner: Isram Riverwalk, LLC

Applicant: Shaul Rikman/ Isram Riverwalk, LLC

Agent: Steven S. Wherry/ Greenspoon Marder, P.A.

Location: 1532 South Federal Highway (Exhibit “A”)

Site Details: The applicant has submitted development applications for a Land Use Amendment and Rezoning, Major Site Plan Modification, Community Design Appeal and Height Exception for a mixed-use project known as Riverwalk Plaza, which proposes a one-story 4,666 sq. ft commercial building, a renovation of an addition to a 41,970 sq. ft. one-story commercial building, and a new ten-story residential building with 326 rental units. The proposed site plan shows the placement of the two commercial structures along South Federal Highway and the residential building along the Intracoastal Waterway.

NATURE OF REQUEST

Steven S. Wherry is requesting approval of a Community Design Appeal of Chapter 2, Article II, Section 4B.3 “Build-to-line”, which requires buildings to be constructed with a build-to-line of 0 to 15 feet. The build-to-line is the placement of a building wall in a precise location in proximity to the corresponding property line (versus “building setback” which is commonly regulated with a minimum dimension standard).

BACKGROUND AND ANALYSIS

The application submitted for Community Design Appeal is pursuant to the Land Development Regulations (LDR) Chapter 2, Article II, Section 4B.3 "Build-to-line", which requires buildings to be constructed along the roadway frontages with a build-to-line range of 0 to 15 feet. Approval may be granted by staff of up to a 15 foot setback in order to 1) *optimize landscape design*; 2) *maximize on-site drainage solutions*; 3) *accommodate architectural features and building enhancements*; or 4) *to otherwise enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating area*. However, as described, the residential building is proposed to be located outside of the build-to-line, and accordingly, is the subject of this appeal request. The applicant has submitted a Justification Statement (Exhibit "C") dated April 26, 2016 addressing each of the following review criteria for such applications:

- a) *Whether the proposed request will demonstrate consistency with the Comprehensive Plan;*
- b) *Whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable;*
- c) *On balance, whether the proposed request will be consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed;*
- d) *Whether the proposed request is intended to save or preserve existing trees or desired flora;*
- e) *Whether the proposed request will have adverse environmental impacts that cannot be prevented by the imposition of conditions;*
- f) *Whether the proposed request will have an adverse impact on property values of abutting or adjacent land;*
- g) *Whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties;*
- h) *Whether the proposed request is necessary to further the objectives of the City to assist with economic development and business promotion; and*
- i) *Whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.*

The proposed building site totals 426,257 square feet or 9.78 acres, with Woolbright Road to the north, South Federal Highway to the west, and the Intracoastal Waterway as the eastern boundary. The proposed mixed use development is comprised of four (4) different structures including a new residential building with an integrated parking structure and commercial space, a new commercial building, a renovated commercial building and an existing building occupied by a fast-food restaurant. As shown on the Master Plan (sheet AS-101), the boundary of the site is irregular and excludes two parcels which directly front Woolbright Road. The two parcels which are not included in this redevelopment proposal are occupied by the Wells Fargo Bank and Prime Catch restaurant. The strict application of the build-to-line requirements, in this instance, would limit or

eliminate visibility and access to the existing water-front restaurant. Moreover, this portion of Woolbright Road increases in width and elevation as it transitions into the bridge over the Intracoastal Waterway. With the extenuating site conditions, the applicant requests to setback the building from Woolbright Road 139 feet. This set back allows for the restaurant and the restaurant parking area to remain in place. In lieu of the building fronting Woolbright Road, the applicant proposes a pedestrian path from the right-of-way to the northern façade of the building which will be clad with art displays to provide an enhanced route to the urban plaza and Intracoastal Waterway promenade.

RECOMMENDATION

Staff has reviewed this request for Community Design Appeal approval. Based on the analysis contained herein, staff recommends approval contingent upon City Commission approval of concurrent requests for Land Use Amendment & Rezoning, New Site Plan, and Height Exception, and satisfying all comments indicated in Exhibit “D” – Conditions of Approval. Any additional conditions recommended by the Board or City Commission shall be documented accordingly in the Conditions of Approval.