

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 16-052**

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

THRU: Michael Rumpf *MWR*
Planning and Zoning Director

FROM: Amanda Bassiely *MWR for*
Senior Planner- Urban Designer

DATE: December 20, 2016

PROJECT: Riverwalk Plaza / HTEX 16-002

REQUEST: Approval of height exception request to allow the stair towers and decorative architectural features of the Riverwalk Plaza mixed use project to be constructed at 105 feet, 5 feet above the maximum allowable height of 100 feet in the MU-4 (Mixed Use-4) zoning district.

PROJECT DESCRIPTION

Property Owner: Isram Riverwalk, LLC

Applicant: Shaul Rikman / Isram Riverwalk, LLC

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

Location: 1532 South Federal Highway (see Exhibit "A" – Location Map)

Existing Land Use / Zoning: Local Retail Commercial (LRC) / C-3 (Community Commercial District)

Proposed Land Use/Zoning: Mixed Use Core (MX-C) / MU-4 (Mixed Use 4 District)

Proposed Use: Modification of existing shopping center to a mixed use development of 326 apartments and 51,220 square feet of commercial space.

Acreage: 9.78 acres

Adjacent Uses:

North: Right-of-way for Woolbright Road and farther north, a developed commercial property (PNC bank) classified Local Retail Commercial (LRC) and zoned C-3 (Community Commercial), and a developed multifamily residential property (Bermuda Cay), classified High Density Residential (HDR) and zoned R-3, Multifamily Residential;

South: To the southwest, a developed commercial property (McDonalds restaurant), classified Local Retail Commercial (LRC) and zoned C-3 (Community Commercial), and to the southeast undeveloped properties classified High Density Residential (HDR) with the Conservation Overlay and zoned R-3, (Multi-Family Residential);

- East: The Intracoastal Waterway, and farther east are developed residential properties in the Town of Ocean Ridge; and
- West: Right-of-way for South Federal Highway, then farther west, developed commercial property (Sunshine Square shopping center), classified Local Retail Commercial (LRC) and zoned C-3 (Community Commercial).

BACKGROUND

The applicant has submitted development applications for a Land Use Amendment and Rezoning, Major Site Plan Modification, Community Design Plan Appeal and Height Exception to redevelop the Riverwalk Plaza shopping center to a mixed use development consisting of 326 apartments and 51,220 square feet of commercial space. The site currently has a vacant Winn-Dixie supermarket store, Walgreen's Pharmacy, JoAnn Fabrics, Wendy's Restaurant, various other small shops, a separately owned outparcel with a Wells Fargo Bank, and a separately owned parcel with the Prime Catch Restaurant. Additionally, a staff-initiated code review creating a new MU-4 (Mixed Use 4) zoning district was reviewed by the P&D Board at their November meeting and was heard on first reading at the December 19th Commission meeting. Second reading of the ordinance is scheduled for the January 3rd Commission meeting.

The application submitted for Height Exception approval is for non-habitable space that includes rooftop access to the stairwells and decorative architectural elements. The maximum building height in the MU-4 zoning district is 100 feet. The elevations (see Exhibit "B" – Sheets AS-201 & AS-202) show that the building would be constructed utilizing a parapet wall, with the actual roof deck at a height of 95 feet. The code indicates building height for structures with flat roofs shall be measured at the roof deck, and the surrounding parapet may be up to five (5) feet higher. However, as noted above, the stair towers and decorative architectural elements exceed the maximum allowable height of the zoning district, thus the application for a Height Exception of five (5) feet over the maximum height allowed in the district has been submitted for those specific features, in conjunction with the other previously noted applications for development approval.

ANALYSIS

The Land Development Regulations, Chapter 2, Article II, Section 4.C., Height Exceptions, states that in considering an application for an exception to the district height regulation, the City Commission shall make findings indicating the proposed exception has been studied and considered in relation to minimum standards, where applicable. According to this Section, building appurtenances and structures, electrical and mechanical support systems and their necessary mechanical appurtenances, and architectural enhancements to the design of the building, may be erected on top of a structure, above the district height limitations, and are eligible for consideration of approval by the City Commission on a case-by-case basis.

The applicant has submitted a Justification Statement (Exhibit "C") dated November 3, 2016, addressing each of the following review criteria required for these applications: 1) *Whether the height exception would adversely affect any of the following: a) light and air; b) property values; c) the living conditions; or d) existing or proposed land uses;* 2) *Whether the height exception would be a deterrent to the development or improvement of adjacent properties in accord with existing regulations;* 3) *Whether the height exception would contribute to the architectural character and form of the proposed project;* 4) *Whether the height exception would positively contribute to the city's desired image, streetscape design, or recommendation of any applicable redevelopment plan;* 5) *Whether the height exception would contribute, incentivize, or serve as a catalyst for sustainable development and other green initiatives;* 6) *Whether the height exception is necessary and not proposed in a manner with which the principle*

objective is to maximize project visibility without concern for architectural or aesthetic integrity; and 7) Whether sufficient evidence has been presented to justify the need for a height exception.

Staff has determined that the project meets the intent of the review criteria for Height Exception. The decorative architectural features contribute dimension and interest along the top of the building, in an attempt to provide some detail and undulation to a relatively straight/even roofline. In considering the standards for granting approval, staff agrees with the applicant that the exception is necessary to provide the required access to the roof, that there should be no adverse effect, and that the requested five (5) foot exception would not severely reduce light and air in adjacent areas. The property is surrounded by road rights-of-way on two (2) sides, the 300 foot wide Intracoastal Waterway on the east side, and undeveloped property with a conservation overlay and retail property fronting on Federal Highway on the fourth side. According to the Land Development Regulations, a building constructed within the MU-4 zoning district could be constructed with a roof deck at 100 feet in height and have an additional five (5) foot tall parapet around the entire building without requiring an application for height exception, resulting in the appearance of a 105 foot tall building. The applicant is requesting only small segments of the building (including stair towers and decorative architectural treatments) at a height between 100 and 105 feet. The exception request is for approximately 2,839 square feet (421 for the stair towers and 2,418 for the decorative architectural elements) of the 61,487 square foot roof area, or approximately 4.7% of the rooftop area. That portion of the roof that deviates from the maximum height is minimal, and would not represent habitable space. Also, the tallest elements on the project are over 290 feet from the nearest residential land uses, over 230 feet from the Intracoastal Waterway, over 400 feet from Federal Highway, and approximately 580 feet from the residential properties in Ocean Ridge thereby allowing staff to safely opine that the proposed height exception would have no negative impact on surrounding properties. Lastly, it should be noted that the City has routinely granted similar requests for minimal deviations from the maximum building height standards for roof and other architectural elements and rooftop equipment.

RECOMMENDATION

Based on the analysis contained herein, staff recommends that this request for a height exception of five (5) feet be approved for the stair tower and architectural enhancements. No conditions of approval are recommended; however, any conditions of approval recommended by the Board or required by the City Commission will be placed in Exhibit "D" – Conditions of Approval.