

April 26, 2016
Revised
November 3, 2016

Height Exception Request: The Applicant is requesting a deviation from the maximum allowable height requirement in the MU-4 zoning district for building appurtenances and architectural features. At its maximum, the proposed building is 10 stories, and the roof of the roof level of the building is 95'. The Applicant is requesting that the appurtenances and architectural features extend to a maximum height of 105'.

Review Criteria Chapter 2, Article II, Section 4.C.3 of the Land Development Regulations.

The Applicant's request is consistent with the Community Design Appeal Review Criteria as documented below.

- a. **On the subject site or surrounding properties, whether the height exception would adversely affect any of the following: 1) light and air; 2) property values; 3) the living conditions; or 4) existing or proposed land uses;**

The location of the new proposed residential building on the Property ensures that there will be minimal impact on light and air to adjacent properties. The new structure sits to the east end of the Property thereby shadowing primarily the Property during the morning hours and not adjacent properties. To the north is a parking area and Woolbright Road. To the east is the Intracoastal Waterway and the properties across the waterway are approximately 400 feet away. A shadow study provided with the site plan application documents that the shadows created by the residential building during the equinoxes do not impact adjacent properties. Further, the residential building is designed to stepback from the Intracoastal Waterway to minimize the shadows to the east.

The proposed redevelopment plan replaces a dilapidated commercial structure with an attractive residential building. By improving the Property and adding new a residential component that will help support the nearby commercial uses and activate the street frontage, the redevelopment plan supports the CRA plan and all surrounding property values in the area will increase as a result of the redevelopment.

The Intracoastal Waterway is the Property's greatest asset and the existing development

turns its back to the Intracoastal and prohibits public access. It is natural that the proposed redevelopment is located such that it will provide the future residents and public visitors with the best views of the Intracoastal to help increase the viability of the residential component and enhance the quality of public space. This amenity will help attract new residents to the project and will activate a waterway that is currently the service area of the existing building. This will also allow residents across the waterway to view an active, pedestrian populated edge versus an inactive trash and loading area.

The placement of the residential building will be compatible with the scale of buildings in the immediate vicinity by its placement on the site. Though taller, the project is separated from adjacent sites to minimize any potential impacts. To the north, the project is setback from the property line and is adjacent to the Woolbright Boulevard bridge. To the east, the nearest properties are across an approximate 400 foot wide waterway. In addition, the residential building design is stepped back to reduce the impact along the Intracoastal. To the south is an existing wetlands area and to the west the project is approximately 450 feet away from the right-of-way, Federal Highway.

For the reasons described above, the proposed height exception would not adversely affect light and air; property values; the living conditions; or existing or proposed land uses in the area.

b. Whether the height exception would be a deterrent to the development or improvement of adjacent properties in accord with existing regulations;

Due to the positive aspects of the proposed development described above and the limited impact on adjacent properties, the proposed height exception would not be a deterrent to the development or improvement of adjacent properties. In fact, the proposed residential structure and the resulting future residents will help to support the struggling commercial tenants in the area provide demand for additional commercial uses, and contribute to property values and tax revenue to the City and its CRA, thereby adding to the funds available for development and improvement of adjacent and surrounding properties within the CRA.

c. Whether the height exception would contribute to the architectural character and form of the proposed project;

The height exception is requested for those building appurtenances and architectural features above the habitable areas in the building. These are decorative features that conceal stairwells and HVAC equipment. These decorative features help to add to the urban form and architectural character of the proposed project.

d. Whether the height exception would positively contribute to the city's desired image, streetscape design, or recommendation of any applicable redevelopment plan;

The project design, including the height exception, provides for not only an improved streetscape design along Federal Highway but also provides for an inviting pedestrian plaza and boardwalk along the Intracoastal Waterway. This plaza and boardwalk is not a requirement of the City Code but an enhancement added by the Applicant as a result of staff's request. Public access to the plaza will be provided to the plaza which results in a loss of development rights for the Applicant. However, the loss of the Applicant's development rights is outweighed by enhanced public access to the Intracoastal Waterway which is not provided on any other private property in the City.

e. Whether the height exception would contribute, incentivize, or serve as a catalyst for sustainable development and other green initiatives;

The project design and site plan incorporates a number of design elements that contribute to a sustainable development. The project adds a residential component to an existing commercial development located at a major intersection in the CRA. This horizontal mixed use development creates a project where residents can walk to a number of locations in the area that provide recreation and commercial opportunities. Parking spaces have been provided for alternative forms of transportation including bicycles, low-powered mopeds and scooters, motorcycles and electric vehicles. Green walls are incorporated into the building design for natural cooling and increased oxygen production. The height island impact of the Property will be reduced due to the addition of landscape materials and heat reflective materials.

f. 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

The proposed building is designed with a significant amount of architectural enhancements that provide visual interest. The color, materials and embellishments create additional cost for the development as well as aesthetic integrity. For these reasons, the additional height is not requested only to maximize the mass and visibility of the development.

g. Whether sufficient evidence has been presented to justify the need for a height exception.

The City has rigorous design standards that add considerable cost to building construction, especially in this case where the Applicant must account for the existing development on the Property. The Applicant has long term leases with several tenants which prevent the Applicant from demolishing all existing buildings on the Property and starting with a clear development site. In addition, the Applicant must maintain portions

of the existing parking field for the existing tenants. These factors necessitate that the residential development be constructed on only a portion of the site rather than being spread over the entire Property which adds to the height of the proposed residential building. The Applicant's architect has designed a building that accounts for these constraints but at the same time provides for a design that is contemporary and creates a sense of place for this Property. The design is one that will advance the CRA's redevelopment plans for the area and provide a number of public benefits for the City residents.