

DRC NARRATIVES AND SUPPORT DOCUMENTS

8 Unit Condominium for Bayshore 740 LLC – FSMY Project No.: 14070
740 Bayshore Drive
Fort Lauderdale, Florida 33304



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FILES AND NARRATIVE PREPARED BY Bryan Lutz

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Falkanger Snyder Martineau & Yates Architects and Planners, Inc.
888 S. Andrews Ave. ■ Suite 300 ■ Ft. Lauderdale, FL 33316 ■ TEL: (954) 764-6575 ■ FAX: (954) 764-8622
E-mail: [jyates@falkanger.com](mailto: jyates@falkanger.com) ■ CA #: AAC000447



Exhibit 2
15-0249



Site Address	740 BAYSHORE DRIVE 1-7, FORT LAUDERDALE	ID #	5042 01 06 0350
Property Owner	BAYSHORE 740 LLC	Millage	0312
Mailing Address	701 NE 73 ST MIAMI FL 33138	Use	08

Abbreviated Legal Description	BIRCH OCEAN FRONT SUB NO 2 21-22 B LOT 6 BLK 15
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The just values displayed below were set in compliance with **Sec. 193.011**, Fla. Stat., and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

Property Assessment Values					
Click here to see 2013 Exemptions and Taxable Values to be reflected on the Nov. 1, 2013 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2014	\$497,990	\$362,440	\$860,430	\$775,130	
2013	\$497,990	\$318,570	\$816,560	\$704,670	\$16,659.24
2012	\$497,990	\$239,210	\$737,200	\$640,610	\$14,575.53

2014 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$860,430	\$860,430	\$860,430	\$860,430
Portability	0	0	0	0
Assessed/SOH	\$775,130	\$860,430	\$775,130	\$775,130
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$775,130	\$860,430	\$775,130	\$775,130

Sales History			
Date	Type	Price	Book/Page or CIN
10/17/2005	WD	\$1,300,000	40823 / 1434
9/15/2000	WD	\$280,000	30863 / 1619
1/6/1995	PRD	\$210,000	23044 / 780

Land Calculations		
Price	Factor	Type
\$40.07	12,428	SF
Adj. Bldg. S.F. (See Sketch)		2981
Units		7

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
R								
7								

Bayshore 740 LLC
701 N.E. 73rd Street
Miami, FL 33138

October 23, 2014

City of Fort Lauderdale
Planning & Zoning Office
700 NW 19th Avenue
Fort Lauderdale, FL 33311

RE: Agent Authorization Letter
Bayshore 740 LLC
740 Bayshore Drive
Fort Lauderdale, FL 33304

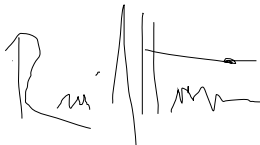
Dear Sir/Madam,

Please be advised that the firm of FSMY Architects and Planners, Inc. have been authorized to act as an Agent for the 740 Bayshore Drive site with regard to any site plan approval submittal and associated process.

This includes all submittals required for a development permit including the Development Review Committee's (DRC) review and approval, Planning & Zoning Board's (P&Z) review and approval and any other submittals associated with the issuance of a Development Order as required by the City and the Fort Lauderdale Code.

Please contact us if you have any questions. Thank you.

Cordially,

A handwritten signature in black ink, appearing to read "Rene Altamirano". The signature is stylized with a large initial "R" and a long horizontal stroke extending to the right.

Rene Altamirano



CITY OF
FORT LAUDERDALE

Venice of America

ADDRESS VERIFICATION SHEET

Contact: George Sutcavage Tel. 954-828-5233

E-mail: gsutcavage@fortlauderdale.gov

Project Address: 740 Bayshore Dr 33304

Previous Address: 740 Bayshore Dr.

Notes: New MFD
NBRA

Folio # 0201060350

Legal Description: Birch Ocean front Sub #2
21-22B Lot 6 Blk 15

DRC # _____

Authorized Signature: George Sutcavage

Date: 10/16/14

DEPARTMENT OF SUSTAINABLE DEVELOPMENT
700 N.W. 19TH AVENUE, FORT LAUDERDALE, FLORIDA 33311
BUILDING SERVICES (954) 828-5191 • CODE ENFORCEMENT DIVISION (954) 828-5207
www.fortlauderdale.gov



NARRATIVES

October, 2014

(8) Unit Condominium for Bayshore 740 LLC – FSMY Project No.: 14070
740 Bayshore Drive
Fort Lauderdale, Florida 33304

Project Description

Project Narrative:

The project is to be developed on an existing parcel on the East side of Bayshore Drive on the northern edge of the Cul-de-sac. The property is zoned NBRA, has a Future Land Use Classification of Central Beach Regional Activity Center. The 5 story proposed development will consist of 4 floors of two 2-bedroom condominium units each above a parking structure for a total of 8 units. In addition, there will be an in ground swimming pool and extensive landscaping.

The design is contemporary in form and will utilize materials such as wood and stone cladding to introduce a residential language to the architecture.

Instead of applied decorative trim, the clean modern design achieves interest through varied massing, variation of fenestration, as well as the introduction of the varied high quality materials. The horizontal lines are meant to reduce the bulk and mass of the building and the large amount of glazing and balconies are meant to open up the South and West massing to increase light and ventilation at those setbacks. The covered parking area is also opened up to provide a more transparent view corridor from the pedestrian level as opposed to a traditional enclosed parking structure. A majority of the ground level façade facing the street is glazing for the lobby which will contain the mail room and main pedestrian entry into the building. This will encourage guests as well as residents to interact and be seen from the street.

DRC NARRATIVE FOR RELEVANT ULDR SECTIONS

The applicable ULDR Sections relating to this project are 47-5.19, 47-5-36, 47-23.11, 47-24.1 Table 1 No. 25 and 27, 47-25.2 and 47-25.3. These sections will be addressed individually.

47-12.5.1

List of permitted and conditional uses, ABA and NBRA Districts in the North Beach Area .

5.a. Multifamily Dwelling is permitted use.

47-12.5E.1

Table of dimensional requirements for NBRA District.

- *Lot size is 12,428 SF*
- *Height is 60'-9" where 120' is permitted.*
- *Length is 105' where 200' is permitted.*

47-25.2

Adequacy Requirements

- A. *Applicability* the adequacy requirements set forth herein shall be used by the City to evaluate the demand created on public services and facilities created by a proposed development permit.
- B. *Communications network.* Buildings and structures shall not interfere with the City's communication network. Developments shall be modified to accommodate the needs of the City's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the City's communication network within the development proposal.

The new project will not create any interference.

- C. *Drainage facilities.* Adequacy of storm water management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (214) inches of runoff from the impervious surface whichever is greater.

The proposed design for this site includes deep injection wells and retention of storm water shall comply with all drainage requirements.

- D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application

for development shall be reviewed in accordance with the following Broward County Ordinances, which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
 - b. Section 5-198(I), Chapter 5. Article IX of the Broward County Code of Ordinances.
 - c. Broward County Ordinance No. 84-60.
2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

The development is on a previously developed site and should have no impact to environmentally sensitive lands.

- E. ***Fire protection.*** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

Adequate fire protection shall be provided for the building as well as the docks, and shall meet or exceed all applicable codes.

- F. ***Parks and open space.***

1. For all residential plats, a minimum of three (3) acres property per anticipated one thousand (1,000) residents, or cash equivalent value, or combination thereof as determined by the department shall be provided by the applicant to meet the needs for additional parks. In addition, contribution to sub-regional and regional parks in accordance with the Broward County Land Development Code is required, and an applicant shall provide documentation to the department that such contribution has been satisfied.

The developer will comply as required.

2. If there is adequate acreage available to service the proposed residential development, the City shall reserve the capacity necessary to serve the development.

Not applicable.

3. Open space requirements provided in the ULDR shall be in addition to and shall not replace the park and open space required by this subsection F.

Not applicable.

- G. ***Police protection.*** Police protection service shall be adequate to protect people and property in the

proposed development. The development shall provide improvements, which are consistent with Crime Prevention through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

The development has security provisions incorporated into the design and will provide elements noted under "police" on the site plan.

H. *Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements, which may be needed for the installation and maintenance of potable water systems in accordance with City engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution No. 85-265, as it is amended from time to time.

Improvements to the potable water service and system shall be made in accordance with City engineering standards and other accepted applicable engineering standards.

2. *Potable water facilities.*

a. If the system is tied into the City treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the City shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater on file with the department.

b. If there is adequate capacity available in the City treatment plant to service the proposed development, the City shall reserve the necessary capacity to serve the development.

c. Where the county is projected service provider, a similar written assurance will be required.

A letter of Service Availability shall be provided prior to Final DRC.

I. *Sanitary sewer.*

1. If the system is tied into the City treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the City shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

2. If there is adequate capacity available in the City treatment plant to serve the proposed development, the City shall reserve the necessary capacity to serve the proposed development.

3. Where the county is the projected service provider, a written assurance will be

required.

4. Where septic tanks will be utilized, the applicant shall secure and submit to the City a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

A letter of Service Availability shall be provided prior to Final DRC.

J. *Schools.* For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the City that such contribution has been satisfied.

The developer will comply as required.

K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the City demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.

2. *Solid waste facilities.* Where the City provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4 – Solid Waste, on file with the department.

There are provisions for a trash chute and dumpster storage and pickup and a letter from Wilkinson Hi-Rise will be provided indicating sufficient capacity for Solid Waste as well as Recycling prior to Final DRC.

L. *Stormwater:* Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, City engineering standards and other accepted applicable engineering standards.

The project will be designed to meet all applicable requirements.

M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

2. Regional transportation network. The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the City and the county comprehensive plans, and

accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the City determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the City, which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the City, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

Not applicable.

3. ***Local streets.*** Local streets shall have adequate capacity safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the City's comprehensive plan and accepted applicable traffic engineering standards. Site specific traffic studies may be required to be made and paid for by the applicant when the City determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the City such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the City engineering standards and acceptable applicable traffic engineering standards. Local streets are those that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

This is a replacement for a previous development and as a 8 unit residential project, should not have a detrimental impact on the local streets

4. ***Traffic impact studies.***

- a. When the proposed development may generate over one thousand (1,000) daily trips; or
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (34) hours; or (2) when the proposed use created varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period: the applicant shall submit to the traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed (the necessary construction and how this programming relates to the proposed development).
 - iv. A further detailed analysis and any other information that the review committee considers relevant.

v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the City to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by City's consultant shall be reimbursed to the City by the applicant.

vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operation plan showing how the peak trips will be controlled and managed.

Not applicable.

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the City's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

Not applicable.

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the City and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with City engineering standards and accepted applicable engineering standards.

A new sidewalk will be provided within the right-of-way in front of the proposed project.

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the Trafficways Plan, the Development Review Committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

Not applicable.

8. *Other roadway improvements.* Roadways adjustments, traffic control devices mechanisms, and access restriction may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

Not applicable.

9. *Street trees.* In order to provide for adequate landscaping along streets within the City street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical condition which may prevent the ability to comply with the street tree requirements of this subsection. The street tree shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAG districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of

the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

The proposed project will meet requirements. Please refer to Landscape Plans.

- N. ***Wastewater:*** Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easement which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the City engineering and accepted applicable engineering standards.

A letter of Service Availability shall be provided prior to Final DRC.

- O. ***Trash management requirements.*** A trash management plan shall be required in connection with nonresidential uses that provide prepackaged food or beverages for off-site consumption. Existing nonresidential uses of this type shall adopt a trash management plan within 6 months of the effective date of this provision.

Not Applicable.

- P. ***Historical and archaeological resources.***

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters submitting this information to the City at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

Not applicable.

- Q. ***Hurricane evacuation.*** If a structure or site is located East of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

Documentation will be provided prior to Final DRC.

47-25.3

Neighborhood Compatibility

A. The neighborhood compatibility requirements are as follows:

1. *Adequacy requirements: See Sec. 47-25.2.*
2. *Smoke, odor; emissions of particulate matter and noise.*

a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.

b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Bravo H Coov all supporting document at in and information to obtain such permit shall be submitted to the DRC as part of a site plan review.

c. Such DNRP licenses shall be required to be issued and copies provided to the City prior to the issuance of a building permit for the proposed development.

Not applicable.

3. *Design and performance standards.*

a. Lighting. No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner, which illuminates abutting residential property, and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.

The lighting will comply. Please refer to Photometric Plans.

i. Glare. Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) foot-candle on any abutting residential property except as provided in subsection iii.

Lighting will be oriented downwards or will be fitted with shields and will not impact residential properties. Please refer to Photometric Plans.

ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

Proposed landscaping, low walls and fencing will screen abutting

properties from adverse lighting.

iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

Site lighting will be designed to comply. Please refer to Photometric Plans.

b. *Control of appearance.* The following design standards are provided to protect the character of abutting residential areas from the visual impact, which may result from a use, which is subject to the requirements of this Sec. 47-25.3.

i. *Architectural features.* The façade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:

a) Fenestration such as windows, doors and opening in the building wall; and

b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:

1) Detail and embellishments:

- a. Balconies,
- b. Color and material banding,
- c. Decorative metal grates over windows,
- d. Uniform cornice heights,
- e. Awnings.

The design provides Extensive Balconies, Color and Material Banding.

2) Form and mass:

a. Building mass changes including projection and recession,
b. Multiple types and angles of roofline, or any combination thereof.

c. The above required façade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

The projects façade has balcony Projections on each elevation to provide a dynamic mass and provides deep Recesses through the use of open covered areas along the front façade.

The roof has decorative elements varying in height.

The façade treatments continue around the entire building.

ii. *Loading facilities.* Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

Landscaping will screen the abutting property.

iii. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and or adequately screened so that they are not visible from abutting residential uses or vacant residential zoned property.

Parapets will provide adequate screening of equipment, and the stairwells and elevators are a primary design element that is an integral part of the eastern façade.

c. *Setback regulations.* When nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one half (the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located).

Not applicable.

d. *Bufferyard requirements.* When a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

i. *Landscape strip requirements.* A ten (10) foot, landscape strip shall be required to be located along all property lines, which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

Not applicable.

ii. *Parking restrictions.* No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use

is located, when such yard is contiguous to residential property.

Not applicable.

iii. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

The dumpster will be contained in the building trash room except for scheduled pickup.

iv. *Wall requirements.* A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:

- a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,
- b) Shall be located within, and along the length of the property line which abuts the residential property,
- c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
- d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection (iv) above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the City engineer.

Wall requirement –

Not applicable.

v. *Application to existing uses.* Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d unless compliance would cause one (1) or more of following to occur:

- a) Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;
- b) Reduction of required parking spaces;
- c) A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of Section 47-20, Parking and Loading Requirements in effect on and applicable to such use on March 6, 1990;
- d) Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;
- e) Access to the land would be substantially impaired;
- f) Installation of the wall as provided in subsection iv. would require a modification

of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property.

g) In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use, which existed at the time of the initial installation.

e. *Neighborhood compatibility and preservation.* In addition to the review requirements provided in subsections A1, A.2 and A.3.a, b, c and d, the following review criteria shall also apply as provided below:

i. All developments subject to this Sec. 47-25.3 shall comply with the following:

a) Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Traffic

This project will improve upon the existing architecture while remaining compatible with the neighboring properties. The prevailing vehicular circulation pattern along Bayshore Drive is either back out parking or driveways into parking garages. The proposed project provides a single vehicular curb cut into a covered parking area which provides a safer traffic pattern by eliminating back out parking and a vehicular movement which requires the car to back onto the roadway or across a sidewalk.

Noise:

The glazing will be impact rated thereby minimizing noise from emanating from the residential units. Mechanical equipment is consolidated on the roof behind solid parapet walls to reduce noise from the air conditioning compressors.

Odors:

The project is residential and should not produce any offensive odors. The trash room is enclosed and will be regularly serviced and maintained.

Shadow:

A shadow study has been conducted depicting minimal impact on the adjacent property and waterway.

Scale:

The scale is compatible with other properties located within the surrounding area. The proposed project is 5 stories. The adjacent neighbor to the south is 8 stories and there is a 16 story project to our North.

Visual Nuisance:

The project proposes to be an improvement to the neighborhood by eliminating a currently empty lot and providing an active, contemporary structure with lush landscaping and a new sidewalk.

b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Not applicable.

ii. All development within the RAC-TMU (RAC-EMU, RAC-SMTJ and RACWMU) district that is greater in density than twenty-five (25) dwelling units per net acre:

a) In addition to meeting the review requirements of subsection A.3.e.i, building sites within the RAC-TMU (RAC-EMU, RAC-SMTJ and RACWMU) district shall be eligible to apply for additional dwelling units over and above twenty-five (25) dwelling units per net acre, provided such additional dwelling units are available for distribution in the downtown regional activity center. However, in order to obtain such additional dwelling units, a site plan level II permit must be approved. Such approval shall be based upon consideration of the number of additional dwelling units available under the city land use plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, the sensitivity to adjacent development of the site design and proposed orientation of the proposed development (including proposed setbacks), pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocations of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's land use plan and may be granted subject to approval of a site plan level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for

every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed-use buildings in which residential use exceeds fifty-nine percent (59) of the total floor area, exclusive of parking garages.

Not applicable.

This document was written and prepared by
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