



1           **WHEREAS**, based on the foregoing finding, the Mayor and Village  
2 Council determined to grant the application, as provided in this resolution.  
3

4           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**  
5 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**  
6 **AS FOLLOWS:**  
7

8           **Section 1.** A public hearing on the present application was held on  
9 February 12, 2018, in accordance with the Village's "Quasi-judicial Hearing  
10 Procedures". Pursuant to the testimony and evidence presented during the  
11 hearing, the Village Council makes the following findings of fact,  
12 conclusions of law and final order.  
13

14           **Section 2. Findings of fact.**  
15

16           1. The requested site plan is consistent with the Village's  
17 Comprehensive Plan, as further specified in the Analysis Section of the  
18 Village's Staff report.  
19

20           2. The rules that govern the conditions upon which such uses are  
21 permitted to be configured and operated are principally at Section 30-30.5  
22 Site Plan Approval, Section 30-50.23, DUV Downtown Urban Village, and  
23 Division 30-100, Environmental Regulations, of the Village's Land  
24 Development Code. A review of the Code, as evidenced in the analysis of  
25 staff, which is incorporated by reference into this resolution, and after  
26 hearing the applicant and applicant's experts, the Village Council found the  
27 site plan request consistent with those standards.  
28

29           3. The Applicant's traffic study, dated July 20, 2017, indicates that  
30 the number of trips generated by the proposed site plan does not cause the  
31 adjacent roadway to exceed the maximum capacity thresholds established  
32 by Miami-Dade County.  
33

34           4. The Village Council accepted the findings of Village Staff as it  
35 relates to compliance with the following provisions of the Village's Code:  
36 Section 30-30.5, 30-50.23, and 30-100, and the accepted the findings of  
37 the traffic study.  
38

1           5.     The Village adopts and incorporates by reference the Planning  
2 & Zoning Division staff report, which expert report is considered competent  
3 substantial evidence.

4  
5           6.     The applicant has agreed to all proposed modifications and  
6 conditions in the section entitled Order.

7  
8           7.     The Village Council had not substantive disclosures regarding  
9 ex-parte communications and the applicant raised no objections as to the  
10 form or content of any disclosures by the Council.

11  
12           **Section 3. Conclusions of law.**

13  
14           The site plan for the specific use was reviewed pursuant to Sections  
15 30-30.5, Section 30-50.23, and Division 30-100, of Palmetto Bay's Code of  
16 Ordinances, and was found to be conditionally consistent.

17  
18           **Section 4. Order.**

19  
20           The Village Council grants the site plan request as it would be in keeping  
21 with the applicable Land Development Regulations with the Village's  
22 Comprehensive Plan. The Village Council, pursuant to Section 30-  
23 30.5(j)(1), 30-50.23, and 30-100, approves the plans entitled "Audi Miami  
24 South" as prepared by Spring Engineering, Inc., consisting of 12 sheets,  
25 dated stamped received August 8<sup>th</sup>, 2017 and as presented to Village  
26 Council on February 12, 2017 with scrivener errors corrected on Sheet  
27 C2.0, together with the traffic study prepared by Richard Garcia &  
28 Associates, Inc., dated July 20<sup>th</sup>, 2017, with the following Design  
29 Considerations and Conditions:

- 30  
31  
32           1)Design consideration from DUV Regulations, Section 30-50.23.2.  
33           *Regulating plans*, 2.07, *Uses*, Table 4, Supplement to Table 4, D.2  
34 (c) is granted, provided that the buildings and off-site improvements  
35 are constructed in substantial compliance with the approved plan  
36 and in compliance with Conditions 1)a. through 1)i, below:  
37           a. Limit the number of display vehicles and their location to the  
38 area along US-1 as requested and shown in the site plan, and  
39 subject to Conditions 1)c. though through 1)i. below;

- 1           b. An alternative to Condition 1)a. allows expansion of this  
2           sidewalk-level area to extend along US-1 as a pedestrian-  
3           oriented new vehicle display plaza” area, limited to Conditions  
4           1)c. through 1)i. below, replacing the 5 open parking spaces at  
5           the front of the on-site surface lot, in which the number of  
6           display vehicles is limited to 10 in total which is the sum of the 5  
7           display vehicles shown on the approved site plan plus the 5  
8           vehicles displaced from the parking spaces that will be used for  
9           “pedestrian-oriented new vehicle display plaza” area.
- 10          c. Display vehicles to be spaced not less than 6-ft. from each  
11          other or buildings. Trees or other landscaping may be placed  
12          closer than 6-ft. if interspersed between display vehicles to  
13          enhance the “pedestrian-oriented new vehicle display plaza”;  
14          however, circulation distance around display vehicles must  
15          remain sufficient to meet ADA requirements;
- 16          d. Display area to be behind the US-1 façade showroom build-to  
17          line, maintaining a continuous 10½-foot sidewalk with 6½-foot  
18          landscape buffer in front of the display area along US-1.
- 19          e. Ground surface treatments are constructed and maintained  
20          pedestrian in appearance, and any spillage of fluids from  
21          vehicles is removed immediately and completely, and any  
22          resulting stains on the paver surface are removed completely;
- 23          f. Display vehicles are not located on pedestals, ramps, or any  
24          elevated disposition other than with 4 inflated tires wheels  
25          directly on the “pedestrian-oriented new vehicle display plaza”;
- 26          g. At no time are display vehicles to be prepped, maintained,  
27          cleaned or detailed on the “pedestrian-oriented new vehicle  
28          display plaza” location;
- 29          h. Vehicles are treated only as display with closed and locked  
30          doors, trunks and hoods, and removed to the paved lot or other  
31          inventory location to be shown to customers;
- 32          i. Coordinate with the conditions for Design Consideration #15  
33          conditions.

34          2) Design consideration from DUV Regulations, Section 30-50.23.3.  
35          *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG)*  
36          *Sector Summary*, Franjo Road Requirements is granted, based on  
37          Staff finding that the design complies with code without design  
38          consideration, and provided that the buildings and off-site  
39          improvements are constructed in substantial compliance with the  
40          approved plan.

- 1       3) Design consideration DUV Regulations, Section 30-50.23.3. *Urban*  
2        *Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector*  
3        *Summary*, Franjo Road Requirements is granted, based on Staff  
4        finding that the design complies with code without design  
5        consideration, and provided that the buildings and off-site  
6        improvements are constructed in substantial compliance with the  
7        approved plan.
- 8       4) Design consideration from DUV Regulations, Section 30-50.23.3.  
9        *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
10       *Sector Summary*, US-1 Requirements is granted, provided that the  
11        buildings and off-site improvements are constructed in substantial  
12        compliance with the approved site plan.
- 13       5) Design consideration from DUV Regulations, Section 30-50.23.3.  
14        *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
15        *Sector Summary*, US-1 Requirements is granted, provided that the  
16        buildings and off-site improvements are constructed in substantial  
17        compliance with the approved site plan.
- 18       6) Design consideration from DUV Regulations, Section 30-50.23.3.  
19        *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
20        *Sector Summary*, US-1 Requirements is granted, based on Staff  
21        finding that the design complies with code without design  
22        consideration, provided that the buildings and off-site improvements  
23        are constructed in substantial compliance with the approved plan.
- 24       7) Design consideration from DUV Regulations, Section 30-50.23.3.  
25        *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
26        *Sector Summary*, US-1 Requirements is granted, provided that the  
27        buildings and off-site improvements are constructed in substantial  
28        compliance with the approved site plan.
- 29       8) Design consideration from DUV Regulations, Section 30-50.23.3.  
30        *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
31        *Sector Summary*, TS-U1 Requirements is granted, based on Staff  
32        finding that the design complies with code without design  
33        consideration, and provided that the buildings and off-site  
34        improvements are constructed in substantial compliance with the  
35        approved plan.

- 1 9) Design consideration from DUV Regulations, Section 30-50.23.3.  
2 *Urban Design Standards*, Section 3.01. B. *Downtown General (DG)*  
3 *Sector Summary*, TS-U1 Requirements is granted, based on Staff  
4 finding that the design complies with code without design  
5 consideration, and provided that the buildings and off-site  
6 improvements are constructed in substantial compliance with the  
7 approved plan.
- 8 10) Design consideration from DUV Regulations, Section 30-  
9 50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown*  
10 *General (DG) Sector Summary*, TS-U1 Requirements is granted,  
11 provided that the buildings and off-site improvements are  
12 constructed in substantial compliance with the approved site plan.
- 13 11) Design consideration from DUV Regulations, Section 30-  
14 50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General*  
15 *(DG) Sector Summary*, TS-U1 Requirements is granted based, on  
16 Staff finding that the design complies with code without design  
17 consideration, and provided that the buildings and off-site  
18 improvements are constructed in substantial compliance with the  
19 approved plan.
- 20 12) Design consideration from DUV Regulations, Section 30-  
21 50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown*  
22 *General (DG) Sector Summary*, TS-U1 Requirements is granted,  
23 based on Staff finding that the design complies with code without  
24 design consideration, and provided that the buildings and off-site  
25 improvements are constructed in substantial compliance with the  
26 approved plan.
- 27 13) Design consideration from DUV Regulations, Section 30-  
28 50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown*  
29 *General (DG) Sector Summary*, TS-U1 Requirements is granted,  
30 based on Staff finding that the design complies with code without  
31 design consideration, and provided that the buildings and off-site  
32 improvements are constructed in substantial compliance with the  
33 approved plan.

- 1 14) Design consideration from DUV Regulations, Section 30-  
2 50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown*  
3 *General (DG) Sector Summary*, TS-U1 Requirements is granted,  
4 provided that the buildings and off-site improvements are  
5 constructed in substantial compliance with the approved site plan.
- 6 15) Design consideration from DUV Regulations, Section 3.02. B.5.  
7 *Parking Access and Setbacks* is granted, provided that the buildings  
8 and off-site improvements are constructed in substantial compliance  
9 with the approved plan, and in compliance with Conditions 15)a.  
10 through 15)f, below:
- 11 a. On-site parking spaces and display areas along the US-1 side  
12 be reconfigured to maintain a continuous 10½-foot sidewalk  
13 with 6½-foot landscape buffer between sidewalk and US-1  
14 travel lanes in front of the display area along US-1. If the  
15 configuration of Condition 15)a. is used, then Condition 15)b.,  
16 15)e. and 15)f. apply;
  - 17 b. Maintain a minimum buffer equal to that along Datura Street,  
18 which is 6-ft. to 13-ft. in a diagonal pattern or 9½-ft. minimum if  
19 not in a diagonal saw-tooth pattern;
  - 20 c. An alternative configuration allowed by Condition 1)b. for the  
21 related Design Consideration 1, allows expansion of the  
22 sidewalk-level area to extend along US-1 as a “pedestrian-  
23 oriented new vehicle display plaza” area, replacing the 5 open  
24 parking spaces at the front of the on-site surface lot, limited to  
25 Conditions 1)c. through 1)i.. For the alternative configuration of  
26 Condition 15)c., then Condition 15)d., 15)e. and 15)f. apply.
  - 27 d. Maintain a 6-ft depth of landscape behind the display area and  
28 in front of the paved lot.
  - 29 e. Landscaping does not by design or maintenance permit walk-  
30 through from sidewalk or the “pedestrian-oriented new vehicle  
31 display plaza” area to paved vehicular parking or drive aisle;
  - 32 f. Landscaping design and maintenance meets all other  
33 applicable requirements.
- 34 16) Design consideration from DUV Regulations, Section 4.03.  
35 *General Development Parameters*: a. Item F.2. *Landscape*  
36 *Standards* is granted, provided that the buildings and off-site

1 improvements are constructed in substantial compliance with the  
2 approved plan, and in compliance with Condition 16)a. below:

3 a. All trees deleted for the purpose of this Design Consideration  
4 along US-1 and Banyan Street are mitigated;

5 17) Design consideration from DUV Regulations, Section 4.03, Part  
6 G.3(a) *Frontage Standards* is granted, based on Staff finding that the  
7 design complies with code without design consideration, and  
8 provided that the buildings and off-site improvements are  
9 constructed in substantial compliance with the approved plan.

10 18) Design consideration from DUV Regulations, Section 4.03, Part  
11 H.1(a) *Building Size and Massing* is granted, provided that the  
12 buildings and off-site improvements are constructed in substantial  
13 compliance with the approved site plan.

14 19) Design consideration from DUV Regulations, Section 4.03, Part  
15 H.1(b) *Building Size and Massing* is granted, provided that the  
16 buildings and off-site improvements are constructed in substantial  
17 compliance with the approved plan and in compliance with  
18 Conditions 19)a. through 19)d. below:

19 a. Accept the design consideration for the Franjo Road Façade;

20 b. Accept the design consideration for the Banyan Street Façade;

21 c. Accept the design consideration for the South Dixie Highway  
22 (US-1) Façade;

23 d. Require that the Datura Street Façade meets the requirement  
24 for vertical articulation in accordance with the DUV code,  
25 Section 4.03-H-1.(b)

26 20) Design consideration from DUV Regulations, Section 4.03, Part  
27 H.2.(a). *Building Size and Massing* is granted, provided that the  
28 buildings and off-site improvements are constructed in substantial  
29 compliance with the approved site plan.

30 21) Design consideration from DUV Regulations, Section 4.04.8.  
31 *Specific Development Parameters by Building Type* is granted,  
32 provided that the buildings and off-site improvements are  
33 constructed in substantial compliance with the approved site plan.

- 1        22)        Design consideration from DUV Regulations, Section 4.06. A.1.  
2                *Specific Parameters by Frontage Type*: a. Item A.1. *Arcade* is  
3                granted, based on Staff finding that the design complies with code  
4                without design consideration, and provided that the buildings and off-  
5                site improvements are constructed in substantial compliance with the  
6                approved plan.
- 7        23)        Design consideration from DUV Regulations, Section 4.06. A.1.  
8                *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is  
9                granted, based on Staff finding that the design complies with code  
10               without design consideration, and provided that the buildings and off-  
11               site improvements are constructed in substantial compliance with the  
12               approved plan.
- 13       24)        Design consideration from DUV Regulations, Section 4.03, Part  
14               H.3. Table 33 under *Building Size and Massing Type* is granted,  
15               provided that the buildings and off-site improvements are  
16               constructed in substantial compliance with the approved site plan.
- 17       25)        Design consideration from DUV Regulations, Section 4.06. A.1.  
18               *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is  
19               granted, based on Staff finding that the design complies with code  
20               without design consideration, and provided that the buildings and off-  
21               site improvements are constructed in substantial compliance with the  
22               approved plan.
- 23       26)        The Site Plan Approval is subject to the condition that along  
24               Franjo Road, the site plan is modified to provide head-in, diagonal  
25               parking spaces, with the additional conditions 26)a. through 26)e.:
- 26               a. With 4 street trees and planting areas at the general locations  
27               shown in the site plan;
- 28               b. The additional parking spaces are to count toward the parking  
29               requirement for the four (4) ground-level, retail spaces that are  
30               a part of this site plan along Franjo Road;
- 31               c. Additional design consideration to allow diagonal parking on  
32               only this segment of Franjo Road, from Banyan Street to Datura  
33               Street, and only in the southbound side is granted;

- d. Additional design consideration is granted to allow the minimum sidewalk width reduction necessary only to the extent that it is compellingly required to allow for the additional cross-sectional distance to accommodate the diagonal parking;
- e. Maintaining additional improvements proffered and included in Condition 27.

27) The Site Plan Approval is subject to the condition that off-site improvements as proffered by the applicant are provided, including 27)a, through 27)f):

- a. 1,200-square foot public mini park/open space midblock along Franjo Road, as shown on the site plan;
- b. thirteen (13) bicycle spaces;
- c. Bike lane along the north-bound lane of Franjo Road from Datura Street to Banyan Street;
- d. Two (2) public Electric Vehicle (EV) charging points located at two (2) of the Franjo Road on-street parking spaces;
- e. Bus stop shelter on Franjo Road near the corner with Datura Street, providing a weather protected, safe and convenient location for transit riders, to be designed and constructed as shown in public workshop documents and in coordination with the Village and the Miami Dade Department of Transportation and Public Works (DTPW);
- f. Off-site Sidewalk and crosswalk improvements to complete the “first/last mile” connection from the DUV at the Banyan Street and US-1 to the Banyan Street Station of the South Dade Transitway, to be designed and constructed in coordination with the Village and the Miami Dade Department of Transportation and Public Works (DTPW);

28) The project shall comply with all Village Public Services Department comments and the Villages traffic engineer.

**This is a final order.**

**Section 5. Record.**

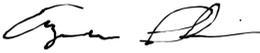
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants’ representatives to the Village of Palmetto Bay Division of Planning and Zoning in connection with the applications, the testimony of sworn witnesses and

1 documents presented at the quasi-judicial hearing, and the tape and  
2 minutes of the hearing. The record shall be maintained by the Village  
3 Clerk.

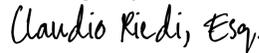
4  
5 **Section 6.** This Resolution shall take effect immediately upon  
6 approval.

7  
8 PASSED and ADOPTED this 12<sup>th</sup> day of February, 2018.

9  
10  
11 Attest:   
12 \_\_\_\_\_  
13 Missy Arocha  
14 Village Clerk

  
\_\_\_\_\_  
Eugene Flinn  
Mayor

15  
16 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**  
17 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

18  
19   
20 \_\_\_\_\_  
21 Claudio Riedi, Esq.  
22 Village Attorney

23  
24  
25 **FINAL VOTE AT ADOPTION:**

- 26 Council Member Karyn Cunningham YES
- 27 Council Member David Singer YES
- 28 Council Member Larissa Siegel Lara YES
- 29 Vice-Mayor John DuBois YES
- 30 Mayor Eugene Flinn YES



**Village of Palmetto Bay  
FLORIDA**

**ZONING ANALYSIS**

**FILE: VPB-16-017**

**HEARING DATE:** February 12, 2018

**APPLICANT** The Collection, LLC

**COUNCIL DISTRICT:**

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**GENERAL INFORMATION**

**REQUEST:** The applicant, Mr. Ken Gorin of The Collection, LLC requests of the Village, approval of a site plan with design considerations to allow for the construction of a three-story auto sales center totaling 191,259 s.f, including 185,255 s.f. of sales and service space, 6,004 s.f. of small retail space at street level along Franjo Road.

The application for site plan review, pursuant to the Village of Palmetto Bay Code, Section 30-30.5 and Section 1.05 Urban Design review procedure, within Section 30-50.23. - Downtown Urban Village.

The use is a permitted use with provisions in the Downtown General (DG) Sector of the DUV. The request includes design considerations for modifications of site plan and architectural requirements that are required in the DUV, but are not consistent with the characteristics of the automotive new sales use on three sides of this site. Along Franjo Road, the proposal includes pedestrian scale retail that is consistent with the vision for the DUV.

This application does not seek approval of reserve residential units, reserve commercial floor area, transfer of development rights or any development bonuses. There are no requests for non-use variances.

**ADDRESS:** 17405 South Dixie Highway:

**LOCATION:** Entire block, bounded by:

West: South Dixie Highway

East: Franjo Road (SW 97<sup>th</sup> Avenue)

North: Banyan Street

South: East Datura Street

**LOT SIZE:** 105,148 s.f.; approx. 2.41 acres

**FOLIO(s):** Assembled parcels to include:

17405-13 South Dixie Highway: 33-5032-004-2480

9742 Banyan Street: 33-5032-004-2530

17400 SW 97<sup>th</sup> Avenue: 33-5032-004-2500, 33-5032-004-2520

17414 SW 97<sup>th</sup> Avenue: 33-5032-004-2490



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## **BACKGROUND**

The building that is currently on the site fronting Franjo Road is a one-story structure that was constructed in 1957 and added to in 1959. It was most recently occupied by general retail uses. The building facing Banyan Street, is a one-story structure with parking in front that was constructed in 1958, and was most recently occupied by general retail and service uses. The fourth structure in the southwest corner was is a one-story building, constructed in 1985 and was used for professional offices.

South Dade Imports, an active Florida LLC with address at 1550 Biscayne Boulevard, Suite 300 owns all five properties that comprise this block (purchased in 2016 according to Miami-Dade Property Appraiser records).

The applicant, The Collection, LLC proposes to construct a three-story Audi sales and service facility with 185,255 s.f. of sales and service space, 6,004 s.f. of small retail space at street level along Franjo Road. The new structure will include:

- 1<sup>st</sup> Floor: new car sales and service facilities, small retail along Franjo Road, a service queueing aisle partially under the second and third floors, surface parking with landscaping for customers at the southeast corner, a plaza area for inventory display at the corners of the customer parking, and a mini-park at the center of the Franjo Road side;
- 2<sup>nd</sup> Floor: new car sales and office space, an enclosed car wash and detailing area, and 81 spaces for inventory;
- 3<sup>rd</sup> Floor: enclosed car wash and detailing area, and 136 spaces for inventory.

The proposal includes 261 parking spaces, of which 217 are on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, 29 are on-site surface spaces, and 15 are on-street around block's perimeter along Franjo Road, Datura Street and Banyan Street. In addition, there are 5 display spaces, and 2 customer pick-up spaces on-site.

As part of spearheading a "complete-streets" and multimodal approach to support the Downtown Urban Village, the site plan includes:

- continuous improved sidewalks with landscape and on-street parking buffering that range from a minimum of 10-ft. wide to 15-ft width of effective pedestrian path;
- a 1,200 s.f. public mini park / open space midblock along Franjo Road;
- 13 bicycle spaces (7 on-site and 6 off-site);
- Bike lane along the south-bound lane Franjo Road;
- 2 public Electric Vehicle (EV) charging points located at 2 of the Franjo Road on-street parking spaces;
- Bus stop shelter at on Franjo Road near the corner with Datura Street, providing a weather protected, safe and convenient location for transit riders at the near side of the intersection (bus does not block intersection).

In addition, the applicant has proffered additional sidewalk and crosswalk improvements to complete the "first/last mile" connection from the DUV to the Banyan Street Station of the South Dade Transitway.

The work will include the removal of the three existing buildings that total 30,860 s.f.

## **ZONING HEARING HISTORY**

On January 21, 1947, the Board of County Commissioners approved Resolution 2396 to change zoning from RU-2 to GU for the west (approximate) half of the block, from RU-2 to BU-2 in the northeast quadrant of the block, and from RU-2 to BU-3 in the block's southeast quadrant.

On May 9, 1955, the Board of County Commissioners by Resolution 8305 approved with conditions to rezone from GU (Interim) RU-2 (two-family residential) to BU-1A, Neighborhood Business – Masonry for properties on the south part of the block.

On May 23, 1956, the Board of County Commissioners approved by resolution a variance of setback requirements to permit a cantilever extending 7 feet to the front on the property of the northeast quadrant of the block.

On April 23, 1957, the Board of County Commissioners approved a special permit to allow use of the 15-ft. setback on Perrine Avenue and Datura Street, and have a 6½-ft overhang on store fronts.

On June 20, 1957, the Board of County Commissioners approved Resolution 11745 approving a special permit for new lawn and patio supply sales and display, subject to conditions for the property that is on the west half (approximate) of the block.

On October 30, 1957, the Board of County Commissioners by resolution approved a variance to provide access to rear of lot parking for the property west of what is now 9742 Banyan Street.

On March 20, 1958, the Board of County Commissioners by Resolution 1159 approved a change of zone from RU-2 (Two-Family Residential) to BU-1A (Limited Business) the property that is just west of what is now 9742 Banyan Street.

On August 20, 1958, the Board of County Commissioners by Resolution 1966 denied the rezoning of the east part of the block from BU-1 (Neighborhood Business) and BU-1A Limited Business to BU-3 (Liberal Business). By the same resolution, the BCC approved a special permit for an automotive muffler and front-end service use establishment with required automobile lifts.

In 1967, the Board of County Commissioners approved Resolution Z-5-67 by the Director to rezone for all parts of land lying between the northbound and southbound sides of US-1.

On November 9, 1976, the Board of County Commissioners denied Resolution Z-317-76 to change zoning from BU-2 (Special Business) to BU-3 (Liberal Business) for the block's southwest quadrant.

On January 30, 1985, the Board of County Commissioners approved Resolution 4-ZAB-38-85 to permit and unusual use of a fortune teller with conditions, on the property that is now 9742 Banyan Street.

On July 4, 1996, the Board of County Commissioners denied Resolution 9999 to change zoning from BU-1 (Neighborhood Business) to BU-1A masonry (Limited Business) on the southwest quadrant.

On May 1, 2006, the Mayor and Village Council adopted Ordinance 06-06 creating the Franjo Triangle & US-1 Island (FT&I) Zoning District. The subject property, then part of the "Core Sub-District" was rezoned.

On September 9, 2015, the Council of the Village of Palmetto Bay approved and enacted the Franjo Activity Center as the Designation of this land on the Village Future Land Use Map.

On December 14, 2015, the Council of the Village of Palmetto Bay approved and enacted the Downtown Urban Village DUV) as the zoning district in force on these properties, all being within the DG Sector.

**NEIGHBORHOOD CHARACTERISTICS**

**Zoning District**

**Subject Property:**

Zoning District: Downtown Urban Village, DUV  
 DUV Sector: Downtown General, DG

**Surrounding Properties**

North: Downtown Urban Village, DUV  
 Downtown General (DG) Sector  
 South: Downtown Urban Village, DUV  
 Downtown General (DG) Sector  
 East: Downtown Urban Village, DUV  
 Downtown General (DG) Sector  
 West: Miami-Dade County,  
 Liberal Business, BU-3



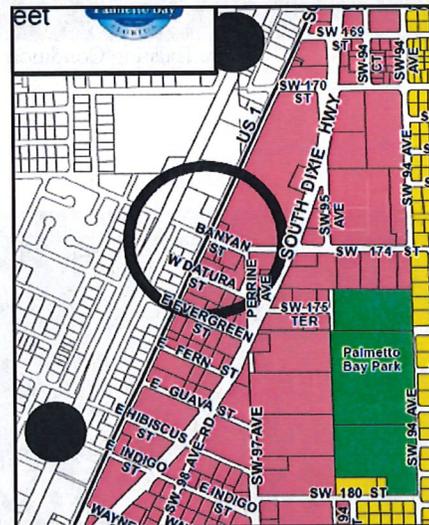
**Comprehensive Plan**

**Subject Property:**

FLUM Cat. Franjo Activity Center (FAC)  
 Community Urban Center (black circle)

**Surrounding Properties**

North: VPB Franjo Activity Center  
 Community Urban Center (black circle)  
 South: VPB Franjo Activity Center  
 Community Urban Center (black circle)  
 East: VPB Franjo Activity Center  
 Community Urban Center (black circle)  
 West: Miami-Dade County,  
 Industrial & Office (2020-2030 CDMP)



**Existing Conditions**

**Subject Property:**

The subject property is occupied by vacated 1-story commercial buildings that are obsolete to the intended development of the DG Sector of the DUV. The buildings occupy approximately 29% of the 2.42-acre site, with the rest of 1.7 acres occupied by unused surface parking. Landscaping is minimal. Pedestrian accommodation is not consistent with the objectives of the DG Sector of the DUV with sidewalks on all sides at 5 to 7-ft. wide. Landscaped buffering from parking or travel lanes ranges from 3 to 7-ft. wide. There are no pedestrian amenities.

**Surrounding Properties:**

North: New car auto sales surface inventory parking, building approx. 350-ft beyond  
 South: 1) Surface parking for religious use in 2-story office building; 2) parking in front of 1-story commercial building occupied by school; 3) historic Perrine Community House  
 East: 1) 2-story bank with drive-through; 2) 2-story bank with drive-through  
 West: Perrine general arterial commercial uses: 1) off-site fenced parking for new car dealer inventory; 2) 1-story commercial building



Site Existing Condition from intersection of Franjo Road and Banyan Street



Site Existing Condition from intersection of Franjo Road and Datura Street



Site Existing Condition from intersection of Datura Street and US-1  
(photo prior to business occupants vacating)



Site Existing Condition from intersection of Datura Street and US-1

**Project and Site Plan Description:**

**Description:**

The proposed site plan is for a new auto sales facility with ancillary services. The 3-story building occupies the full block. On the Franjo Road façade are located ground-level small retail spaces with front doors opening onto the landscaped sidewalk to address the priority of Franjo as the central pedestrian path for the center of the urban village. The building includes a through-drive for access to parking and queuing for service. The drive is covered, and is oriented north-south which preserves the Franjo side as pedestrian and avoids locating a vehicular drive on US-1.



Proposed Audi Auto Sales and Service conceptual image from corner of Banyan Street and US-1 (provided by applicant on June 26, 2017 as part of public workshop)

**Data:**

<b>Building Area:</b>			
1 <sup>st</sup> Floor:	Sales – Office	32,123 sq. ft.	Workshop 46,523 sq. ft.
	Service Drive:	15,137 sq. ft.	Franjo Retail 6,004 s.f.
2 <sup>nd</sup> Floor:	Sales – Office	7,676 sq. ft.	Parking: 50,755 sq. ft.
3 <sup>rd</sup> Floor:			Parking: 65,155 sq. ft.
<b>Building Height:</b>		3 stories	66 ft.
<b>Site Area:</b>		2.42 acres	
Impervious Area:		2.22 acres	91.7%
Pervious Area:		0.20 acres	8.3%
<b>Landscape Area:</b>		0.245 acres	10.1%
<b>Frontages :</b>		Building	Lot Bldg./Lot
Franjo Road:		270.6 ft.	300.0 ft. %
Banyan Street:		272.4 ft.(non-continuous)	282.4 ft. 96.7%
Datura Street:		223.5 ft.	402.9 ft. %
South Dixie Highway:		130.0 ft.	289.2 ft. 45.0%
<b>Setbacks:</b>		<i>street connectivity</i>	<i>street hierarchy setback</i>
Franjo Road:		Typical Street (TS)	Priority B Street 6 ft.
Banyan Street:		Typical Street (TS)	Priority B Street 10 ft.
Datura Street:		Typical Street (TS)	B Street 10 ft.
South Dixie Highway:		US-1	A Street 6 ft.
<b>Required Parking:</b>		125 standard	5 HC 130 Total
<b>Provided Parking:</b>		On-site Surface: 27 std.	2 HC 29 Total
		On-site Interior: 214 std.	3 HC 217 Total
		Off-site on street: 15 std.	15 Total
			261 Total



CORNER OF S.W. 87TH AVE. & W. DATURA ST.

Proposal conceptual image looking north along Franjo Road from intersection with Datura Street  
(provided by applicant on June 26, 2017 as part of public workshop)



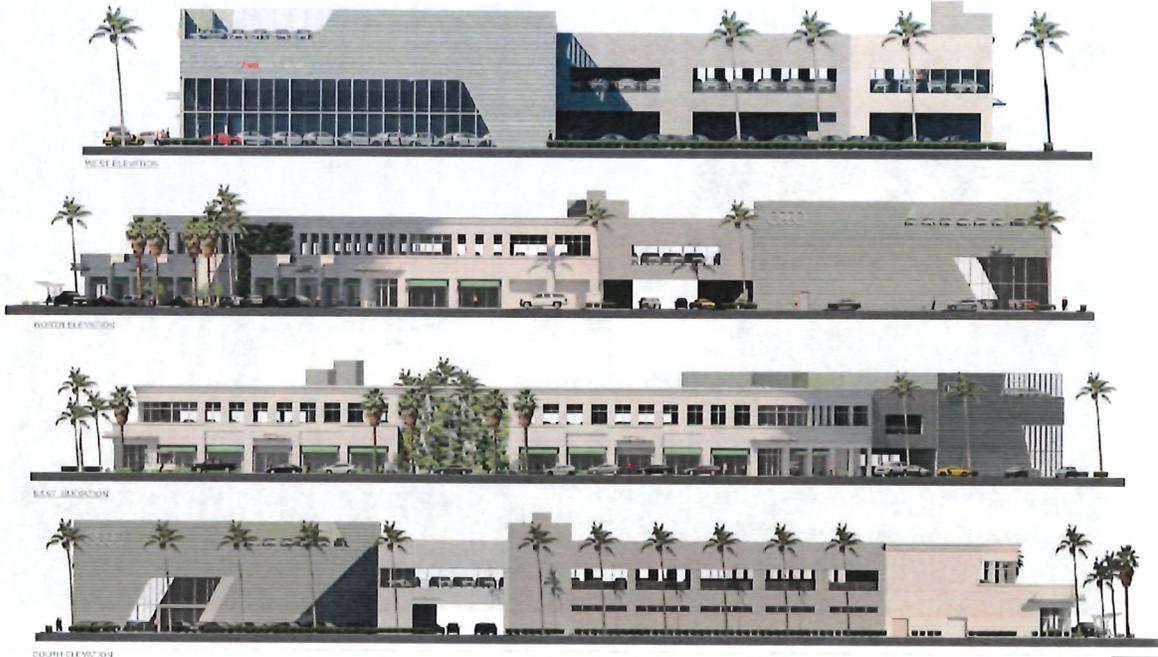
CORNER OF S.W. 87TH AVE. & S. BANYAN ST.

Proposal conceptual image looking southwest along Franjo Road and Banyan Street  
(provided by applicant on June 26, 2017 as part of public workshop)

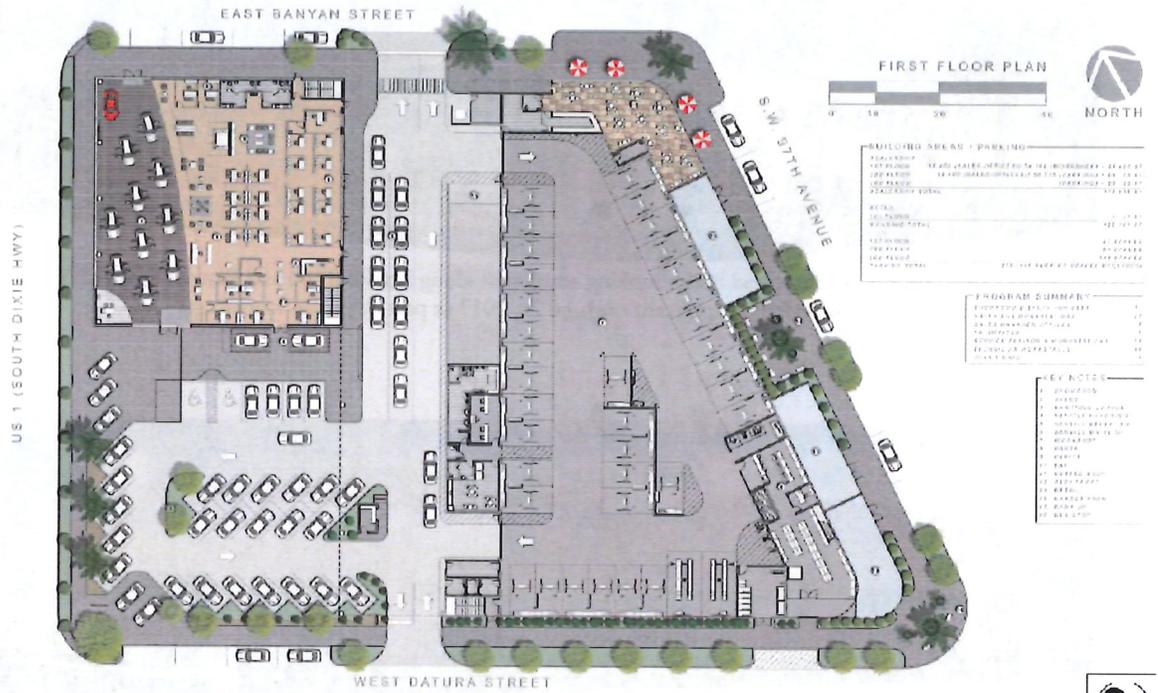


CORNER OF S. DADE HWY. & W. DATURA ST.

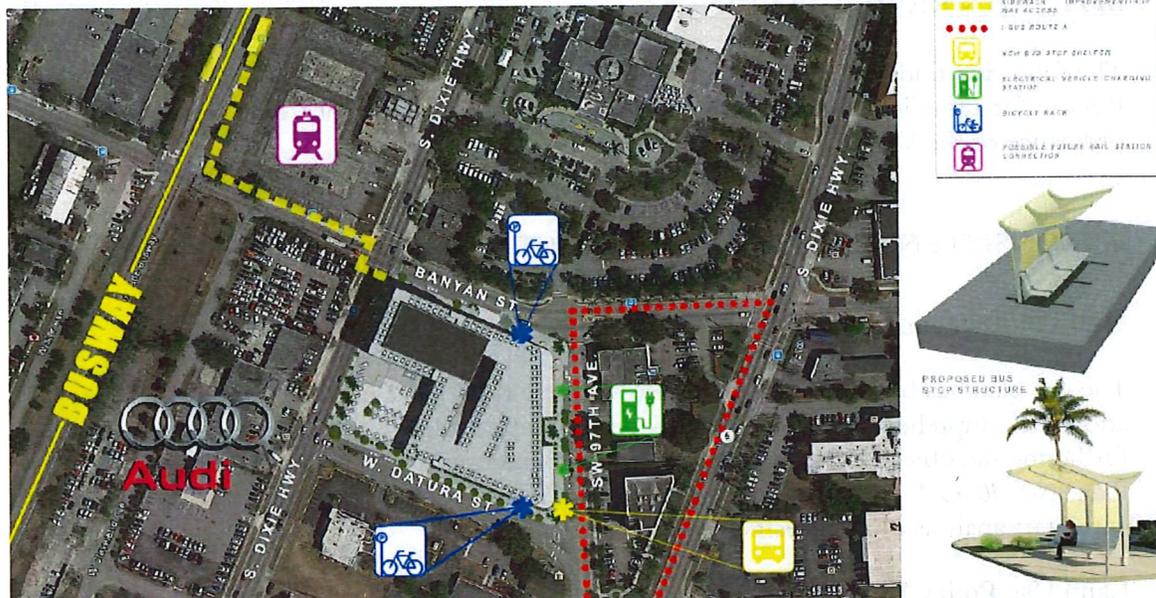
Proposal conceptual image looking northeast along US-1 from intersection with Datura Street  
(provided by applicant on June 26, 2017 as part of public workshop)



Proposal Elevations conceptual images  
 (provided by applicant on June 26, 2017 as part of public workshop)



Proposal Ground Floor Site Plan conceptual image  
 (provided by applicant on June 26, 2017 as part of public workshop)



Proposed off-site improvements to create transit station pedestrian connections, bicycle storage and electric vehicle charging stations proffered by applicant as condition of approval (provided by applicant on June 26, 2017 as part of public workshop)

Off-Site Improvements:

As part of initiating development of a “complete-streets” and multimodal approach to support the Downtown Urban Village, the site plan includes:

- continuous improved sidewalks with landscape and on-street parking buffering. Sidewalks are 10-ft. wide to 15-ft width of effective pedestrian path, as shown on site plan;
- 1,200 s.f. public mini park / open space midblock along Franjo Road, as shown on site plan;
- 13 bicycle spaces: 7 will be on-site and 6 off-site as shown on site plan; six (6) will be offsite, subject to Village approval, along Banyan Street and Datura Street. The bicycle racks shall be installed prior to the issuance of certificate of occupancy for the project.
- Bike lane along the south-bound lane Franjo Road, as shown in site plan;
- Subject to approval of the Florida Department of Transportation, Miami-Dade County, the Village, and the issuance of all required governmental approvals, the Applicant will design and construct pedestrian improvements linking the southwest corner of Banyan Street and South Dixie Highway with the South Dade Transitway station just north of Banyan Street.
- Subject to Village approval, the Applicant shall install a I-Bus shelter at the corner of Franjo Road and Datura Street. The bus shelter shall be installed prior to the issuance of certificate of occupancy for the project.
- Subject to Village approval, the Applicant shall install electric vehicle charging stations open to the public in two of the proposed on-street parking spaces on Franjo Road. The charging stations shall be installed prior to the issuance of certificate of occupancy for the project.

## SITE PLAN REVIEW FINDINGS

The following findings have been made by staff pursuant to the requirements for Site Plan Review for a public hearing contained in Sec. 30-30.5(j)(1) a. through e. of the zoning ordinance of the Village of Palmetto Bay, Florida.

### a. CONSISTENT WITH THE COMPREHENSIVE PLAN

#### Staff Findings on Consistency with the Village Comprehensive Plan

The site plan has been found to be consistent with the Village of Palmetto Bay, Florida adopted Comprehensive Plan. Consistent means compatible with the principles of, and furthering the objectives, policies, land uses, and intensities of the Village Comprehensive Plan. (*Sec. 30-40.1. – Definitions*) Specific policies that the site plan furthers are cited below, with Staff analysis of the specific policy in blue italics.

#### **Land Use Policy 1.1.1**

Franjo Activity Center, (FAC)

- a. Mix of office, service, retail, entertainment, residential, community facilities, open space and transportation uses that will promote a lively, livable, and successful downtown area;
- b. Pedestrian oriented core;
- c. Promote mass transit and alternative transportation;
- d. Encourage the integration of transportation and transit systems with land use;
- e. Development and redevelopment at varying density and intensity ranges;
- f. Promote compact, innovative land development;
- g. Promote creative siting of buildings, transportation routes, and open space to create vistas that will unite the downtown areas, link the downtown with the rest of Franjo Activity Center area;
- h. Total densities and intensities of development to include 5,661 residential units, 1,500,000 s.f. of commercial/office/retail space, urban open space and recreational space toward a goal of 0.25 acres per 1,000 residents.

- *The project provides a commercial mixed-use project offering small-scale pedestrian-oriented retail along Franjo Road, supporting Part a, while providing a high-quality urban transition from US-1, leading potential patrons from high-volume vehicular traffic toward the Village's main street.*
- *The site plan provides a highly visible, strongly iconic building that while commercial in branding, will attract vehicular passers-by to new main-street development along Franjo Road, supporting Part g. Design considerations are proposed to adapt the automotive sales use to be viable in addressing US-1 and Franjo Road, and support the initial small-scale retail into the context of a development with a high likelihood of long-term market viability.*
- *In addition, the applicant has proffered of site enhancements to develop a higher quality continuous pedestrian connection between the South Dade Transitway, Banyan Street Station and Franjo Road, furthering Part c, and Part d.*

- *The site plan provides bicycle facilities in addition to high-quality pedestrian facilities, furthering Part b, Part c, and Part d.*
- *The site plan proposes a single-block integration of different commercial development that address both a large scale commercial use and small scale commercial uses, and places the different intensities at the correct locations, furthering Part e.*
- *The site plan provides for a large, new-car sales facility that is compact, vertical, urban and minimizes surface inventory storage and display, furthering Part f.*

#### **Land Use Policy 1.3.2**

Require that all new development and redevelopment maintain the adopted level-of-service standards for public facilities in this Plan concurrent with the build-out of planned projects.

*Adopted level-of-service standards for water, wastewater, and drainage public facilities will be maintained through the permitting process. Transportation levels-of-service are acceptable. (see Transportation Policies below).*

#### **Land Use Policy 1.7.5**

Provide landscaping within an average 50-foot right-of-way, whenever feasible adjacent to non-residential development.

*Landscaping meets or exceeds landscape requirements, with the exception of the corner of Banyan Street and US-1, where a design consideration has been requested and Staff recommends to accept with conditions.*

#### **Land Use Policy 1.7.8**

Study opportunities to provide landscape pockets with automatic irrigation systems along arterial streets that do not currently have landscaping to soften the visual effect of the block wall.

**Along Franjo Road (not an arterial), the site plan provides a landscape pocket park area with a living wall at the middle of the block.**

#### **Transportation Policy 2A.1.1**

The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus

- service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and
2. Between the UDB and UIA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service D (90% of capacity) (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service E (100% of capacity) (3) Where extraordinary transit service, such as express bus service exists, parallel roadways within a half-mile shall operate at no greater than 120% of their capacity

*The applicant submitted an accepted traffic study, dated July 20, 2017 by a licensed professional engineer. The engineer has concluded that based on the analysis documented in the traffic report, "most impacted intersections and roadways are currently operating within the Village's acceptable LOS threshold and will continue to do so with the new traffic generated by the subject project. Therefore, no off-site improvements are required or recommended at this time. Lastly, it is fair to conclude that the subject project will not adversely impact the traffic operations within the study area." (p. 5, 22, Richard Garcia Associates, Traffic Impact Study, Audi Miami South, July 20, 2017)*

#### **Transportation Policy 2A.1.6**

In connection with future development, all roadway, transit, bicycle and/or pedestrian improvements shall be built by respective developer(s), in accordance with the Village's adopted subdivision regulations, and in place prior to issuance of a final Certificate of Occupancy.

*The site plan includes improvements to right-of-way public realm areas that include roadway, parking, bicycle, transit, and pedestrian facilities to be designed and constructed by the developer.*

#### **Transportation Objective 2A.5 Bicycle and Pedestrian Facilities**

Increase the amount of pedestrian and bicycle activity within the Village by providing adequate facilities to promote friendly pedestrian and bicycle environments.

*Along Franjo Road, the site plan provides space for a bike lane outside of the parking lane. The site plan provides 13 securable spaces for bicycles located on 3 sides of the block.*

#### **Transportation Objective 2B.2 Transit Usage.**

Increase the transit modal split for all trips within the Village of Palmetto Bay.

*Along Banyan Street and the crossing at US-1, the applicant has proffered off-site improvements to enhance the continuous pedestrian connection from Franjo Road to the Banyan Street Station of the South Dade Transitway. The off-site improvements will be recommended as a condition of the development order.*

### **Transportation Policy 2C.1.1**

In connection with future development, require that adequate and safe internal circulation improvements take into consideration the provision that pedestrian and/or bicycle facilities be in place prior to issuance of final Certificate of Occupancy.

*The site plan includes improvements to right-of-way public realm areas that include bicycle and pedestrian facilities to be designed and constructed by the developer.*

### **Recreation and Open Space Policy 7.1.3**

Maintain a balance of active parks, passive parks, and natural areas to meet the needs and expectations of Village residents, and seek future opportunities to increase the number of pocket parks and other urban open spaces distributed throughout the Village.

*Along Franjo Road, the site plan provides a landscape pocket park area with a living wall at the middle of the block. The park is not required and is additional to the pocket parks depicted in the DUV Public Open Spaces Plan (Sec. 2.04)*

### **Recreation and Open Space Policy 7.1.8**

Ensure that ample parks and open space is a key component in the development of the Palmetto Bay Village Center and the Franjo Road/US 1 Commercial Area mixed-use areas.

*Along Franjo Road, the site plan provides a landscape pocket park area with a living wall at the middle of the block. The park is not required and is additional to the pocket parks depicted in the DUV Public Open Spaces Plan (Sec. 2.04)*

### **Recreation and Open Space Policy 7.2.4**

Continue to look for opportunities to provide parking spaces and bicycle racks at recreation sites where they are now lacking or inadequate.

Along Franjo Road (not an arterial), the site plan provides a landscape pocket park area with a living wall at the middle of the block.

*The site plan provides 13 securable spaces for bicycles located on 3 sides of the block.*

## **b. CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING DISTRICT**

Consistency with the intent of the Zoning District and specifically with the DUV Sector, Section 2.02-B. Sector Plan – DG, of Sec. 30-50.23.1 - Downtown Urban Village. The DG Sector specifically provides: The Downtown General (DG) serves as a transition from the large properties abutting US1 into the area intended to become the main, pedestrian/bike-friendly, transit-connected Downtown Urban Village (DUV).

- a. This sector provides for flexible building types in the general form of flexible blocks and flex buildings, both of which may accommodate higher intensity commercial/retail at the ground level and offices or multi-unit residential on the floors above. More traditional 'urban big box' commercial uses may be accommodated in the Downtown General (DG) sector with a selection of other compatible uses, vertically integrated within the same building.
- b. Landscaping should consist of a more urban scale and pattern of planting with street trees planted in tree grates and landscape islands.
- c. Parking is permitted both on-site and off-site within the DG Sector

### **Staff Findings on Consistency with Intent of the Zoning District**

#### Use:

The Automotive Use is a use that is permitted with conditions in the DG Sector of the DUV. The conditions are that automotive uses shall be permitted within the Downtown General (DG) sector subject to the following conditions:

- (a) Used sales shall only be permitted in conjunction with new sales; and
- (b) Ancillary sales, service and repair shall only be permitted in conjunction with new sales; and
- (c) No outside storage and/or display of merchandise, equipment, materials or supplies is permitted.

*(Sec. 30-50.23.2. - Regulating plans, 2.07, Uses, Table 4, Supplement to Table 4, D.2.)*

The retail uses along Franjo Road are permitted uses as either “Neighborhood Proprietor Commercial-Retail/Office and Services”, or “Food Beverage Establishments.”

The parking components would also be permitted use as a “Commercial Parking Structure.”

#### Density:

There are no residential units proposed.

#### Intensity:

The commercial components are proposed at a non-residential intensity of 3.14 Floor Area Ratio (FAR).

Building Type:

The proposal occupies the entire block and is a Flexible Block building type per Sec. 30-50.23.4. - Architecture standards Section 4.02 Permitted Building Types. A flexible block is a potential mixed-use building type, occupied by one of or a combination of multi-family residential, commercial or offices at the ground floor and office/multi-family residential units on the floor(s) above. The building is intended to front more than two street frontages and accommodate larger footprint commercial uses or structured parking within the envelope.

Bonuses or Other Special Permits:

There are no variances, reserve residential units, reserve commercial floor area, transfer of development rights, development bonuses, or any use which requires public hearing pursuant to the village's land development regulations.

**c. CONFORMANCE WITH ALL APPLICABLE REGULATIONS OF THE ZONING DISTRICT**

**Staff Findings on Conformance with Applicable Regulations of the Zoning District**

The proposal and a site plan are in conformance with all applicable requirements of the DG Sector of the DUV Zoning District as established at the time of submittal, with the exception of requested design considerations that were found to be necessary. Design considerations have been reviewed and analyzed, and are recommended for either acceptance or acceptance with conditions. Design Consideration requests are summarized in the Table on Page 18, with detailed findings for each contained in Attachment I.

<b>Site Plan Review:</b>	Acceptable with Design Considerations (see below)
<b>Scale/Utilization of Site:</b>	Acceptable with Design Considerations (see table p.19)
<b>Location of Building(s):</b>	Acceptable with Design Considerations (see table p.19)
<b>Compatibility:</b>	Acceptable with Design Considerations (see table p.19)
<b>Landscape Treatment:</b>	Acceptable with Design Considerations (see table p.19)
<b>Open Space:</b>	Acceptable
<b>Buffering:</b>	Acceptable
<b>Access:</b>	Acceptable with Design Considerations (see table p.19)
<b>Visibility/Visual Screening:</b>	Acceptable with Design Considerations (see table p.19)
<b>Circulation:</b>	Acceptable with Design Considerations (see table p.19)

Note: Design Consideration Summary Table Key:

-  Green shading: recommendation to accept – design consideration is found to be necessary and consistent with the objectives of the DG Sector of the DUV District.
-  Yellow shading: recommendation to accept with conditions – design consideration is found to be necessary and consistent with the objectives of the DG Sector of the DUV District upon the inclusion of conditions listed.
-  Blue shading: design is found consistent with the objectives of the DG Sector of the DUV District – no Design Consideration is necessary.

### DESIGN CONSIDERATION SUMMARY

DESIGN CONSIDERATION REQUEST		RECOMMENDATION	CONDITIONS
<b>Scale / Utilization of Site</b>			
7	To remove secondary build-to lines above 2 <sup>nd</sup> story on South Dixie Highway	Accept	None
10	To remove secondary build-to lines above 2 <sup>nd</sup> story on Banyan Street	Accept	None
14	To remove secondary build-to lines above 2 <sup>nd</sup> story on Datura Street	Accept	None
18	Allow 275-ft building frontage along Franjo Road instead of 250-ft. requirement	Accept	None
19	Exception to vertical building articulation every 60-ft.	Accept with conditions	Yes (p. 50)
20	To allow 11-ft. high parapet over showroom only, where 40" is required	Accept	None
21	To eliminate secondary massing element on Datura, Banyan and US-1 facades	Accept	None
24	To increase 1 <sup>st</sup> floor height only for showroom from 18-ft. maximum to 20-ft.	Accept	None
<b>Location of Buildings</b>			
4	Allow 36-ft. build-to line where 50-ft. is required along South Dixie Highway, only for showroom	Accept	None
<b>Compatibility</b>			
1	Allow on-site, outside vehicle display	Accept with Conditions	Yes (p. 30)
3	Allow 51% glazing on Franjo Road	Proposed Design is Consistent	None
6	Allow 37% glazing on South Dixie Highway	Proposed Design is Consistent	None
9	Allow 18% glazing on Banyan Street	Proposed Design is Consistent	None
13	Allow 13% glazing on Datura Street	Proposed Design is Consistent	None
22	Eliminate arcade requirement along Franjo Road in lieu of storefront option	Proposed Design is Consistent	None
23	Provide 14-ft. between columns in lieu of 10-ft. spacing	Proposed Design is Consistent	None
25	Allow for reduction of ground floor glazing requirement	Proposed Design is Consistent	None
<b>Landscape</b>			
16	To allow interruption of street tree spacing in front of showroom	Accept with Conditions	Yes (p. 47)
<b>Access</b>			
2	Allow for 11-ft. sidewalk with 4-ft. wide landscaping along Franjo Road	Proposed Design is Consistent	None
5	Allow for 10½-ft. sidewalk where 16-ft. is required along South Dixie Highway	Accept	None
12	Allow for 11-ft. sidewalk with 4-ft. wide landscaping along Datura Street	Proposed Design is Consistent	None
<b>Visual Screening</b>			
15	Reduce 30-ft. parking setback along US-1 and Datura Street	Accept with Conditions	Yes (p. 45)
<b>Circulation</b>			
8	Accept 40 to 45-ft. ROW cross-section on Banyan Street	Proposed Design is Consistent	None
11	Accept 40 to 45-ft. ROW cross-section on Datura Street	Proposed Design is Consistent	None
17	Eliminate 15-ft. wide paseo from Franjo Road to US-1	Proposed Design is Consistent	None

## **SITE PLAN APPROVAL SUMMARY OF CONDITIONS**

### **SCALE / UTILIZATION OF SITE**

Design Consideration Request # 19 to allow for an exception to the building articulation requirement of a break in building facade every 60 feet maximum on buildings that occupy 150 feet of frontage.

Conditions:

1. Staff recommends acceptance of the design consideration for the Franjo Road Façade.
2. Staff recommends that the Banyan façade does not require vertical breaks.
3. Staff recommends that the US-1 façade does not require vertical breaks.
4. Staff recommends that the design consideration is not accepted for the Datura Street façade, and that shallow vertical breaks are required.

### **COMPATIBILITY**

Design Consideration Request # 1 to allow on-site, outside vehicle display

Conditions:

5. Limit the number and location to the area along US-1 as requested, with none along Datura Street. Acceptable locations are the three locations along US-1 are shown in the site plan, with 2 more in an interior location flanking the showroom entrance;
6. Display vehicles to be spaced at a distance of not less than 10-ft. from each other, buildings, or landscaping;
7. That ground surface treatments are constructed and maintained pedestrian in appearance, and that any spillage of fluids from vehicles is with resulting stains removed completely;
8. That landscaping is not compromised;
9. That display vehicles are not located on pedestals, ramps, or any location other than with 4 inflated wheels on ground surface;
10. That at no time are display vehicles to be prepped, maintained, cleaned or detailed on the display location;
11. That vehicles are treated only as display with closed and locked doors, trunks and hoods, and removed to an inventory location to be shown to customers.

### **LANDSCAPE**

Design Consideration Request # 16 to allow interruption of street tree spacing in front of the showroom at the corner of Banyan Street and South Dixie Highway.

Conditions:

12. two additional trees are planted in front of the blank wall part of the showroom along Banyan Street at 25-ft. intervals, and;
13. that the four trees deleted along the US-1 sides are mitigated.

## **VISUAL SCREENING**

Design Consideration Request # 15 to reduce the 30-ft. parking setback along US-1 and Datura Street.

Conditions:

14. On-site parking spaces along the US-1 side be reconfigured to maintain the sidewalk at 10½-ft. width and;
15. Maintain a minimum buffer equal to that along Datura Street, which is 6-ft. to 13-ft. following a diagonal parking space pattern;
16. That landscaping does not by design or maintenance permit walk-through from sidewalk to vehicular parking, and that landscaping meet all other requirements;
17. As an alternative, applicant may extend the outdoor new car display area thin place of the parking area, subject to all the conditions provided in Request #1; however, no additional display vehicles may be included above the conditions given in Request #1.

- d. **Conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.** Consistent with good design standards in respect to all external relationships including but not limited to:
- i. Relationship to adjoining properties;
  - ii. Internal circulation, both vehicular and pedestrian;
  - iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees;
  - iv. Building arrangements between buildings in the proposed development and those adjoining the site.
- *The proposed development occupies an entire block. There are no adjoining properties.*
  - *Vehicular internal circulation is acceptable.*
  - *Pedestrian circulation is acceptable.*
  - *Disposition of open space is acceptable*
  - *The use of screening and buffering is acceptable with conditions to Design Consideration #15.*
  - *Building arrangements between buildings in the proposed development are acceptable.*
- e. Conformance with the village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.
- *The proposal is on 5 contiguous parcels of land that together constitute the entire block. All 5 parcels were purchased by the applicant, and are under common ownership. Unity of title will be required as a condition of approval.*
  - *Completion of the required improvements, both off-site and on-site will be required as a condition of approval.*
  - *Continued maintenance of on-site and off-site peripheral improvements will be required as a condition of approval (as a recorded covenant running with the land).*

**RECOMMENDATION**

Staff recommends approval of the site plan, with acceptance of design considerations as provided and conditions as provided.



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Mark Alvarez  
Planning Consultant

**ATTACHMENTS**

- Attachment I Detailed Design Consideration Analysis
- Attachment II Location Aerial
- Attachment III Future Land Use Map Excerpt
- Attachment IV Zoning Map Excerpt
- Attachment V Public Notice: Advertisement, Mailing, Posting
- Attachment VI Application
- Attachment VII Plans: Boundary Survey
  - Site Plan
  - Elevations
  - First Floor
  - Second Floor
  - Third Floor
- Attachment VIII Traffic Study

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**ATTACHMENT I**  
**DESIGN CONSIDERATION ANALYSIS**

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## DESIGN CONSIDERATION ANALYSIS

Per Section 1.05-B. Urban design review procedure, of the DUV code, Section 30-50.23, All applications for development pursuant to section 30-50.23 shall require site plan review. Only those *site plans that include* variances, reserve residential units, reserve commercial floor area, transfer of development rights, development bonuses, any use which requires public hearing pursuant to the village's land development regulations, and/or *any other design considerations not contemplated by these provisions, shall be subject to public hearing review before the mayor and village council.*

The analysis herein is toward the design considerations sought by the applicant that pertain to design issues not contemplated by these provisions. Although the Section provides for a public hearing process for the Village Council to decide on acceptable design considerations for the site plan, criteria for determining acceptability are not contained in the Code.

### Analysis Organization:

- Criteria:** To provide fair, even and factual analysis of the design considerations sought, the criteria listed in the section below have been used as the basis for the analysis and recommendation for each design consideration. Each criterion is evaluated to determine if the design consideration is consistent with the criteria. Consistency means that the design consideration generally supports the criteria, or does not countervail or diminish the criteria.
- Description:** Since the design considerations are part of a site plan review, the project overall is briefly described in the subsection, "Project and Site Plan Description."
- Design Considerations:** There are twenty-five (25) specific design considerations that are being requested. Many of the design considerations are for similar considerations; however, they are separate requests based on the street or façade where they are pertinent. Each design consideration is analyzed on a separate page, with the request, applicant's rationale, staff response, and analysis table summarizing how each design consideration meets the criteria.

**Design Consideration Criteria Applied:**

- b. That the design consideration is required to allow an alternative to design criteria that are mandatory, stated requirements of the DUV code or other parts of Sec. 30. Where the design criteria are not mandatory and consistently stated requirements of the DUV code, then the request has been noted as being consistent with the DUV with no further design consideration. Subsequent criteria and evaluation are not applied.
- c. That the design consideration is motivated by an inconsistency or need particular to the location, land, infrastructure or use that was not contemplated by the DUV code sections. The DUV regulations provide that where a conflict exists in the regulations, that the stricter criteria is applied; however, the staff analysis considers additional aspects of the design that are not anticipated. In these cases where staff finds that the design consideration is needed for a site plan that in other ways supports the objectives and goals of the district, and does not countervail key aspects of the DUV, DG Sector design requirements, then the design consideration is evaluated, and the following criteria are applied.
- d. Consistency with Comprehensive Plan, specifically Policy 1.1.1 of the Future Land Use Element
- e. Consistency with the intent of the Zoning District and specifically with the DUV Sector, Section 2.02-B. Sector Plan – DG, of Sec. 30-50.23.1 - Downtown Urban Village. The DG Sector specifically provides: The Downtown General (DG) serves as a transition from the large properties abutting US1 into the area intended to become the main, pedestrian/bike-friendly, transit-connected Downtown Urban Village (DUV).
  - a. This sector provides for flexible building types in the general form of flexible blocks and flex buildings, both of which may accommodate higher intensity commercial/retail at the ground level and offices or multi-unit residential on the floors above. More traditional 'urban big box' commercial uses may be accommodated in the Downtown General (DG) sector with a selection of other compatible uses, vertically integrated within the same building.
  - b. Landscaping should consist of a more urban scale and pattern of planting with street trees planted in tree grates and landscape islands.
  - c. Parking is permitted both on-site and off-site within the DG Sector.
- f. That the design consideration is allowed within the province of Village Council. These are: setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open space requirements; height limitations; yard regulations; fence and wall regulations; signs; parking; and flood regulations approved under Section 30-100.6.
- g. Existence of special conditions or circumstances that are peculiar to the land, setting involved and which are not applicable to other lands, structures, or buildings in the DUV.
- h. Conditions or circumstances that are particular to the building use involved, if the use is an enumerated permitted use for the DUV. The use sought is for three-story auto sales center, with small retail space at street level along Franjo Road.
- i. That the design consideration is the minimum extent or magnitude of deviation from requirements to meet the requirements of the rational for the design consideration.

- j. The Village Council may prescribe appropriate conditions to the design consideration to ensure greater conformity with the Comprehensive Plan and Chapter 30. When made a part of the design considerations, the conditions must be included in the site plan.

Note 1: *Consistency or consistent* shall mean compatible with the principles of, and furthering the objectives, policies, land uses, and intensities of the village comprehensive plan. (Sec. 30-40.1. – Definitions) Generally used for these criteria to mean that it supports these objective and policies and does not countervail or diminish them.

Note 2: Criteria 3 through 11 are similar to non-use variance criteria and provide well-founded evaluation tests; however, their use does not imply that design considerations are non-use variances or are to be evaluated by the same criteria as non-use variances contained in Section 30-30.6(b) 1. through 9.

**Design Considerations:**

**Request 1: Design consideration to allow on-site, outside vehicle display**

Location: **South Dixie Highway, Datura Street**

Code Section: DUV Regulations, Section 30-50.23.2. *Regulating plans, 2.07, Uses, Table 4, Supplement to Table 4, D.2 (c)*

Applicant's Rationale: Due to the automotive use, the applicant requests this consideration in order to display a small segment of their vehicles. The applicant states that when they initially met with staff during the preapplication meeting to review the design of the facility, they agreed to minimize this area and only locate it along US-1.

Staff Analysis: The location of outdoor display is a typical component for new car sales along arterial streets, especially as showroom display may be more difficult to see at afternoon sun angles that cause reflectance on showroom glass. The location of the outdoor display spaces are limited in number to 7 of 41 total (17%). Location is limited to the US-1 side of the proposal with 5 of the 7 spaces at the edge near the sidewalk. On-site parking is permitted in the DG Sector, and the display vehicles are shown on plaza-like pavers instead of asphalt spaces. This treatment is superior to the parking which is allowed behind limited landscaping. It is also noted, that is vehicles are placed on a pedestrian surface in very limited numbers with adequate spacing and placed in a manner that is not like parking spaces, the vehicles can become a point of interest to pedestrians, similar to new car placements in shopping malls. This characteristic is dependent on strict adherence to conditions to maintain an appearance as a display and not as inventory.

**Staff recommends acceptance of the design consideration with conditions:**

- 1. Limit the number of display vehicles, their location, and spacing to the area along US-1 as requested and shown in the site plan. An alternative to the conditions of Design Consideration #15 allows expansion of this area, in which number of display vehicles is limited per the conditions for Design Consideration #15;**
- 2. Display vehicles to be spaced at a distance of not less than 6-ft. from each other or buildings. Trees may be placed closer than 6-ft. if interspersed between display vehicles to enhance the pedestrian area;**
- 3. That ground surface treatments are constructed and maintained pedestrian in appearance, and that any spillage of fluids from vehicles is with resulting stains removed completely;**
- 4. That display vehicles are not located on pedestals, ramps, or any location other than with 4 inflated wheels on ground surface;**
- 5. That at no time are display vehicles to be prepped, maintained, cleaned or detailed on the display location;**

- 6. That vehicles are treated only as display with closed and locked doors, trunks and hoods, and removed to the paved lot or other inventory location to be shown to customers;
- 7. Coordinate with the conditions for Design Consideration #15

DESIGN CONSIDERATION #1 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Outdoor display is specifically restricted by Sec. 2.07 D. 2.(c) regarding automotive uses in the DG Sector.
2	Motivated by need not contemplated in DUV code	No	The automotive use is permitted with provisions, which include a restriction on outdoor display of merchandise / inventory.
3	Consistency with Comprehensive Plan	Consistent	Development responds to the transitional intent of the DG, however, strict conditions are to be applied to maintain pedestrian appearance and function.
4	Consistency with intent of DG Sector of DUV	Consistent	DG is intended as a transition from the US-1 highway condition to pedestrian-oriented DUV.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	The land characteristics are not a causal factor.
7	Conditions particular to the use	Consistent	Although not universally so, outdoor display of vehicles is commonly an important characteristic of new-car sales facilities.
8	Design consideration is minimized	Consistent	Through Pre-application process, outside vehicle display is minimized to 7 vehicles (17%) with 34-vehicle display spaces in interior spaces on 3 floors.
9	Village Council may impose conditions	Consistent	Village Council may require condition to restrict extent of outside vehicle display to 7 vehicles as shown on site plan.

**Request 2: Design consideration to allow for an 11' wide sidewalk with a 4' wide landscape strip adjacent to the proposed building.**

Location: **Franjo Road**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements

Applicant's Rationale: There is a conflict between the Streets and Building Placement Table and the graphic located below the table. The table requests a 20-ft. sidewalk and the graphic shows a 15-ft. wide sidewalk (11-ft. walk path + 4-ft. landscape). The applicant proposes a 15-ft. wide landscape pedestrian zone along this street.

Staff Analysis: Staff notes that in the Street Type Plan, this part of Franjo Road, north of US-1 is categorized as a "Typical Street." (Sec. 30-50.23.5. - Street connectivity standards, Section 5.01, Figure 62, Street Type Plan) For a Typical Street (TS-U1). (Sec. 30-50.23.5, Sec 5.01 D.) provides that an 11-ft. sidewalk (diagram, 10' stated in table) is required. The 11-ft. width as proposed, does not inhibit pedestrian activity, and is consistent with pedestrian objectives of the DUV District and DG Sector.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable**

**Request 3: Design consideration to allow for a reduction to the 70% glazing requirement down to 51%.**

Location: **Franjo Road**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements

Applicant's Rationale: The glazing along this façade has been maximized as the design, structure and energy calculations allow. Further, the applicant is providing a living wall (included in the %) in the public park area that would make glazing on the wall in the public park impractical. The green wall along with the fenestration provided minimizes the areas of blank walls.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a TS-U1 Street for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use.

Although not applicable, in the interest of considering the pedestrian condition on Franjo Road, it is understood that the is intent to activate the pedestrian street with "eyes on the street" and points of interest for pedestrians. Other treatments may also activate pedestrian paths, such as gathering places (such as pocket park), pedestrian amenities, and landscaping that is variegated. Of particular note, are the location of small retail spaces with glazing and doors to provide pedestrian points of interest that are not typical of this type of use. The reduced percentage of glazing is related to the pocket park and living wall, whereas the retail components along the Franjo façade meet this standard. See elevations, Attachment 8.

See also staff analysis for Design Consideration #25,

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Further it is noted that on the Franjo Road façade, the proposal addresses the intent of the District to produce points of interest for an active, pedestrian, complete street.**

**Request 4: Design consideration to allow for a reduction to the required 50' build-to line. The proposed design has a 36' build-to line.**

**Location: South Dixie Highway (US-1)**

**Code Section:** DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

**Applicant's Rationale:** The existing US-1 right-of-way is only 66' wide, not 100' wide as shown on the table and graphic. The applicant is requesting a design consideration in order to resolve it the issue.

**Staff Analysis:** The Table in the Sector Summary section requires that for facades fronting US-1, the primary build-to line be 50 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 100 ft. cross-section. Essentially, the requirement is that the building is constructed at the edge of the ROW. Referring to the Boundary Survey in Attachment 5, the US-1 ROW at this location is 66-ft. wide. The centerline is 33 ft. from the property line; therefore, properly setting the build-to line at 33 ft. from the centerline of the road. *"Build-to-line" is defined as, "A line established by the Street Connectivity Standards and determined by the street it abuts, which is parallel to the block face, along which the building shall be built."* (Sec 30-50.23.6 Definitions). The proposal shows that the building wall is 36½ ft. from the ROW centerline. The build-to line is exceeded by 3½ ft. Staff notes that given that the curb line is fixed, the applicant has included a 10½ ft. landscape buffer to protect pedestrians from US-1 traffic. Reducing the build-to to 33 ft. would reduce the buffer, which is countervailing to pedestrian objectives.

**Staff recommends acceptance of the design consideration to allow 3½ additional feet for sidewalk and landscape buffer.**

DESIGN CONSIDERATION #4 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Build-to line is specifically required.
2	Motivated by need not contemplated in DUV code	Yes	The DUV code anticipated the US-1 ROW cross-section to be 100' where it is actually 66' at this location.
3	Consistency with Comprehensive Plan	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	Consistent	The change from 50' is caused by the different ROW of US-1. The difference from 33' is not caused by land.
7	Conditions particular to the use	Consistent	The applicant states structural reasons.
8	Design consideration is the minimized	Consistent	Change is 11%
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

**Request 5: Design consideration to allow for a reduction to the 16' wide sidewalk requirement down to a 10' wide sidewalk with a portion of it in the ROW.**

Location: **South Dixie Highway (US-1)**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

Applicant's Rationale: Due to the 66-ft. wide right-of-way there is not enough space to provide a 16-ft. wide sidewalk in the right-of-way. Also, the current building footprint is at the absolute minimum that is economically developable. The requirement assumes a right of way width of 100 ft. and the requested design consideration is the only way available to the applicant to resolve this. Further, the applicant is proposing off-site improvements to improve pedestrian circulation such as sidewalk improvements, new bus shelter and possible future rail station connection.

Staff Analysis: The design consideration is related to the build-to line which is at the edge of the right-of-way (ROW), and requires sidewalks to be in the ROW. The requirement is that sidewalks along US-1 are 16 ft. wide where the roadway ROW is 100 ft. The Boundary Survey (Attachment 5) shows that the US-1 ROW at this location is 66-ft. wide. The centerline is 33 ft. from the property line; therefore, the anticipated 50 ft. to accommodate travel lanes, sidewalk and landscape buffer is 17-ft. less (34%). The site plan shows a 10½-ft. wide sidewalk protected from travel lanes by a 6-ft. landscape buffer. The sidewalk reduction of 35% is proportional to the reduced ROW width. The 10½-ft. width does not inhibit pedestrian activity, and is consistent with objectives of the DUV, and transitional DG Sector.

**Staff recommends acceptance of the design consideration to allow a 10½-ft. sidewalk.**

DESIGN CONSIDERATION #5 CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Sidewalk width is specifically required.
2	Motivated by need not contemplated in DUV code	Yes	The DUV code anticipated the US-1 ROW cross-section to be 100' where it is actually 66' at this location.
3	Consistency with Comprehensive Plan	Consistent	The sidewalk width of 10½ ft. along with buffering at this transitional location does not reduce pedestrian objectives .
4	Consistency with intent of DG Sector of DUV	Consistent	The sidewalk width of 10½ ft. along with buffering and at the transitional location along US-1 does not reduce the pedestrian objectives of the DUV.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	Consistent	The reduced ROW is a factor.
7	Conditions particular to the use	Consistent	Not Applicable
8	Design consideration is the minimized	Consistent	Design consideration is proportional to the reduced ROW.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

**Request 6: Design consideration for a reduction to the 70% glazing requirement down to 37%.**

**Location: South Dixie Highway (US-1)**

**Code Section:** DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

**Applicant's Rationale:** The portion of the building at the build-to line provides 89% glazing. The design consideration is driven, therefore, by the fact that the remainder of the building needs to be pushed back from the US 1 right of way to allow for additional frontage on Franjo Road.

**Staff Analysis:** The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on US-1 for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use.

See also staff analysis for Design Consideration #25.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 7: Design consideration to remove the required secondary build-to lines.**

**Location: South Dixie Highway (US-1)**

**Code Section:** DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

**Applicant's Rationale:** The value to the public of the step-back design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the US-1 frontage and is providing the secondary build-to elements along Franjo Road. The Applicant also needs to comply with Audi Terminal facility design guidelines along US 1, which do not allow any step-backs in this portion of the facade.

**Staff Analysis:** The section requires that for facades fronting US-1, the secondary build-to line (above 2 stories) be 65 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 100 ft. cross-section. The requirement is that upper floors are built 15 ft. from the property line. The Boundary Survey in Attachment 5, shows that US-1 ROW at this location is 66-ft. wide, with the centerline 33 ft. from the property line; therefore, properly setting the secondary build-to line at 48 ft. from the centerline. "Build-to-line" is defined as, "A line established by the Street Connectivity Standards and determined by the street it abuts, which is parallel to the block face, along which the building shall be built." (Sec 30-50.23.6 Definitions). The building is 36½ ft. from the ROW centerline, and does not step back. Staff notes a goal of the DUV is to be more urban, and that this façade presents a 66-ft. high building at a 66-ft. roadway cross-section, creating an aspect ratio of 1:1, and an urban enclosure that supports urban objectives for the DUV.

**Staff recommends acceptance of the design consideration.**

DESIGN CONSIDERATION # 7 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the US-1 façade benefits from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	It is in part due to a smaller ROW than code anticipated
7	Conditions particular to the use	Consistent	The automotive sales uses the building façade as part of its identity, integrating urban design with branding.
8	Design consideration is the minimized	No	Only with respect to particular need of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

**Request 8: Design consideration to the 50' – 60' right-of-way requirement.**

Location: **Banyan Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: According to the survey, the right-of-way varies from 40 ft. to 45 ft. along this facade. As with the US 1 frontage, the DUV standards do not reflect the actual width of the right-of-way and the only tool available to the applicant is to seek a design consideration to resolve that issue.

Staff Analysis: The survey provided in Attachment 5, shows the right-of-way (ROW) for Banyan Street to be 45 ft., with the centerline 20 ft. from the applicant's property line (25-ft. on north side). Banyan Street is a Typical Street in the Urban Street Plan (Section 30-50.23.5, Figure 62) and a Priority B Street in the Street Hierarchy Plan (Section 30-50.23.2, Figure 5). To cure the 10% deficiency, the applicant would have to dedicate the additional 5 ft.; however, there is no rationale for the dedication since the site plan provides a 15-ft. sidewalk, pedestrian buffering in the form of a 9-ft. on-street parking lane and landscaped bulb-outs, and there is sufficient pavement for an 11-ft. travel as shown in the Thoroughfare Standards for TS-U1 streets (Sec. 30-50.23.5, Figure 69).

Further, staff notes that the inclusion of ROW in the requirements tables is not clearly distinguished as a reference or requirement. If it is a requirement, text stating the requirement for ROW dedication should include a correct and specific map showing the future streets plan with specific ROW cross-sections. Section 30-50.23.5 states that property owners shall be responsible for the right-of-way on all sides of development, considered street frontage (p.67); however, Section 30-50-23.1 states that Street Connectivity Standards are guidelines (p.1). Further, the Sector Summary table (p. 23) provides that the ROW for a TS-U1 Street Type is 50-ft. to 60-ft., while Section 30-50.23.5 shows a 60-ft. ROW cross-section (p.71)

Staff finds that the contextual reference in the text, tables and diagrams for ROW width is not consistent and should not compel the Village until corrected to require dedication of private lands, especially when complete street objectives are substantially met.

**The design is not inconsistent with the current requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 9: Design consideration for a reduction to the 70% glazing requirement down to 18%.**

**Location: Banyan Street**

**Code Section:** DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

**Applicant's Rationale:** Because of the need to focus on the Franjo corridor, there is limited building frontage along Banyan Street. There are structural and energy guidelines that are limiting the glazing along this frontage as well.

**Staff Analysis:** The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a Typical TS-U1 Street for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use. The 70% glazing requirement is not applicable to this façade, except for the retail portion that is on the corner with Franjo Road which appears to meet the criteria. This portion of the façade is substantially glazed and appears to meet the requirement; however, staff recommends that the applicant state the percentage of glazing on this part as a condition of this finding.

See also the analysis for Design Consideration #25.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable, conditioned on the applicant state the percentage of glazing on the retail portion of this façade.**

**Request 10: Design consideration to remove the required secondary build-to lines.**

Location: **Banyan Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The value to the public of the stepback design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the Banyan frontage to the Franjo Road corridor. The Applicant also needs to comply with Audi Terminal facility design guidelines, which do not allow any stepbacks in this portion of the facade.

Staff Analysis: The section requires that for facades fronting Banyan Street, the secondary build-to line (above 2 stories) be 45 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 50 ft. to 60 ft. in cross-section. The Boundary Survey in Attachment 5, shows that Banyan Street ROW at this location is 45-ft. wide, with the centerline 20 ft. from the property line; therefore, properly setting the secondary build-to line at 25 ft. from the property line. The upper floor of the building is 35 ft. from the ROW centerline., with 20 ft. of ROW and 15 ft. of setback, and no step-back. The secondary build-to line is deficient by 10 ft.

Staff notes that as a goal of the NUV is to be more urban, this façade presents a 66-ft. high building at a 45-ft. roadway cross-section, creating an aspect ratio of 1.3:1, and an urban enclosure that supports objectives for the DUV. Also, the proposal uses the building façade as part of its identity, integrating urban design with branding, which is a superior urban alternative to separate signage.

**Staff recommends acceptance of the design consideration.**

DESIGN CONSIDERATION #10 ANALYSIS OF CONSISTENCY WITH CRITERIA			
			COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the Banyan façade may benefit from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	The change from 50' is caused by the different ROW of US-1. The remainder is not caused by the land.
7	Conditions particular to the use	Consistent	The automotive sales uses the building façade as part of its identity, integrating urban design with branding.
8	Design consideration is the minimized	No	Only with respect to particular needs of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 11: Design consideration to the 50-ft. to 60-ft. right-of-way requirement.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements.

Applicant's Rationale: According to the survey, the right-of-way varies from 40 ft. to 45 ft. along this facade. As with the US 1 frontage, the DUV standards do not reflect the actual width of the right of way and the only tool available to an applicant is to seek a design consideration to resolve that issue.

Staff Analysis: The survey provided in Attachment 5, shows the right-of-way (ROW) for Datura Street to be 45 ft., with the centerline 20 ft. from the applicant's property line (25 ft. on north side). Datura Street is a Typical Street in the Urban Street Plan (Section 30-50.23.5, Figure 62) Datura Street is a B Street in the Street Hierarchy Plan (Section 30-50.23.2, Figure 5). To cure the 10% deficiency, the applicant would have to dedicate the additional 5 ft.; however, there is no rationale for the dedication since the site plan provides a 10-ft. sidewalk, a 4.4-ft. interior landscape strip, pedestrian buffering in the form of a 9½-ft. on-street parking lane and outside landscape strip, and there is 24 ½ ft. of pavement from curb to curb for two 12-ft. lanes of local traffic. As shown, the street cross-section is sufficient to accommodate the Thoroughfare Standards for TS-U1 streets (Sec. 30-50.23.5, Figure 69); however, consistency with these standards would require an 11-ft. sidewalk, 9-ft. landscape strip, and 10-ft. vehicular travel lane.

Further, staff notes that the inclusion of ROW in the requirements tables is not clearly distinguished as a reference or requirement. If it is a requirement, text stating the requirement for ROW dedication should include a correct and specific map showing the future streets plan with specific ROW cross-sections. Section 30-50.23.5 states that property owners shall be responsible for the right-of-way on all sides of development, considered street frontage (p.67); however, Section 30-50-23.1 states that Street Connectivity Standards are guidelines (p.1). Further, the Sector Summary table (p. 23) provides that the ROW for a TS-U1 Street Type is 50-ft. to 60-ft., while Section 30-50.23.5 shows a 60-ft. ROW cross-section (p.71)

Staff finds that the contextual reference in the text, tables and diagrams for ROW width is not consistent and should not compel the Village until corrected to require dedication of private lands, especially when complete street objectives are substantially met.

**The design is not inconsistent with the current requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 12: Design consideration to allow for an 11' wide sidewalk with a 4' wide landscape strip adjacent to the proposed building.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The regulations require a 10' wide sidewalk along this street. The Applicant is seeking to widen the sidewalk and provide some additional landscaping. This will help enhance pedestrian accessibility, especially between the busway and the core of the DUV. Further, the applicant is proposing a number of offsite improvements to improve pedestrian circulation such as sidewalk improvements, new bus shelter and possible future rail station connection."

Staff Analysis: The design consideration is related to the build-to line which is at the edge of the right-of-way (ROW), and essentially requires sidewalks to be in the ROW. The Table in the Sector Summary section requires that sidewalks along an Urban TS-U1 Street are 10 ft. wide where the roadway ROW is 50 ft. to 60 ft. The proposed site plan shows a 10-ft. wide sidewalk with 4.4 ft.-wide landscape strip along the building and protected from travel lanes by a 9½-ft. landscape buffer. The sidewalk width is consistent with the DUV DG requirement cited above. The landscape buffer at the street edge is consistent with TS-U1 Thoroughfare Standards in Figure 69 of Sec. 30-50.23.5.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable**

**Request 13: Design consideration for a reduction to the 70% glazing requirement down to 13%.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The Audi Terminal facility design limits the amount of glazing on this elevation.

Rationale: There are also structural and energy guidelines that are limiting the glazing along this elevation as well.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

Datura Street is as a "Typical Street." (Sec. 30-50.23.5. - Street connectivity standards, Section 5.01, Figure 62, Street Type Plan). For a Typical Street, with respect to glazing, the requirement is 70%; however, the table notes that this requirement is only for Commercial-Retail (C-R) and Office (O) only. The Datura Street façade is primarily "Automotive Use" as enumerated in the permitted uses for the DG Sector. The 70% glazing requirement is not applicable to this façade, except for the retail portion that is on the corner with Franjo Road which appears to meet the criteria. This portion of the façade is completely glazed and meets the requirement.

See also, the analysis of Design Consideration #25.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 14: Design consideration to remove the required secondary build-to lines.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The value to the public of the step-back design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the Datura frontage to the Franjo Road corridor. The Applicant also needs to comply with Audi Terminal facility design guidelines, which do not allow any step-backs in this portion of the facade.

Staff Analysis: The section requires that for facades fronting Datura Street, the secondary build-to line (above 2 stories) be 45 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 50 ft. to 60 ft. in cross-section. The Boundary Survey in Attachment 5, shows that the Datura Street ROW is 40-ft. wide, with the centerline 20 ft. from the property line; therefore, properly setting the secondary build-to line at 25 ft. from the property line. The upper floor of the building is 14.4 ft. from the ROW centerline., with 20 ft. of ROW, 14.4 ft. of setback and no step-back. The secondary build-to line is deficient by 10.6 ft.

Staff notes that as a goal of the NUV is to be more urban, this façade creates an aspect ratio of 1.5:1, and an urban enclosure that supports objectives for the DUV. Also, the proposal has less frontage width along Datura Street: 268.6 ft. building frontage along the 402.9 ft. lot frontage (66.7%). This, and that the building is on the north side of the street mitigates any possible shadowing.

**Staff recommends acceptance of the design consideration.**

DESIGN CONSIDERATION #14 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the Datura façade may benefit from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	The change from 45' is caused by the different ROW of US-1. The remainder is not caused by the land.
7	Conditions particular to the use	Consistent	The building occupies 67% of the block and is located on the north side, limiting shadow.
8	Design consideration is the minimized	No	Only with respect to the particular needs of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 15: Design consideration to reduce the 30' parking setback requirement along US-1 to 3'.**

**Location:** South Dixie Highway, West Datura Street

**Code Section:** DUV Regulations, Section 3.02. B.5. *Parking Access and Setbacks*

**Applicant's Rationale:** Due to the Automotive Use, we are requesting this consideration in order to display a small segment of our vehicles. When we initially met with staff during our preapplication meeting to review the design of the facility, we agreed to minimize the parking lot area and only locate it on the southwest corner of the property. Please note that the parking setback varies from 3' to 10' with an average of 6.5'."

**Staff Analysis:** The request is related to Request 1 for on-site, outside vehicle display. The proposed site plan (Attachment 6) shows surface parking amounting to 29 marked spaces, and an additional 7 locations on pedestrian pavers for inventory display (subject of request 1). This request addresses the 29 marked and paved spaces on the southwest corner of the property. The applicant states that these spaces will be primarily used for additional inventory (not including the 2 HC spaces), and that the primary parking for customers will be by valet services, similar to other urban new car retailers of luxury brands. The valet station is located at between this parking area and the main north-south interior drive. Staff and employees are also to use upper floor parking. (The program summary shows work stations for approximately 80 employees)

Along Datura Street, 7 diagonal parking spaces are buffered by approximately 6 to 13 ft. of landscape. Along US-1, 5 diagonal spaces are buffered by 3 to 10 ft. of landscape, and the sidewalk that is 10½-ft. at the showroom is narrowed to 6½ ft. Landscape buffering and sidewalk along US-1 are not consistent with DUV objectives, and staff recommends conditions to upgrade this area consistent with the DG Sector.

**Staff recommends acceptance of the design consideration with conditions:**

- 1. On-site parking spaces and display areas along the US-1 side be reconfigured to maintain the sidewalk at 10½-ft. width, as it is to the north of this area;**
- 2. Maintain a minimum buffer equal to that along Datura Street, which is 6-ft. to 13-ft. in a diagonal pattern or 9½-ft. minimum if not in a diagonal saw-tooth pattern;**
- 3. Landscaping does not by design or maintenance permit walk-through from sidewalk to paved vehicular parking, and that landscaping meet all other Village requirements;**
- 4. As an alternative, applicant may extend the depth of the outdoor new car display area in place of the part of the parking area, subject to maintaining a 6-ft depth of landscape behind the display area and in front of the paved lot subject to all the conditions provided in Request #1; however, no additional vehicles may be added beyond the sum of the two areas shown on the site plan.**

<b>DESIGN CONSIDERATION #15 ANALYSIS OF CONSISTENCY WITH CRITERIA</b>			
<b>CRITERIA</b>	<b>CONSISTENT</b>	<b>COMMENTS</b>	
<b>1</b>	<b>The design consideration is required</b>	Yes	Parking setback is specifically required at 30 ft.
<b>2</b>	<b>Motivated by need not contemplated in DUV code</b>	Yes	There is adequate parking; there is no demonstrated need. Display vehicles are part of Request #1. This parking is general parking that may be used for inventory or customers.
<b>3</b>	<b>Consistency with Comprehensive Plan</b>	Consistent	The Datura side more adequately meets the general objectives of the land use category. The US-1 side requires more setback.
<b>4</b>	<b>Consistency with intent of DG Sector of DUV</b>	Consistent	The Datura side more adequately meets the general objectives of the land use category. The US-1 side requires more setback.
<b>5</b>	<b>Allowed within the province of Village Council</b>	Consistent	It is not prohibited.
<b>6</b>	<b>Special conditions peculiar to land</b>	Not Applicable	The request is not related to land or ROW conditions.
<b>7</b>	<b>Conditions particular to the use</b>	Consistent	While customer parking is important to the use, the need for 27 spaces is not demonstrated as critical.
<b>8</b>	<b>Design consideration is the minimized</b>	Consistent	Design consideration is not minimized. Datura side provides 30% of requirement and US-1 side provides 10% of requirement without justification.
<b>9</b>	<b>Village Council may impose conditions</b>	Consistent	Conditions to increase landscape and sidewalk on US-1 side recommended.

**Request 16: Design consideration from the requirement that street trees shall be planted at an average of 25' on center.**

**Location: Banyan Street, South Dixie Highway**

**Code Section:** DUV Regulations, Section 4.03. *General Development Parameters: a. Item F.2. Landscape Standards*

**Applicant's Rationale:** Audi will not approve trees to be planted in front of the showroom glazing. The applicant requests that this requirement is waived along in front of the building at the showroom volume at the corner of US-1 and Banyan Street.”

**Staff Analysis:** The applicant requests that street trees that will block the fully glazed view of showroom display not be planted. The US-1 facade of the showroom is 120 linear feet, of which 103-ft. are glazed and the remainder to the south is wall. Just beyond to the south is paver surface where three outdoor vehicle display spaces are. While a single street tree may be included in front of the wall area, it would block the view of outdoor display from southbound vehicles. Further, one midblock tree may be awkward in appearance. The Banyan Street façade is 120 linear feet, of which 40 ft. is glazed. From the end of the glazing, there is a tree just beyond the edge of the showroom, approximately 85-ft. away. Two additional trees on this façade of blank wall would be beneficial to the district, and not reduce visibility of the showroom display.

**Staff recommends acceptance of the design consideration with conditions:**

1. two additional trees are planted in front of the blank wall part of the showroom along Banyan Street at 25-ft. intervals, and;
2. that the four trees deleted along the US-1 sides are mitigated

DESIGN CONSIDERATION #16 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Street tree planting is specifically required at 25 ft.
2	Motivated by need not contemplated in DUV code	No	The need for branding and visibility of a blank wall is not sufficient for this criterion.
3	Consistency with Comprehensive Plan	Consistent	Balances the general objectives of the land use category with the needs of the uses.
4	Consistency with intent of DG Sector of DUV	Consistent	Balances the general objectives of the land use category with the needs of the uses.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	The request is not related to land or ROW conditions.
7	Conditions particular to the use	Consistent	The automotive use is a permitted use with showroom visibility requirements along US-1
8	Design consideration is the minimized	Consistent	Design consideration is not minimized. Additional trees are possible on Banyan without reducing showroom visibility.
9	Village Council may impose conditions	Consistent	Conditions to add trees on Banyan side in front of wall part of showroom are recommended.

**Request 17: Design consideration to eliminate the 15' wide pedestrian paseo requirement.**

Location: **Franjo Road through to South Dixie Highway**

Code Section: DUV Regulations, Section 4.03, Part G.3(a) *Frontage Standards*

Applicant's Rationale: The paseo requirement along Franjo Road would require the applicant to split up the service department into two (2) halves and the building would not function. The visual benefit of breaking up the building wall at the pedestrian level has been accomplished with the introduction of the recess and green wall element in the center of that frontage. As an offset the applicant proposes to increase the number of trees along the southwest corner of the property.

Staff Analysis: Section 4.03, Part G. *Frontage Standards* requires a paseo for frontages greater than 300 feet. recognize proximity to future transit station. Only the Datura Street elevation is on a street frontage than is greater than 300 feet. (402.9-ft.). The frontage across from the Datura Street side is Banyan Street, which is a frontage of 282.4-ft. The Banyan frontage does not meet the criteria to require a paseo.

While the illustrative diagram on p.8 of the DUV code shows a paseo here, Section 2.05, Street Hierarchy Plan does not show a "B Street" through this block, even though the new midblock "B Streets" are shown bifurcating the blocks south of Datura Street, and a "Priority B Street" extending Franjo Road is shown through the property to the north. The omission on this block informs staff that the DUV code does not intend for a pedestrian connection through this block.

Lastly, the Automotive Use, as an enumerated permitted with provisions use is not a use that should have a paseo bifurcating it for general safety reasons.

While the public safety reason would support a recommendation for acceptance of the design consideration, Staff finds that because of the omission for this block from a mid-block thoroughfare depicted in the Street Hierarchy Plan (sec. 2.05) and that only one side meets the criterion to require a paseo, that a paseo is not required.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 18: Design consideration to allow for 275 L.F. continuous frontage along Franjo Road. The regulations call for a 250 L.F. maximum.**

Location: **Franjo Road**

Code Section: DUV Regulations, Section 4.03, Part H.1(a) *Building Size and Massing*

Applicant's Rationale: The frontage along Franjo Road is 275 linear feet. Due to this condition, the applicant requests a 25' extension to the rule in order to implement the design using the entire property.

Staff Analysis: Section 4.03, Part H.1(a) *Building Size and Massing* requires that no building shall occupy more than 250 feet of continuous frontage. In Section 30-40.1, Frontage is defined as the distance measured along a right-of-way. Using the definition of frontage as given in the village zoning code and the frontages given in the site plan (Sheet C 2.0, Feb.7, 2017) are:

- Franjo Road: 270.6 ft. continuous
- Banyan Street: 272.4 ft. non-continuous
- Banyan St. West side: 120 ft. continuous
- Banyan St. East side: 90.8 ft. continuous
- Datura Street: 223.5 ft. continuous west of drive
- South Dixie Highway: 130.0 ft.

The Franjo Road frontage exceeds the requirement by 20.6 ft., approximately 8%. The purpose of the regulation limiting frontage is to control massing. The applicant has provided a site plan the ameliorates the 8% oversize frontage by providing strong articulation at the center of the block with a 20-ft. deep pocket park that is 50-ft. wide, with remainder frontages of 110.6-ft. and 110.0-ft.

**Staff recommends acceptance of the design consideration with park relief.**

DESIGN CONSIDERATION #18 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Continuous frontage is specifically limited at 250 ft. maximum.
2	Motivated by need not contemplated in DUV code	Yes	The building is over the requirement by a small percentage with impacts ameliorated by the park. The effect of the park and deep break in massing is not included in the DUV code.
3	Consistency with Comprehensive Plan	Consistent	The applicant has provided a pocket park with living wall that ameliorates massing, and maintains pedestrian scale.
4	Consistency with intent of DG Sector of DUV	Consistent	The applicant has provided a pocket park with living wall that ameliorates massing, and maintains pedestrian scale.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	Consistent	The automotive requires continuous parking facilities on upper floors, necessitating higher utilization of the frontage
8	Design consideration is the minimized	Consistent	Requirements for sidewalks and other infrastructure at ends of frontage are adequate.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 19: Design consideration to allow for an exception to the building articulation requirement of a break in building facade every 60 feet maximum on buildings that occupy 150 feet of frontage.**

Location: South Dixie Highway, Banyan Street, West Datura Street

Code Section: DUV Regulations, Section 4.03, Part H.1(b) *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi design requirements, the applicant cannot achieve this requirement along US-1, Banyan Street, or Datura Street. The applicant proposes a 50' wide break in the along the important Franjo Road façade to provide articulation along that frontage.

Staff Analysis: Section 4.03, Part H.1(b) *Building Size and Massing* requires that a break in building façade shall occur at a maximum of every 60-ft., that the break should be recessed from the build-to line up to 2 feet maximum, and shall be at a minimum the height of the base element. The continuous facades are:

Franjo Road:	270.6 ft. continuous	requires 4 breaks
Banyan St. West side:	120.0 ft. continuous	breaks not required
Banyan St. East side:	90.8 ft. continuous	breaks not required
Datura Street:	223.5 ft. continuous	requires 3 breaks
South Dixie Highway:	130.0 ft. continuous	breaks not required

The Franjo Road façade requirement is substantially met by the fenestration details of storefront windows and wall columns. In combination with the deeply recessed pocket park, Staff finds that building articulation is achieved.

The Banyan Street façade is comprised of two continuous frontages that do not meet the length criteria to require application of the requirement.

The Datura Street façade is comprised of horizontal elements with high windows on the first floor and garage openings above. The horizontal element limits align, and can be vertically connected with vertical breaks. The vertical breaks do not have to be deep (2-ft. max.); therefore, there should be no major impact to the structure or interior operations.

The South Dixie Highway façade is comprised of a large expanse of glass for the showroom and is organized with primarily horizontal elements. The massing pattern is intentional, and according to the applicant important to the visibility and branding of the proposed occupant. The façade frontage does not meet the length criteria to require application of the requirement.

- 1. Staff recommends acceptance of the design consideration for the Franjo Road Façade.**
- 2. Staff recommends that the Banyan façade does not require vertical breaks.**
- 3. Staff recommends that the US-1 façade does not require vertical breaks.**
- 4. Staff recommends that the design consideration is not accepted for the Datura Street façade, and that shallow vertical breaks are required.**



**Request 20: Design consideration to allow for an 11' high parapet in lieu of the 40" high maximum allow by this regulation.**

Location: South Dixie Highway, Banyan Street, West Datura Street

Code Section: DUV Regulations, Section 4.03, Part H.2.(a). *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi Terminal facility design requirements, this parapet will need to exceed the allowable 40" high maximum requirement around the showroom volume. The applicant proposes a 48" high parapet on the rear parking structure volume to meet code (min. 42"). Unless the mechanical equipment requires a higher parapet for screening, the retail spaces along Franjo Road should be able to meet the 40" high maximum requirement.

Staff Analysis: Section 4.03, Part H.2.(a). *Building Size and Massing*, requires that a parapet wall shall be a maximum of 40 inches tall measured from the top of the highest slab from the roof. The site plan includes a 37-inch parapet throughout, except for the facades that comprise the main showroom part of the structure at the corner of Banyan Street and US-1, for which the parapets are 11-ft. high.

The purpose of the maximum height limit of parapets, included under the section regulating building heights, is to control façade heights and thereby to control building massing as seen from the street. Although the parapets are substantially taller than the maximum on this part of the building, the total height of the building is 66-ft. The height range required for the DG Sector is 4 stories minimum t 5 stories maximum without bonuses. Based on floor height requirements, this range in façade height is 41-ft. to 96 ft. The high parapets do not adversely affect the building facades to be inconsistent with the DG Sector building massing.

**Staff recommends acceptance of the design consideration with park relief.**

DESIGN CONSIDERATION # 20 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Parapet height limits are specifically required at 40 inches
2	Motivated by need not contemplated in DUV code	Yes	Garages are an allowed use in the DG Sector. The high parapets help to conceal parked cars from street-level view.
3	Consistency with Comprehensive Plan	Consistent	The building is over the requirement for parapet heights, but within the range of façade height.
4	Consistency with intent of DG Sector of DUV	Consistent	The building is over the requirement for parapet heights, but within the range of façade height.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	No	The Automotive Use uses the roof for parking to use the structure efficiently, and should shield vehicles from view.
8	Design consideration is the minimized	Consistent	The design consideration is applicable on part of the proposal.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 21: Design consideration to eliminate secondary massing element.**

**Location:** South Dixie Highway, partial façade; Datura Street, partial façade; Banyan Street, partial façade.

**Code Section:** DUV Regulations, Section 4.04.8. *Specific Development Parameters by Building Type*

**Applicant's Rationale:** Due to the specific Audi Terminal facility design requirements, the applicant will not be able to meet this requirement along the Audi facades; however, the applicant proposes to provide secondary massing on the retail spaces along the more important frontage along Franjo Road.

**Staff Analysis:** Staff analysis considers that the introduction of a secondary massing element of reduced floor area, especially in the DG Sector is potentially problematic for certain uses on small blocks. In particular, any use that essentially is a facility for parking cars in a multi-level facility has the potential to require a design consideration, similar to Design Consideration 21 (this one) and the related design consideration for secondary build-to lines on South Dixie Highway (#7), Banyan Street (#10), and Datura Street (#14).

Parking ramps require specific minimum dimensions for parking spaces, aisles, and floor-to-floor ramps. If a dimension that is just sufficient is reduced by even a small amount that causes a sub-standard parking or ramp dimension, for safety reasons an entire row of parking may be lost on every floor, and the proposal can become infeasible or require additional height. Further, parking garages have more limited flexibility for vertically realigning structural supporting walls and columns.

For this site plan, the need to delete secondary massing elements on the Banyan Street and Datura Street sides result mostly from the dimension required for the vehicular ramp for internal circulation, as well as for structural reasons. The secondary mass is deleted on the South Dixie Highway façade for design reasons in which it properly responds to the US-1 built environment. On the Franjo façade, the site plan does provide secondary massing as it properly responds to the more pedestrian scale of that façade.

Staff finds that the design based rationale for the South Dixie Highway side deleting secondary massing is both appropriate to the US-1 condition and mitigated by the response to developing the Franjo Road design consistent with the aspirations of the DUV.

**Staff recommends acceptance of the design consideration to eliminate the secondary massing element on the South Dixie Highway side, the Datura Street side, and the Banyan Street side of the proposal.**

*(analysis of consistency with criteria on next page)*

<b>DESIGN CONSIDERATION # 21 ANALYSIS OF CONSISTENCY WITH CRITERIA</b>			
<b>CRITERIA</b>		<b>CONSISTENT</b>	<b>COMMENTS</b>
<b>1</b>	<b>The design consideration is required</b>	Yes	The secondary massing element is not included for the building elements that serve to provide parking space and are motivated by the inability to scale parking ramp dimensions and vehicular ramp dimensions.
<b>2</b>	<b>Motivated by need not contemplated in DUV code</b>	No	It is a need that should have been reasonably foreseen for this use, as well as some others that are particular to the DG Sector
<b>3</b>	<b>Consistency with Comprehensive Plan</b>	Partially Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
<b>4</b>	<b>Consistency with intent of DG Sector of DUV</b>	Partially Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
<b>5</b>	<b>Allowed within the province of Village Council</b>	Consistent	It is not prohibited.
<b>6</b>	<b>Special conditions peculiar to land</b>	No	The request is not caused by the land.
<b>7</b>	<b>Conditions particular to the use</b>	Yes	The design consideration is particular to any DG permitted use that provides automotive parking on upper floors.
<b>8</b>	<b>Design consideration is the minimized</b>	Consistent	Only with respect to particular needs of the use.
<b>9</b>	<b>Village Council may impose conditions</b>	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 22: Design consideration to eliminate the arcade requirement along Franjo Road.**

Location: Franjo Road

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type: a. Item A.1. Arcade*

Applicant's Rationale: The proposed design along Franjo Road will incorporate the storefront façade option.

Staff Analysis: In the DG Sector, three frontage types are permitted: Arcade, Storefront, or Forecourt. A forecourt is more appropriate to residential or residential mixed-use buildings. The arcade or storefront are permitted per Sections 4.04, Table 38 (p.48). In providing for design details, the Section 4.06 Specific Parameters by Frontage Type provides language that arcades are only permitted for certain building types in the Sector, and only along primary frontage on Franjo Road. While this limits the frontage type to Franjo Road, it does not require this option for Franjo road, and the site plan may optionally use a storefront frontage type or arcade storefront type. There is no requirement in the Section that mandates the use of the arcade option.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 23: Design consideration to provide 14' clear between the columns in lieu of the 10' wide maximum allowed by this regulation.**

Location: Banyan Street

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront*

Applicant's Rationale: The column spacing for the storefronts (along Banyan Street) has 14' openings between the columns to match the adjacent storefront opening widths.

Staff Analysis: In the DG Sector, three frontage types are permitted: Arcade, Storefront, or Forecourt. The storefront has been used for part of the Banyan Street façade. The two 15-ft. wide openings as shown on the site plan are provided to match the storefront openings along Franjo Road, providing a continuity and consistency to help visually lead pedestrians from Banyan Street to Franjo Road.

The requirement contained in Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is for "Openings within the Storefront shall be vertically proportioned and a minimum of 10 feet wide and 10 feet tall." The design consideration request misinterprets the code requirement as a maximum. The glazed storefront openings of 15'-1" openings set approximately 5-feet apart, meet the requirements.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**Request 24: Design consideration to increase storefront maximum height from 18 feet to 20 feet.**

Location: Banyan Street and US-1

Code Section: DUV Regulations, Section 4.03, Part H.3. Table 33 under *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi Terminal design requirements, 20' minimum is required on all sides of the 2-story showroom volume. This change will allow for more light into the building and a better visual experience for the public.

Staff Analysis: Section 4.03, Part H.3. Table 33 under *Building Size and Massing*, requires that the ground floor of a Flexible Block type building have a ground story height of 14-ft. minimum to 18-ft. maximum. As a part of the building Size and Massing section, the regulation is to control façade heights and thereby to control building massing as seen from the street. Although the ground story height is taller than the maximum for this part of the building, the total height of the building is 66-ft. The height range required for the DG Sector is 4 stories minimum to 5 stories maximum without bonuses, which based on floor height requirements, the range in façade height is 41-ft. to 96 ft. The building height at 66-ft. is still within the expected and permissible range of massing for the DG Sector.

The height of the ground floor of most of the automobile sales use structure and the small retail part of the building along Franjo Road is 18-ft. The showroom part of the building at the Northwest corner is at a ground floor height of 20-ft.

For a building of this size, for a component to have a difference in ground floor height from 18-ft. to 20-ft. is imperceptible. The additional ground story height is 11% of the requirement, and 2-ft. It is 2½-inches more than the de-minimus criteria established in Sec. 30-30.3(d).

Staff finds that the increased height of the ground floor part of the showroom does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria for the DG Sector of the DUV.

**Staff recommends acceptance of the design consideration.**

DESIGN CONSIDERATION # 24 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Ground floor maximum height of 18-ft. is specifically required.
2	Motivated by need not contemplated in DUV code	No	It is not a need that should have been reasonably foreseen.
3	Consistency with Comprehensive Plan	Partially Consistent	It does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria
4	Consistency with intent of DG Sector of DUV	Partially Consistent	It does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	Yes	The automotive use requires a higher showroom floor.
8	Design consideration is the minimized	Consistent	The increase in height is 11%. At 2-ft., it is 2½ inches more than it could be permitted administratively as de-minimus.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

**Request 25: Design consideration to allow for a reduction to the 70% ground floor glazing requirement.**

Location: Banyan Street, Datura Street, Franjo Road

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront*

Applicant's Rationale: This request is addressed above under DUV Section 3.02.

Staff Analysis: The request has been addressed by design considerations 3, 6, 9 and 13.

The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a TS-U1 Street or on US-1 for Commercial-Retail, Office and Residential uses. The sections of storefront façade, in which the uses are "C-R" along these elevations meet the criteria.

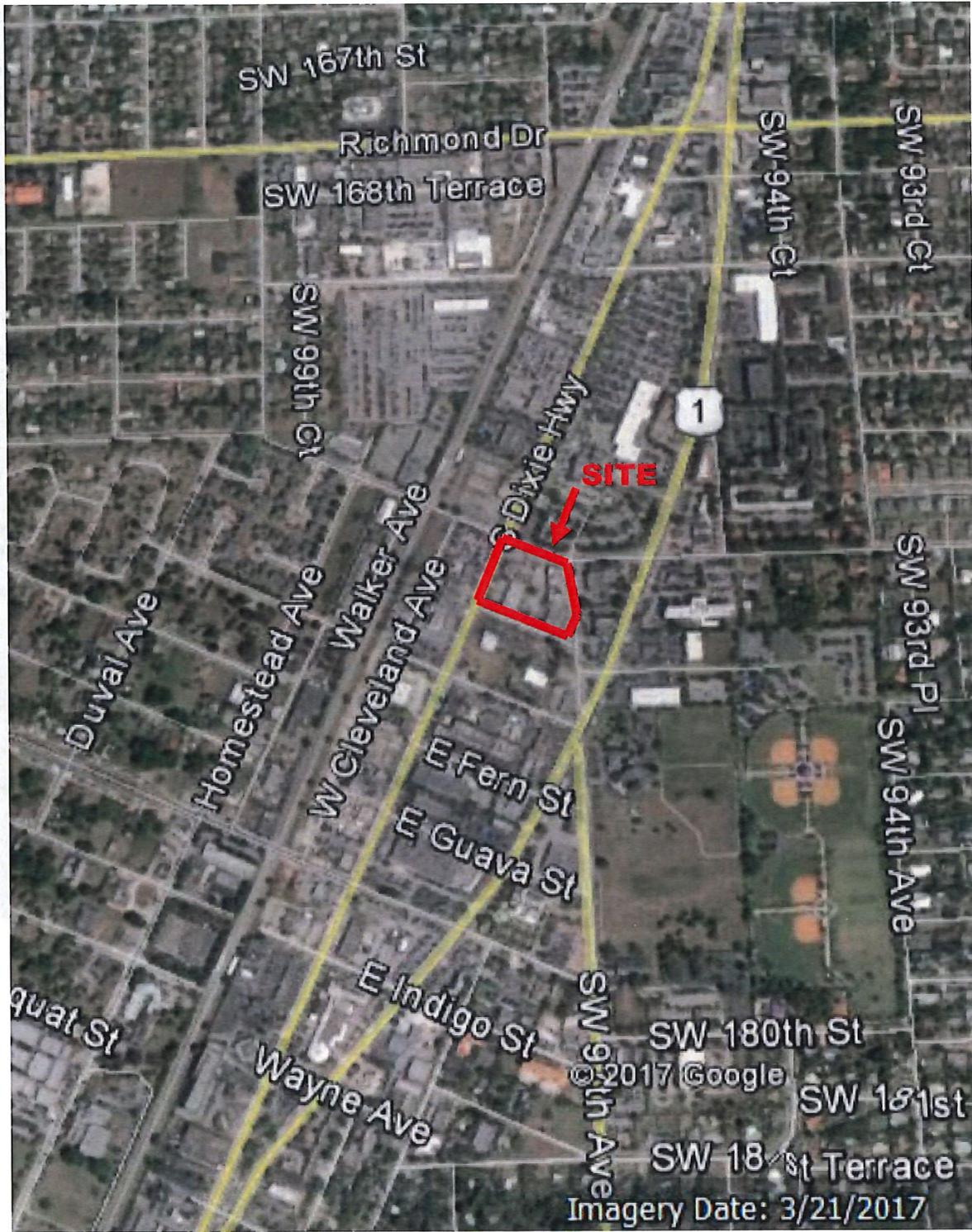
Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to the parts of this site plan that are for Automotive Use.

**The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.**

**ATTACHMENT II**  
**LOCATION**

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### GENERAL LOCATION



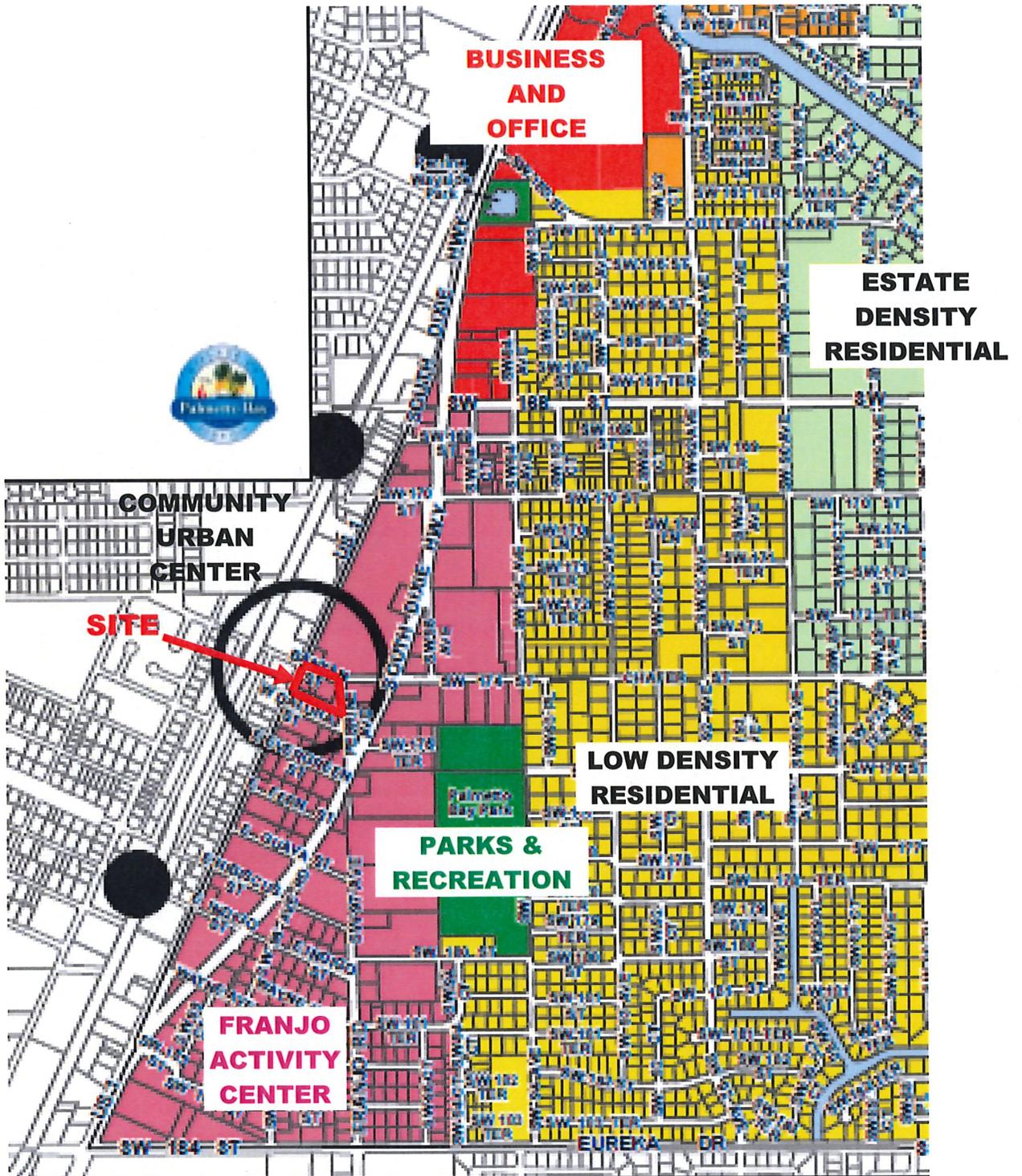
### DETAILED LOCATION



**ATTACHMENT III**  
**FUTURE LAND USE MAP**

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### ATTACHMENT III FUTURE LAND USE MAP EXCERPT

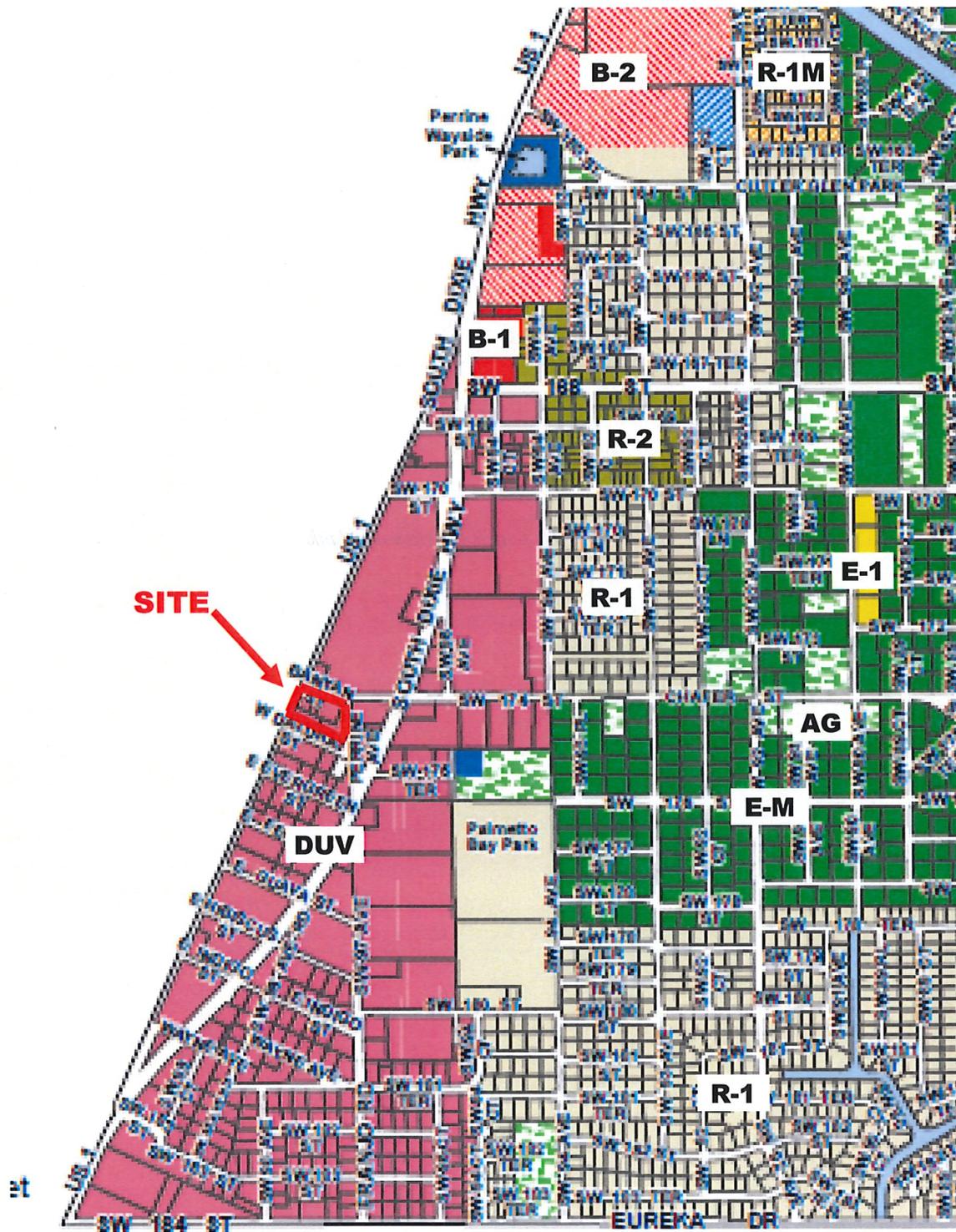


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**ATTACHMENT IV**  
**ZONING MAP**

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### ATTACHMENT IV ZONING MAP EXCERPT



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**ATTACHMENT V**  
**PUBLIC NOTICE:**

**ADVERTISEMENT**  
**MAILED POSTCARD**  
**POSTING**

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### PUBLISHED ADVERTISEMENT



## VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, February 12, 2018, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing items which may be of interest to your immediate neighborhood.

The following items are being considered pursuant to Division 30-80 of the Village's Land Development Code:

**Applicant:** South Dade Imports, LLC  
**Folio(s):** 33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530  
**File #:** VPB-16-017  
**Location:** 17400 SW 97<sup>th</sup> Avenue, 17414 SW 97<sup>th</sup> Avenue, 17405 South Dixie Highway, 17407 South Dixie Highway, 17409 South Dixie Highway, 17411 South Dixie Highway, 17413 South Dixie Highway  
**Zoned:** Downtown Urban Village (DUV)  
**Request:** A request for design considerations to allow for the construction of a three-story auto sales center with approximately 185,255 s.f. of sales and service facilities, and 6,004 s.f. of retail space at street level.

PLANS ARE ON FILE FOR THE ABOVE APPLICATIONS AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the **Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157**. Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

Advertisement published in Daily Business Review, January 12, 2018

## POST CARDS



**Village of Palmetto Bay**  
Department of Planning and Zoning  
9705 East Hibiscus Street  
Palmetto Bay, FL 33157

Post Card Front, mailed out to property owners with 1,500-ft. radius: mailed January 12, 2018

### VILLAGE OF PALMETTO BAY PUBLIC NOTICE

**APPLICANT:** SOUTH DADE IMPORTS, LLC

**LOCATION:** 17400 SW 97<sup>TH</sup> AVENUE, 17414 SW 97<sup>TH</sup> AVENUE, 9742 BANYAN STREET,  
17406 SOUTH DIXIE HIGHWAY, 17407 SOUTH DIXIE HIGHWAY, 17409 SOUTH DIXIE  
HIGHWAY, 17411 SOUTH DIXIE HIGHWAY, 17413 SOUTH DIXIE HIGHWAY

**REQUEST:** REQUEST FOR SITE PLAN REVIEW AND APPROVAL WITH DESIGN CONSIDERATIONS  
TO ALLOW FOR THE CONSTRUCTION OF A THREE-STORY AUTO SALES CENTER WITH  
APPROXIMATELY 185,255 S.F. OF SALES AND SERVICE FACILITIES, AND 6,004 S.F.  
OF RETAIL SPACE AT STREET LEVEL.

A PUBLIC HEARING WILL BE HELD MONDAY, FEBRUARY 12, 2018, AT 7:00 P.M. AT THE COUNCIL  
CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY,  
FL33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

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Affidavit Attesting to Providing Public Notice

STATE OF FLORIDA  
COUNTY OF MIAMI DADE

Graham Penn

Property Owner of Authorized Representatives Name(s)

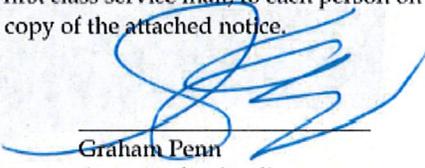
That I am the property owner or the authorized representative of the following described property:

Folio Number(s) (List All):

33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530,  
33-5032-004-2480

That on the 12<sup>th</sup> day of January, 2018, I sent by first class service mail, to each person on the list of names and addresses attached a true copy of the attached notice.

STATE OF FLORIDA  
COUNTY OF MIAMI DADE

  
\_\_\_\_\_  
Graham Penn  
Attorney for Applicant

The foregoing instrument was acknowledged before me on the 12<sup>th</sup> day of January, 2018 (date), by Graham Penn

Name of person acknowledging, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(type of identification)

Seal: \_\_\_\_\_



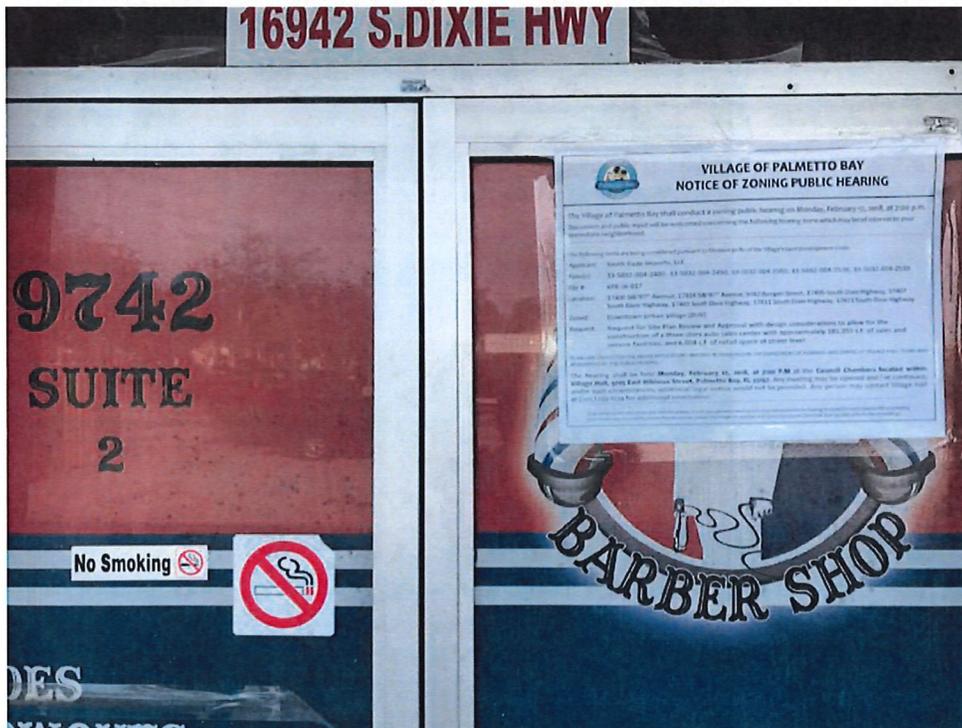


Applicant's affidavit for mailed notice

**POSTED ON SITE**  
**Franjo Road**



**POSTED ON SITE**  
**Banyan Street**



**POSTED ON SITE**  
**South Dixie Highway**



**POSTED ON SITE**  
**Datura Street**



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