



## Legislation Text

---

File #: 17-230, Version: 1

---

**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Director of Planning, Zoning and Building Department**  
**THROUGH: Chief Neal de Jesus, Interim City Manager**  
**DATE: March 1, 2017**

### ATLANTIC CROSSING WAIVERS (QUASI-JUDICIAL HEARING) (*ADDENDUM*)

#### **Recommended Action:**

1. Move approval of a waiver to LDR Section 5.3.1(D)(2), which requires a minimum right-of-way width of 60 feet for the new east/west road between NE 6<sup>th</sup> Avenue and NE 7<sup>th</sup> Avenue, based on positive findings with LDR Section 2.4.7(B)(5) with the condition that a public roadway easement be dedicated for the roadway.
2. Move approval of a waiver to LDR Section 6.1.3(B)(1)(f), which requires an 8-foot wide sidewalk where 6 feet is proposed along the north side of the new east/west road between NE 6<sup>th</sup> Avenue and NE 7<sup>th</sup> Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
3. Move approval of a waiver to LDR Section 4.4.13(F)(4), which requires minimum and maximum building setbacks for the buildings and frontage along the new east/west road between NE 6<sup>th</sup> Avenue and NE 7<sup>th</sup> Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
4. Move approval of a waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum wall transparency on the ground floor of 75% where 37.5% is proposed for the building on the south side of the new east/west road between NE 6<sup>th</sup> Avenue and NE 7<sup>th</sup> Avenue, based on positive findings with LDR Section 2.4.7(B)(5).

#### **Background:**

During the development review process, the City Commission requested that the applicant provide a two-way mid-block surface road that connects NE 6<sup>th</sup> Avenue to NE 7<sup>th</sup> Avenue that has a minimal impact on the layout of the buildings. The requested waivers will allow the inclusion of this surface road, while minimizing impact to the approved site plan.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

It is noted that a 10-foot wide arcade will be provided on the north elevation of Building III, which provides shelter to pedestrians from the elements. In order to meet the sidewalk requirements on the south side of the new east/west road, a perpetual public access easement for the sidewalk will be required in the arcade. This is a condition of approval of the roadway width waiver and will also be placed on the subsequent Class II site plan modification that will be considered by the Site Plan Review and Appearance Board.

Staff recommends approval of the requested waivers.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

Consideration of the waiver requests should be done prior to action on the settlement agreement.