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Margate Acquisition, LLC
5600 Lakeside Drive Conversion to Multifamily Use - Variances Justification Statement

Tabular Summary of Request

Code Section	Requirement	Proposed	Variance Request
40.705.I.2.b	For multiple-family dwellings developed after September 5, 2018, including additions to existing developments: A minimum of two (2) parking spaces for each dwelling unit of two (2) bedrooms or less. One (1) additional parking space is required for each additional bedroom. (174 units x 2 spaces per unit = 348 spaces, less 5% reduction for multi-family developments with 100 or more units = 331 spaces + 15% additional spaces for guest parking (50) = 381 spaces required)	250 spaces	131 spaces less than required
40.704.G.1	All sites of buildings or vehicular use areas, except single-family detached dwellings and duplex detached dwellings, shall provide a perimeter landscape strip not less than five (5) feet in width along parcel lines that do not directly abut a public right-of-way or residential property. Nonresidential developments which abut residential property shall provide the buffer requirements described in this Code. At the time both abutting properties are developed according to these standards, there will be a landscape strip of no less than ten (10) feet in width, both properties considered.	No perimeter landscape strip	0' perimeter landscape strip along southern property line and at a portion of the eastern property line

40.704.H.2	Interior islands. At least one (1) landscaped interior island shall be provided for every ten (10) parking spaces. Interior islands shall measure at least eleven (11) feet in width (including curbs) and eighteen (18) feet in length.	No interior parking islands	To not provide parking islands
40.308(D)1	No such building or structure shall be enlarged upon or altered in any way that increases a nonconformity. Such building or structure or portion thereof may be altered to decrease its nonconformity except as may be hereafter provided. Such nonconforming buildings or structures shall not be used as a basis for adding other buildings, structures or uses prohibited elsewhere in the same district.	Altering interior of existing building and parking areas to allow for proposed multifamily use	Altering interior of existing building and parking areas to allow for proposed multifamily use

Project Summary

Margate Acquisition, LLC ("Applicant"), owner of the parcel located at 5600 Lakeside Drive ("Property") in the City of Margate ("City"), hereby submits this request for variances to City Code ("Code") Sec. 40.705.I.2.b, 40.704.G.1, 40.704.H.2, and 40.308(D)1 ("Project"). The Property is a +/- 7.284-acre parcel generally located along Lakeside Drive east of N. State Road 7 and south of Coconut Creek Parkway and is further identified by Broward County folio number 484231060040. The Property is currently developed as an assisted living facility ("ALF"). The Property has a future land use designation of Activity Center on the City and Broward County Future Land Use Maps and a zoning designation of City Center ("CC") on the City's Zoning Map. Multi-family residential development is permitted as a special exception in the CC zoning district.

The Applicant is proposing to convert the existing, closed ALF community into 174-unit multifamily residential development consisting of 132 one-bedroom units and 42 two-bedroom units. There are 217 existing parking spaces on the Property. The proposed multifamily use requires 381 parking spaces per the Code. The Applicant is seeking a variance from that requirement to provide 250 spaces. The Code also requires a 5' perimeter landscape strip around the property line. When the Property was originally developed as an ALF, this perimeter landscape strip was not provided along all of the southern property line. As such, an additional variance will be needed from the perimeter landscape strip requirement for the proposed Project. Lastly, the Code requires a landscaped interior parking island for every ten (10) parking spaces. A variance will be needed from this requirement to not provide the interior parking islands, which will allow the Applicant to incorporate as many additional spaces as possible into the existing developed Property. City staff has advised that a variance will also be required from the nonconforming use and structures regulations as

part of the proposed development. The regulations require a building or structure to not be enlarged or altered in any way that increases a nonconformity.

The Applicant understands that approval of a special exception and site plan will also be required in order to bring the site up to Code, remove invasive plant species, and install new parking spaces to accomplish the proposed development plan. A site plan is included with this variance application which is intended to be conceptual in nature to identify potential locations for new parking which will be determined during the site plan and special exception application review process. The Applicant is seeking the variances, if approved, to be valid for 3 years to give the Applicant time to obtain site plan and special exception approval and construct the required work. Variances are needed as a first step for the Applicant to repurpose the closed ALF as a multi-family community which will help support the City's larger vision of redeveloping this area into a "City Center."

Board of Adjustment Criteria for Granting a Variance

Per Section Sec.40.323(E)(2) of the Code, the Board of Adjustment shall not grant a variance unless the following criteria are met. Each of the criteria are listed below with Applicant's justification below each in **bold**.

- a. It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.

Response: The Property was originally developed as an ALF, which has a significantly lower parking requirement than multifamily use. Moreover, the Property is landlocked on all sides creating a special condition which frustrates Applicant's ability to add sufficient parking and required landscaping. The facts the ALF was developed with a limited amount of parking and that the Property is landlocked constitute hardships and create practical difficult in the use of the Property. The ALF has been struggling with low occupancy and recently closed. The Applicant is the owner of the Property and is proposing to convert the Property to multifamily residential use. Literal enforcement of the City's current Code would require for the existing ALF building to be demolished in order to create a site plan that can meet Code requirements for multifamily use. The proposed variances and conversion of the Property would allow for the existing structure to remain on the Property and be enhanced for multifamily residential use. Converting the ALF to multifamily residential would transform the struggling use to additional housing in the City. The Applicant will incorporate as much additional parking as possible on the Property while maintaining the minimal amount of variances required to accommodate multifamily residential use on the Property. The variances to not provide perimeter landscaping and interior parking islands will allow the Applicant to add more parking spaces than would otherwise be possible if the islands were required. Relative to the nonconforming use and structure regulations, Applicant is not proposing enlarging of the existing building and is proposing to add as much parking as possible which would decrease the nonconformity relative to the parking regulations. In order to incorporate as much parking as possible, variances are being requested from the perimeter landscape strip and interior parking island requirements, which increase the nonconformity of those regulations. Notwithstanding

these variance requests, Applicant during the site plan/special exception process will incorporate as much parking and landscaping as possible.

- b. Owner's preference or economic disadvantage does not constitute a hardship. A self-created hardship does not constitute grounds for a variance.

Response: There is insufficient space on the Property to allow for code compliant parking, perimeter landscaping, and landscape islands. The proposed variances will allow for the conversion of previously underutilized and underoccupied ALF building into a multifamily residential development on the Property. The requested variances are not a self-imposed hardship, as the existing conditions of the site and structures are pre-existing. The Applicant is proposing to incorporate as many additional parking spaces as possible on the Property; however, variances from the parking requirement, perimeter landscape strip, and interior parking island regulations are required in order to accomplish the development plan. A parking study has been completed and is provided with this variance application which confirms that the amount of proposed parking is sufficient for the proposed multifamily residential use.

- c. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands structures or buildings in other districts shall be considered grounds for a variance.

Response: Neither nonconforming uses nearby nor permitted uses elsewhere in the City form the basis for these variance requests. The proposed conversion is consistent with the surrounding area, and multifamily residential use is permitted by special exception in the CC zoning district. There are existing multifamily residential developments to the north (Arium) and south (Viewpointe Condominium) of the Property. The Applicant understands that multifamily residential use requires a higher parking count than provided by the ALF and understands they will need to submit a site plan application which expands the parking to an amount sufficient for the proposed use, as indicated in the parking study provided with this application, and also adapts to the existing site condition and constraints.

- d. It shall be demonstrated that special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other land or structures located in the same district.

Response: The Property has an existing, closed ALF on site and is landlocked on all sides. This is peculiar to this Property. Applicant is proposing to add as many parking spaces as possible while minimizing the effect on the existing building and other Code requirements associated with the Property. A parking study is provided with this variance application which confirms that the amount of proposed parking is sufficient for the conversion to multifamily residential use. Parking will be maintained and managed by building management. In regard to the perimeter landscape strip, there is existing landscaping within the Property along the north, west, and the majority of the eastern property line. The variance request is mainly applicable along the southern property line; however, there is a canal with existing green space located between the Property and the residential development to the south, which provides the

intended buffer between properties. An additional 5' perimeter landscape strip along the southern property line is not necessary in this area to provide a buffer between properties. Additionally, existing parking spaces along the southern property line would need to be removed, and many new proposed spaces would not be possible in this area if a 5' landscape strip were required. The Property is also adjacent to a lake to the east and providing an additional 5' perimeter landscape strip along the entire eastern property line is not necessary in this area to provide a buffer between properties. Regarding the variance to not require interior parking islands, as much space as possible is needed on the Property to incorporate additional parking spaces. Providing interior parking islands every ten (10) spaces as required by Code would lessen the amount of parking that can be added to the Property. The variances requests relative to the perimeter landscape strip, interior parking island requirements, and nonconforming regulations are necessary in order for the Applicant to incorporate additional parking into the site. Applicant will provide as much perimeter landscaping and interior parking islands as possible during the site plan/special exception review process.

- e. The Board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances, is the minimum variance possible to make reasonable use of the land or structure, and shall not constitute that granting of a special privilege. In granting a variance, the Board may prescribe appropriate safeguards and conditions in conformity with the intent of the Code.

Response: Granting the variances will support the public interest by reactivating a closed ALF with a new, vibrant multi-family community which will support the City Center. The variances are the absolute minimum necessary to give the Applicant a realistic chance of converting the Property. The Applicant will incorporate as much additional parking as possible on the Property while adapting to the existing site condition and constraints and maintaining the minimal amount of variances required to accommodate multifamily residential use on the Property. As mentioned above, converting the ALF to multifamily residential would transform the struggling and underoccupied ALF into an additional housing opportunity in the City that would also provide higher property tax revenue. The requested variances and associated conversion of the property would be a benefit to the City and provide additional housing opportunities located nearby the City's proposed City Center area. The Applicant has included a parking study with the application which confirms that providing 250 parking spaces "...will be more than adequate to accommodate the proposed development".

- f. In granting any variance, the Board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.

Response: Applicant Acknowledges that the Board of Adjustment will record the circumstances and conditions associated with the variance request in the minutes of the meeting regarding the variance application.