

**PETITIONER:** Jeremy Anderson, Hanlex Civil, LLC, agent for Dollar General

**HEARING NO.:** BA-18-2015

**SECTION OF CODE:** Section 9.7

**ZONING:** TOC-C Corridor District

Code requires a minimum build out of 70% of primary road frontage for properties in the TOC-C Corridor zoning district upon development or redevelopment. Petitioner is requesting permission to build a new retail development within the TOC-C Corridor zoning district that occupies approximately 38% of its primary road frontage.

The petitioner submitted a site plan application to the Margate Development Review Committee (DRC) that was reviewed on July 28, 2015. At that meeting, the DRC recommended denial of the project. The petitioner resubmitted to DRC and the site plan was re-reviewed on September 8, 2015. A third site plan application was submitted for review on October 27, 2015. Initial designs of this site plan consisted of a single retail building which provided a minimal 20% frontage build-out with unsatisfactory parking lot and drainage designs.

One of the biggest challenges of developing this site is working with the size and shape of the property. There is a 35 foot wide platted roadway easement lying adjacent to State Road 7, a 20 foot wide platted alley lying along the eastern property line, and a 10 foot wide platted utility easement lying on the western side of the platted alley. The platted easements leave a narrow, linear shaped property to be developed. The applicant has submitted several different designs in an attempt to satisfy his client's design criteria, the City's form based code requirements, parking and landscaping requirements, and onsite water retention requirements. The physical constraints of the property make it unfeasible to achieve all requirements at once.

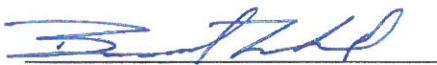
The current site plan design submitted with this variance application includes a second phase of development to take place on the property in the future. This site plan features a dry retention pond that has been reduced in size from previous submissions due to the addition of underground water storage infrastructure. Both phases of development feature a central parking area to be shared by both users of the site. The addition of Phase II brings the total frontage build-out up from an initial 20% (Phase I), to roughly 38% (both phases considered). Furthermore, the applicant is providing ingress/egress to the property from State Road 7 that will be shared by any future development to the south. A cross access agreement will be put in place which will eliminate the need for additional curb cuts in the future.

Staff finds that the applicant increased the intensity of the proposed development of this property to a point that is both meeting the design challenges of this site and satisfying the intent of the Zoning Code. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied, and could render the property undevelopable. **Staff recommends approval of this variance; subject to the condition that underground utility infrastructure is provided and stubbed out to the Phase II pad reserved for future development, and that a cross access agreement be provided for the property located to the south of the subject property.**

**RECOMMENDATION:** APPROVE

**APPROVE WITH  
CONDITIONS**

DENY

  
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Director of Economic Development.

26 OCT 15  
Date