



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday November 3, 2015

7:00 PM

City of Margate
Municipal Building

PRESENT:

Casey Ahlbum, Chair
Edward DeCristofaro, Vice Chair
Frederick Schweitzer, Secretary

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development
Andrew Pinney, Associate Planner
Jeremy Anderson, Hanlex
Kathy Hattaway, HCI Planning

ABSENT:

Ruben Rivadeneira, excused
Sydney King, excused

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Casey Ahlbum **at 7:00 p.m. on Tuesday, November 3, 2015**. The Pledge of Allegiance followed. A roll call of the Board members was taken. There were no communications.

- 1) APPROVAL OF THE MINUTES FROM THE OCTOBER 6, 2015, BOARD OF ADJUSTMENT MEETING

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: SO MOVE TO APPROVE THE MINUTES AS WRITTEN.

ROLL CALL: Mr. Rivadeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Absent; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 3-0 vote.

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

Economic Development Department

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MOTION: TO BRING OFF THE TABLE THE ITEM FROM THE LAST BOARD OF ADJUSTMENT MEETING

2) **NEW BUSINESS**

Mr. Schweitzer read the item title.

- 2A) **BA-18-2015** – PERMISSION TO BUILD A NEW RETAIL DEVELOPMENT AT THE SOUTHEAST CORNER OF STATE ROAD 7 AND S.W. 7TH STREET THAT OCCUPIES 38% OF ITS PRIMARY ROAD FRONTAGE AND IS LOCATED WITHIN THE TOC-C CORRIDOR ZONING DISTRICT. CODE REQUIRES A MINIMUM BUILD-OUT OF 70% OF PRIMARY ROAD FRONTAGE FOR PROPERTY IN THE TOC-C CORRIDOR ZONING DISTRICT UPON DEVELOPMENT OR REDEVELOPMENT. PETITIONER IS HANLEX MARGATE, LLC FOR DOLLAR GENERAL.

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: TO ACCEPT FOR DISCUSSION

Andrew Pinney advised the applicable section of the Code pertinent to the variance was 9.7(H) which defined the frontage as the front property line occupied by the front of the building and it stated that the minimum for the TOC Corridor was 70% frontage build out. He showed an aerial view of the subject property. He showed another slide which had the property survey and he pointed out some of its distinctive features. He noted there was a 35 foot road easement off the front of the property line that could not be utilized. In addition, he noted there was a 20 foot platted alleyway at the rear of the property and adjacent to the west to that was a 10 foot utility easement. The remaining developable property was a narrow strip of land he said. Mr. Pinney advised that the applicant had been before the Development Review Committee (DRC) three times and he explained the evolution of their site plan. He showed slides of the site plans they had submitted for the July 28, 2015, September 8, 2015, and October 27, 2015 DRC meetings; he explained the design features, challenges, and staff findings for each. He advised that they received approval at the October 27th DRC meeting with two conditions. He explained that the last submission featured noticeable improvements including the addition of a phase two building, a reduction of onsite stormwater retention, and the addition of underground storage infrastructure for the water. He said they had invested more capital and had made good efforts to reduce the size of the lake and to add building intensity along State Road 7.

Mr. Pinney reviewed the staff findings and advised that staff recommended approval subject to two conditions: the phase two building pad must have the underground utility infrastructure and stub outs in place prior to issuance of the Certificate of Occupancy for the Dollar General development; and, the property must execute a cross

access agreement with the property to the south so they could share access onto State Road 7 and would be in line with the TOC redevelopment vision of the City.

All those wishing to speak on the item were duly sworn.

Jeremy Anderson, Hanlex Margate, introduced Kathy Hattaway, planner, and Jason Bullard, civil engineer and he proceeded with a short PowerPoint presentation. Mr. Anderson explained that the property has been vacant since at least 1945. He spoke about the history of the project and he showed the plan they had presented at a pre-application meeting in March, 2015. He said at the time of the pre-application, there had been three variances identified: 70% frontage; too much parking in the front zone adjacent to State Road 7; front door faced the drive customer versus the pedestrian customer. He said that by the end of June, they had reduced the variances from three to two: 70% frontage and the parking. Staff had expressed concerns about the dead end parking and the use of the alleyway. He said when they resubmitted in August, only one variance was still required.

He gave an overview of their presentation and said they would speak about how they met the Transit Oriented Corridor (TOC) guidelines and they would also describe the hardships that led to the variance requirements.

Kathy Hattaway, HCI Planning, said they reviewed the 18 goals of the TOC and broke them into three objectives:

- 1) To create a pedestrian oriented development by orientating the building to the street, creating a welcoming and safe pedestrian zone, and establishing proximity to the nearby residential uses. To accomplish this, she said they pushed the building up to the northwest corner and reoriented the entrance so it opened to a 15 foot public sidewalk. The pedestrian path would have canopy trees, flowering shrubs and benches thereby creating a safe, welcoming environment for the pedestrians. Phase one would directly provide services to the residents.
- 2) To reduce vehicular dependence and its impact on SR 7. She said the site was located within 400 feet of an existing transit stop. She said the site had access from the rear alleyway on the east side of the property and would also create a joint access on the south side of the property for future development to the south. She pointed out that the site was within a quarter-mile walking distance of approximately 1,800 residential units.
- 3) To create an urban form and mix of uses and development intensity that was appropriate for this corridor. She said the building façade was designed to integrate and interact with the pedestrian space in front of it as was found in urban environments. She noted that the site would accommodate multiple uses. She said they proposed two phases: phase one Dollar General; and, future phase two with a different use. She said the enhanced landscaping and the urban greenway would create a physically cohesive environment.

Ms. Hattaway said that in order to achieve the development goals and intent of the Corridor, they worked with our planning staff to refine their development design and they now needed one variance to accomplish the development.

Mr. Anderson spoke about the initial variance plan that had been submitted and how they had numerous meetings with City and County staff to explore various options. He spoke about how they met with Broward County to discuss stormwater design alternatives, one of which was to use underground vaults to store water under the parking areas. He said that Broward County advised that the underground option could be done and they [Hanlex] determined that they could design it and make it work economically. He said that they then looked at a building footprint that would support that infrastructure and they developed the plan for phase two. He spoke about the phase two plan which carved out a separate plot of land from phase one and increased their building frontage to a combined 38% plus. He said the plan required approximately 40 cubic feet of underground stormwater in phase two. He said phase two would also include a 4,000 +/- square foot commercial building. Mr. Anderson clarified that during phase one they would construct the phase one building that had 35% frontage, construct the improvements for the phase two building pad and the supplemental exfiltration system, make the phase two utility connections and stub out the phase two plot area, and record cross access easements for the south property line. He said they would also be putting in a right turn lane. Mr. Anderson showed renderings of phase one.

Mr. Anderson spoke about phase two noting the common driveways and point of entry, and that the front doors of both phases would face the pedestrians. He said there would be a common master stormwater pond with underground storm infrastructure, as well as an urban greenway. He noted that the project would be a mixed use development. She showed a rendering of phase two which included both buildings.

Ms. Hattaway discussed seven hardship criteria that they addressed. She said the variance they were seeking was for article 9, section 9.7(H) to reduce the required primary frontage of the building from 70% to 35% in phase one to 38% in the combined phase one and phase two. She said the justification for the request was the shallowness and orientation of the lot. She showed slides that depicted the constraints on the lot due to the easements which resulted in a depth of the buildable area on the site to 128.5 feet. She said the majority of the lots along the 441 corridor had depths of greater than 200 feet, but there were some immediately north and south of Atlantic Boulevard that had depths of between 130 to 180 feet in depth. She said that their review of the shallow sites showed that none of them had development that met the current criteria of the corridor. Secondly, she pointed out that the site was not self-created and that it was part of a larger tract that was platted in 1973. The third criterion was that no special privilege would be applied and, as such, she said they looked at other shallow sites along the State Road 7 corridor and found that none of them met the present development standards. She said it was not possible to meet all

the Code requirements for the design standards of the Corridor as well as to meet the infrastructure requirements at the same time. She said the fourth criterion, deprivation of rights, required 70% coverage which she pointed out on a slide would be impossible to meet along with all the other parking and infrastructure requirements on the site. She said they were seeking the minimum possible variance in order to have usable use on the site, in response to criterion five. Criterion six asked whether it met the intent and purpose of the Code and she explained that it would allow for the development of a retail use that was a permitted use within the zoning district. Additionally, she said it would allow for economic development of this site that had been vacant for a long time. She said the cross access would facilitate future development for the southern portion of tract B. The enhanced urban greenway landscaping would screen the onsite infrastructure and create a visual experience for pedestrians. She said criterion seven asked whether the use was consistent with the Code; she said it was a permitted use in the TOC-C zoning district. Ms. Hattaway said that Dollar General's business model called for brief shopping trips of 15 minutes or less on average. She said Dollar General was the largest discount retailer in the United States with over 11,500 stores, and they were among the largest retailers of American made products in the United States.

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: SO MOVE TO APPROVE WITH RECOMMENDATIONS MADE BY STAFF

ROLL CALL: Mr. Rivadeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Absent; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 3-0 vote.

3) **GENERAL DISCUSSION**

There was no further discussion.

There being no further business, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Mr. Casey Ahlbum
Chair

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES, Engineer, Building Official, Board of Adjustment, Petitioner(s).