

**June 7, 2016 Board of Adjustment
Staff Recommendations**

PETITIONER: Jay Huebner, HSQ Group, agent for HTG Arbor View, LLC

LOCATION: Northeast corner of Northwest 31st Street and State Road 7

ZONING: TOC-G Gateway

INTRODUCTION

The subject property is the vacant 2.5 acre parcel of land located at the northeast corner of Northwest 31st Street and State Road 7. Abutting this site to the north is a nature preserve area, to the east is the townhouse community known as Merrick Preserve, to the south is NW 31st St, and to the west is State Road 7. The proposed Arbor View development is a 6-story apartment building, to be used for senior housing.

HEARING NO.: BA-17-2016

SECTION OF CODE: Section 9.12(E)

Code requires a minimum of 1.5 parking spaces per dwelling unit, plus one space for every 10 dwelling units for guest parking in TOC districts. Petitioner is requesting permission to provide 127 parking spaces for a 100 unit apartment building.

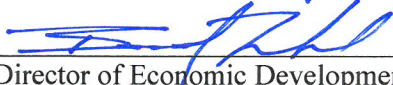
The proposed development consists of a six-story, 100-unit, senior housing apartment building. The developer has chosen senior housing in order to utilize tax increment financing for the project. In order to secure the financing, the developer will execute a 50-year restrictive covenant which limits the use of the property to senior housing. The developer has submitted a parking study prepared by Tinter Traffic, LLC which describes the proposed development and provides an analysis supporting a reduction in parking. The focal point of the analysis is hinged on the fact that this development will be age restricted for seniors, rather than a typical development open to all ages. The reduction of parking allows the developer to provide onsite amenities for the residents such as a swimming pool, shuffle board courts, dog park, exercise path.

Staff concurs with the findings presented in the parking study by Tinter Traffic, LLC and finds that a practical hardship exists. 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. **Staff recommends approval of this variance.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

6/6/16

Date

HEARING NO.: BA-18-2016

SECTION OF CODE: 9.7(H)

Code requires new development in the TOC-Gateway district to provide a minimum primary frontage build-out of 70%. Petitioner is requesting permission to build a 100 unit apartment building that will occupy 42% of primary frontage.

The subject property of this variance is the vacant 2.5 acre parcel located at the southeast corner of NW 31st Street and State Road 7. This property has a unique shape which masses a majority of the buildable land near the intersection of these roads, and then extends a narrow “pan handle” north and parallel to State Road 7. This narrow pan handle of the property adds to the total street frontage, but it is too narrow build and support a primary structure. If the pan handle portion of the property was removed from the frontage calculation, the proposed senior apartment building would occupy approximately 74% of the street frontage.

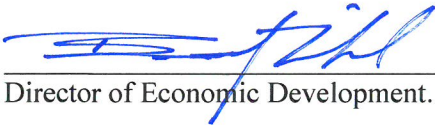
Staff finds a practical hardship exists due to the unique shape of the property. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of this variance.**

RECOMMENDATION:

APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

6/6/16

Date

HEARING NO.: BA-19-2016

SECTION OF CODE: 23-6(B)(2)

Code requires new development within the TOC to provide a 15 foot wide urban greenway, consisting of an 8 foot wide landscape buffer and a 7 foot paved sidewalk, along local streets adjacent to the development site. Petitioner is requesting permission to provide a 7 foot sidewalk without the required landscape buffer.

The site plan for this proposed development shows the apartment building appropriately located along the established Build-to-lines for this property. Just outside the building is are some decorative landscaping for the building foundation, and then a meandering path for residents, followed by a clear lawn area, and all enclosed by a decorative fence. Outside of the fence, the developer is proposing to demolish the existing 5 foot wide public sidewalk, and pour a new 7 foot sidewalk adjacent to NW 31st Street. Ideally, there would also be an 8 foot wide landscape buffer lying between the new 7 foot wide sidewalk and the travel lanes of NW 31st Street.

The subject property of this variance has a 12 foot wide utility easement located along the property lines adjacent to roadways. The portion of this easement running along NW 31st Street has existing overhead utility lines. The existing utility poles are currently shown in the lawn area between the

decorative fence and meandering sidewalk for residents. If the new 7 foot wide walk switched places with the proposed lawn area, the existing utility poles would create obstructions in the middle the new sidewalk.

Staff finds a practical hardship exists due to the utility easements with pre-existing overhead utility infrastructure. 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. **Staff recommends approval of this variance.**

RECOMMENDATION:

APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

6/6/16
Date