



Strategic management of land development design, entitlements and permitting.

## NUVO MARGATE SELF-STORAGE/RETAIL

750 SOUTH STATE ROAD 7, MARGATE, FLORIDA

### APPLICATION FOR VARIANCE TO MINIMUM FRONTAGE BUILDOUT

#### JUSTIFICATION STATEMENT

AUGUST 4, 2016

#### REQUEST SUMMARY

IP Nuvo Margate Properties, LLC (the "Applicant"), is hereby requesting approval from the City of Margate (the "City") of a variance from Section 9.7(H) of the City's Land Development Regulations to allow for a development project with a frontage build-out of 49.3% to be located on a 2.80-acre property located at the northeast corner of the intersection of State Road 7 (SR7) and SW 8<sup>th</sup> Court (the "Property").

#### COMPANION APPLICATIONS

The Applicant has submitted development applications to the City for (1) Site Plan approval by the Development Review Committee to allow for a new development project containing a fully-enclosed self-storage facility and a retail building (the "Project") on the Property; and (2) a Special Exception approval by the City Commission of the self-storage facility within the Transit Oriented Corridor – Corridor (TOC-C) District. Said applications are currently under review by the City.

#### SUBJECT VARIANCE REQUEST

Section 9.7(H) of the City's Land Development Regulations entitled "Frontage build-out" contains a provision that requires all projects within the TOC-C and TOC-G districts to have a minimum frontage build-out of 70%. Frontage build-out is defined as "the minimum percentage of the length of the frontage coverage zone that shall be occupied by the front facades(s) of the primary building(s)".

The Applicant is proposing a frontage build-out of 49.3% within the Project. The Applicant has made every attempt possible to satisfy the minimum 70% requirement and feels that the proposed 49.3% is a respectable proposal given the unique nature of the site which is that the Property is very wide along the street frontage and very shallow in depth. Accordingly, required site improvements such as retention, parking, etc., cannot be placed behind the buildings (in which case the frontage build-out could be increased) since there is no room due to the shallow configuration of the Property. This condition is not applicable to more "square" parcels where the width/frontage of the property is closer in dimension to the depth of the parcel in which case non-building improvements such as parking and retention can be placed away from the street frontage thereby providing better opportunities to increase the frontage build-out.

### COMPLIANCE WITH VARIANCE STANDARDS

The City's Land Development Regulations contain the following standards that are to be considered when granting a variance. The Applicant's demonstration of compliance with said standards are also contained below in *italics* typeface.

1. That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning district.

*Demonstration of Compliance: The special conditions that exist are that the Property is very wide (680 feet wide) along the street frontage and shallow (210 feet deep) in depth. Accordingly required site improvements such as retention, parking, etc., cannot be placed behind the buildings (in which case the frontage build-out could be increased) since there is no room due to the shallow configuration of the Property. This condition is not applicable to more "square" parcels where the width/frontage of the property is closer in dimension to the depth of the parcel in which case non-building improvements such as parking and retention can be placed away from the street frontage thereby providing better opportunities to increase the frontage build-out.*

*It should be noted that the Dollar General project that is immediately adjacent to the Property which was recently approved by the City has a very similar parcel configuration as the Property, and said development plan provided approximately 34.4% of frontage build-out. The Applicant is proposing 49.3% of frontage build-out on the Property.*

2. That the special conditions and/or circumstances do not result from actions of the applicant.

*Demonstration of Compliance: The special conditions noted above were created when the Property was platted and, thus, do not result from actions of the Applicant.*

3. That granting a variance will not confer a special privilege that is denied by the Code to other lands, buildings or structures in the same zoning district.

*Demonstration of Compliance: The granting of the variance will not confer a special privilege on the Applicant since the variance is being requested due to the odd shape of the Property. Another property owner with a similarly-configured parcel would, in the opinion of the Applicant, have the same justification and basis to request a variance as was the case for the aforementioned Dollar General project.*

4. That a literal interpretation of the regulations of the Code would deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of the Code and would cause unnecessary and undue hardship on the applicant.

*Demonstration of Compliance: The literal interpretation of the Code would require the Applicant to create very long and shallow buildings which would not be functional and which would cause unnecessary and undue hardship on the Applicant.*

5. That the variance being granted is the minimum variance that will make possible the reasonable use of land, buildings or structures.

Demonstration of Compliance: *The variance being granted is the minimum that will allow functional buildings to be placed on the Property along with the required parking and stormwater management areas.*

6. That the approval of the variance will be harmonious with the general intent and purpose of this chapter and that such variance will not degrade the area involved or be detrimental to public welfare.

Demonstration of Compliance: *The variance will be harmonious with the general intent and purpose of the Land Development Regulations as the Applicant is still providing a substantial frontage build-out of 49.3% thereby meeting the intent of the TOC-C district but cannot provide more due to the odd shape of the parcel.*

7. That the variance does not serve to permit a use not permitted in the zoning district involved.

Demonstration of Compliance: *The variance would not permit a use not permitted in the TOC-C District.*

8. Conditions and safeguards may be prescribed with the approval of the variance, the violation of which would be in violation of the Code. If necessary, a timeline may be established during which a variance may begin and shall be completed.

Demonstration of Compliance: *Standard noted.*

#### CLOSING

The Applicant respectfully requests the City consideration and approval of the subject application and looks forward to working with the City on bringing a first class development to the City.