



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, July 5, 2016

7:01 PM

City of Margate
Municipal Building

PRESENT:

Edward DeCristofaro, Chair
Paul Barasch, Vice Chair
Frederick Schweitzer, Secretary
Ruben Rivadeneira
Chad Dangervil

ALSO PRESENT:

Andrew Pinney, Associate Planner
Jay Huebner, HSQ Group, Inc.
Jake Zunamon, Housing Trust Group, LLC
Nectaria Chakas, Lochrie & Chakas, P.A.
Alan Tinter, Tinter Traffic, LLC

ABSENT:

Benjamin J. Ziskal, AICP, CECd, Director of Economic Development

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Edward DeCristofaro at 7:01 p.m. on Tuesday, July 5, 2016. The Pledge of Allegiance was recited followed by a roll call of the Board members. There were no communications.

- 1) APPROVAL OF THE MINUTES FROM THE JUNE 7, 2016 BOARD OF ADJUSTMENT MEETING

Andrew Pinney advised of one correction to the minutes, i.e, the deletion of Steven Wherry's name under the "Also Present" section.

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

MOTION: SO MOVE TO APPROVE WITH THE NOTED CORRECTION

ROLL CALL: Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

Economic Development Department

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2) NEW BUSINESS**2A) BA-17-16: VARIANCE REQUEST TO ALLOW 127 PARKING STALLS INSTEAD OF 160 STALLS FOR SENIOR HOUSING DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF N.W. 31ST STREET AND NORTH STATE ROAD 7**

Andrew Pinney explained that the items on this agenda were tabled last month due to information provided to the applicant by Florida Power and Light (FPL) which necessitated changes to the site plan. He said there would be two slight changes to the recommendation for items BA-17-16 and BA-19-16.

He led with a PowerPoint presentation and showed an aerial of the property followed by slides of the site plans with and without the building placement. He explained that the proposed development was for a 100-unit, six-story apartment building for seniors. He pointed out that the proposed building was on the build-to line on State Road 7 with parking in the rear and ground amenities to the north and east, including a swimming pool, shuffleboard courts, and a dog park.

Mr. Pinney explained that the first variance was for a parking calculation. He said the Code called for 1.6 parking spaces per unit so a development of the size being proposed would require 160 spaces. He referenced a parking study that was done by Tinter Traffic which pointed out a section of Margate's Code for areas outside the Transit Oriented Corridor (TOC) that allowed for deed restricted properties for persons aged 62 and older to use a reduced parking rate. He said if that section was applied to the proposed development, the Code would require only 120 parking spaces. He referenced the meeting back-up and the Staff Recommendation which indicated that the variance was for 127 parking spaces. He said one of the changes brought about by discussions with FPL reduced the requested amount down from 127 to 125 spaces. He explained that the 12-foot wide utility easement on the south side of the property had two existing poles with overhead lines. FPL had a minimum spacing requirement from the poles to the building so the applicant had to move the building north to accommodate the clear space which resulted in the loss of two spaces bringing the request to 125 spaces.

Mr. Pinney said the Staff Findings on this variance were as follows: the long term use of the property which he noted required the recording of a 50-year restrictive covenant due to the funding being used so that only persons 55 years and older could reside there; Staff was in agreement with the parking study submitted; and, Staff found 125 parking spaces to be sufficient based on the use of the property and comparable Code requirements. He said Staff recommended approval of 125 spaces for the development.

Mr. Barasch asked whether 80 percent or 100 percent of the residents had to be 55 years or older. Mr. Pinney responded that 100 percent of the renters had to be 55 years or older.

Jake Zunamon explained that they had other properties that required 80 percent of the residents be 55 years or older but this property would be 100 percent for 55 years or older.

Mr. DeCristofaro asked if all occupants had to be 55 years or older. Mr. Zunamon responded that the main tenant had to be 55 years or older.

Mr. Schweitzer made the following motion seconded by Mr. Rivadeneira:

MOTION: TO APPROVE FOR 125 PARKING SPACES

ROLL CALL: Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

- 2B) **BA-18-16:** VARIANCE REQUEST FOR PERMISSION TO REDUCE THE BUILDING FRONTAGE ON STATE ROAD 7 FROM THE REQUIRED MINIMUM OF 70% TO 42% FOR THE ARBOR VIEW PROPERTY LOCATED AT THE NORTHEAST CORNER OF N.W. 31ST STREET AND NORTH STATE ROAD 7

Andrew Pinney advised that section 9.7(H) of the Code required that at least 70 percent of the front property line must be occupied by building for new developments in the Transit Oriented Corridor (TOC). He referenced the site plan in the PowerPoint presentation and pointed out the panhandle shaped section on the north end of the property, noting that it would be a key factor in the decision. He showed another view of the site plan with the building highlighted and noted that the property line along State Road 7 was 576 feet long and the building was only 244 feet long or 42 percent. He noted that the north end of the property, or panhandle, was very narrow. He said if the panhandle area was not considered, the building would occupy 74 percent of the frontage of the buildable area.

He said Staff Findings on this variance were as follows: the irregular shape of the property with the panhandle made that portion of the property too narrow to build on; and, the intent of the Code was met when focusing on the buildable area only. He said Staff recommended approval.

Mr. Schweitzer commented that the problems with this property had been discussed previously when Race Trac wanted to develop it. Mr. Pinney said that the present applicant had done a much better job of identifying the build-to line and occupying the main frontage, plus they were putting the area to use with some amenities.

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

MOTON: TO APPROVE

ROLL CALL: Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

- 2C) **BA-19-16:** VARIANCE REQUEST FOR PERMISSION TO MODIFY THE LOCATION OF THE EIGHT (8) FOOT LANDSCAPE STRIP ON N.W. 31ST STREET FOR THE PROPOSED ARBOR VIEW DEVELOPMENT AT THE NORTHEAST CORNER OF N.W. 31ST STREET AND NORTH STATE ROAD 7

Andrew Pinney gave a PowerPoint presentation and showed the verbiage from section 23-6(B)(2) of the Code which he said basically read that an eight-foot wide landscape buffer between the street and sidewalk must be provided when an urban greenway was required. He

referenced the site plan and pointed out the south property line on N.W. 31st Street. He showed a diagram from the Code that provided a section view of an urban greenway based on the type of roadway. He pointed out the requirement for a local road which showed a tree planted between the sidewalk and the road. He showed another diagram from the Code of an overhead view that showed the street, landscape buffer and the sidewalk.

He explained that a change had been made to this item due to discussions with Florida Power and Light (FPL). He said because the power poles had the Clear Zone requirement, it pushed the property further north which gave the Applicant a little more room to work. Mr. Pinney showed a diagram of the Applicant's original proposal which he said met with Staff's approval; however, Staff presented them with another idea which was to have the sidewalk meander around the two existing utility lines and to provide street trees in between. He said one variable that remained was whether there was a minimum Clear Zone between the sidewalk and the FPL poles. He said this was the general concept and there might be a slight deviation by the time it got Site Plan approval.

He said Staff Findings were: the existing 12-foot utility easement they had to work with; and, the two existing overhead utility poles on the property line. He said Staff recommended approval with the conditions that the sidewalk meandered around the two existing utility poles and that street trees were provided wherever possible.

Mr. Schweitzer asked whether the petitioner had any objections to the City's proposal.

Jay Huebner, HSQ Group, said that they had no objections and they had been working with FPL and Mr. Pinney to arrive at a solution. He said they would provide as much green space as possible.

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

MOTION: TO APPROVE

ROLL CALL: Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Andrew Pinney explained that the Planning and Zoning Board rescheduled the August meeting to August 9, 2016 due to a conflict with National Night Out on August 2, 2016. He said no items had been submitted for the August meeting, but should one come in later that week or in the event an emergency item, he asked the Board for direction on which night they would want to hold their meeting.

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

MOTION: TO CHANGE MEETING DATE TO AUGUST 9, 2016

ROLL CALL: Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

There being no further business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Mr. Edward DeCristofaro
Chair

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