

**April 4, 2017 Board of Adjustment
Staff Recommendation**

PETITIONER: Steve Wherry, agent for LE-PSL LCC ET AL c/o Leder Group

LOCATION: 3101 N State Road 7

ZONING: TOC-G Gateway District

INTRODUCTION

The subject property of this variance request is vacant freestanding commercial building located within Penn Dutch Plaza. The subject property is located on the west side of State Road 7, and on the north side of NW 31st Street. This building was previously occupied by Blockbuster Video and a small boutique cafe. This property has been vacant for approximately seven years. The applicant submitted Development Review Committee (DRC) applications for site plan and special exceptions on May 24, 2016 and again on February 28, 2017. At the first DRC meeting, the application had the proposed Dandee Donuts restaurant on the west side of the building. This design had the drive-through traffic routed internal to Penn Dutch Plaza, however, due to conflicts with neighboring buildings, this design was not pursued. The second DRC submission relocated Dandee Donuts to the east side of the building, and created a drive-through loop on the eastern peripheral side of the plaza in order to maintain all drive-through traffic on the outparcel.

HEARING NO.: BA-07-2017

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

Code requires commercial properties to provide a ten-foot-wide landscape buffer along property lines abutting a right-of-way. Petitioner is requesting permission to eliminate approximately 82 linear feet from an existing buffer in order to retrofit drive-through facilities on the subject property.

As described above, the applicant designed a drive-through loop in order to mitigate conflict with adjacent buildings in Penn Dutch Plaza. Due to the existing building placement within the outparcel, the drive-through loop consumed all available property east of the building, including an existing ten-foot-wide landscape buffer.

The intents of the code provision that the applicant is seeking relief from is to beautify commercial property, soften the hardscape of modern development, provide tree canopy and shade areas, improve air quality, as well as offer a buffer between private property and adjacent roadways. Eliminating this buffer without remediation does not satisfy any of the stated goals of the Margate Landscaping Code.

The Florida Department of Transportation (FDOT) maintains State Road 7. Since the construction of the overpass at Sample Road, FDOT closed all existing driveway connections to Penn Dutch Plaza on State Road 7, and has denied all applications for new driveway connections onto State Road 7 from Penn Dutch Plaza. Due to this FDOT policy position, it is not feasible to open a new driveway connection to allow drive-through traffic to exit in order to eliminate the loop component of the drive-through route.

Staff finds that there is a genuine hardship on this property, but remains desirous to satisfy the intents of this code section. **Staff recommends approval subject to the condition the three**

Category I trees are planted in the State Road 7 right-of-way adjacent to the Dandee Donuts drive-through loop.

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY


Director of Economic Development.

3-21-17
Date

HEARING NO.: BA-08-2017

SECTION OF CODE: Section 39.8(B)(3)(e)

Code requires that the face of menu signs for drive-through establishments shall not be visible from any portion of right-of-way which abuts the establishment. Petitioner is requesting permission to install a menu sign for Dandee Donuts drive-through that will face State Road 7.

As described above, the applicant designed a drive-through loop in order to mitigate conflict with adjacent buildings in Penn Dutch Plaza. The reconfiguration forced the drive-through to be located on the east side of the property. Due to the existing parking lot layout, drive-through stacking requirements, and the fact the menu signs have to be accessible from the left side of vehicles, there are no feasible locations on site to install a menu sign that would not be visible from a right-of-way.

In order to install a menu sign with a face that is not visible from adjacent right-of-way, the sign would have to be facing either north or west. The signing facing north would not be compatible with domestic market vehicles that have the driver sitting on the left side of the vehicle. Installing the menu sign to face the west would create a condition of vehicle stacking extending into Penn Dutch Plaza, as well as route drive-through customers several hundred feet away from the service window in positions that would likely interfere with provided parking for the outparcel.


The intents of this code section are to promote traffic safety by preventing visual distractions and enhance the aesthetic appearance of the community. Although the face of the menu sign may still be visible from State Road 7, staff finds that this design satisfies the intent of this section because the menu sign will be located over 100 feet from the travel lanes of State Road 7, and the property will have a perimeter landscape buffer in this area.

Staff finds that there is a genuine hardship on this property, and finds that the granting of this variance will not be detrimental to the City. **Staff recommends approval of this variance.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY


Director of Economic Development.

3-21-17
Date