



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, May 2, 2017

7:01 PM

City of Margate
Municipal Building

PRESENT:

Chad Dangervil, Vice Chair

Karl Artner

Todd Angier, Planning and Zoning Board member

August Manganey, Planning and Zoning Board member

ALSO PRESENT:

Douglas Gonzalez, City Attorney

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

Timothy Finn, Senior Planner

Andrew Pinney, Associate Planner

Milton Turner, Dominion Self-Storage Services, LLC

Michael Giani, P.E., Shah, Drotos & Associates

ABSENT:

Paul Barasch, Chair

Julianne Lore, Secretary

Ruben Rivadeneira

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Vice Chair Chad Dangervil at 8:48 p.m. on Tuesday, May 2, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

1) NEW BUSINESS

- 1A) **BA-09-17** VARIANCE REQUEST FOR PERMISSION TO DEVIATE FROM THE REQUIRED SIDEWALK WIDTH OF 12-FEET AND THE ASSOCIATED LANDSCAPE AND STORMWATER SYSTEM MODIFICATIONS IN THE COCONUT CREEK PARKWAY RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 5185 COCONUT CREEK PARKWAY

Economic Development Department

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All parties speaking on the item were duly sworn.

Andrew Pinney led with a PowerPoint presentation. He explained that the request was for a variance for the urban greenway requirement. He showed an aerial of the subject property and the site plan, noting that the project was near completion. He pointed out that the building was located in the Transit Oriented Corridor (TOC) zoning district and that it was built as a special exception use as part of a planned commercial development. He showed the location the two structures: the Social Security Administration offices and the self-storage building. He explained that as part of the planned commercial development, the accessory uses to the special exception had to be built and issued their Certificate of Occupancy (CO) prior to the storage facility. He said the Social Security offices had been operational for years and the storage facility was operating on a Temporary Certificate of Occupancy (TCO).

He referenced the applicable sections of the Code: Section 9.70: "Front sidewalks along all other primary roads are required to maintain a minimum 20-foot sidewalk";

Section 23-6 (B)(2)(a): "An eight-foot-wide planting strip measured from the curb or edge of pavement inward toward the private development, running parallel with the right-of-way shall be provided"; and, Section 23-6(B)(2)(b): "Within said planting strip, one shade tree shall be planted within a minimum 80 sq. ft. pervious area every 30 linear feet of frontage. Ground covers shall fill areas of the pervious area not occupied by the required shade tree."

He said those components made up the urban greenway. He showed a slide that illustrated the TOC land use boundary within the City of Margate. He pointed out the major corridor roadways that were shown in red and included Atlantic Boulevard and State Road 7, which he said included the biggest urban greenways at 25 feet. He said the green were Regional Arterial roadways which provided a slightly smaller greenway at 20 feet and the blue local roadways were at 15 feet. He showed the section detail for all three and directed the Board to look at the green illustration. He pointed out the landscape buffer between the travel lanes of the roadway and the new widened sidewalk within the urban greenway. He said it was a requirement for the storage building because it was within the TOC zoning district.

Mr. Pinney gave the following staff findings:

- insufficient right-of-way widths were provided. He said in order to widen the sidewalk to double its width, about 3,000 square feet of impervious area would need to be added. He said what the County had designed was a drainage area of the swale and portion of the right-of-way; and, to accommodate it, the road drainage system would need to be redesigned.
- minimum clear zone. He pointed out the minimum clear zone which he said pertained to the tree requirement of the urban greenway. He said the Department of Transportation standard was broken down between an urban and rural road design. He explained that an urban road design was a curved roadway and no obstruction was allowed within four feet of the curb. He said anything that might be within that four foot area, like a stop sign, had to be designed to be frangible in case a vehicle entered into the swale area. Conversely, on a rural design, he said that was no curb or barrier for vehicles that might leave the travel lanes. He said there was supposed to be a 14-foot clear zone and anything that might be within that 14-foot area would also need to be frangible. He said the landscape requirement of the urban greenway called for shade tree species with a three to four foot trunk diameter such as live oaks, mahoganies, or gumbo limbos; all trees that were not considered frangible. He said conflicts existed because Coconut Creek Parkway was largely uncurbed so anywhere there was no curb, a 14-foot clear space would be required. He showed photos of the existing conditions which showed the

limited right-of-way width to accommodate a 12-foot wide sidewalk and an eight foot landscaping buffer.

Mr. Pinney said staff recommended a conditional approval. He said staff would like to see the Board approve the application on the condition that the applicant provide landscaping comparable to what had already been planted east on the same roadway. He said it was a different tree selection and it had a standard six-foot wide sidewalk.

He explained how some time ago the City of Margate, City of Coconut Creek, and Broward County had joined an alliance to create what was called the Educational Corridor starting at Broward College and heading west on Coconut Creek Parkway. As part of the roadway improvements that were done, Coconut Creek put in a number of Alexander palms, simpson stoppers, and crape myrtles; all small, multi-trunk trees that were considered frangible, as well as the installation of green island ficus and ferns for ground covers.

He pointed out that there was one curbed area that varied from 10 to 12-feet wide that ran for about 30 feet that could accommodate a shade tree and it was made a part of the recommendation.

Mr. Pinney said the staff's recommendation was to approve the request consistent with the type of landscape that existed on Coconut Creek Parkway in the City of Coconut Creek. He showed several photographs of the existing landscaping.

Mr. Artner asked if the width of the current sidewalk was six feet. Mr. Pinney responded, "Yes."

Mr. Angier asked if the one shade tree Mr. Pinney had mentioned was part of the recommendation. Mr. Pinney responded that it was included in the recommendation.

Milton Turner, chief manager, of Dominion Self Storage Services, LLC, and owner of the property, explained that they acquired the property five years ago and that they had tried to accommodate every request made of them in the zoning and permitting process. He said the 12-foot sidewalk was put to them as a demand and they agreed to do it. He said the problem occurred because it was a Broward County road and right-of-way. He said Broward County advised that a six-foot sidewalk was fine because it met their standards. Mr. Turner said that there was not enough right-of-way to accommodate a 12-foot sidewalk. He said Broward County has rejected the idea of proffering them additional right-of-way. He said if he could not give them additional right-of-way, they would end up with a public sidewalk on private property which their insurance company and lenders deemed undesirable. Mr. Turner said they would like to get the variance if Broward County would allow them to get a permit and plant in their right-of-way. He said if it were necessary to achieve a variance so that they could obtain a Certificate of Occupancy (CO), they would be willing to bond the planting of the plants with the City of Margate conditional only on getting a permit from Broward County. He said one of the hardships was that the local contractors that built the property had a requirement in their contracts for retainage and they were not being paid because the banks were requiring strict adherence to their contracts. Mr. Turner said they understood the variance was needed for them to obtain a CO, and that they have had an excellent reception in the area, and the project was doing very well. He said they did not have the land available to meet the demands for the

sidewalk, and unless Broward County changed its mind, they would not be able to perform the requirement. He thanked the Board for their time.

Mr. Manganey asked Mr. Turner if he had any objections to the conditions. Mr. Turner responded, "No, absolutely not. I'll do whatever I can to meet them."

Mr. Angier asked Mr. Pinney if it were true that permission to install the landscaping was required from the County. Mr. Pinney responded that since it was a County right-of-way, the County would need to permit the installation. Mr. Angier asked what the problem would be if the County did not grant permission. Mr. Pinney said he did not know why they would not issue a permit as the request was for comparable landscaping on the same County right-of-way. Mr. Angier pointed out that Mr. Turner was under a deadline, and he asked if there was some way to work with him to resolve the matter quickly if there was a problem with the County. Mr. Pinney said that there were mechanisms in place to ensure that the landscaping was completed; he noted that Mr. Turner had also agreed to bond the landscaping.

Mr. Angier made the following motion, seconded by Mr. Artner:

MOTION: TO APPROVE WITH THE CONDITIONS AS SPECIFIED

ROLL CALL: Mr. Angier, Yes; Mr. Artner, Yes; Mr. Manganey, Yes; Mr. Dangervil, Yes. The motion passed with a 4-0 vote.

2) **GENERAL DISCUSSION**

Ben Ziskal advised the Board members that the City Commission had requested to have the board meetings televised. He asked the Board members for any comments or concerns.

Mr. Artner said he thought it was a great idea as much of the public was not familiar with planning and zoning and the people might get more interested and involved.

There being no further business, the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Chad Dangervil, Vice Chair