

**October 3, 2017 Board of Adjustment Meeting
Staff Recommendation**

PETITIONER: Matthew E. Morrall, Esq. (Agent for JM Auto, Inc., dba JM Lexus)

LOCATION: 5350 West Sample Road, Margate, FL 33063

ZONING: B-2A Regional Business District

INTRODUCTION

JM Lexus is an auto dealership located at 5350 West Sample Road between Banks Road and Northwest 54th Avenue. The facility is undergoing a large-scale site improvement that includes renovations to the driveway entrance from Northwest 54th Avenue, a new full-service car wash facility located in the south central portion of the property, and 7-story parking garage located in the southeast corner. Final site plan approval was granted on August 22, 2017, for the driveway improvements. The proposed parking structure is 85' 6" at its highest point. The auto dealership was approved as a special exception use within the B-2A zoning district at the time of initial development.

The petitioner claims that the height restriction in the B-2A zoning district creates an undue hardship towards compliance with Margate code for traffic circulation, emergency vehicle access, and areas available for surface water retention and flow management. The petitioner also claims that JM Lexus is subject to the dealership requirements established by Toyota and the proposed parking garage expansion is necessary to maintain dealership rights with Toyota. The petitioner has met with the homeowner's association for the neighboring Fiesta townhouses located to the south.

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SECTION OF CODE: Section 11 ½.5. Height limitation.

Code limits all uses permitted in the B-2A Regional Business District, other than retail stores and office buildings, to a maximum height of twenty-five feet. Petitioner is requesting permission to erect a parking structure that is 85' 6" to the highest point.

The subject property has a history of variance approvals associated with building height in the B-2A Regional Business district. Variance BA-29-92 was granted by the Board of Adjustment on October 1, 1992, for permission to construct a showroom building to a height of 34 feet. Variance BA-7-2003 was granted by the Board of Adjustment on March 6, 2003, for permission to construct a service center building to a height of 68 feet. The variance was granted following a claim by JM Lexus that additional vertical height was necessary in order to provide adequate surface area for drainage and site circulation. The petitioner is presenting a similar concern for the currently proposed parking garage. Staff finds that the requested variance is consistent with previous variances granted to the subject property.

The B-2A zoning district is more restrictive on maximum building height than the B-1 Neighborhood Business district, which allows up to 30 feet. The B-2Community Business district and B-3 Liberal Business district allow for a maximum height of 100 feet.

Staff finds that because the subject property is the only property in the City with a B-2A zoning designation, and other commercial zoning designations that permit an automobile dealership allow for a maximum height up to 100 feet, the granting of a variance would not confer a special privilege.

Planning staff finds that the proposed garage structure is consistent with the general intent of the zoning district to serve large-scale commercial uses along arterial highways. Staff also finds that the proposed garage structure is consistent with the scale and general character of existing buildings on the site, and would not detract from the surrounding area. Approval of a height variance is consistent with the intent of the Margate Zoning Code to provide for the highest and best use of the property.

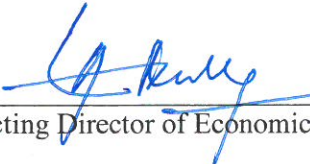
Due to the history of height variances granted for this property and the presence of less restrictive height limitations in nearby commercial zoning districts, staff recommends approval of this variance request.

RECOMMENDATION:

APPROVE

APPROVE WITH
CONDITIONS

DENY



Acting Director of Economic Development.

9/21/17

Date