

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A MODIFICATION TO A SPECIAL EXCEPTION USE TO PERMIT SITE IMPROVEMENTS AT A SALES AGENCY FOR NEW AUTOMOBILES, WITHIN THE B-2A REGIONAL BUSINESS DISTRICT FOR JM AUTO, INC., D/B/A JM LEXUS, LOCATED AT 5350 WEST SAMPLE ROAD, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JM Auto, Inc., d/b/a JM Lexus, is an established sales agency for new automobiles located within the B-2A Regional Business District, located at 5350 W Sample Road; and

WHEREAS, JM Lexus submitted a site plan application and a special exception application to the Development Review Committee ("DRC") on July 10, 2017; and

WHEREAS, on August 22, 2017, the Margate DRC reviewed a site plan amendment to permit the construction of a seven story parking garage, new car washing facility, and revised parking lot; and

WHEREAS, on September 28, 2017, JM Lexus submitted a sworn affidavit providing that JM Lexus met with the president and manager of the Fiesta Homeowner's Association to discuss the proposed improvements at JM Lexus, and that the Fiesta Homeowner's Association does not have any concerns about the project. JM Lexus also agreed to provide a speed hump at the southern exit of the vehicle dealership that connects to NW 34th Street; and

WHEREAS, the B-2A Regional Business District provides a height limitation of 25 feet for uses other than retail stores and office buildings, and thus, on October 3, 2017, the Margate Board of Adjustment approved Variance BA-19-2017, granting permission to erect a seven story parking garage that will be 85'6" at its highest point; and

WHEREAS, the applicant made all feasible revisions and applied for variances for the remaining conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: The foregoing "**WHEREAS**" clauses are incorporated

in and made a part of this Resolution.

SECTION 2: That the City Commission of the City of Margate, Florida, approves with conditions modifications to an existing special exception use to permit a new seven story parking garage, new car wash facility, and parking lot modifications to a sales agency for new automobiles for JM Lexus within the B-2A Regional Business District located at 5350 West Sample Road.

SECTION 3: That the conditions of approval are that the petitioner must comply with the following findings announced during the August 22, 2017 DRC meeting:

- 1) Make the fire department connection within 50 feet of a fire hydrant.
- 2) Revise the landscape plan to meet code requirements.
- 3) Obtain a variance to waive the height limitation of 25 feet.
- 4) Revise parking lot in order to provide adequate vehicle stacking and provide logical circulation.
- 5) Display handicap parking fine amount using 2" numbers.
- 6) Reduce height or obtain variance for sound wall.
- 7) Provide a photometric plan for each level of the parking garage.
- 8) Provide loading zone details.
- 9) Pay impact fees as calculated by DEES.
- 10) Revise utility plan to eliminate size-on-size tap.
- 11) Obtain approval from Broward County for drainage.
- 12) Obtain a tree removal permit.
- 13) Obtain permit from the Health Department.
- 14) Meters over two inches must be installed above ground.

SECTION 4: The City Commission makes the following findings as provided in subsections (a) through (k) of Section 22.10 of Appendix A of the Code of the City of Margate:

(a) The use is compatible with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.

(b) There are no substantial detrimental effects of the proposal on property values in the neighborhood.

(c) There are no substantial detrimental effects with the use on living or working conditions in the neighborhood.

(d) There is adequate ingress and egress to the development, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and reuse collection, and access in the case of fire, catastrophe, or emergency.

(e) There is adequate off-street parking in relation to buildings, and adequate internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.

(f) There is acceptable orientation, location, size, and features of buildings, and appearance and harmony of the buildings with nearby development and land uses.

(g) There is sufficiency of setbacks, buffers, and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the development and to control adverse effects of site generated noises, lights, fumes, and other nuisances.

(h) There is adequate stormwater management with attention to the necessity of on-site retention to alleviate flooding and ground water pollution without compromising the aesthetics and maintainability of landscaping.

(i) There is adequate landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of berming along street perimeters.

(j) There is compliance with the applicable goals, objectives, and policies of the Margate Comprehensive Plan.

(k) There is compliance with the applicable goals, objectives, and policies of the Margate Community Redevelopment Plan.

SECTION 5: That all representations by the applicant and determinations by the Development Review are incorporated as part of the conditions for this special exception.

SECTION 6: That this Resolution shall become effective immediately upon its passage.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2017.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

TOMMY RUZZANO, MAYOR

RECORD OF VOTE

Caggiano	_____
Simone	_____
Peerman	_____
Schwartz	_____
Ruzzano	_____