

LSREF3 Peppertree, LLC Variance Narrative

LSREF3 Peppertree, LLC (“Applicant”) owns the Peppertree Plaza shopping center (“Shopping Center”) located in the City of Margate (“City”). The Applicant is proposing to modify the use of an approved structure within the Shopping Center (“Property”) as a 6,000 square foot child care center, including an outdoor play area as depicted on the Applicant’s site plan. Pursuant to Section 3.22 of the City’s Code, “for any location within any zone designated under any business classification to which a license for the sale of liquor or beer and wine on the premises has previously been issued, and which license is subsisting and in use, no...child care center shall be permitted within one thousand (1,000) feet of said location.”

Several establishments currently serve alcoholic beverages within the family-oriented Shopping Center that will be located less than one thousand (1,000) feet from the proposed child care center when taken as a straight measurement from door to door. The Paladium Sports Grill & Pub restaurant, which serves liquor, is located 785 feet away from the proposed child care center. The Pad Thai Restaurant at the east end of the Shopping Center is located 654 feet from the proposed child care center with the adjacent Greek restaurant, It’s All Greek To Me, being located 659 feet away. The La Pizzeria and La Bamba restaurants operating in the Shopping Center also serve alcoholic beverages and are located approximately 466 feet and 572 feet, respectively, from the proposed child care center. The Lucky City fusion restaurant is located 368 linear feet from the proposed use. Finally, the Winn-Dixie grocery store, which sells alcohol for consumption off-premise, is located approximately 358 feet from the proposed child care center. Please see **Exhibit A** as an aerial of the Shopping Center with all measured paths indicated including a summary table of the measured distances to each establishment involved in the sale of alcoholic beverages. Therefore, the Applicant seeks a variance from Section 3.22 of the Code. The Applicant will demonstrate below that the requested distance separation variance complies with the City’s established criteria for granting variances:

1. *That special conditions and circumstances exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning district.*

The Property was previously approved as a retail shopping space. The Applicant would like to operate a family-oriented Shopping Center that provides a convenient location for busy families to accomplish several daily activities in one location including shopping, eating, and child care center services. However, the proposed child care facility is located closer than one thousand (1,000) feet from establishments selling alcoholic beverages within the Shopping Center when measured from door to door. In order for the Applicant to provide a Shopping Center that offers

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the most extensive services possible to meet the demands of its customers, and to better serve the community by offering a child care center at the Shopping Center, the Applicant requests a variance from the 1,000 foot distance requirement pursuant to the Code.

2. That special conditions and/or circumstances do not result from actions of the applicant

The special conditions and circumstances are not a result of actions by the Applicant. The variance request is needed in order to enhance the lives of the families in Margate who have limited time to meet all the demands placed on them. The Property located within the Shopping Center was reviewed and approved for retail shopping commercial space. In order to provide a Shopping Center that better meets the needs of the community, the Applicant is proposing to repurpose the Property as a child care center, with a portion of the structure remaining dedicated to retail use. The establishments serving liquor near the Property represent themselves to be family friendly establishments with a successful history of operation within the Shopping Center. The addition of the child care center will provide families with additional services provided in one location.

The Applicant is taking numerous safety measures to ensure that the child care center is secure from any potential risk resulting from the location of the alcohol serving establishments. As indicated on the site plan, the Applicant proposes to construct a gate around the outdoor play area. The Applicant will have a full time Director, Assistant Director, and receptionist at the child care center, a security system with ADT, a keyless entry system controlling access to the Property only to authorized staff and families, along with a Procare Automatic Door Controller (an electric door that allows security access to an interior door and when a child or employee is checked in, a signal is sent to the door allowing entry to the Property).

In order for the Applicant to better the community by offering a child care center at the Shopping Center, the Applicant requests a variance from the 1,000 foot distance requirement required by the Code.

3. That granting a variance will not confer a special privilege that is denied by the Code to other lands, buildings or structures in the same zoning district.

The Property is located within the City's TOC-G transit oriented corridor gateway district. The TOC-G transit oriented corridor gateway district is intended to provide a full range of office, retail and service uses. A child care center is a permitted use under the TOC-G zoning and except for this variance request, the proposed child care center is in compliance with the child care center requirements pursuant to the Code. Therefore, the Applicant's proposed use of a child care center is in line with the intent of the TOC-G zoning and will not confer a special privilege to the Applicant upon granting of the variance.

4. That a literal interpretation of the regulations of the Code would deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of the Code and would cause unnecessary and undue hardship on the applicant.

The Property is located within the City's TOC-G transit oriented corridor gateway district. The TOC-G transit oriented corridor gateway district is intended to provide a full range of office, retail and service uses. A child care center is a permitted use under the TOC-G zoning and except for this variance request, the proposed child care center is in compliance with the child care center requirements pursuant to the Code. Therefore, the Applicant's proposed use of a child care center is in line with the intent of the TOC-G zoning. A literal interpretation of the Code would deprive the Applicant from using the Property as a child care center which would impose undue hardship on the Applicant.

5. *That the variance being granted is the minimum variance that will make possible the reasonable use of land, building or structures.*

The main entrance of the Property is located approximately 785 feet away from the Paladium Sports Grill & Pub restaurant, 654 feet from the Pad Thai Restaurant, 659 feet from It's All Greek To Me, 466 feet from the La Pizzeria restaurant, 572 feet from the La Bamba restaurant, 368 feet from the Lucky City fusion restaurant, and 358 feet from the Winn-Dixie grocery store as measured in a straight-line from door to door. The Code requires a 1,000 foot distance. Allowing the distance variance from the establishments serving liquor is the minimum variance that will allow the Applicant to develop the Property as a child care center will enhance the community, the Shopping Center, and provide a valuable service to the citizens of the City.

The Applicant is taking numerous safety measures to ensure that the child care center is secure from any potential risk resulting from the location of the establishments involved in the sale of alcoholic beverages. As indicated on the site plan, the Applicant proposes to construct a gate around the outdoor play area. Additionally, the Applicant is taking the above stated security measures to ensure that the Property is safe for the family and children attending the child care center which will further protect the public welfare of the community and allow for the reasonable use of the Shopping Center.

6. *That the approval of the variance will be harmonious with the general intent and purpose of this chapter and that such variance will not degrade the area involved or be detrimental to public welfare.*

The Property is located within the City's TOC-G transit oriented corridor gateway district. The TOC-G transit oriented corridor gateway district is intended to provide a full range of office, retail and service uses. A child care center is a permitted use under the TOC-G zoning and except for this variance request, the proposed child care center is in compliance with the child care center requirements pursuant to the Code. Therefore, the Applicant's proposed use of a child care center is in line with the intent of the TOC-G zoning. A literal interpretation of the Code would deprive the Applicant from using the Property as a child care center which would impose undue hardship on the Applicant. Additionally, the Applicant is taking the above stated security measures to ensure that the Property is safe for the family and children attending the child care center which will further protect the public welfare of the community.

7. *That the variance does not serve to permit a use not permitted in the zoning district involved.*

The Property is located within the City's TOC-G transit oriented corridor gateway district. A child care center is a permitted use under the TOC-G zoning and except for this variance request, the proposed child care center is in compliance with the child care center requirements pursuant to the Code. Therefore, the proposed variance does not serve to permit a use not permitted in the TOC-G zoning district.

8. *Conditions and safeguards may be prescribed with the approval of a variance, the violation of which would be a violation of the Code. If necessary, a timeline may be established during which a variance may begin and shall be completed.*

The Applicant acknowledges that conditions and safeguards may be prescribed in connection with the approval of this variance.

Exhibit A

Peppertree Plaza

Distance Measurements

Proposed Child Care Center

Peppertree Plaza – Distance Measurements

Proposed Child Care Center - Establishments Involved in Sale of Alcoholic Beverages

