

**From:** [eric Pierce](#)  
**To:** [Alexia Howald](#)  
**Date:** Tuesday, June 23, 2020 1:07:22 PM

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Article II, Preservation and Protection of Trees, Chapter 23-Landscaping Code of the City of Margate:

Dear Margate Board of Adjustment Members:

A couple weeks ago, the City of Margate DEES determined that we owe \$47,000.00 for the removal of a specimen tree located on the Culver's of Margate redevelopment site. On January 13, 2020, we signed a Tree Guaranty and Replacement Agreement(attached)setting forth our options. At that time it was determined that tree #26 had a value of \$120,754.00. It was later downgraded in value by the City DEES to \$47,000.00. The Guaranty and Replacement Agreement(pg. 3, point 1) provides for us the option to apply for and obtain a variance and subsequent waiver to the associated fee for the preservation of tree #26(57" Swamp Mahogany). This document shall serve to obtain said variance.

We, the small business owners of the Culver's of Margate, wish to appeal the administrative decision referenced above on the grounds that the decision is unreasonable nor in the public interest, according to the spirit and intent of the article also referenced above.

To be clear, it was never our intent when we embarked on the \$5M development of the Culver's Restaurant, to cut down every tree on the site. We have in fact preserved several trees, including a few other mahogany's. We also paid to have them professionally trimmed in the process. The 1.68 acre redevelopment site unbeknownst to us at closing, possessed serious storm water management issues. Before long it was determined by our civil engineers that our site along with the eastern third of the adjoining Wa Wa Store site lacked the natural or man made infrastructure to properly manage its' storm water. It was ultimately determined that the site required a \$1M storm water management system to be installed at our expense. The system will manage all of the Culver's site storm water and a third of the Wa Wa sites storm water. The installation of this extensive storm water management system required the removal of certain trees including tree #26 as the underground retention structures encroached on the trees root system. Furthermore the tree was too large and too old and brittle to be relocated. Other trees on the site were removed for the same reason or because they were in bad physical condition posing a risk of falling on employees, guests and/or vehicles. To be honest, none of the trees on this site were ever planted, pruned or cared for properly and thus grew to be unstable and unsightly. We paid at great expense to have them removed and furthermore our City of Margate approved landscape plan(permit # 19-00200205) calls for \$125,000.00 in new trees, other plantings and irrigation including several new specimen variety trees. As a result of our extensive investment in the new storm water management system as well as all the new landscaping, the property will be more aesthetically pleasing but importantly, more environmentally sound. We are very proud of the extensive investment we've made to drastically improve the environmental functionality and overall aesthetic of this property. We are equally proud to be opening the first Culver's Fast Casual Restaurant in Broward County in Margate! We simply wish to be treated reasonably and fairly by the city which we serve, provide 70 jobs, pay taxes and most importantly call home.

For the reasons referenced above, we believe the administrative decision to further impose a \$47,000.00 fee for the removal of an old, neglected tree, whether it be a specimen variety or not, is excessive and unreasonable. It would also be contrary to the spirit and intent of Article II as we believe we've met and far exceed our civic obligation to replace, preserve and protect all the trees, old and new, growing on our property.

In the spirit of developing small business-community relations, which Culver's has a rich history. We propose to provide every Margate resident who accepts a tree through the city's tree giveaway program, a complimentary milk shake of their choice!

Thank you for your time and consideration.

Respectfully,

Eric Pierce

Mark Dahms  
Al Lampe  
Owner/Operators  
Culver's of Margate