



## Legislation Text

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**File #:** ID 2016-403, **Version:** 1

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**TO:** Board of Adjustment

**FROM:** Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development

**DATE:** July 5, 2016

**BA-19-16: VARIANCE REQUEST FOR PERMISSION TO MODIFY THE LOCATION OF THE EIGHT (8) FOOT LANDSCAPE STRIP ON N.W. 31<sup>ST</sup> STREET FOR THE PROPOSED ARBOR VIEW DEVELOPMENT AT THE NORTHEAST CORNER OF N.W. 31<sup>ST</sup> STREET AND NORTH STATE ROAD 7**

**BACKGROUND:** Per Section 23.6(B)(2) of the Zoning Code, 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 is required. Currently the site has a five (5) foot wide sidewalk located at the back of the curb that is located within the right-of-way, and there is a twelve (12) foot utility easement with power poles, guy wires and overhead wires. This area would be the future location of the seven (7) foot wide sidewalk if it is installed per the Code requirements; the existing power poles would be in the middle of the proposed sidewalk if the eight (8) foot planting strip is installed per Code. The petitioners notes the following: the existing sidewalk aligns with the sidewalk to the east of the development; the development does not have any doors to be located on N.W. 31<sup>st</sup> Street or North State Road 7; and, the site meets the Code criteria on State Road 7 and allows for a landscape buffer between the sidewalk and the building. The variance will allow for the landscape buffers on State Road 7 and N.W. 31<sup>st</sup> Street to be consistent with each other.

The Site Plan was approved by the Development Review Committee on May 10, 2016. An excerpt of the draft meeting minutes is attached. This item was scheduled to be heard at the Board of Adjustment meeting on June 7, 2016, and was tabled at the request of the petitioner.

**RECOMMENDATION:** The Staff Recommendation is attached.

**FISCAL IMPACT:** n/a

**CONTACT PERSON:** Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development