2017-429

7/11 DRC

City of Margate
DEVELOPMENT REVIEW COMMITTEE
Application for ~~Rezoning~~ Text Amendment

5790 Margate Blvd., Margate, FL 33063
954-972-6454

Submittal Date (official use):

RECEIVED
JUN 13 2017
BY:

Project Name ROYAL PALM PLAZA / DUNKIN DONUTS	
Address 7300-7328 ROYAL PALM BOULEVARD, MARGATE	DRC # 07-17-01
Acreage +/- 2.34 acres / Folio Number 4841 26 01 2580	Paid: $250.00
Existing Use Dunkin Donuts - walk-in service only.	
Legal Description GATEWAY MILE 63-15 B LOTS 5-10, BLK O TOG WITH POR OF VAC'D 20 ALLEY PER OR 14946/524 LYING WLY & SLY OF E/L LOT 10 & ELY & SLY OF SLY PROL OF LOT 7, TOG WITH VAC N 25FT VAC R/W OF NW 19 CT LYING S & ADJ TO LOTS 5 THRU 6, BLK O: LOTS 5-10, BLK P TOG WITH 20 FT VAC ALLEY ADJ TO SAID LOTS	
B-1 Neighborhood Business	

Describe proposal/request in detail, including non-residential square footage and/or number of dwelling units

Amend the City's Land Development Regulations to allow Drive-thru facilities (with a permitted use).

See Section 33.11, subject to the limitations that the permitted use is located within a shopping center.

Agent/Contact Name Steven Wherry, Esq. / Greenspoon Marder, P.A.	
Address 200 East Broward Boulevard, Suite 1800	
Fort Lauderdale, FL 33301	
Phone Number 754-200-7017	Fax Number 954-333-4157
Email Address steve.wherry@gmlaw.com	

Property Owner Name ROYAL PALM PLAZA INVESTMENTS LLC / **Dunkin Donuts**	
Address 7300-7328 ROYAL PALM BOULEVARD, MARGATE	
Phone Number 754-200-7017	Fax Number 954-333-4157
Email Address lakhaniamyn@gmail.com	

OWNER'S AFFIDAVIT: I certify that I am the owner of record for the above referenced property and give authorization to file this petition. I understand that I, or a representative on my behalf, must be present at the DRC meeting. I further understand that my petition will be subject to the regulations of Chapter 16 ½ of the Margate City Code.

X _____
Property Owner's Signature

June 1, 2017
Date

City of Margate
*** CUSTOMER RECEIPT ***

Batch ID: RRODI 6/14/17 00 Receipt no: 135175

Type	SvcCd	Description	Amount
EQ		ECDV MISCELLANEOUS	
	Qty	1.00	$250.00

RAYHAN, INC
DBA DUNKIN DONUTS
7300 ROYAL PALM BLVD
MARGATE, FL 33063
DRC #07-17-01
TEXT AMENDMENT (DRIVE-THRU)
DUNKIN DONUTS
7300-7328 ROYAL PALM BLVD.
BY STEVEN WHERRY,ESQ
GREENSPOON MARDER, P.A.
200 EAST BROWARD BLVD. #1800
FT LAUDERDALE, FL 33301
754-200-7017
STEVE.WHERRY@GMLAW.COM

Tender detail

CK Ref#:	1456	$250.00
Total tendered:		$250.00
Total payment:		$250.00

Trans date: 6/15/17 Time: 11:15:58

HAVE A GREAT DAY!

GreenspoonMarder

Steven S. Wherry, Esq.
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Phone: 754-200-7017
Fax: 954-333-4157
Email: steven.wherry@gmlaw.com

Proposed Code Language change

We represent Royal Palm Plaza Investment, LLC, ("Applicant"), owners of 7300 Royal Palm Court ("Property"). The existing shopping center has been operating at this location since 2006. The original structure was constructed with eleven (11) bays. Dunkin Donuts is the tenant located at the eastern end of the shopping center building. Currently, the Dunkin Donuts operates as a walk-in only type business.

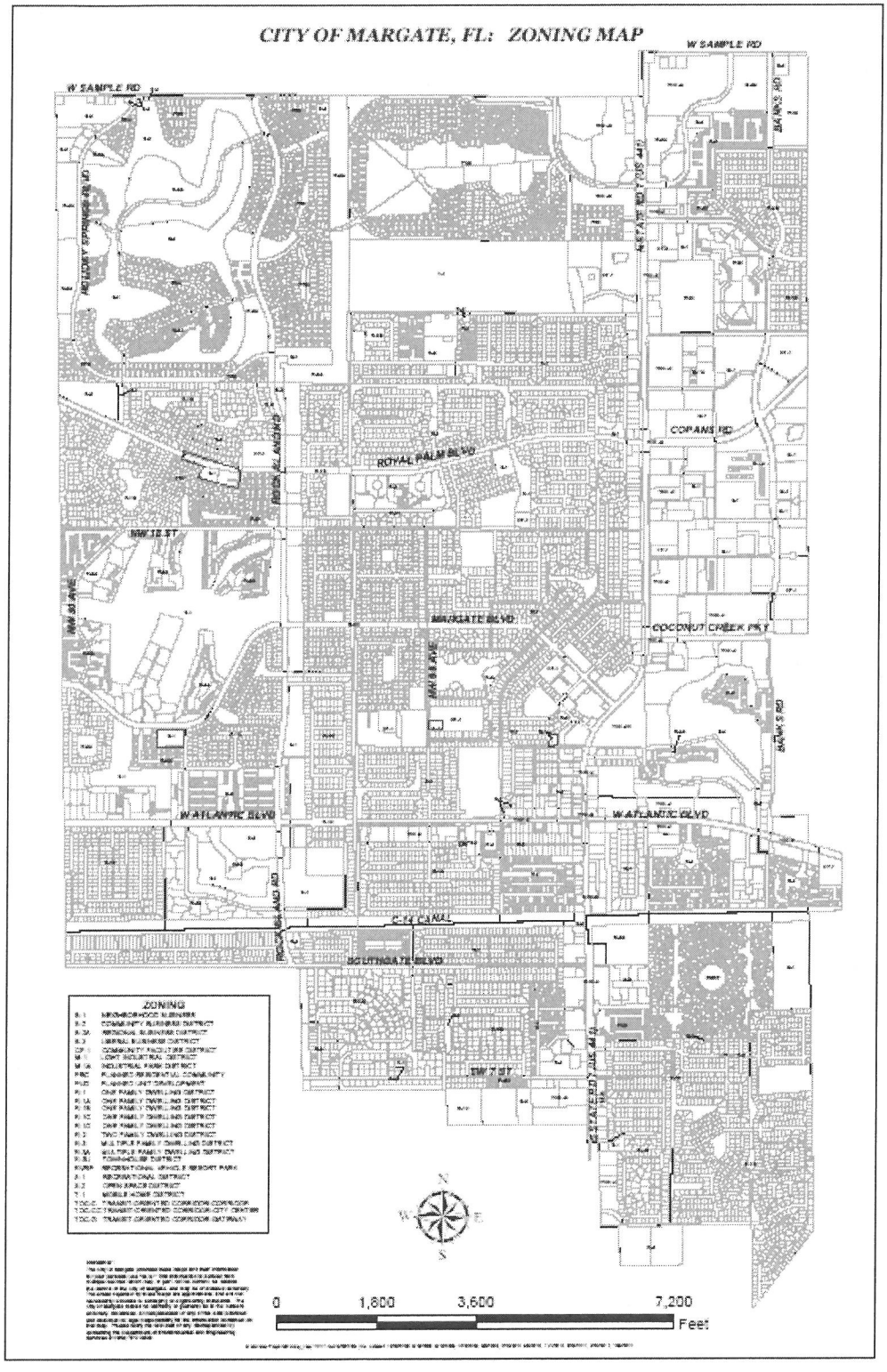
As you know, business success is built on public demand and accessibility. The tenant has felt the effects of competing coffee, donut, and breakfast establishments which are able to offer the public a drive-thru option. In the fast paced lifestyle of today's consumer this drive-thru option is pulling the business away from walk-in only type of food service facilities, placing the viability of this business at risk.

The Applicant has proposed to construct a drive-thru window on the east side of the building, and the site circulation will accommodate this added flow of traffic. However, the Margate Code of Ordinances does not allow drive-through facilities in the Neighborhood Business (B-1) District. By comparison, however, the use is allowed as a Special Exception use in the Community Business (B-2) District. We propose to amend the code to allow the use as a Special Exception as it is in the B-2 District with the proviso that such special exceptions be limited to locations within a shopping center in order to mitigate against the potential negative effects that could stem from drive-thru facilities at more stand-alone locations.

As shown on our enclosed mark-up of the City's Zoning Map, this proposed code change would affect very few properties within the City limits, and none of these locations except for our client's proposed location and the B-1 zoning location at Margate Blvd and NW 76th Ave is an existing shopping center, so the practical effects of this text amendment are very limited.

We would appreciate your review of the code change and we are happy to answer any questions or concerns you may have regarding the language.

In New York, Greenspoon Marder, P.A. practices under the name Greenspoon Marder, P.A. P.C.
In California, Greenspoon Marder LLP practices using the fictitious name and trademark Greenspoon Marder under license from Greenspoon Marder, P.A.


CITY OF MARGATE, FL: ZONING MAP
W SAMPLE RD
COPANS RD
ROYAL PALM BLVD
NW 12 ST
MARGATE BLVD
COCONUT CREEK PKY
W ATLANTIC BLVD
SOUTHGATE BLVD
SW 7 ST
ZONING
0
1,600
3,600
7,200
Feet

ARTICLE XXI. - NEIGHBORHOOD BUSINESS B-1 DISTRICT

Section 21.3. - Permitted uses

(B) Special exception uses. The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall consider all applications for a special exception approval pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of this Code.

Animal clinic, pet hospital, subject to the following limitations:
(1) Must be less than three thousand (3,000) square feet in area.
(2) Adequate soundproofing in any area where animals are contained or treated.
(3) All boarding activities shall be ancillary to the primary use.
(4) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Outdoor sales, service and display, as an accessory to a permitted use.

Drive-thru facilities (with a permitted use). See Section 33.11, subject to the limitation that the permitted use is located within a shopping center.

Public or private elementary, middle or high school, subject to the following:
1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.
2. School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

September 13, 2016

To Whom It May Concern:

We hereby authorize Greenspoon Marder, P.A. to act as agents in connection with any and all land use matters in the City of Margate, Florida.

Rayhan, Inc.

By: AMYN LAKHANI

Print Name

STATE OF FLORIDA)

COUNTY OF BROWARD) ss

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by AMYN LAKHANI, who is personally known to me or who has produced FL DL # L250 000 73 370 0 as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of September, 2016.

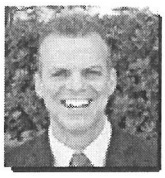
Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

JONATHAN CYMBERKNOPF
Notary Public - State of Florida
My Comm. Expires May 28, 2017
Commission # EE 870903

MARTY KIAR
BROWARD COUNTY
PROPERTY APPRAISER



Site Address	7300-7328 ROYAL PALM BOULEVARD, MARGATE	ID #	4841 26 01 2580
Property Owner	ROYAL PALM PLAZA INVESTMENTS LLC	Millage	1212
Mailing Address	161-04 84 ST HOWARD BEACH NY 11414-3315	Use	11

Abbreviated Legal Description	GATEWAY MILE 63-15 B LOTS 5-10, BLK O TOG WITH POR OF VAC'D 20 ALLEY PER OR 14946/524 LYING WLY & SLY OF E/L LOT 10 & ELY & SLY OF SLY PROL OF LOT 7, TOG WITH VAC N 25FT VAC R/W OF NW 19 CT LYING S & ADJ TO LOTS 5 THRU 6, BLK O: LOTS 5-10, BLK P TOG WITH 20 FT VAC ALLEY ADJ TO SAID LOTS

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values

Click here to see 2016 Exemptions and Taxable Values to be reflected on the Nov. 1, 2016 tax bill.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2017	$945,850	$1,809,640	$2,755,490	$2,755,490	
2016	$945,850	$1,809,640	$2,755,490	$2,604,850	$57,908.68
2015	$945,850	$1,422,200	$2,368,050	$2,368,050	$53,575.00

2017 Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	$2,755,490	$2,755,490	$2,755,490	$2,755,490
Portability	0	0	0	0
Assessed/SOH	$2,755,490	$2,755,490	$2,755,490	$2,755,490
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	$2,755,490	$2,755,490	$2,755,490	$2,755,490

Sales History

Date	Type	Price	Book/Page or CIN
4/27/2005	WD*	$1,182,500	39550 / 523
8/20/2002	WD*	$230,000	33790 / 1205
4/4/2002	QC*	$100	32989 / 408
12/7/2001	QC*	$100	32462 / 1599
7/14/1997	WD*	$864,000	26734 / 798

* Denotes Multi-Parcel Sale (See Deed)

Land Calculations

Price	Factor	Type
$9.25	102,254	SF
Adj. Bldg. S.F. (Card, Sketch)		22051
Eff./Act. Year Built: 2007/2006		

Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc