

### **Special Exception Justification**

TVC Margate Co., LLC (the “Applicant”) is the contract purchaser of the property located at the southeast corner of the intersection of State Road 7 and Copans Road at 2000 North State Road 7 (the “Property”) in the City of Margate (“City”). The Applicant proposes to demolish the existing office building on the Property and construct a 5,943 square foot hybrid convenience market that includes a gasoline service station component (“Proposed Development”) in addition to a future Phase II which will include free standing general retail space.

The Proposed Development will provide residents and employees in the area with a safe and convenient location to purchase fuel, fresh food and necessities in one location. The tenants of the future Phase II general retail space have not been determined at this time. The Proposed Development will provide 16 fueling pumps and a market area for fresh food and necessities. The hybrid convenience market will offer food made to order or pre-packaged including sandwiches, salads, wraps and fresh fruit. Seating areas will be provided inside and out for those who wish to eat on the premise. The hours of operation are expected to be 24 hours.

The Property is located within the TOC-G Transit Oriented Corridor – Gateway Zoning District. The Proposed Development is permitted in the TOC-G district with special exception approval required for the gasoline service station component pursuant to Sec. Section 8.4 (B)(1)(g) of the City Code.

At this time, the Applicant is requesting special exception use approval to operate a gasoline service station with 16 fuel pumps on the Property pursuant to the review criteria set forth in Section 22.10 of Appendix A of the Code as follows:

- (a) Compatibility of the use and site plan elements with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.

The Proposed Development and site plan are compatible with the indigenous environment and with properties in the neighborhood. There are no significant indigenous environmental features that exist on the Subject Property or in the neighborhood that are in need of being protected with which the Proposed Development would not be compatible. The Subject Property is currently developed with an office building and is proposed to be redeveloped with a hybrid convenience market. The SR 7 corridor is an established commercial corridor in the City, and the Proposed Development is compatible with the existing commercial uses along the corridor. The majority of

properties along Copans Road between SR 7 and Banks Road are devoted to automobile dealerships. The properties immediately adjacent to the Subject Property are commercial, office and warehouse uses. The proposed hybrid convenience market is compatible with the existing uses on the adjacent properties and with the development character of the SR 7 and Copans Road corridors adjacent to the Subject Property.

The Applicant has included a number of features in the site plan that will enhance the Property so that it is compatible with the TOD-G zoning district. For example, a transit stop is located adjacent to the Property, and safe pedestrian routes are included to connect the transit stop to the hybrid convenience market. Also, outdoor seating is provided to activate the Property from the street and sidewalk.

For these reasons, the Proposed Development is compatible with existing and future development on the properties in the neighborhood and will not negatively impact the indigenous environment.

(b) Substantial detrimental effects of the proposal on property values in the neighborhood.

The Proposed Development will not have detrimental effects on property values in the neighborhood. To the contrary, the Proposed Development will increase surrounding property values. The area surrounding the Subject Property is one of the established commercial sectors of the City. The Proposed Development will not introduce a use that is out of character with the surrounding area. The Proposed Development will be a benefit to those patrons and employees of this section of the City and the residents who travel the SR 7 and Copans Road corridors by providing a safe and convenient location to buy gas, food and items of necessity. The proposed redevelopment will improve the neighborhood by upgrading the Subject Property to meet all the current landscape and engineering requirements of the City. For these reasons, the Proposed Development will not have a detrimental effect on the property values in the neighborhood, which will increase by virtue of the Proposed Development.

(c) Substantial detrimental effects of the use on living or working conditions in the neighborhood.

The Proposed Development will not have detrimental effects on living or working conditions in the neighborhood. In our fast paced society all residents and employees appreciate a safe and convenient location to purchase gas, food and necessities. The Proposed Development will provide a retail establishment that will help simplify the lives of residents and employees by offering all of these items in one location. The Applicant proposes to meet these needs of the neighborhood by providing a nationally recognized chain with a loyal following at a prominent intersection in the City. Many of the transit riders and employees that work in the area east of the Property and the patrons of those business will be able to access the Property on NW 55 Avenue without having to drive on the SR 7 or Copans Road which will provide an additional benefit for those employees

and patrons. For these reasons, the Proposed Development will be an asset to the community

- (d) Ingress and egress to the development and proposed structures, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and refuse collection, and access in the case of fire, catastrophe or emergency.

The site plan is designed with three (3) means of ingress and egress:

- Right-in and right-out on Copans Road;
- Right-in and right-out on SR 7; and
- Full ingress and egress on NW 55 Avenue.

These driveways are designed consistent with City, State, and County standards to provide the motoring public as well as refuse collection vehicles and emergency vehicles with safe and adequate access to the Property. On-site traffic flow is designed using property standards for vehicular movement and turning radii to ensure that once on-site all vehicles will be able to maneuver in a manner that is safe and efficient, especially those emergency vehicles that need to protect persons and property. Property signage is provided at all entrances to further control traffic movement. Finally, on-site pedestrian paths and handicapped access are included to provide connections to all pedestrians, including transit riders, from the existing sidewalks along Copans Road and SR 7 to the entrance to the hybrid convenience market.

- (e) Off-street parking location, and relationship to buildings and 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.

Off-street parking is provided to meet the number of spaces required by Code and is located to provide convenient access to the hybrid convenience market while at the same time protecting the internal traffic flow on the Property. The parking spaces are accessible by drive isles which meet the applicable dimensions of the Code. These drive isles are designed to provide for the appropriate turning movements that will be necessary for emergency vehicles that need to maneuver on the Property. At the same time, pedestrian paths are provided from the adjacent sidewalks to the hybrid convenience market such that pedestrians, including transit riders, can traverse the vehicular use area in a safe manner. The parking and vehicular use areas are also screened from the roadway with generous landscape materials that meet the City Code and enhance the visual appeal of the Property.

- (f) Orientation, location, size and feature of city buildings and the appearance and harmony of the buildings with nearby development and land uses.

The Proposed Development will provide for a new building with a fresh look at one of the gateways of the City's TOC. The SR 7 corridor is developed primarily with single story commercial uses. The proposed structures are comparable in size and mass with other buildings in the area so that the Proposed Development will be in harmony with the nearby development and land uses. The Applicant will work with City staff to incorporate any appropriate architectural changes that will make the Proposed Development more in keeping with the design theme for the area. The hybrid convenience market use provides for a front door facing Copans Road which aligns with an existing bus stop. This orientation provides those who ride mass transit with a convenient location to purchase necessities before or after their transit trips.

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

The proposed site plan is designed to provide proper setbacks, buffers and amenities so as to preserve compatibility and to control adverse effects. The Subject Property is located at the intersection of two very busy corridors in the City. Given this location, it is important to protect visibility at the intersection for both motorists and pedestrians. As a result, the hybrid convenience market is setback from the corner of SR 7 and Copans Road in order to enhance the visibility at the intersection and protect the safety of pedestrians and motorists. Landscape buffers are also provided between the sidewalk and the vehicular use areas on the Property and on-site landscaping is provided to enhance the visual appeal of the development and create a pleasant environment for the patrons and public. Fuel pumps are placed at the northwest corner of the Property so as to be located as far away from adjacent properties as possible. In doing so, the impacts on the adjacent properties of any fumes or noise associated with vehicles or fuel pumps will be minimal. Finally, light fixtures are located and designed to have minimal light spillage on adjacent properties. For these reasons, the Proposed Development will be compatible with uses inside and outside the Property and will not create any nuisances in the area.

- (h) Adequacy of stormwater management with attention to the necessity for onsite retention to alleviate flooding and groundwater pollution without compromising the aesthetics and maintainability of landscaping.

The landscape plan and engineering plan for the Proposed Development have been designed to meet all of the applicable standards of the City and County Codes. The drainage and stormwater management criteria followed for the design ensure that development of the site will not result in on-site or off-site flooding. All applicable environmental standards and protection measures will be implemented to ensure that groundwater pollution will not occur as a result of the redevelopment activity on the Subject Property. Finally, all landscaping requirements of the City Code are met on the site plan to ensure that the engineering design does not compromise the aesthetics expected by the City.

- (i) Adequacy of landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of required landscaping along street perimeters.

The landscape and irrigation plans are designed to meet the City landscape and tree preservation code requirements. The landscape plans call for all existing trees on the perimeter of the Property and approximately 60% of the total existing trees to be retained on the Property. The parking and vehicular use areas are also screened from the roadway with generous landscape materials, including native species that meet the City Code and enhance the visual appeal of the Property. In addition, the irrigation system designed for the Property is automatic and includes a rain sensor to help conserve water consumption. In addition, the irrigation system is designed to separate zones for shrubs and sod to the greatest extent possible which also helps conserve water consumption.

- (j) Compliance with the applicable goals, objectives and policies of the Margate Comprehensive Plan.

#### GOAL STATEMENT

*ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES MAXIMIZE THE POTENTIAL FOR ECONOMIC BENEFIT AND THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY CITIZENS WHILE MINIMIZING THE THREAT TO HEALTH, SAFETY AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGRADATION.*

Objective 1 Future development and redevelopment will be managed through the preparation, adoption, and implementation of land development regulations, and will be consistent with the requirements of S:163.3202 (1), Florida Statutes.

Policy 1.2 The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The city's zoning regulations shall not exceed the uses enumerated, but may be more restrictive.

Policy 1.8 Facilities and services shall be available concurrent with the impacts of development, while traffic circulation shall meet the level of service standards as specified within the adopted Traffic Circulation Element.

Objective 2 Develop and implement land use programs to encourage the elimination or reduction of existing incompatible land uses and prevent future incompatible land uses.

Policy 2.2 Commercial, industrial and other non-residential land use plan designations shall be located in a manner which facilitates their serving, but does not adversely impact existing and designated residential areas.

GOAL STATEMENT

*ENCOURAGE THE HIGHEST STANDARDS OF URBAN DESIGN AND LANDSCAPING FOR THE CITY, AS A WHOLE, DISTRICTS WITHIN THE CITY, AND FOR INDIVIDUAL SITE PLANS.*

Objective 4 Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202(1), Florida Statutes.

Policy 4.6 Differing intensities of commercial development shall be compatible with adjacent and surrounding land uses. Land development regulations including height and setbacks shall be compatible with adjacent uses.

Policy 4.11 All commercial and industrial development shall be serviced by centralized wastewater systems.

GOAL STATEMENT

*THE COST OF PUBLIC INFRASTRUCTURE TO SERVICE NEW DEVELOPMENTS AND REDEVELOPMENTS SHALL BE BORN BY SAME, THEREBY MAINTAINING A COMPARATIVELY LOW RATE OF LOCAL TAXATION AND PUBLIC INDEBTEDNESS.*

Objective 5 Land development regulations shall ensure that future land uses will only be permitted provided that the accommodation is demonstrated for soils, topography and natural resources and the availability of facilities concurrently with the impact of new development or redevelopment.

Policy 5.1 Require that no application for a new building or an addition to an existing building greater than 20 per cent of that building's floor area be issued without its being erected upon a lot, tract, or parcel shown on a plat which has been duly accepted and approved by the City Commission and recorded in the Public Records of Broward County.

Objective 7 Land development regulations will be adopted which will ensure that land uses found to be inconsistent with the community character will not be permitted.

Policy 7.2 All proposed development, shall be compatible with adjacent land uses.

Objective 13 The City shall maintain a Transit Oriented Corridor (TOC) designation for the State Road 7 corridor between Sample Road to the north and the City of North Lauderdale to the south. Redevelopment and development of this area shall be guided

with the approved City of Margate State Road 7/441 Corridor Master Plan. Nothing in this land use plan amendment will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

Policy 13.5 Additional or expanded stand alone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; “big box”/warehouse; and drive-through facilities are discouraged unless designed in a manner to encourage pedestrian and transit usage or strategically located interior to the TOC, preserving the streetscape and consistent with the adopted SR7/441 Corridor Master Plan.

Policy 13.6 The redevelopment and development within the TOC shall ensure that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the TOC land use category. Street connections and sidewalk locations shall, at a minimum, be consistent with the SR7/441 Corridor Master Plan.

Policy 13.12 The City shall require, as part of the development review process and consistent with the design of the SR7/441 Corridor Master Plan, internal pedestrian and transit amenities to promote alternative modes of transportation. These amenities shall include, but not be limited to: seating benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, and bicycle parking. Additional amenities incorporated into the street pattern shall include, but not be limited to: clocks, fountains, sculptures, drinking fountains, banners, flags and food and refreshment vendor areas. All such required amenities shall be reviewed as part of the land development review process and shall be consistent with the land development regulation adopted to implement the TOC land use category.

Policy 13.20 The City shall work with the CRA to establish developer strategies for the TOC area which encourage the use of safe and convenient access to public transit terminals, sidewalks, and public parking areas.

- (k) Compliance with the goals, objectives and policies of the Margate Community Redevelopment Plan.

The Community Redevelopment Area (“CRA”) was established to eliminate conditions of blight that exist in the CRA. The 2009 Community Redevelopment Plan identifies a number of projects and programs aimed to eliminate conditions of blight in the CRA. The Proposed Development is consistent with a number of those projects and programs including the following:

- Improving the district street layout and enhance the traffic circulation.
- Encouraging internal capture of trips, link uses, encourage local transit, etc. Improving access to and from SR 7 and adjoining properties.