

Special Exception Justification Narrative – Dunkin Donuts Drive-Through

Royal Palm Plaza Investment, LLC, (“Applicant”), owns the property located at 7300 Royal Palm Boulevard in the City of Margate, Florida (“City”). The property is located at the intersection of Royal Palm Boulevard and NW 73rd Avenue (“Property”). Currently on the Property is an existing shopping center with multiple units that has been in operation since 2006. Dunkin Donuts (“Tenant”) is the tenant located at the eastern end of the shopping center and the Tenant is proposing the addition of a Dunkin Donuts drive-through window on the east side of the building (“Proposed Development”).

Dunkin Donuts is the largest coffee and donut franchise in America with over 8,500 locations. They have been providing premium beverages and breakfast foods for over 60 years. The Tenant has expressed concern over the effects of competing breakfast establishments that are able to provide a drive-through option to the customer. The Applicant is proposing to provide the drive-through to effectively service customers whose fast-paced lifestyle is better suited to the convenience of drive-through options. The drive-through is also a necessary addition for the business to improve the safety of employees and patrons during the worldwide pandemic we are facing and will be dealing with for years to come. The drive-through window will be placed along the east side of the building with the menu board located at the rear of the building to allow for proper site circulation and minimize the aesthetic impact on the shopping plaza. The zoning for the Property is B-1 Neighborhood Business which allows for drive-through use as a special exception as stated in Section 21.3(B) of the Code.

Therefore, the Applicant seeks a special exception use approval from the provisions of the Code to allow for a drive-through use at the Property. The request satisfies the special exception use approval conditions in Section 31-54(c) of the Code as follows:

- 1. The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.**

The Property is zoned B-1. According to Section 21.2 of the Zoning Code, “the B-1 neighborhood business district is primarily intended for retail sale of goods or personal services primarily for persons residing in adjacent residential areas.” The Dunkin Donuts store has been providing food and beverages to the residents in the neighborhood for many years. This

request for a special exception is to enhance the service provided and improve the safety of transactions for the customers and the employees. By addressing each of the criteria for the special exception approval, the Applicant will demonstrate that the drive-through will be compatible with the adjacent residential areas and consistent with the Margate Comprehensive Plan.

The proposed use furthers the goals, objectives, and policies of the Comprehensive Plan as follows:

Pursuant to Objective 2, 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.

The Property is designated Commercial on the City land use plan map and is part of a shopping center that is zoned B-1. An analysis of each of the criteria for granting a special exception is provided below. The analysis will demonstrate that the characteristics of the Proposed Development and the conditions on the Property ensure that the proposed drive-through will not adversely impact the adjacent existing residential use.

Policy 4.6, of Element I Land Use, of the Margate Comprehensive Plan, provides, "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."

As stated above the property is zoned B-1 and "the B-1 neighborhood business district is primarily intended for retail sale of goods or personal services primarily for persons residing in adjacent residential areas." A coffee and donut shop is consistent with the purpose of the B-1 uses. The Proposed Development meets all of the land development regulations related to the B-1 zoning district. The City established the special exception approval process in the land development regulations in order to provide for an additional level of review for a drive-through use in order to evaluate the compatibility of said use prior to approval. Several of the special exception evaluation criteria address the compatibility of the drive-through use. The compatibility of the proposed uses is addressed below.

Policy 4.15, states that land development regulations shall contain performance standards that, at a minimum:

- a. Address the compatibility of the Proposed Development with neighboring properties.

- b. Address any detrimental affects of the Proposed Development on living and/or working conditions in proximity thereto.
- c. Address internal and external vehicular and pedestrian traffic flow.
- d. Address the location, size, and features of structures, with particular reference to their interrelation with neighboring properties.
- e. Address the adequacy of setbacks and buffers from rights-of-way and neighboring properties.

The City's Zoning Code contains specific criteria for approving a drive-through in a B-1 zoning district to provide an additional level of analysis by the City to address compatibility with the adjoining properties. The analysis of each criteria will demonstrate that the characteristics of the Proposed Development and the conditions on the Property ensure that the proposed drive-through will not adversely impact the adjacent existing residential use.

2. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

No aspect of the establishment, maintenance, or operation of the Proposed Development will have detrimental effects on the public health, safety, or general welfare of the City residents. The Dunkin Donuts is surrounded by compatible commercial business uses within the existing shopping center plaza including restaurants, cigar shop, a chiropractic office among others. The addition of a drive-through associated with this use will not have detrimental effects on the living or working conditions in the neighborhood as explained in further detail below. On the contrary, given the current circumstances of the ongoing worldwide pandemic, the addition of a drive-through at this business will actually benefit public health, safety, and welfare by allowing customers the option of patronizing the establishment while maintaining a safe distance within their vehicles. The drive-through will also improve the health, safety and welfare of the employees by allowing them to serve customers while maintaining proper social distance with necessary barriers.

As shown on the site plan, the site circulation will allow for efficient movement throughout the shopping plaza and will conceal the drive-through reservoir area in the rear of the building. A wall and significant mature landscaping exists at the rear of the Property to hide the vehicles at the drive-through from the view of adjacent residential properties and minimize noise associated with the drive-through. The plan for the Proposed Development will comply with all provisions of the Code and will effectively serve the coffee and breakfast needs of the surrounding neighborhoods, residents and visitors in the City.

- 3. The establishment, maintenance, or operation of the proposed use shall only be approved if in the best interest of the city. It shall be determined that a genuine need for the use is present in the city to support and justify the approval order to avoid creating an excessive proliferation of said special exception use.**

The proposed special exception drive-through use is in the best interest of the City as it will improve the operations of an established business, and thereby allow an established business to remain in the City. In addition, this addition will result in increase tax revenues that accrue to the City back to the pre-pandemic values. A genuine need exists for the proposed use to expand its operations in a way that will better serve the City and local community and provide a safe, efficient and convenient way to patronize the establishment. The current worldwide pandemic has caused and continues to cause financial difficulties and stress for many businesses, especially to restaurant and other food related industries. The revenues at this Dunkin Donuts have declined approximately 28% during the past year. Approval of the drive-through use will allow Dunkin Donuts to evolve and expand its operations to better serve the needs of employees and patrons in a time when social distance has become a top health priority.

Leaving the establishment in its existing form is not a viable option given recent conditions of the pandemic. Comparing sales from the second quarter of 2020 and 2019, sales were down 28%. The addition of a drive-through at this location is not for Dunkin Donuts to realize a windfall. It is to return sales back to where they were pre-pandemic and offer customers a limited to no contact safer option. Continued declining sales at this location would result in the business closing, which has been the fate of many restaurants during the past year. Another vacant storefront does not benefit the shopping center or the City as a whole.

The Applicant is requesting only (1) one drive-through as an addition to an existing building. The closest Dunkin drive-through in the City are at 390 N. Rock Island Road approximately 1.6mi from the 7300 Royal Palm Blvd. store and 5000 W. Atlantic Blvd. is approximately 3.1mi from the 7300 Royal Palm Blvd. store. The closest drive-through facility of any type heading east on Royal Palm Boulevard is the Culvers which is over 1.5 miles from the Property. There are no drive-through facilities of any type on Royal Palm Boulevard in the City heading west from the Property. For these reasons, the request will not create a proliferation of coffee/donut shops or drive-throughs in the area.

- 4. The proposed use shall be compatible with the existing natural environment and community character of the properties within the**

immediate neighborhood.

The Property where the drive-through is proposed is currently developed with a commercial use. There are no existing natural features of the Property that require protection.

The Property is located within the City's B-1 Neighborhood Business zoning district. Pursuant to the City's Code of Ordinances ("Code") Section 21.2, this zoning district is primarily intended to provide goods and services to neighboring residential areas. The Proposed Development will offer convenient coffee and breakfast food services to more efficiently and safely meet the needs of the surrounding neighborhoods.

The Dunkin Donuts is located in an existing shopping center and the design of the proposed drive-through will be consistent with the orientation, location, and features of the existing buildings. The appearance and harmony of the buildings with nearby developments will be maintained as well as appropriate site circulation. The existing development is a contemporary design with neutral colors that blend and are compatible with the existing surrounding tenants located throughout the shopping center site.

The proximity of the proposed drive-through lane and the existing residential properties located to the south is tempered through a large buffer area, which includes significant mature landscaping as well as a dividing wall (see Exhibit A). The existing landscape is taller than the dividing wall and much of the landscaping is taller than the adjacent homes. This existing condition will buffer the homes from noise or lights emanating from the drive-through. In addition, the drive-through will operate in compliance with the City noise ordinance.

For these reasons, the proposed drive-through will not negatively affect the character of the shopping center or the residential neighborhood to the south.

5. Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the City's adopted levels of service, or will be available concurrent with demand as provided for in the requirements of this Code of Ordinances.

According to data published by the Broward MPO, Royal Palm Boulevard adjacent to the Subject Property is operating at level of service C on a daily basis and level of service F in the peak hour. In 2040, the roadway is expected to operate at level of service F in the peak hour and on a daily basis. The traffic study provided with this application documents that the impact of the drive-through will be negligible. The operator will pay any traffic

concurrency impact fees associated with this drive-through in order to mitigate the negligible impact.

All existing utilities that are currently in place on the Property will remain in place to serve the Proposed Development. The Proposed Development will not increase the demand on utilities, or other public facilities such as police, fire and emergency services over pre-pandemic demands as the vast majority of people who will use the drive-through are already customers or already on the adjacent roadway. The demand generated by the established shopping plaza currently meets the City's adopted levels of service standards and the expected demand will remain at or below the adopted level of service standards with the development of this special exception.

Stormwater management continues to be provided as part of the already built site, and any site modifications requested will not negatively affect the existing conditions ability to alleviate flooding and ground water pollution. All existing drainage will remain in place. Therefore, there will be no negative stormwater impacts as a result of the Proposed Development.

A concurrency analysis is included with this application.

6. Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.

As reflected on the site plan, there is proper ingress and egress to the Property to allow for the servicing of utilities and refuse collection, and access in case of fire, catastrophe or emergency. The access points for the Property have not been modified from the existing vehicular access. The internal circulation of the Property has been modified by creating the drive-through entrance between the two structures in the shopping plaza and circulating behind the subject building towards the east end of the site. This traffic pattern provides for adequate stacking of vehicles on the Subject Property at the menu board and the service window. No stacking will occur on the adjacent roadway. A full loop circulation has been designed to match that of the parking lot to improve traffic flow.

The traffic analysis provided with this application documents that much of the traffic at the drive-through in the morning peak hour will be pass-by traffic that is already traveling on Royal Palm Boulevard. In addition, the MPO published data for 2019 operating conditions on Royal Palm Boulevard, which is the most current data available, indicates that Royal Palm Boulevard is operating

at an acceptable level of service.

As for pedestrian flow, the Proposed Development will have little to no impact on the established pedestrian walkways entering the Property by sidewalk from adjacent neighborhoods or safe pedestrian mobility within the site. The proposed drive-through will not prevent pedestrians from Royal Palm Boulevard walking to the front entrances of any business.

- 7. There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with City standards to the greatest extent possible.**

As indicated on the site plan, the location of parking provides easy and safe access to the uses on the Property. The existing site contains adequate parking and loading space that will be maintained with the addition of the drive-through use. In addition, the location of the drive-through will not adversely interfere with parking, internal traffic safety or traffic flow. The parking study provided with this application documents that there is adequate parking for the Proposed Development. The drive-through will be located along the east side of the existing building and will maintain the buffer yard and landscape area already provided on the site. The Proposed Development provides ample reservoir areas in accordance with Section 33.11 of the Code. The proposed development plan provides for safe and easily navigable circulation of the site that will not negatively affect the traffic flow or parking.

- 8. The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties.**

The establishment of this drive-through use will not impede the development of surrounding properties. The Property is currently operating as a shopping plaza within a larger site that includes another retail plaza building. The Dunkin Donuts tenant occupies the eastern most unit of the subject building and the addition of the drive-through use will not affect the ability to develop surrounding properties. The increased efficiency and attraction offered by the drive-through use will allow for more successful operation of the Dunkin Donuts store, which only serves to increase viability of this business and will improve economic stability in the shopping center. The addition of the drive through will allow pass by traffic a safe and efficient alternative. As stated above, such uses are frequently perceived as beneficial to the comfort, health and general welfare of the patrons and employees all the while providing a

convenient service.

The drive-through will be separated from the residential area to the south by an existing wall and mature landscaping that in some areas is taller than the existing homes. None of the trees existing in the southern buffer will be removed. The wall and landscaping will prevent headlights from shining into the adjacent properties. All lighting moved or installed for the drive-through will be installed to prevent light spillage on adjacent property as demonstrated by the lighting plan included with this application. The existing wall and mature landscaping will buffer the noise associated with the drive-through and all operations at the drive-through will be in accordance with the City's noise regulations

For these reasons, the Dunkin Donuts drive-through will not have a negative impact on the value of adjacent properties.

9. The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.

The current Property setbacks and buffers meet the Code requirements and the plaza integrates general amenities that preserve the harmony and compatibility of the site internally and externally with the surrounding uses. A dividing wall and significant mature landscaping exist at the rear of the Property adjacent to residential uses. The existing landscaping is taller than the dividing wall and the adjacent homes. The existing landscaping, masonry wall and compliance with lighting and noise restrictions of the City Code provide protection from possible noise or light pollution that may result from the drive-through. As a result, the impact of any noise, lights or other potential nuisances will be controlled with the existing buffer.

Currently, the Property is in accordance with the City's landscape Code, and the Applicant's landscape plan demonstrates landscaping that maintains the Code's requirements with an emphasis on the preservation of existing trees and landscaping buffers currently in place. The Property's landscaping along Royal Palm Boulevard and NW 73rd Avenue is consistent and contiguous to the surrounding landscaping of neighboring sites. As mentioned previously, a significant landscape buffer along the rear of the property will be maintained to control any noise, lights or other perceived nuisances that may result.

10. The City Commission finds that the granting of the application will be in the best interest of the City.

The Dunkin Donuts currently operating at this location provides premium beverages and breakfast foods to residents and visitors of the City. Current consumer trends favor the safe, quick and convenient service provided by a drive-through. The Dunkin Donuts drive-through service will offer a safe and convenient option for those travelling along Royal Palm Boulevard and those living in neighborhoods located near to the intersection of Royal Palm Boulevard and Rock Island Road. Revenues at this location have declined by approximately 28% during 2020. The drive-through is proposed in order to reestablish the revenue levels that existing in 2019. Without the drive-through, the Dunkin Donuts will no longer be viable at this location. A vacant commercial space in this economic environment is not in the best interest of the City because it could remain empty for a considerable amount of time.

The proposed use complies with the goals and objectives of the B-1 zoning and commercial land use of the Property as outlined in the Code and Comprehensive Plan. Approval of this special exception would allow Dunkin Donuts to provide safe and quick service to customers from the comfort of their vehicles. The drive-through addition is proposed to encourage those customers who no longer patronize the business to return because of the safe and efficient service. Dunkin Donuts operates thousands of locations nationwide with many of them containing a drive-through element so the company is in tune with the requirements of efficiently serving customers in a drive-through setting. The presence of a convenient Dunkin Donuts drive-through will satisfy the needs of surrounding neighborhoods and those travelling along Royal Palm Boulevard. The majority of traffic associated with the drive-through will be pass-by traffic and will not cause Royal Palm Boulevard to drop below an acceptable level of service. The Proposed Development is expected to benefit the City by reestablishing tax revenues while providing more convenient service to residents and visitors to the City.

For these reasons, it is in the best interest of the City to approve the Dunkin Donuts drive-through use as a special exception at this location.

Exhibit A

