

Special Exception Narrative – Drive-Through Dandee Donut

LE-PSL LLC c/o Leder Group, Inc. (“Applicant”) owns the property located at 3103 N. State Road 7, Margate, Florida (“Property”). The Property is located at the intersection of North State Road 7 and NW 31st Street. Currently on the Property is an existing 8,528 square foot commercial building, and the Applicant is proposing to renovate approximately 2,500 square feet of the existing building for the new Dandee Donut Factory (“Dandee Donuts”) and add a drive-through window located on the east side of the existing building façade. The Applicant is also proposing a standalone drive-through-only ATM (“ATM”) at the Property (collectively “Proposed Development”) in accordance with the Applicant’s site plan. Dandee Donuts is a successful donut store with locations in Pompano Beach and Hollywood and offers coffee, donuts, sandwiches, homemade soups and pastries. The zoning for the Property is transit oriented corridor – gateway (TOC-G) which does not allow for drive-through facilities without a special exception approval.

On May 24, 2016, the Development Review Committee approved the previous request for the drive-through-only ATM and the 3,100 square foot addition for the new Dandee Donut Factory with drive-through. The DRC case number for the previous approval is 05-16-07. The proposed changes relating to the drive-through Dandee Donuts will include relocating the Dandee Donuts space and drive-through location from the west side of the existing retail building to the east side of that same structure and renovating the existing vacant retail space for the new business operation without increasing the building square footage. The Applicant will provide the drive-through window on the east-side of the building and the related drive-through circulation lane in the area where the previously approved 3,100 square foot addition was to be located. The proposed changes to the existing surface parking lot will allow for the relocation of the parking spaces where the drive-through circulation is proposed. The total net change to the parking spaces provided is a reduction of seven spaces; however, the site will still provide two spaces over the code requirement. The Applicant is also providing four bicycle parking spaces per the code requirement.

Therefore, the Applicant seeks a special exception use approval from the provisions of the Code to allow for a drive through Dandy Donuts at the Property. The Applicant satisfies the special exception use approval conditions in Section 22.10 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 Property is compatible with the indigenous environment and with the properties in the neighborhood as outlined in the Margate Comprehensive Plan (“Comprehensive Plan”). The Property is located within the City’s TOC-G zoning district. The purpose of this zoning district pursuant to the City’s Comprehensive Plan includes, but is not limited to, stimulating redevelopment efforts within the City, while providing opportunities for mixed use development. The Proposed Development will offer convenient and high quality donuts and related food services meeting the needs of the surrounding neighborhoods and for residents and the proposed use of the Property is in compliance with the goals and objectives of the TOC-G zoning and commercial use of the Property. The Proposed Development is located at the gateway of the City at a corner lot off of State Road 7. The drive through amenities for the Dandee Donuts will be a convenient option for those entering the City of the main thoroughfare of State Road 7.

The Property is located adjacent to an existing shopping center and the design of the proposed plan of development will be consistent with the orientation, location size, and features of buildings, and appearance and harmony of the buildings with nearby development and commercial land uses. The proposed plan of development will be a contemporary design with neutral colors that blend and are compatible with the existing surrounding buildings.

Per the City’s Comprehensive Plan, many strip centers in the TOC-G zoning category do not meet current landscaping, parking, and setback requirements, and are in need of redevelopment and redevelopment efforts will focus on the State Road 7 corridor. The Property, located adjacent to State Road 7 at the gateway of the City is currently an abandoned vacant building that is not in compliance with the City’s Code. The proposed development will improve the current conditions of the Property by making improvements in line with the City’s Comprehensive Plan such as improving the landscaping, improving the walkability of the Property by connecting the Property to a walkway to the shopping center adjacent to the Property, improving the lighting with high efficiency LED lighting, improving traffic circulation and removing current vehicular dead end conditions at the Property, and developing an attractive and convenient Dandee Donuts at the building which is currently vacant.

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

The operation of Proposed Development will not have detrimental effects on the property values in the neighborhood. The Property is surrounded by other compatible commercial business uses such as the adjacent shopping center and other restaurants, banks, drug store, and food markets. The Proposed Development is not adjacent to residential uses and will not have detrimental effects on property values in the neighborhood.

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

The Proposed Development will not have any detrimental effects on the living or working conditions in the neighborhood. As set forth above, the Proposed Development is surrounded by other commercial uses that are compatible with the proposed use. The plan for the Proposed Development will comply with all provisions of the Code. Further, the Proposed Development will serve the commercial use needs of the surrounding neighborhoods, residents and visitors in the City.

- (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.**

As reflected on the survey, 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 ingress and egress for the Property has not been modified from the existing vehicular access. The internal circulation of the Property has been modified by eliminating a dead end condition on the site to improve traffic flow. The dumpster collection location has been moved to an area more accessible to the garbage trucks closer to the main entrance of the Property. A full loop circulation has been designed in the parking lot to improve traffic flow. As to pedestrian flow, the existing single entrance to the building has been modified to connect the Property to a linear pedestrian promenade so that the Property is connected by a walkway to the adjacent shopping center to improve pedestrian flow.

- (e) Off-street parking location and relation to buildings, internal traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.**

As indicated on the survey, the location of parking provides easy and safe access to the uses on the Property.

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

The orientation, location size and features of the Proposed Development are in harmony with the surrounding buildings and nearby development and land uses. As set forth above, the Proposed Development is surrounded by other compatible commercial uses such as restaurants, banks, drug store, and food markets. The Property is located adjacent to an existing shopping center and the design of the proposed plan of development will be consistent with the orientation, location size, and features of buildings, and appearance and harmony of the buildings with nearby development and land uses. The proposed plan of development will be a contemporary design with neutral colors that blend and are compatible with the existing surrounding buildings.

- (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 plan for the Proposed Development provides setbacks and buffers that meet the Code and general amenities that preserve the harmony and compatibility with the surrounding uses. As a result, the impact of any noise, lights, fumes or other potential nuisances will be controlled. None of the existing landscape buffers are being reduced or altered. Parking lighting will be improved by adding LED energy efficient fixtures with lighting compatible with the surrounding commercial properties.

- (h) Adequacy of stormwater management with attention to the necessity for on-site retention to alleviate flooding and ground water pollution without compromising the aesthetics and maintainability of landscaping.**

Stormwater management will be provided to alleviate flooding and ground water pollution. Therefore, the aesthetics and maintainability of the landscaping will not be compromised. All existing drainage will remain in place.

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

Currently the Property is not consistent with the City's landscape Code and the Applicant's landscape plan demonstrates landscaping that meets the Code's requirements with an emphasis on the preservation of existing trees and adding additional landscaping at the Property. The Property's landscaping along State Road 7 and NW 31st Street is consistent and contiguous to the surrounding landscaping to the north and west of the Property.

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

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

- The Proposed Development will further the goal of commercial properties creating a net gain to local government
- The Proposed Development will further the goal to attract commercial developers to accommodate the City's growing population to develop on large tracts with good access and utilizes readily available existing commercial property.
- Pursuant to Objective 4, Policy 4.18, the TOC category allows for a mix of land uses limiting the allowable square footage of commercial usage in the

TOC to 4,454,894, as shown on the site plan the Applicant proposes to practice sustainable, urban design principles by renovating and improving the vacant commercial space on site.

- The re-use of the existing structure will have little or no impacts on the City's infrastructure and current levels of service
- 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. As stated above the Property is located within the TOC and will not adversely impact existing residential areas. The redevelopment of the site will allow for the containment of these commercial uses well within the TOC area
- The Proposed Development will further the concern raised with commercial development of having a responsibility to protect existing and proposed residential, recreational and public facility areas from any adverse impacts

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

The Property is located within the Community Redevelopment Area ("CRA"). The Property is currently an abandoned vacant building located adjacent to an existing shopping center and the Applicant proposes to develop the drive through Dandee Donuts and ATM which will include making certain improvements required for the Property to permit this use at the Property and to bring the Property in compliance with the City's Code. The plan of development as further described above which will create an attractive and convenient commercial use at the Property is in compliance with the following applicable goals, objectives, and policies of the CRA:

- Redevelopment Policy GOAL 2: Prevent the future occurrence of slum and blight.
- Economic GOAL 1: Establish a diverse, identifiable character for the City within the Redevelopment Area while promoting economic vitality through private sector investment.
- Economic GOAL 2: Invigorate the business community and revitalize existing commercial properties.
- Economic GOAL 3: Market the Redevelopment Area as a major destination point
- Public Facilities and Services GOAL 2: Plan and support a safe efficient traffic circulation system that implements the City Center development and TOC zoning districts, and provides sufficient access for all modes of transportation between activity centers within the Redevelopment Area and the balance of the community