



CITY OF
MARGATE
Together We Make It Great

City Commission

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City Attorney

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City Clerk

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**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
VIRTUAL MEETING
<https://us02web.zoom.us/j/83454658413>
MINUTES**

Tuesday, February 2, 2021

7:00 p.m.

**City of Margate
Municipal Building**

PRESENT:

Richard Zucchini, Chair
Robert Reiner, Vice Chair
Juli Van Der Meulen, Secretary
Gail DeAngelis, Board Member
Howard Burke, Board Member (virtually)

ALSO PRESENT:

Janette M. Smith, City Attorney (virtually)
Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Alexia Howald, Associate Planner
Michael A. Jones, CPRP, Director of Parks and Recreation
Matthew Scott, Esq., Agent for John Anderson, Clutch Coffee Expansion, LLC
Darren Spicer, Clutch Coffee Expansion, LLC
John Anderson, Clutch Coffee Expansion, LLC

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:00 p.m. on Tuesday, February 2, 2021, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063. Alexia Howald read a statement pertaining to the City's virtual public meeting pursuant to the Sunshine Law and the Governor's Executive Orders followed by roll call of the board members.

1) NEW BUSINESS

A) *ID2021-042*
DISCUSSION OF 2021 LAND AND WATER CONSERVATION FUND PROGRAM (LWCF) GRANT APPLICATION IN THE AMOUNT OF \$1,000,000 FOR THE IMPROVEMENTS TO ORIOLE PARK.

Development Services Department

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Mike Jones, Director of Parks and Recreation, introduced the item. He explained the City was applying for a grant with a one (1) to one (1) match. Mr. Jones shared images of the conceptual plan and highlighted some of the elements of the project, explaining it would be a complete change in design compared to the current use.

Mr. Zucchini asked if the design could be modified after the grant was approved. Mr. Jones explained his discussions with the City Commission and the reasoning behind the inclusion of artificial turf. He noted that the design was being done with grass field in case the grant is not approved in order to save engineering costs. Mr. Zucchini asked for clarification on the lighting. Mr. Jones explained the existing lighting and recommendations. Mr. Zucchini asked who had written the grant. Mr. Jones responded that a consultant had written it with his assistance in putting together the documents. He provided a brief history of Parks and Recreation grants in the City and stated that if awarded, this would be the largest grant the Department had ever received.

Ms. DeAngelis commented on the sidewalks. She noted the existing sidewalks around Oriole Park are only about four (4) feet wide and asked if it was possible to widen them to make them more accessible to bicycles. Mr. Jones responded that the sidewalk would be outside of the scope of Parks and Recreation, but there was a proposed pathway meandering through the ficus trees. He stated he could work with the engineer to make sure it was an eight (8) foot walkway before going out for construction. Ms. DeAngelis asked for clarification on the location of the path. Ms. DeAngelis explained that she thought safe access to the park for children was an important consideration, especially with the nearby elementary school. She stated bike racks should also be added to the proposed park.

Mr. Reiner made the following motion, seconded by Ms. DeAngelis:

MOTION: APPROVE GRANT APPLICATION

ROLL CALL: Mr. Burke – Yes; Ms. DeAngelis – Yes; Mr. Reiner – Yes, Ms. Van Der Meulen – Yes; Mr. Zucchini – Yes. The motion passed with a 5-0 vote.

B) *ID2021-039*

CONSIDERATION OF SPECIAL EXCEPTION USE TO ALLOW A COFFEE SHOP WITH DRIVE THROUGH FACILITIES.

LOCATION: 5300 COCONUT CREEK PARKWAY, MARGATE, FL 33063

ZONING: TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G)

LEGAL DESCRIPTION: A PORTION OF TRACT "A", "BRANDON-FARRIS DEVELOPMENTS PLANT NO. 2", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 110, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: MATTHEW SCOTT, ESQ., AGENT FOR JOHN ANDERSON, CLUTCH COFFEE EXPANSION, LLC.

Mr. Zucchini introduced the item.

Applicant Presentation

Matthew Scott, Esq., Agent for John Anderson, Clutch Coffee Expansion, LLC, presented the application for a Special Exception use and provided a brief background. The applicant's presentation is attached to the minutes. He explained the property was a 0.4-acre parcel on Coconut Creek Parkway which was previously improved with a drive-through ATM as an outparcel for a drive-through bank that had been closed for about five (5) years. He shared images of the existing development and discussed plans to revitalize the area with a drive-through coffee location.

Mr. Scott reviewed the landscaping plan. He shared that the applicant would be giving the site a nice vegetative facelift, to include trimming back those trees which could be kept and adding in plants and trees where needed. He reviewed the elevations and signage plan and showed images of existing locations in North Carolina, as well as an example of the Clutch Coffee menu. He discussed the market for drive-through coffee and efforts to increase efficiencies, as well as community involvement efforts the company had been involved in with their other locations.

Mr. Scott briefly reviewed the Special Exception criteria and provided evidence to show how the application would meet the requirements. He stated the staff report showed that the application met the Special Exception criteria and pointed the Board toward the statements provided as competent, substantial evidence from experts. He stated the projected positive impacts of the business on property values and the community.

Mr. Scott addressed the comments received from staff. He stated the first proposes that the applicant comply with all Development Review Committee (DRC), which the applicant is fine with, with the exception of two (2) conditions. Mr. Scott explained the applicant opposed the condition that they provide a six (6) foot wide buffer on the east side, because it would require ripping up existing pavement and to provide a buffer in the middle of a shopping center. Additionally, he stated that they opposed the condition that the City Commission could rescind the Special Exception if the use became a nuisance. He stated that there was adequate Code Enforcement in place to manage any issues which might come up and asked that the condition not be attached to the application.

Mr. Zucchini asked if staff had comments, particularly on the exceptions Mr. Scott had addressed.

Andrew Pinney, Senior Planner, responded that the buffer condition was added in because of the existing condition of the site's buffer. He stated that this is an older shopping center, and the current buffer varies from one (1) to four (4) feet as stated on the survey, which was generally not sufficient space to support any meaningful landscaping. Mr. Pinney asserted that if a tree were planted in that space, within a few years it would lift and break the curb over time, looking bad and causing property damage. He stated that staff recommended that while they were already doing work that involved tearing up asphalt, they widen the buffer, as well. He added that the change would also help to buffer street views of the drive-through.

Mr. Zucchini asked that Mr. Pinney show him on the diagrams the location of the buffer being discussed. Mr. Pinney pointed out the new and existing barriers on the landscape plan.

Mr. Pinney explained the condition regarding the possibility of rescinding the Special Use in case of a public nuisance was discussed in the rationale of the staff report. He stated the concern was with the number of trips visiting the property per day. Mr. Pinney stated the traffic report showed the bank had an estimated 500 trips per day and the coffee shop would have an estimated 1,000 trips per day, but the issue highlighted by staff was that the bank routed drivers through four (4) drive-through lanes and the coffee shop planned to use one (1) lane. He noted an increase in peak hour trips was also contemplated in the traffic report and stated that the exception was meant to give the City Commission authority to handle an issue with traffic wrapping out of into the parking lot and onto the road.

Mr. Zucchini responded that he did not see how they could ask an applicant to go through that considerable investment to establish a business and say it was probationary. He asserted that did not make sense.

John Anderson, Clutch Coffee Expansion, LLC, commented briefly. He stated the existing buffer was not actually part of the proposed property they were improving. He noted that while the properties work together, they are not owned by the same entity. He stated changes to that buffer would require the cooperation of another property owner they had no relationship with.

Mr. Zucchini asked for clarification. Mr. Scott explained that the existing shopping center has a small buffer of one (1) foot that has plants in it which struggle. He stated that they were proposing expansion of the plantings on the property, but City staff was asking that the portion on the property side be expanded to six (6) feet. He noted that in addition to being expensive, it would be inconsistent with what is existing.

Mr. Zucchini asked Mr. Pinney if decorative planters along the buffer was an option. He asserted that the buffer was not a functional part of the property. Mr. Pinney stated that was the prerogative of the Board. He stated they were there for a recommendation to the City Commission. Mr. Pinney stated that his impression of planters would be that they would look temporary. Mr. Zucchini responded that the conditions told the applicant that their use was temporary, as well.

Mr. Zucchini asked Mr. Pinney if he would call the application a change of use for the building. Mr. Pinney stated the prior use was a bank and the proposed use was a coffee shop, so it was different in that respect.

Mr. Zucchini stated that he liked the project and the idea. He noted that in the past, when a tenant came in for a change of use would require a complete update, including lighting and landscaping, not just to the specific property, but to the entire plaza. He noted that this was a perfect example of why he thought that should not be the case. Mr. Pinney responded that in this particular situation, the property was parceled out from the shopping center and had its own folio number. He stated that was respected in reference to the application.

Mr. Zucchini stated that he had noticed the lighting looked insufficient. He asked if additional lighting had been discussed so that cars entering the drive-through could see. Mr. Pinney responded that the lighting was noted on the staff report and the applicant had committed to upgrades to the lighting and lighting levels.

Mr. Reiner asked if the location was strictly drive-through, why there were bike racks on the plan. Mr. Scott explained the racks were for employees. Mr. Reiner expressed concern that the bike racks would encourage people to ride their bikes to the coffee shop. He asked if there was a walk-up window. Mr. Scott responded that there was not.

Ms. DeAngelis stated that she was very excited about the creative way that the applicant had revitalized this building, however she was disappointed that there was no outside covered seating area in the plan. She stated she would like to see more promotion of pedestrian-friendly business activity to get people out of their cars. She noted there was a high school down the street, and people would be walking over, and in a perfect world she would like to see outside dining.

Mr. Scott stated that the applicant agreed with and appreciated the comments. He explained the original version of the plans showed closing two (2) of the drive-through lanes to make an outdoor seating area, but during the DRC process, there were public safety concerns raised regarding crossing in front of the vehicles. He stated that there was concern that addressing those needs would become cost prohibitive. Mr. Scott noted that they had the hope of revisiting that issue in the future.

Mr. Zucchini asked why bollards were put in the third lane. Mr. Scott stated that he thought that would be the safest way, in the interim, to keep traffic out of the lane and have only one (1) bypass lane. Mr. Zucchini asked if the applicant could imagine a need for reserve or staging lane parking where orders are not complete, and attendants came out later with service. Mr. Scott responded that he believed the expectation would be that they use the parking spaces on the north side of the site. Mr. Anderson added that they were simply making coffee, and there was not food preparation, so there was not lead time that caused those types of situations. He stated that they do not have that situation occur at their existing drive-throughs. Mr. Zucchini asked about the time to prepare a smoothie. Mr. Anderson stated that the smoothies were pre-mixed, so it takes 18 seconds to prepare a smoothie.

Mr. Zucchini commented on the hours of operation from 5 a.m. to 9 p.m. and stated lighting would be really important. He asserted that it was important the photometric provided the highest level of lighting. He stated he was glad to hear from staff that the applicant was committed to upgrading the lighting and asked if the lane entries would also be well lit. Mr. Scott stated that they would be replacing lights in all areas and improving underneath the canopy with LED lights.

Mr. Zucchini reviewed the plan's adequacy for queuing six (6) cars. He stated that years back, he and the now Vice Mayor had asked staff to review the queuing requirement for projects in the City and the Planning and Zoning Board had provided a Resolution, though it never made it into Code.

He stated that he would like to see that revisited, and said six (6) was okay, but not great. He suggested the third lane remain open for future use. Mr. Scott responded that the point was well taken and stated that there was some space between the dumpster and the two (2) primary lanes. He noted options for opening up in the future to add additional queuing space if it became necessary.

Mr. Zucchini asked if the DRC had seen and approved the signs shown in the plan. He stated that he thought the signage requirement had to do with square footage of the building and asserted that would be a disadvantage for this project. He added that he hoped they were allowed to use the signs shown, as they were very attractive. Mr. Scott stated that one (1) of the DRC comments was to address signage, and the applicant had been working on that as part of the final submission. He added that he did not have the exact specifications, but he could assure that they would meet Code.

Mr. Zucchini stated that he was not thrilled with the idea of requiring that the applicant increase the buffer, though there were other options that could be considered. He stated that he also did not agree with the clause to allow the City Commission to rescind approval.

Ms. Van Der Meulen asked for additional clarity on what would be done with the existing drive-through lanes. Mr. Scott explained the two (2) eastern drive-throughs would be closed with bollards and possibly decorative planters. He stated the west lane would be the primary drive-through and the second lane would serve as a by-pass lane. He added that as discussed, long-term the applicant would love it if they could make those two (2) lanes into an outdoor seating area.

Mr. Zucchini stated it was a good use of an unusual building, and he liked the project. He added that his only requirement would be a concern for the lighting.

Discussion ensued regarding the motion. City Attorney Janette M. Smith explained the follow-up conversations she would have with the applicant regarding the conditions.

Ms. Van Der Meulen stated she was not crazy about leaving the blocked drive-throughs in place. She noted that it would be difficult to make enjoyable seating with the fumes from cars sitting in the drive-through lane.

Mr. Zucchini responded to explain how the drive-through lanes would be used. He stated that he did not think the bollards were needed.

Mr. Pinney reviewed the recommended staff conditions.

Mr. Reiner made the following motion, seconded by Ms. Van Der Meulen:

MOTION: APPROVE SPECIAL USE FOR A DRIVE-THROUGH FOR CLUTCH

COFFEE, SUBJECT TO CONDITIONS A AND B AS PROVIDED IN THE STAFF REPORT AND EXCLUDING CONDITIONS C AND D.

ROLL CALL: Mr. Burke – Yes; Ms. DeAngelis – Yes; Mr. Reiner – Yes, Ms. Van Der Meulen – Yes; Mr. Zucchini – Yes. The motion passed with a 5-0 vote.

Mr. Anderson thanked the Board and stated that they are exceptionally excited to be a part of the community of Margate.

GENERAL DISCUSSION

There being no further business to discuss, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Richard Zucchini, Chair

**SPECIAL EXCEPTION
CLUTCH COFFEE BAR
5300 COCONUT CREEK PARKWAY**

**CITY OF MARGATE
PLANNING & ZONING BOARD MEETING**

FEBRUARY 2, 2021

PROPERTY LOCATION



EXISTING BUILDING

North Elevation



West Elevation



EXISTING SHOPPING CENTER



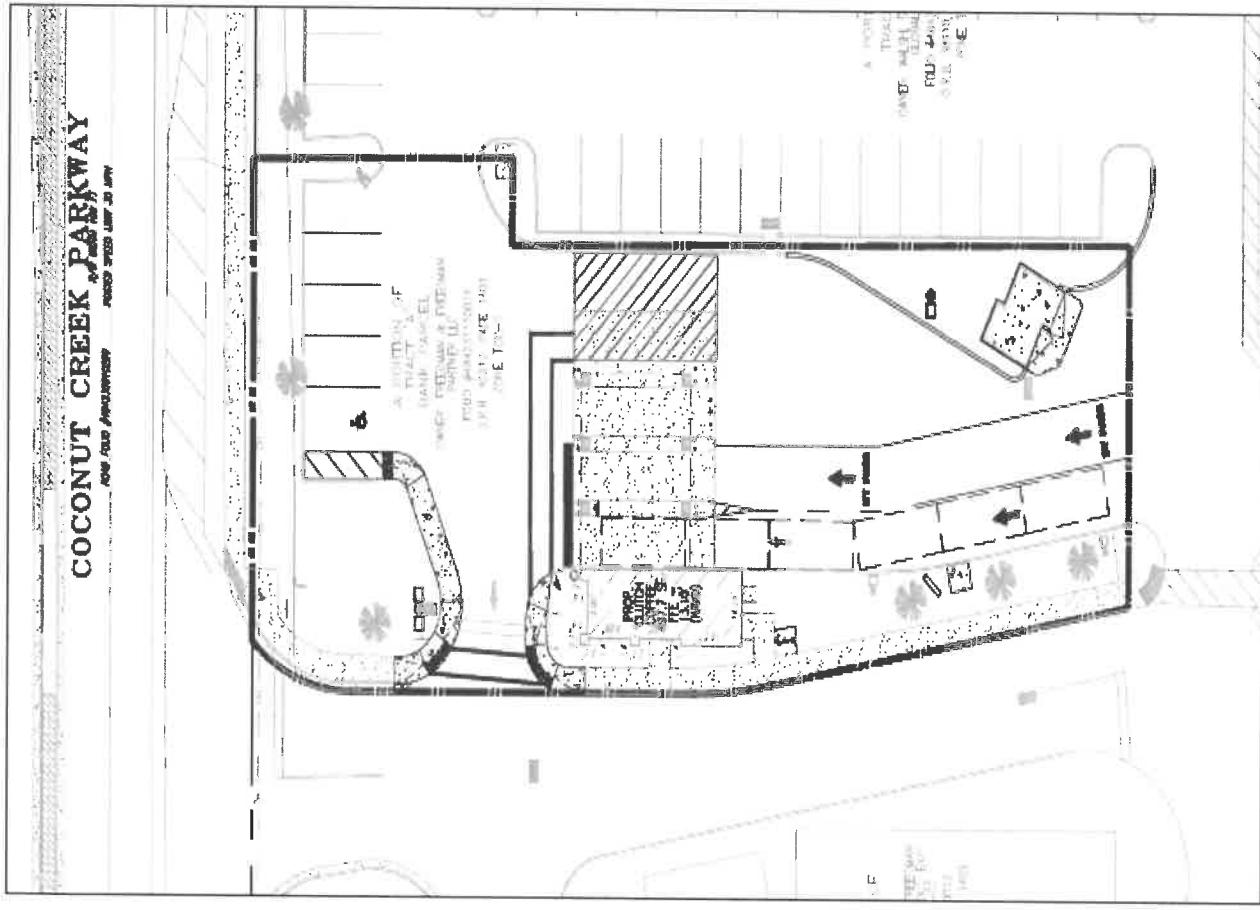
REQUEST

Special Exception approval to operate
a drive-thru coffee shop in the TOC-G
Zoning District.

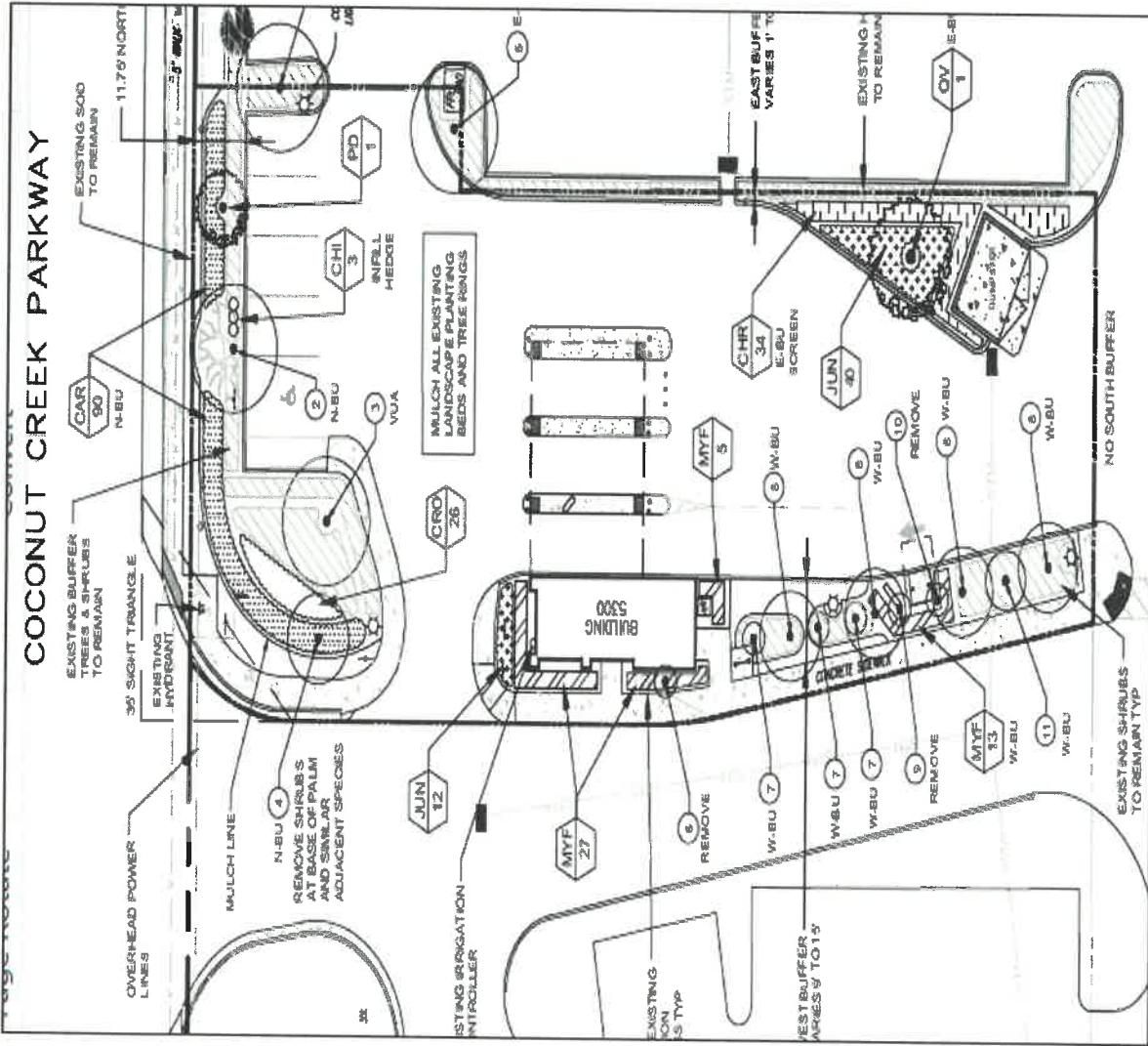
SITE PLAN

COCONUT CREEK PARKWAY

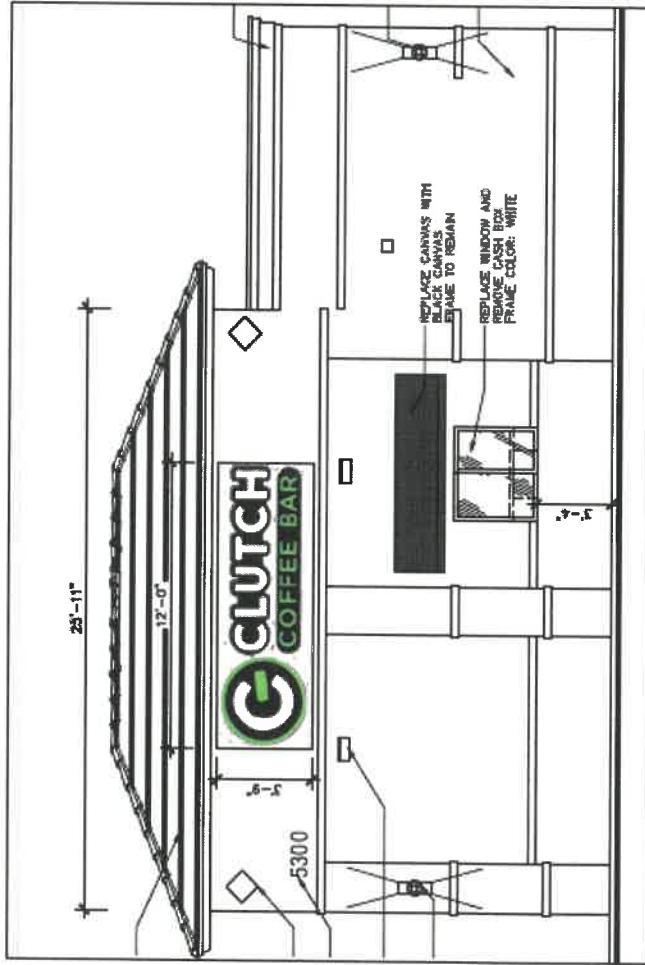
ART OF ANTI-SEMITIC AGGRESSION



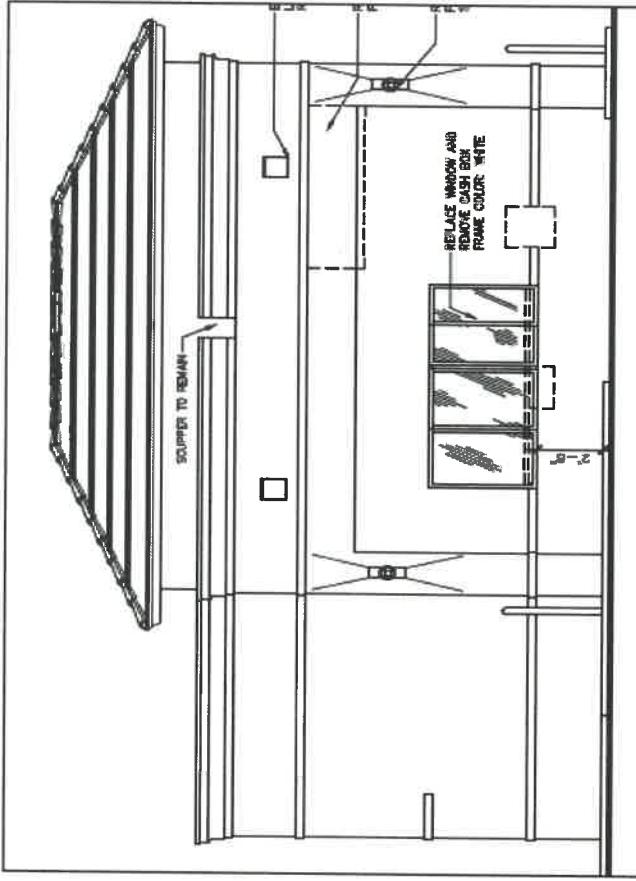
LANDSCAPE PLAN



BUILDING ELEVATIONS

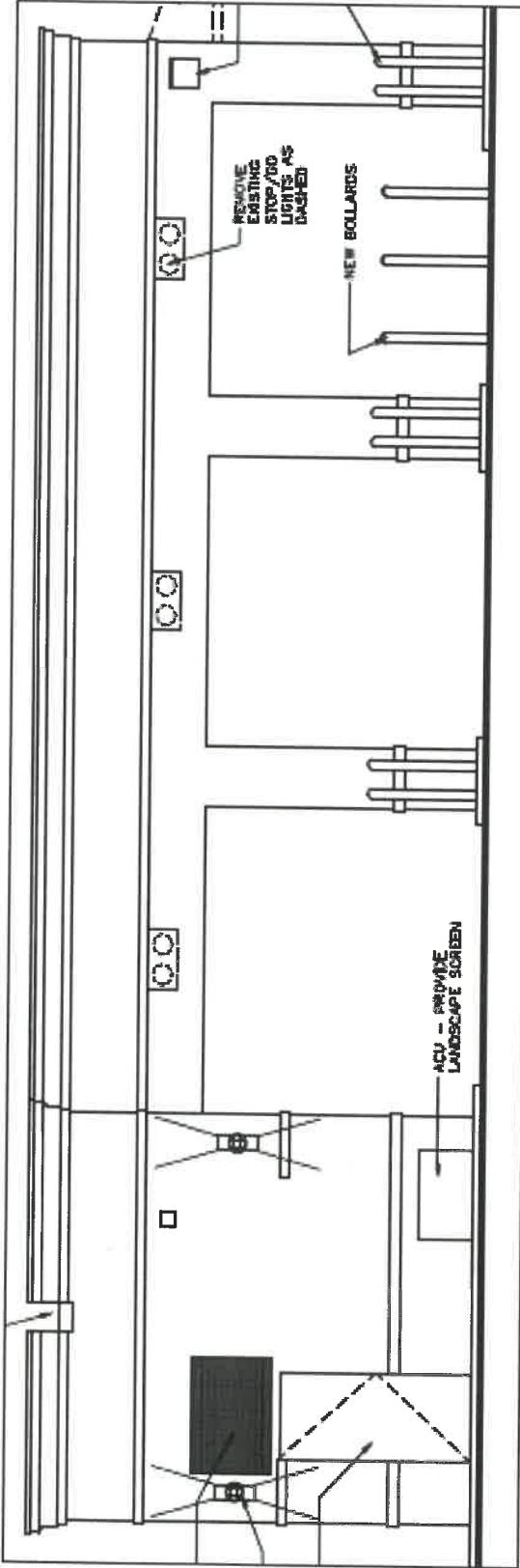


West Elevation

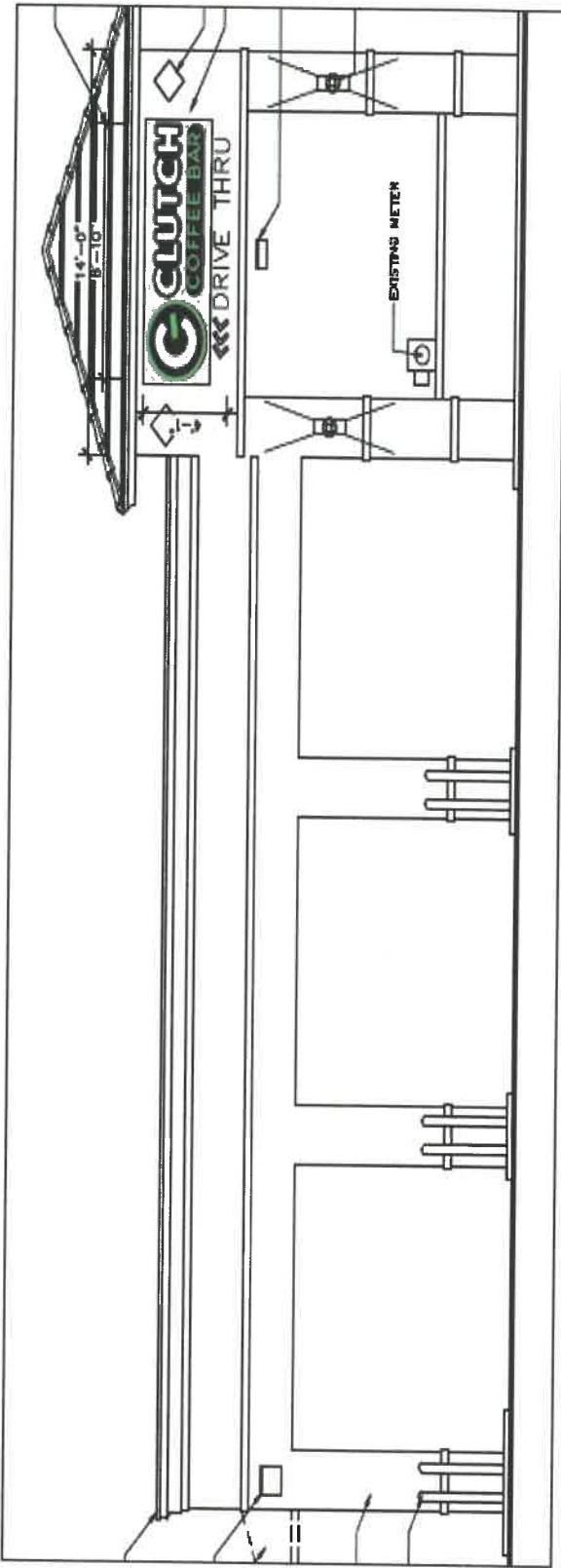


East Elevation

BUILDING ELEVATIONS



South Elevations



North Elevations

BUILDING SIGNS



North Elevation



West Elevation

NORTH CAROLINA LOCATION 1



NORTH CAROLINA LOCATION 2



EXAMPLE MENU

COMMUNITY INVOLVEMENT

- \$30,000 donated to community organizations, including:

- Local food banks
- Susan G. Koman Foundation
- Local schools
- Hurricane relief
- Care packages to active military
- Local police departments

SPECIAL EXCEPTION CRITERIA

- Per Section 31-54 of the City Code the following criteria must be met for Special Exception approval:
 - 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 establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - 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.

SPECIAL EXCEPTION CRITERIA CONTINUED

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

SPECIAL EXCEPTION CRITERIA CONTINUED

- 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.
- 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 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 city commission finds that the granting of the application will be in the best interest of the city.

QUESTIONS?