

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT THE CONSTRUCTION OF A RESTAURANT WITH DRIVE-THROUGH FACILITIES FOR BURGER KING WITHIN THE TOC-C TRANSIT ORIENTED CORRIDOR, LOCATED AT 2990 NORTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 22, 2016, the Development Review Committee reviewed a proposal for new construction of a 2,673 square foot Burger King and a 3,000 square foot retail building on vacant land located at the Northeast corner of State Road 7 and Coral Gate Boulevard, and recommended approval subject to design revisions or obtaining approval of variances from the Board of Adjustment; and

WHEREAS, the applicant made all feasible revisions and applied for variances for the remaining conditions; and

WHEREAS, on May 3, 2016 the Board of Adjustment approved variances BA-14-2016 and BA-15-2016 for permission to deviate from the TOC-C design standards at 2980-2990 North State Road 7.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That the City Commission of the City of Margate, Florida, hereby approves with conditions a special exception use to permit a restaurant with drive-through facilities within the TOC-C Corridor Zoning District for Burger King, located at 2990 North State Road 7. The conditions of approval are that the petitioner must comply with the findings of the March 22, 2016 Development Review Committee meeting, referenced above. The City Commission makes the following findings as provided in subsections (a) through (k) of Section 22.10 of Appendix A of the Code of the City of Margate:

(a) The use is compatible with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.

(b) There are no substantial detrimental effects of the proposal on property values in the neighborhood.

(c) There are no substantial detrimental effects with the use on living or working conditions in the neighborhood.

(d) There is adequate ingress and egress to the development, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and reuse collection, and access in the case of fire, catastrophe, or emergency.

(e) There is adequate off-street parking in relation to buildings, and adequate 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.

(f) There is acceptable orientation, location, size, and features of buildings, and appearance and harmony of the buildings with nearby development and land uses.

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

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

(i) There is adequate landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of berming along street perimeters.

(j) There is compliance with the applicable goals, objectives, and policies of the Margate Comprehensive Plan.

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

SECTION 2: That all representations by the applicant and determinations by the Development Review are incorporated as part of the conditions for this special exception.

SECTION 3: That this resolution shall become effective immediately upon its passage.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2016.

Resolution _____

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

TOMMY RUZZANO, MAYOR

RECORD OF VOTE

Simone	_____
Peerman	_____
Talerico	_____
Bryan	_____
Ruzzano	_____