

Special Exception Justification

Hauppauge Route 111 Associates LLC (“Applicant”) is the owner of vacant property located at the northwest corner of the intersection of North State Road 7 and North West 29th Street also described as Tax Folio No. 484219060011 (“Property”) in the City of Margate (“City”). The Applicant proposes a site plan to construct a 2,673 square foot Burger King restaurant, including a drive-through, and a 3,000 square foot retail establishment on the Property (“Site Plan”). The zoning for the Property is transit oriented corridor – corridor (TOC-C) which does not allow for drive through facilities without a special exception approval as required by Section 7.3(B)(j) subject to the requirements of Section 33.11 (vehicular reservoir areas for drive-through facilities) of the City of Margate Code of Ordinances (the “Code”).

Therefore, the Applicant seeks a special exception use approval from the provisions of the Code to allow for a drive through facility for the proposed Burger King restaurant 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-C 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 fast 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-C zoning and commercial use of the Property. The drive through amenities for the Burger King will be a convenient option for those using the main thoroughfare of State Road 7.

The Property is located adjacent to an existing Walgreens pharmacy and medical office buildings, 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 colors that are compatible with the existing surrounding buildings.

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 adjacent parcels, improving the lighting with high efficiency LED lighting, and developing an attractive and convenient Burger King and other retail.

(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 Walgreens pharmacy and medical office buildings. 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 site plan accompanying this application, 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 been designed in accordance with these factors. A full loop circulation has been designed in the parking lot to improve traffic flow. As to pedestrian flow, the buildings have been configured and oriented to promote pedestrian connectivity with sidewalks and other marked crosswalk features.

(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 site plan, 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 a drug store and medical office buildings. 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 colors that 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 required landscape buffers are being reduced. Parking area lighting will be use energy efficient LED fixtures with characteristics 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 vacant and undeveloped, a condition inconsistent with the goals of the TOC-C district. The site will be developed in conformity with the City's landscape regulations and the Applicant's landscape plan demonstrates landscaping that meets the Code's requirements. The Property's landscaping along State Road 7 and NW 29th Street is consistent with the surrounding landscaping to the north and east 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
- 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 a vacant n abandoned vacant building located adjacent to an existing shopping center and the Applicant proposes to develop the drive through Burger King and additional retail, which will include making certain improvements required for the Property to permit this use at the Property and to develop 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