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December 14, 2016

SPECIAL EXCEPTION JUSTIFICATION STATEMENT
FOR GASOLINE SERVICE STATION USE

Margate City Commission
5790 Margate Boulevard
Margate, Florida 33063

Re: Applicant: Cumberland Farms, Inc.
(with authorization from Lakewood Retail, LLC)
Project: Cumberland Farms (DRC No. 06-15-02)
Property: 5485 W. Atlantic Boulevard, Margate, Florida

Dear City Commission:

This firm represents Cumberland Farms, Inc. ("Applicant"), lessee of a parcel located at 5485 W. Atlantic Boulevard ("Property"). With express authorization from Lakewood Retail, LLC, as owner of the Property, Applicant hereby submits this special exception application for approval of a gasoline service station use to accompany the proposed convenience market.

Background and Project Details

The Applicant proposes to demolish an existing vacant 14,490 square foot retail use Walgreens Pharmacy building on the Property and construct a new 4,960 square foot Cumberland Farms convenience market which includes a gasoline service station component. The proposed site plan drawings are attached and made a part of this special exception application ("Proposed Development").

In 2009, Cumberland Farms began an extensive, national rebranding of its convenience store concept to better serve its customer base and compete with the likes of Starbucks and Dunkin Donuts. Among other major improvements, Cumberland Farms changed its logo, drastically modernized the exterior styling of its new buildings, and revamped its offerings to add lots of fresh food, creative drinks, and more grocery choices than a typical convenience store.

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In line with this exciting overhaul, the Proposed Development will provide residents and employees in the area with a safe, upscale, service-oriented, and convenient location to purchase drinks, fresh food, specialty coffee beverages, fuel, and other necessities. In an effort to support the design standards and goals for the Transit Oriented Corridor of Margate, the Applicant scrapped the traditional site configuration and completely redesigned the site to bring the primary building very close to Atlantic Boulevard, added outdoor seating, expanded the sidewalks and landscaping, and moved the fuel pumps to the west side of the site.

Architecturally, the Proposed Development will implement the modern design typical of the rebranded stores and provide four (4) fueling pump islands. Each island will be able to service four (4) vehicles. Seating areas will be provided outside the convenience market, along Atlantic Boulevard, for those who wish to eat on premises or travelers that need to relax and rejuvenate. The Proposed Development will consist of a 24-hour daily operation.

The Property is located within the Transit Oriented Corridor – Corridor (“TOC-C”) zoning districts. The Proposed Development is permitted in the TOC-C district with special exception approval required for the gasoline service station component pursuant to Article VII, Section 7.2 (B)(1)(k) of the City Code.

Compliance with Zoning Code Criteria

As discussed below and depicted in the drawings submitted with this application, the Applicant can show by competent substantial evidence that this special exception request for gasoline service station use satisfies the standards and review criteria set forth in the Margate Zoning Code including Sections 3.18, 3.26, 7.2, and 22.10.

3.18 – Filling Stations Regulations

The Applicant carefully crafted and revised the site plan to comply with the Zoning Code’s regulations specific to new filling stations. The proposed location of the fuel pumps, access driveways, and lighting plan all explicitly meet the requirements of this section of the Code. Moreover, due to the projects’ location (within an existing shopping center across a major roadway from the closest residential development), the concerns and regulations directed at residential impacts are not implicated. The Applicant is concurrently seeking a variance from the Board of Adjustment regarding the 1,000 foot distance separation requirement of 3.18. Applicant’s property is technically 985.32 feet (just 14.68 feet short of the minimum separation) from the closest filling station.

3.26 – Margate Community Redevelopment Plan

This section of the Zoning Code requires the City Commission to consider the goals and objectives of the Margate Community Redevelopment Plan when deciding whether to approve a special exception application. The Margate Community Redevelopment Plan prioritizes, among other things, economic redevelopment, reduction of blight, streetscape activation, pedestrian and cyclist improvements, and modernization of existing commercial centers.

The current application will eliminate a large, old, shuttered pharmacy building and replace it with a brand new convenience market and gas station with modern, clean architecture and lighting. The proposed state-of-the-art site plan provides for 12 foot sidewalks (twice the size of the existing sidewalks), bicycle racks, and plush landscaping. The new Cumberland Farms will employ people and provide in-demand goods (fresh food, fresh cold drinks, and specialty coffees) to Margate residents. The Proposed Development will also help modernize and improve Lakewood Plaza. As discussed below, the new project satisfies many of the objectives of the TOC-C District regulations as well.

7.2 – Transit Oriented Corridor – Corridor (TOC-C) District

The Applicant has revised the site plan multiple times in response to staff's direction prior to this final submittal, all in an effort to make the Proposed Development cohesive with the vision and spirit of the Transit Oriented Corridor form-based code. The final version attached to this application incorporates many of the design guidelines of the TOC code. Specifically, the primary building was reoriented and brought substantially closer to Atlantic Boulevard than in prior designs. This is noteworthy because the vast majority of other Cumberland Farms sites have much larger setbacks than provided by this site plan. Also, the fuel pumps were turned to the side and moved to the west side of the site to deemphasize them. Bicycle racks were added to the site plan, as well as extra-large sidewalks, abundant landscaping, and outdoor seating along Atlantic Boulevard. The site is somewhat constrained by its location within an established shopping center with anchor tenants. Notwithstanding this reality, the Applicant did everything possible with site plan modifications to accommodate and support the TOC form-based code regulations.

22.10 – Special Exception Criteria

- (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 Proposed Development and site plan are compatible with the indigenous and existing environment and the properties in the neighborhood. It is particularly noteworthy that the Property is located within a larger, established shopping center with multiple anchor tenants. The Property is currently developed with a 14,490 square foot retail building and is proposed to be demolished and redeveloped for a state-of-the-art convenience market with gasoline fuel sales. The Atlantic Boulevard corridor is an established commercial corridor in the City, and the Proposed Development is compatible with the existing commercial uses along the corridor. Many of properties along Atlantic Boulevard are automobile-oriented businesses.

The Applicant has included a number of features to enhance the property and to create a pedestrian friendly environment compatible with the intent of the TOC-C zoning district. The Applicant moved the location of the fuel pumps to the western side of the site and repositioned the building, in an effort to emphasize the convenience market and bring it closer to Atlantic Boulevard. Drivers coming from the east will see the large, modern, well-lit structure first, instead of the typical fuel

pump islands characteristic of traditional gas stations. Moreover, the Applicant proposes providing outdoor seating on the south side of the structure facing Atlantic Boulevard, and envisions finishing the seating area with a trellis, to further activate the use near Atlantic Boulevard. Bicycle racks are provided on site as well. Importantly, the entire site is activated with lush landscaping and a wide expansive sidewalk.

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

The Property will not have detrimental effects on property values in the neighborhood. The Proposed Development, with new modern architecture and fresh landscaping, will increase surrounding property values, as the current retail building site has been vacant for several years. The expansive sidewalk and outdoor seating also contribute to the neighborhood and enhance the corridor.

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

The Proposed Development will not have detrimental effects on living and working conditions in the neighborhood. This is a redevelopment within an existing shopping plaza. The Proposed Development will enhance the conditions in the neighborhood, offering a safe and convenient location to purchase hot food, fountain beverages, specialty coffees, more groceries than one would expect to see at a traditional convenience store, and gas.

- (d) Ingress and egress to the development and proposed structures, with particular reference to automotive and pedestrian safety, control of automotive traffic, provisions of services and servicing of utilities and refuse collection, and access in the case of fire, catastrophe or emergency.

The proposed driveways are designed consistent with City, State and County standards providing the motoring public, as well as refuse collection and emergency vehicles, with safe and adequate access to the Property. The site was designed to reduce pedestrian/vehicular conflicts wherever possible. On-site pedestrian paths and handicapped access are included to provide connections to all pedestrians from existing sidewalks along Atlantic Boulevard to the entrance of the proposed convenience market.

- (e) Off-street parking locations, and relationship to buildings and internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergency, and screening and buffering.

Off-street parking is provided to meet the requirements of the Code and is located to allow access to the market while protecting the internal traffic flow for the Property. Safe, comfortable pedestrian pathways are provided from the adjacent sidewalks.

The parking and vehicular use areas are also screened from the right-of-way with generous landscape materials which also enhance the visual appeal of the Property.

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

The Proposed Development will replace a large vacant retail lot. The Proposed Development will be in harmony with nearby development and land uses as the majority of development on the corridor are one-story, vehicular-oriented businesses with parallel parking provide facing the corridor. The new structure and generous landscaping will enhance the existing development and land uses. Moreover, the Applicant, in response to comments from City Planning staff, moved and turned the fuel pumps to deemphasize them, and moved and turned the building to emphasize it in a positive way and bring it closer to Atlantic Boulevard.

- (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, light, fumes and other nuisances.

The setbacks, buffers and amenities provided with the Proposed Development will preserve internal and external harmony and preserve compatibility with surrounding development. Fuel pumps are placed on the west side of the property and configured perpendicular to Atlantic Boulevard, aligned in a way to minimize their visual impact on the corridor. Noise and fumes will be minimal. Light fixtures are located and designed to have minimal spillage on adjacent properties but provide safe and comfortable illumination for the patrons.

- (h) Adequacy of storm-water management with attention to the necessity for onsite retention to alleviate flooding and groundwater pollution without compromising the aesthetics and maintainability of landscaping.

The landscape plan and engineering plans for the Proposed Development have been designed to meet all of the applicable standards of the City and County codes. All applicable environmental standards and protection measures have been implemented to ensure groundwater pollution will not occur as a result of the Proposed Development.

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

The landscape and irrigation plans are designed to not only meet but exceed the City landscape and tree preservation code requirements. The parking and vehicular use areas are also screened from the right-of-way with generous landscape materials, including native species to meet the City code and enhance the visual appeal of the Property.

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

The Proposed Development provides site amenities, safe comfortable pedestrian access to the site, bicycle racks, and street-activating design. The Applicant revised the site plan by moving and turning the fuel pump islands, and moving and turning the primary structure, all in an effort to comply with goals and objectives of the Comprehensive Plan and related TOC zoning regulations.

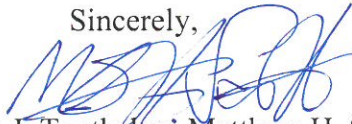
- (k) Compliance with the goals, objectives and policies of the Margate Community Redevelopment Plan.

The Community Redevelopment Area (CRA) was established to eliminate conditions of blight that exists in the CRA. The Proposed Development is consistent with a number of projects identified in the 2009 Community Redevelopment Plan. Those programs include improving the district street layout and traffic circulation along Atlantic Boulevard. Providing new development close to the street and outdoor seating create the "eyes on the street" presence as well as a break in the pedestrian travel way east or westbound along Atlantic Boulevard as well through to the big box type retail buildings north of the site.

Conclusion and Request for Approval

The Applicant has worked diligently with Margate staff to create a site plan that supports the vision of the TOC form-based code, contributes to Margate's redevelopment plans, and offers an opportunity for Cumberland Farms to present to Margate residents its exciting rebranded product. In light of the above, the Applicant respectfully requests approval of this special exception application. Please contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephanie J. Toothaker', is written over the word 'Sincerely,'.

Stephanie J. Toothaker; Matthew H. Scott