

CITY OF MARGATE, FLORIDA

RESOLUTION NO. 17-012

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A NEW GASOLINE SERVICE STATION WITHIN THE TOC-C CORRIDOR FOR CUMBERLAND FARMS, LOCATED AT 5485 WEST ATLANTIC BOULEVARD, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.

WHEREAS, on June 9, 2015, April 26, 2016, August 23, 2016 and November 22, 2016, the Development Review Committee reviewed a proposal for new construction of a 4,960 square foot Cumberland Farms convenience store with 8 fuel dispensing pumps, on the site formerly used for a Walgreens Pharmacy at 5485 West Atlantic Boulevard. At the November 22, 2016 DRC meeting, staff stated that the petitioner's proposal for a gasoline service station was much improved and as close to the Code as it could be, and recommended obtaining approval of variances from the Board of Adjustment before proceeding to the City Commission; and

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

WHEREAS, on January 3, 2017, the Board of Adjustment approved variances BA-03-2017, BA-04-2017, BA-05-2017 and BA-06-2017 for permission to deviate from the TOC-C design standards at 5485 West Atlantic Boulevard, and as a condition of approval for BA-05-2017, the petitioner has agreed to provide a trellis over a portion of the public sidewalk along Atlantic Boulevard.

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, approves with conditions a special exception use to permit a new gasoline service station for Cumberland Farms within the TOC-C Corridor Zoning District located at 5485 West Atlantic Boulevard.

SECTION 2: That the conditions of approval are that the petitioner must comply with the following findings announced during the November 22, 2016 Development Review Committee meeting:

- 1) Obtain variance to waive distance requirements between gas stations.
- 2) Provide a pedestrian zone on the north and west sides of the building.

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- 3) Obtain variance to provide 32% frontage build-out.
- 4) Obtain variance for use of bollards in lieu of wheelstops.
- 5) Provide minimum lighting requirements.
- 6) Provide minimum landscape requirements.
- 7) Obtain variance for tree spacing within urban greenway.
- 8) Obtain tree removal and engineering permits.
- 9) Provide payment of impact fees.
- 10) Obtain an easement for portions of the urban greenway sidewalk located on private property.
- 11) Utilize existing sewer lateral.
- 12) Provide a traffic study for vehicle stacking at driveways.
- 13) Route water line above sewer line.
- 14) Abandon easement shown on sheet CFG07.
- 15) Oak trees shall not be planted in conflict with utility lines.
- 16) Add a bike rack to the Atlantic Boulevard side of the building.
- 17) Enhance the appearance of the gas canopy.

In addition, the petitioner must comply with the following conditions announced during the January 25, 2017 City Commission public hearing:

- 18) Provide windows on the south façade of the building in the patio area.
- 19) Provide public art amenities in landscape area located in the southeast corner of the subject property.
- 20) Solve traffic concerns regarding the right turn lane into the subject property from the main drive aisle accessing the shopping center from Atlantic Boulevard west of the proposed structure.
- 21) Move the trellis required by the Board of Adjustment as a condition of the variance granted for tree spacing to the west of its proposed location.

SECTION 3: 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.

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(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.

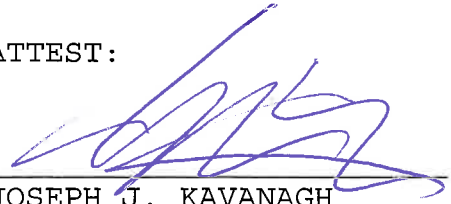
SECTION 4: That all representations by the applicant and determinations by the Development Review are incorporated as part of the conditions for this special exception.

SECTION 5: That this Resolution shall become effective immediately upon its passage.

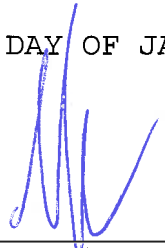
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PASSED, ADOPTED AND APPROVED THIS 25th DAY OF JANUARY, 2017.

ATTEST:



JOSEPH J. KAVANAGH
CITY CLERK



MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>YES</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>