



July 30th, 2018

City of Margate,
Development Service Dept.
901 NW 66th Ave
Margate, FL 33063

**Proposed: Proposed Culvers Restaurant
 5510 West Copans Road,
 Margate, FL**

Special Exception Justification

TVC Margate Co., LLC (the "Applicant") is the contract purchaser of the property located at the Southwest corner of the intersection of Copans Road and NW 55th avenue at 5510 West Copans road (the "Property") on the City of Margate ("City"). The applicant proposes to construct a 4,443 square foot restaurant ("Proposed Development") with a drive-through lane in addition to a future Phase II which will include a 4,000 square foot free standing general retail space.

The Proposed Development will provide residents and employers in the area with a safe and convenient location to dine-in or take-out. The tenants of the future Phase II general retail space have not been determined at this time. The Proposed Development will provide a family-friendly environment offering food made to order. Seating areas will be provided inside and out for those who wish to eat on the premise.

The property is located within the TOC-G Transit Oriented Corridor – Gateway Zoning District. The Proposed Development is permitted in the TOC-G district with special exception approval required for the Drive-through pursuant to Sec. 8.4 (B)(f) of the City Code.

At this time, the Applicant is requesting special exception use approval for a Drive Through on the Property pursuant to the review criteria set forth in Section 31-54 (c) of the Code as follows.

- A. The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.

Response: The Proposed Development and site plan are compatible with the indigenous environment and with properties in the neighborhood. There are no significant indigenous environmental features that exist on the Subject Property or in the neighborhood that are in need of being protected with which the Proposed Development would not be compatible. The Subject Property is currently undeveloped and is proposed to be developed into a Restaurant. The SR 7 corridor is an established commercial corridor in the City, and the Proposed Development is compatible with the existing commercial uses along the corridor. The majority of properties along Copans Road between SR 7 and Banks Road are devoted to automobile dealerships. The properties immediately adjacent to the Subject Property are commercial, office and warehouse uses. The proposed restaurant is compatible with the existing uses on the adjacent properties and with the development character of the SR7 and Copans Road corridors adjacent to the Subject Property.

The Applicant has included a number of features in the site plan that will enhance the Property so that it is compatible with the TOC-G Zoning district. For example, a transit stop is located near the

property, and safe pedestrian routes are included to connect the transit stop to the restaurant. Also, outdoor seating is provided to activate the Property from the street and sidewalk.

For these reasons, the Proposed Development is compatible with existing and future development on the properties in the neighborhood and will not negatively impact the indigenous environment.

- B. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

Response: The Proposed Development will not have detrimental effects to Public health, safety or welfare. In our fast paced society all residents and employees appreciate a safe and convenient location to purchase quality fast food. The Applicant proposes to meet these needs of the neighborhood by providing a nationally recognized chain with a loyal following near a prominent intersection in the City. Many of the transit riders and employees that work in the area and the patrons of those business will be able to access the Property on NW 55 Avenue without having to drive on SR 7 or Copans Road which will provide an additional benefit for those employees and patrons. For these reasons, the Proposed Development will be an asset to the community.

- C. 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.

Response: The Applicant's Real Estate Division performed a market analysis prior to selecting this site for development. That analysis showed the need for quality dining with drive-through capabilities, which the Proposed Development (Culver's) can provide. The Copans Road corridor and the SR 7 corridor has many office and commercial uses with a relatively small selection of dining choices. The Proposed development will be an excellent addition to the market and a great partner in the community. Culver's franchise culture promotes giving back to the community around them through various charities and The Culver's Foundation Scholarship Program, which offers scholarships to team members to help them pursue higher education.

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

Response: The Proposed Development will provide for a new building with a fresh look at one of the gateways of the City's TOC. The SR7 corridor is developed primarily with single story commercial uses. The proposed structures are comparable in size and mass with other buildings in the area so that the Proposed Development will be in harmony with the nearby developments and land uses. The Applicant will work with the City Staff to incorporate any appropriate architectural changes that will make the Proposed Development more in keeping with the design theme for the area.

- E. 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.

Response: The proposed development will utilize the existing driveway on NW 55th Avenue, and the water/sewer/drainage connections that were put in place as part of the Wawa development. By connecting the water, sewer, and drainage systems to the connections put in place by the Wawa development it will provide the currently undeveloped plot of land with the utilities needed to sustain

any future development on the site. The water utility is being provided by a looped main throughout the northern portion of the property which will be a large enough size to accommodate the proposed development and any future development. A fire hydrant is also being proposed with basic access from the internal road system throughout the site to allow any emergency vehicle access to the fire hydrant. The internal roadway system is created to provide ease of access between both parcels and the outside roadway system. If needed any emergency vehicle such as fire and police can quickly reach either parcel whether approaching from Copans Road, State Road 7, or NW 55th Avenue. The site will provide an underground drainage vault which will provide 0.60 ac-ft of storage. This vault along with an exfiltration trench system will be interconnected with the Wawa property providing adequate stormwater drainage for both parcels. With the implementation of these stormwater measures the new master stormwater system will greatly decrease the amount of flooding in that area due to the fact that the vault itself can handle a 25-year, 3-day storm event.

- F. 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.

Response: The site plan is designed with three (3) means of ingress and egress:

- Full ingress and egress on NW 55 Avenue;
- Right-in and right-out on Copans Road through the adjacent Wawa; and
- Right-in and right-out on SR7 through the adjacent Wawa

These driveways are designed consistent with the City, State, and County standard to provide the motoring public as well as refuse collection vehicles and emergency vehicles with safe and adequate access to the Property. On-site traffic flow is designed using property standards for vehicular movement and turning radii to ensure that once on-site all vehicles will be able to maneuver in a manner that is safe and efficient, especially those emergency vehicles that need to protect persons and property. Property signage is provided at all entrances to further control traffic movement. Finally, on-site pedestrian paths and handicapped access are included to provide connections to all pedestrians, including transit riders, from the existing sidewalk along Copans Road and NW 55 Avenue to the restaurant.

- G. 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.

Response: Off-street parking is provided to meet the number of spaces required by Code and is located to provide convenient access to the restaurant while at the same time protecting the internal traffic flow on the property. The Parking spaces are accessible by drive aisles which meet the applicable dimensions of the Code. These drive isles are designated to provide for the appropriate turning movements that will be necessary for emergency vehicles that need to maneuver on the Property. At the same time, pedestrian paths are provided from the adjacent sidewalks to the restaurant such that pedestrians, including transit riders, can traverse the vehicular use area in a safe manner. The parking and vehicular use areas are also screened from the roadway with generous landscape materials that meet the City Code and enhance the visual appeal of the Property.

- H. 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;

Response: The Proposed Development will not have detrimental effects on the property values in the neighborhood. To the contrary, the Proposed Development will increase surrounding property values. The area surrounding the Subject Property is one of the established commercial sectors of the City. The proposed Development will not introduce a use that is out of character with the surrounding area. The proposed Development will be a benefit to those patrons and employees of this section of the City and the residents who travel the SR 7 and Copans Road corridors by providing a safe and convenient location to buy made to order food, fast. The Proposed development will improve the neighborhood by implementing the City's current landscape and engineering requirements. For these reasons, the Proposed Development will not have a detrimental effect on the property values nor impede the development of surrounding properties.

- I. 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.

Response: The proposed site plan is designed to provide proper setbacks, buffers and amenities so as to preserve compatibility and to control adverse effects. The Subject Property is located at a very busy corridor in the City. Given this location, it is important to protect visibility on Copans roads for both pedestrians and motorists. As a result, the restaurant is setback from Copans Road in order to enhance visibility on the road and protect the safety of pedestrians and motorists. Landscape buffers are also provided between the sidewalk and the vehicular use areas on the Property and on-site landscaping is provided to enhance the visual appeal of the development and create a pleasant environment for the patrons and public. Finally the light fixtures are located and designed to have minimal light spillage on adjacent properties. For these reasons, the Proposed Development will be compatible with uses inside and outside the property and will not create and nuisances in the area.

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

Response:

GOAL STATEMENT

ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES MAXIMIZE THE POTENTIAL FOR ECONOMIC BENEFIT AND THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY CITIZENS WHILE MINIMIZING THE THREAT TO HEALTH, SAFETY AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGRADATION.

Objective 1 Future development and redevelopment will be managed through the preparation, adoption, and implementation of land development regulations, and will be consistent with the requirements of S: 163.3202 (1), Florida Statutes.

Response: All land development regulations have been met through this development by following all the required setbacks, landscape regulations, and designs set forth by the City of Margate. The proposed development also incorporates certain aspects that the City of Margate stated would be beneficial to this development such as a looping water main system and a fire hydrant for the area.

Policy 1.2 The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The city's zoning regulations shall not exceed the uses enumerated, but may be more restrictive.

Response: The proposed use of a restaurant is permitted within the TOC-G District and therefore does not exceed the regulations listed within this policy.

Policy 1.8 Facilities and services shall be available concurrent with the impacts of development, while traffic circulation shall meet the level of service standards as specified within the adopted Traffic Circulation Element.

Response: By providing the ease of access to the parcel through three (3) entrances and by provided an internal traffic network that supports interconnectivity within itself so that every area can be accessed easily, this meets the level of service standards as specified within the adopted Traffic Circulation Element.

Objective 2 Develop and implement land use programs to encourage the elimination or reduction of existing incompatible land uses and prevent future incompatible land uses.

Policy 2.2 Commercial, industrial and other non-residential land use plan designations shall be located in a manner which facilitates their serving, but does not adversely impact existing and designated residential areas.

Response: There is currently no surrounding residential areas that will be adversely impacted from this development due to location.

GOAL STATEMENT

ENCOURAGE THE HIGHEST STANDARDS OF URBAN DESIGN AND LANDSCAPING FOR THE CITY, AS A WHOLE, DISTRICTS WITHIN THE CITY, AND FOR INDIVIDUAL SITE PLANS.

Objective 4 Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202(1), Florida Statutes.

Policy 4.6 Differing intensities of commercial development shall be compatible with adjacent and surrounding land uses. Land development regulations including height and setbacks shall be compatible with adjacent uses.

Response: Since the land use to the west is different than the proposed use every measure has been taken to ensure that the Land Development Regulations for adjacent dissimilar uses has been met. This is done by utilizing setbacks, landscaping buffers, and building heights that meet the criteria within the Land Development Regulations.

Policy 4.11 all commercial and industrial development shall be serviced by centralized wastewater systems.

Response: The proposed commercial development is will be service by a centralized wastewater system that eventually leads to the wastewater system within Copans Road.

GOAL STATEMENT

THE COST OF PUBLIC INFRASTRUCTURE TO SERVICE NEW DEVELOPMENTS AND REDEVELOPMENTS SHALL BE BORN BY SAME, THEREBY MAINTAINING A COMPARATIVELY LOW RATE OF LOCAL TAXATION AND PUBLIC INDEBTEDNESS.

Objective 5 Land development regulations shall ensure that future land uses will only be permitted provided that the accommodation is demonstrated for soils, topography and natural resources and the availability of facilities concurrently with the impact of new development or redevelopment.

Policy 5.1 Require that no application for a new building or an addition to an existing building greater than 20 per cent of that building's floor area be issued without its being erected upon a lot, tract, or parcel shown on a plat which has been duly accepted and approved by the City Commission and recorded in the Public Records of Broward County.

Response: Acknowledged, if needed a plat will be submitted and accepted/approved by the City Commission and recorded in the Public Records of Broward County.

Objective 7 Land development regulations will be adopted which will ensure that land uses found to be inconsistent with the community character will not be permitted.

Policy 7.2 All proposed development, shall be compatible with adjacent land uses.

Response: The proposed development will bring customers for not only the benefit of the restaurant but for the adjacent Wawa as well. Which will increase the sales of both uses and provide more commerce within the City of Margate.

Objective 13 The City shall maintain a Transit Oriented Corridor (TOC) designation for the State Road 7 corridor between Sample Road to the north and the City of North Lauderdale to the south. Redevelopment and development of this area shall be guided with the approved City of Margate State Road 7/441 Corridor Master Plan. Nothing in this land use plan amendment will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

Policy 13.5 Additional or expanded stand-alone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; "big box"/warehouse; and drive-through facilities are discouraged unless designed in a manner to encourage pedestrian and transit usage or strategically located interior to the TOC, preserving the streetscape and consistent with the adopted SR7/441 Corridor Master Plan.

Response: The proposed drive-thru is placed in a manner as to wrap around the back of the buildings which will maintain the current streetscape. By doing this, it will keep the store frontage clear instead of creating traffic and blocking the view from the main roadway. There are also multiple pedestrian walkways through the drive-thru that provide the necessary striping needed to allow pedestrians to safely walk across the parking lot/drive-thru area.

Policy 13.6 the redevelopment and development within the TOC shall ensure that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the TOC land use category. Street connections and sidewalk locations shall, at a minimum, be consistent with the SR7/441 Corridor Master Plan.

Response: There is a proposed pedestrian connection to the Wawa Parcel adjacent to the proposed development that will provide the necessary pedestrian access to the transit stop along Copans Road.

Policy 13.12 The City shall require, as part of the development review process and consistent with the design of the SR7/441 Corridor Master Plan, internal pedestrian and transit amenities to promote alternative modes of transportation. These amenities shall include, but not be limited to: seating benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, and bicycle parking. Additional amenities incorporated into the street pattern shall include, but not be limited to: clocks, fountains, sculptures, drinking fountains, banners, flags and food and refreshment vendor areas. All such required amenities shall be reviewed as part of the land development review process and shall be consistent with the land development regulation adopted to implement the TOC land use category.

Response: Bicycle facilities are proposed within the site to promote alternative form of transportation to the restaurant.

Policy 13.20 The City shall work with the CRA to establish developer strategies for the TOC area which encourage the use of safe and convenient access to public transit terminals, sidewalks, and public parking areas.

Response: All sidewalks proposed within the property have been implemented to provide ease of access to the main roadways so that pedestrians can quickly and safely reach the transit stop along Copans Road.

If you have any questions or require additional information, please do not hesitate to contact me at our Sunrise office, (954) 314-8480.

Sincerely,



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