



**STAFF REPORT**  
**DEVELOPMENT SERVICES DEPARTMENT**

**Project Name:** Culver's Restaurant

**Applicant:** Medalist Restaurant Group, LLC

**Project Location:** 5510 W Copans Road

**Application:** Special Exception Use – Drive-through Facilities

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**I. RECOMMENDATION:**

APPROVE

APPROVE WITH CONDITIONS

DENY

TABLE

**II. EXECUTIVE SUMMARY:**

Applicant has requested permission for new construction of a 4,443 square foot Culver's restaurant with a drive-through lane in the TOC-G Gateway zoning district. Staff is recommending approval with all conditions imposed by the Development Review Committee and the addition of a solid roof covering the outdoor dining area on the east side of the restaurant. Staff finds that the applicant has satisfactorily addressed all applicable special exception criteria and comprehensive plan policies.

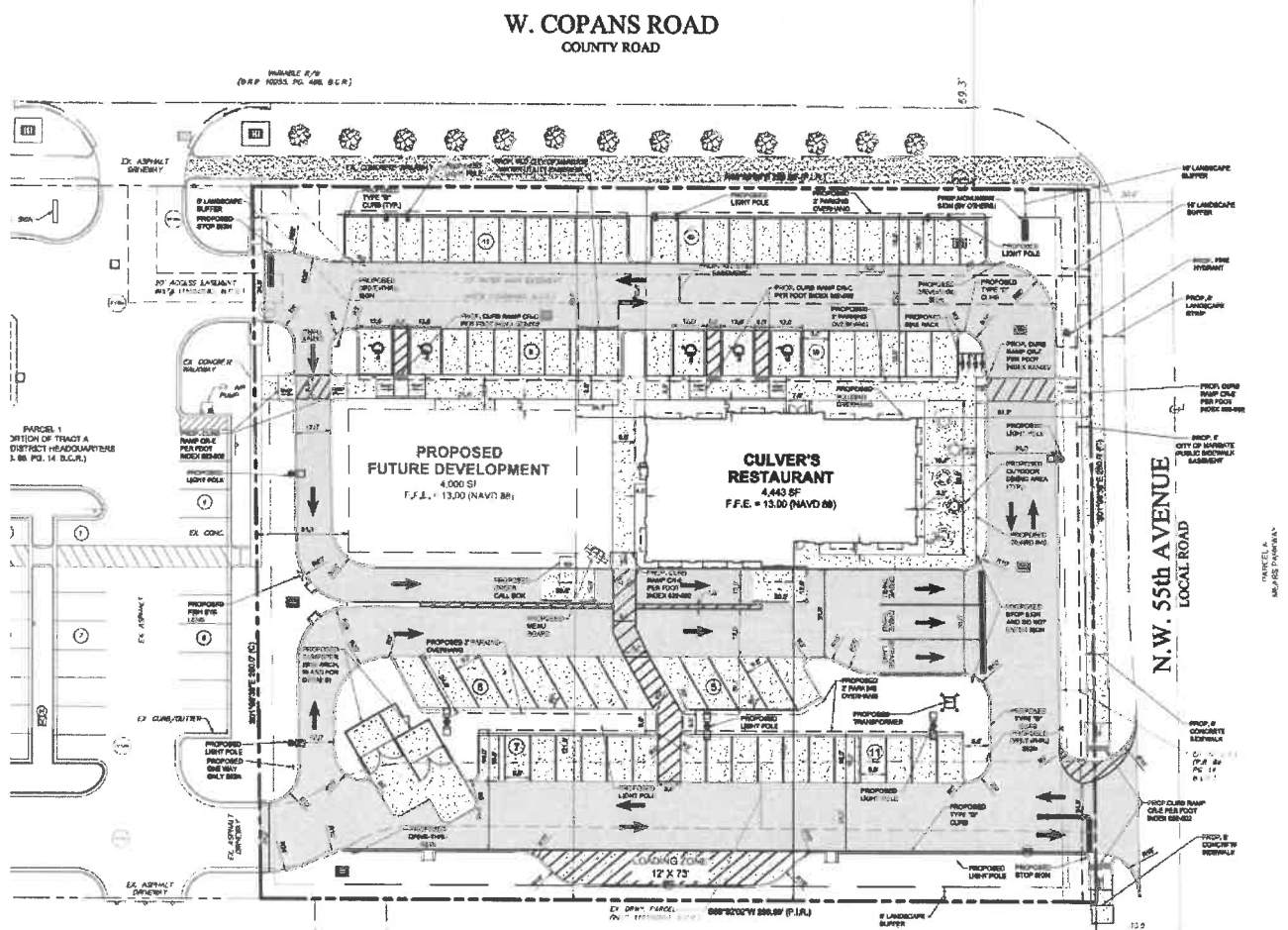
**III. ANALYSIS:**

**1) Description.**

This section of the staff report provides a detailed description of the application. The subject property is located within the TOC-G Gateway zoning district, has an underlying land use designation of Transit Oriented Corridor, and is located within the Margate CRA boundary. Drive-through facilities are classified as a special exception use in the TOC-G Gateway zoning district. The property was formerly used as a parking lot for a large office building, and is currently undergoing drainage improvements related to an adjacent Wawa hybrid convenience market, located at 2000 North State Road 7. The applicant has also filed an application for a subdivision resurvey in order to create a 1.68 acre parcel, and an underground wiring waiver application. The aerial photo below highlights the subject property.



Applicant is proposing to develop a 1.68 acre site located at 5510 West Copans Road as a single-story, 4,443 square foot, Culver's restaurant with a drive-through. The proposed building is 22 feet, eight inches high to the top of the parapet walls on the north and east sides of the building. This parcel is on the east side of, and is contiguous to, the Wawa hybrid market building located at 2000 N State Road 7. Due to the relationship of these two properties, the properties will share vehicle access, monument sign maintenance, and stormwater, drainage and retention system maintenance. An executed declaration of easements has been provided with the application. The subject property is located at the southwest corner of Copans Road and NW 55<sup>th</sup> Avenue. The site plan shows this restaurant sharing a driveway connection with Wawa on Copans Road, and having a dedicated driveway on NW 55<sup>th</sup> Avenue. Both properties will be fully interconnected making it easy for both vehicles and pedestrians to navigate through both parcels. Below is the applicant's site plan.



The building is rectangular in shape with the broad side oriented parallel to Copans Road. The main customer entrances are located on the north and west sides of the building. The site is designed to conceal the drive-through facilities from the views offered by the adjacent roadways. There is a single drive-through lane, but unique to Culver's restaurant is that the company does not pass food through a window. Each drive-through customer is instructed to pull forward and a staff member will bring the food out to the cars. Because of this unique operational characteristic, the single drive-through lane fans out and merges with an adjacent one-way drive aisle serving directional parking. The intent of the fanned drive-through lane design is to allow several cars to pull forward and queue while customers wait for orders to be brought out to customer vehicles without completely blocking on-site traffic circulation.

There are two parking fields provided, one to the north of the building and one to the south. Dine-in customers are provided a safe route to the building with clear and deliberate striped walkways that help guests navigate through the parking areas and into the restaurant. There is a single dedicated crossing point of the drive-through lane which leads to the south parking field. The north half of the south parking field provides angled parking spaces and one-way traffic flow, to the east, parallel to the drive-through lane. The south half of the south parking field provides 90-degree parking spaces with two-way vehicle circulation. The two-way drive aisle of the south parking field provides access to the dumpster enclosures and directly connects to the Wawa property to the west and to NW 55<sup>th</sup> Avenue to the east. The north parking field utilizes 90-degree parking spaces with a two-way drive-aisle. Designated



handicap parking spaces are located in the north parking field and are located very close to both entrances of the restaurant. Vehicle access to the site is provided through two internal driveway connections to the west and a single driveway connection to NW 55<sup>th</sup> Avenue to the east. The site plan provides a total of 74 parking spaces, which is in excess of code requirements, and contemplates a future phase of retail development to the west of Culver's restaurant. The restaurant offers 104 seats for customers inside, and an outdoor seating area on the east side of the restaurant. Below are color elevations provided by the applicant.



## 2) Compliance.

This section of the staff report provides an in-depth analysis of how well the applicant addressed the applicable special exception criteria. As a special exception use, the application is subject to the review criteria provided in Section 31-54(C) of the Margate Code of Ordinances.

(c) *General standards of review.* In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:

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

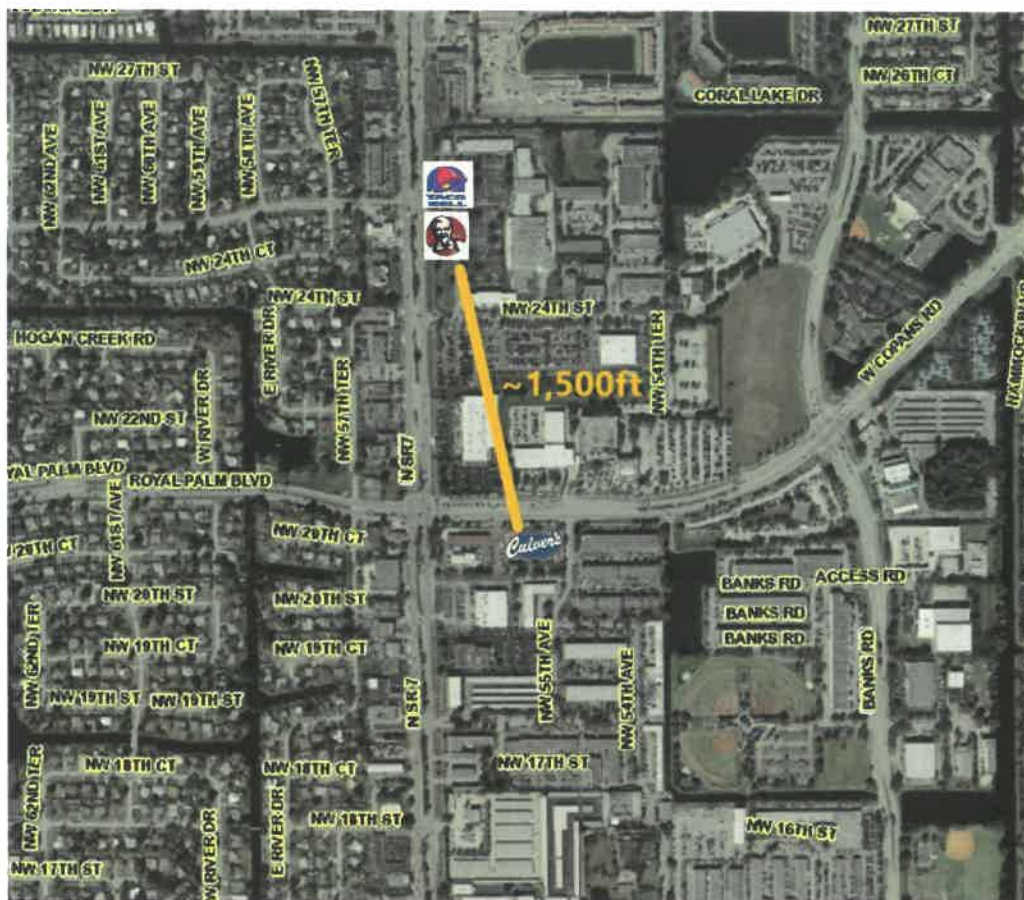
Staff finds that the application is consistent with the purposes, goals, objectives, and policies of the Margate Comprehensive Plan. A detailed analysis has been provided below, in 'Section III Analysis, (3) Consistency' of this staff report.

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

Staff finds that the establishment, operation and maintenance of the proposed use is not detrimental to and does not endanger the public health, safety, and general welfare. The principal use of this parcel will be a restaurant, which is a permitted use in the TOC-G Gateway zoning district. The special exception use is the drive-through component of the restaurant. Special safeguards have been designed into the drive-through facilities. A fish eye mirror has been added to the site plan to assist with vehicle movements around a corner at the entrance to the drive-through. An eight-foot wide pedestrian path has been striped into the parking areas to assist with safely crossing the drive-through lane and accessing rear parking.

- (3) 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.

The applicant referenced a market study in their justification statement to indicate that there is a genuine need to be satisfied by Culver's in this area of the City of Margate. The nearest fast food restaurants with drive-through facilities are a KFC and a Taco Bell in the Town Shoppes of Margate, located roughly 1,500 feet to the north, on State Road 7.



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

Staff finds that the proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood. A detailed analysis of compatibility is provided below, in 'Section III Analysis, (4) Compatibility' of this staff report.

(5) 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.

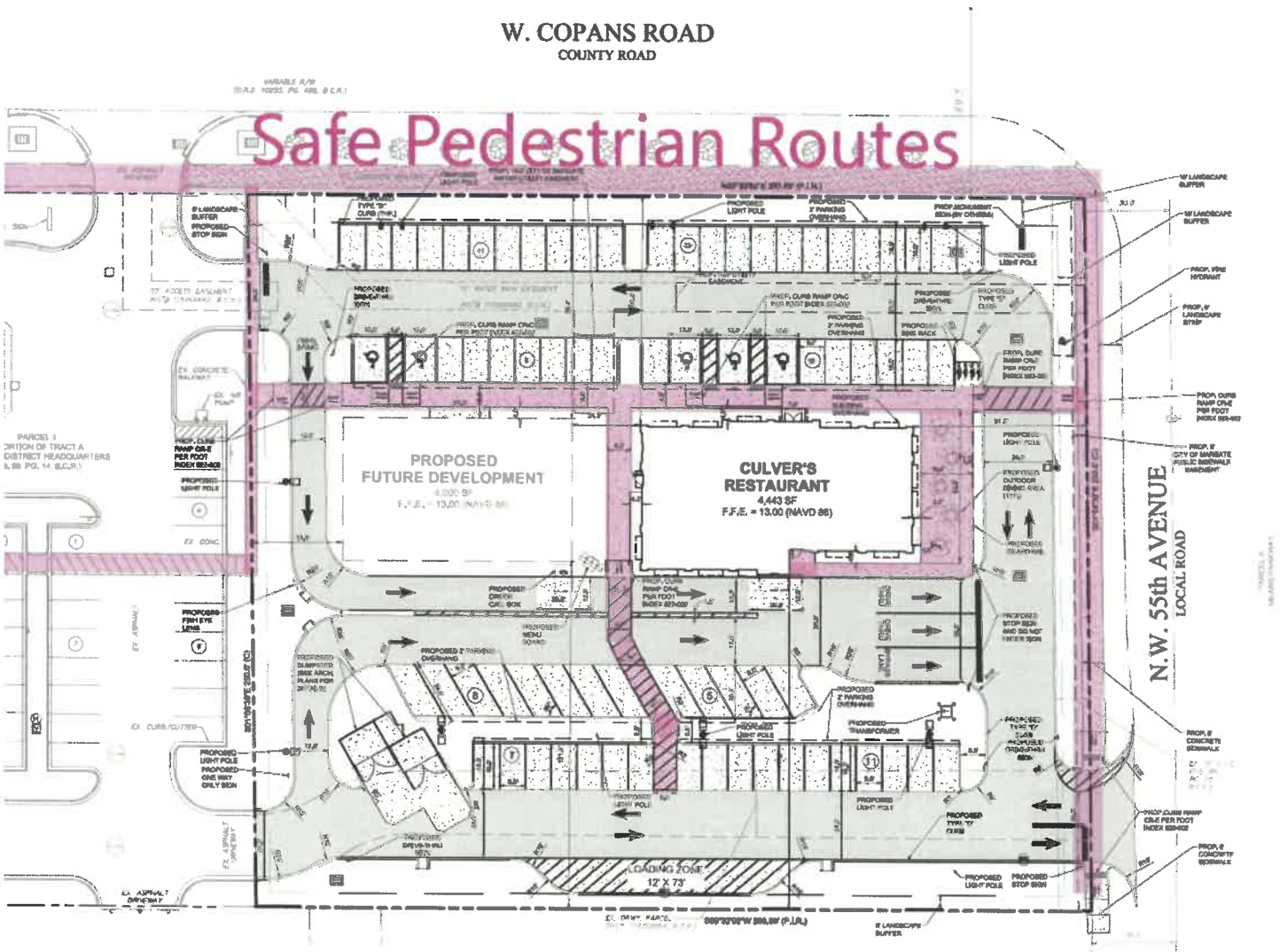
Staff finds that utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency service shall exist at the City's adopted levels of service. The applicant provided a traffic study to analyze the impact of adding a 4,443 square foot restaurant with drive-through facilities as well as a future 4,000 square foot retail building. The report indicated that even at peak hour, the adjacent roadways would maintain a level of service C on State Road 7 and Copans Road. The adopted minimum level of service for these roadways is LOS D. The Department of Environmental and Engineering Services, Police Department, and Fire Department did not object to projected demands on the currents systems and infrastructure during the Development Review Committee meetings. The applicant is aware that the City collects impact fees prior to issuing building permits.



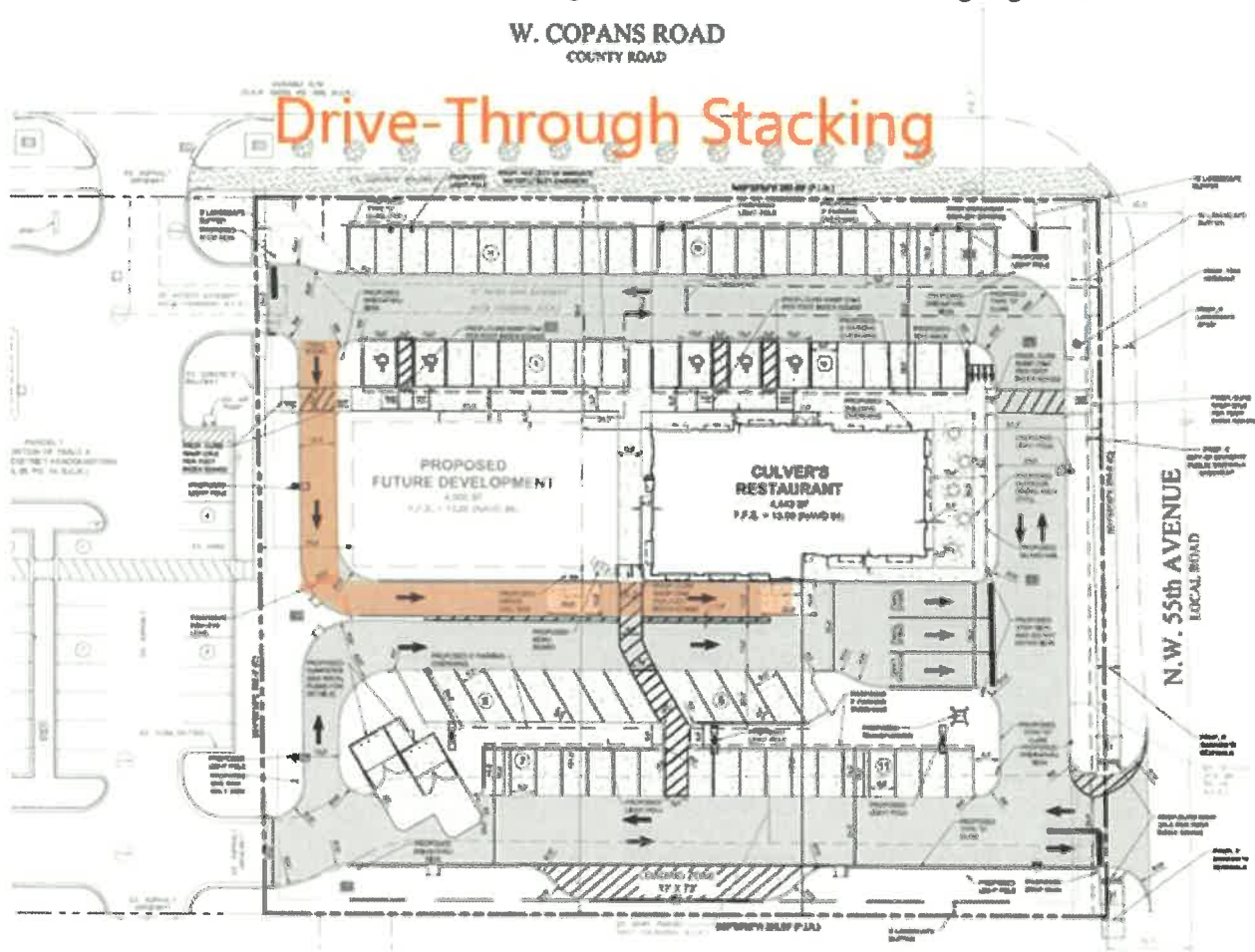
(6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.

Staff finds that adequate measures have been taken with the design of the site plan in order to efficiently handle both pedestrian and vehicle traffic in a safe manner which will minimize traffic congestions on public streets.

Pedestrians have a safe route to both Culver's restaurant and Wawa hybrid market, as well as all three adjacent roadways: (State Road 7, Copans Rd, and NW 55<sup>th</sup> Avenue). Below is the applicant's site plan with the pedestrian routes highlighted.



The vehicle stacking for the drive-through queue is above and beyond Margate Zoning Code requirements. The restaurant is proposing roughly 225 linear feet of drive-through lane stacking before the stacking would overflow into a drive aisle that serves contiguous parking spaces and connects this property to the adjacent Wawa. The Margate Zoning Code requires 80 linear feet, enough to accommodate four vehicle reservoir areas that are 10ft x 20ft. Staff finds that adequate measures have been taken to contain the traffic onsite, so as not to result in a significantly greater amount of traffic on local streets than would result from a development permitted by right. Below is the applicant's site plan with the drive-through vehicle reservoir area highlighted.

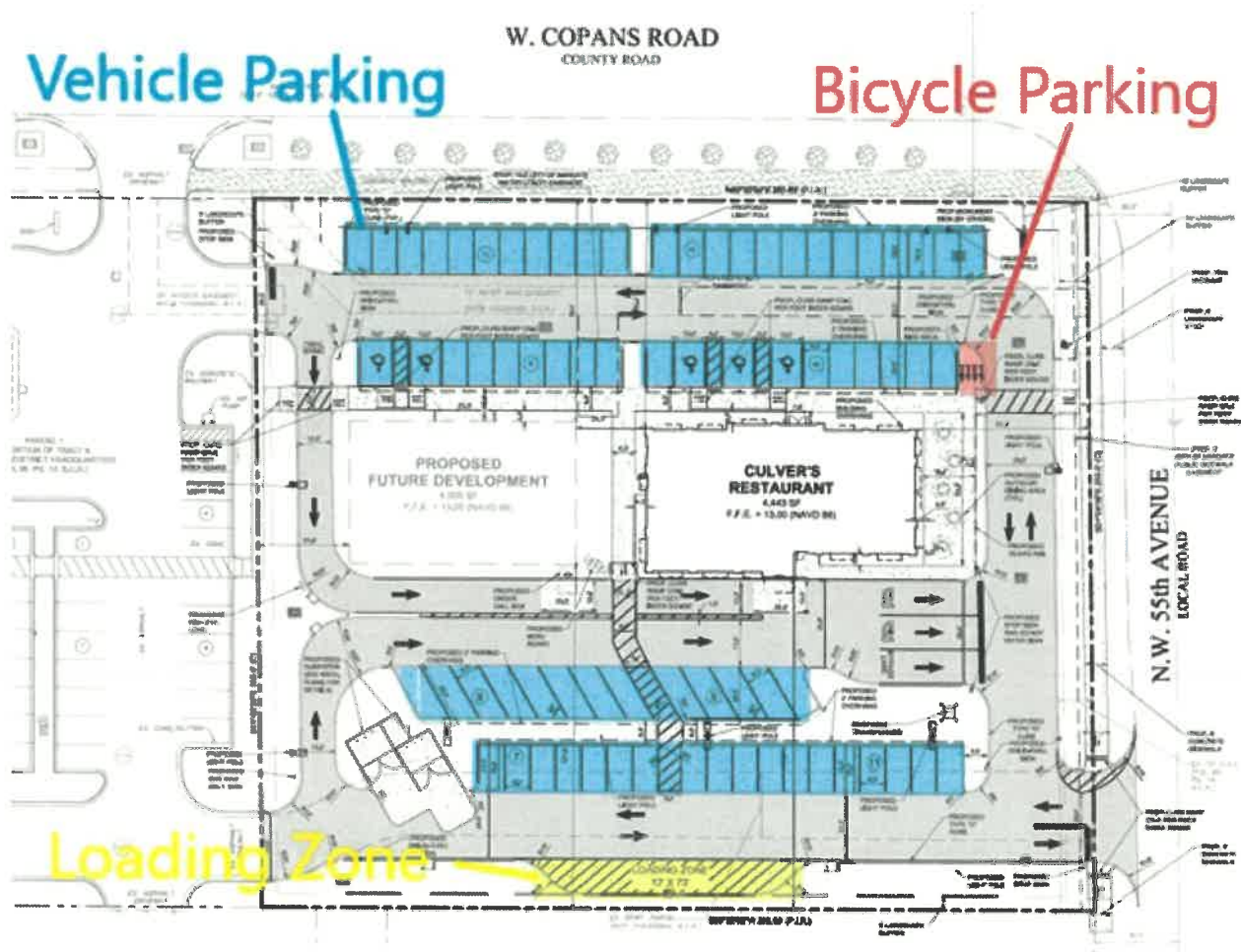


(7) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.

The applicant has provided a surplus of parking and a loading zone. The Margate Zoning Code requires 60 parking spaces for a restaurant of this size. The applicant has provided a total of 74 parking spaces, the surplus is anticipated to serve a retail user of approximately 4,000 square feet. The applicant provided a loading zone, although the Zoning Code does not require one for a



development of this size. The loading zone provided is also larger than the prescribed minimum dimensions. Below is the applicant's site plan with parking and loading areas highlighted.



The layout of the parking and vehicular use areas appear to be convenient and conducive to safe operation and consistent with city standards. As previously mentioned in this report, many efforts have been made in the design of this site plan to allow for safe and convenient pedestrian access and vehicle circulation.

- (8) 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;

Staff finds that the establishment of this special exception use will not impede the development of surrounding properties for uses permitted in the zoning district, nor will it have a negative impact on the value of those properties. The Margate Code of Ordinances does not impose any minimum separations for drive-through facilities or restaurants. The surrounding area has been developed as commercial and light industrial uses, so it is unlikely that the drive-through facilities of a new restaurant would negatively impact property values of the area. Below is an aerial photo showing the surrounding properties with corporate logos.



(9) 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.

The proposed use as a restaurant with drive-through facilities has been designed to minimize adverse effects, including visual impacts of the proposed use. The applicant has designed this site to conceal the drive-through lane behind both the proposed restaurant and future retail phase. The buildings are oriented toward the street and offer two rows of parking between the front of the buildings and the front property line. Due to the size and layout of the parking and buildings, the drive-through lane is pushed to the rear of the property, which aids in screening views from

adjacent roadways and properties. The applicant is also providing peripheral landscaping materials in order to further screen the proposed use.

(10) The city commission finds that the granting of the application will be in the best interest of the city.

Only the City Commission is authorized to make a finding and either grant or deny a special exception application. As previously stated in this report, staff recommends approval.

### 3) **Consistency.**

This section of the staff report identifies applicable policies from the Margate Comprehensive Plan and provides an analysis as to whether the application satisfies those policies.

**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.

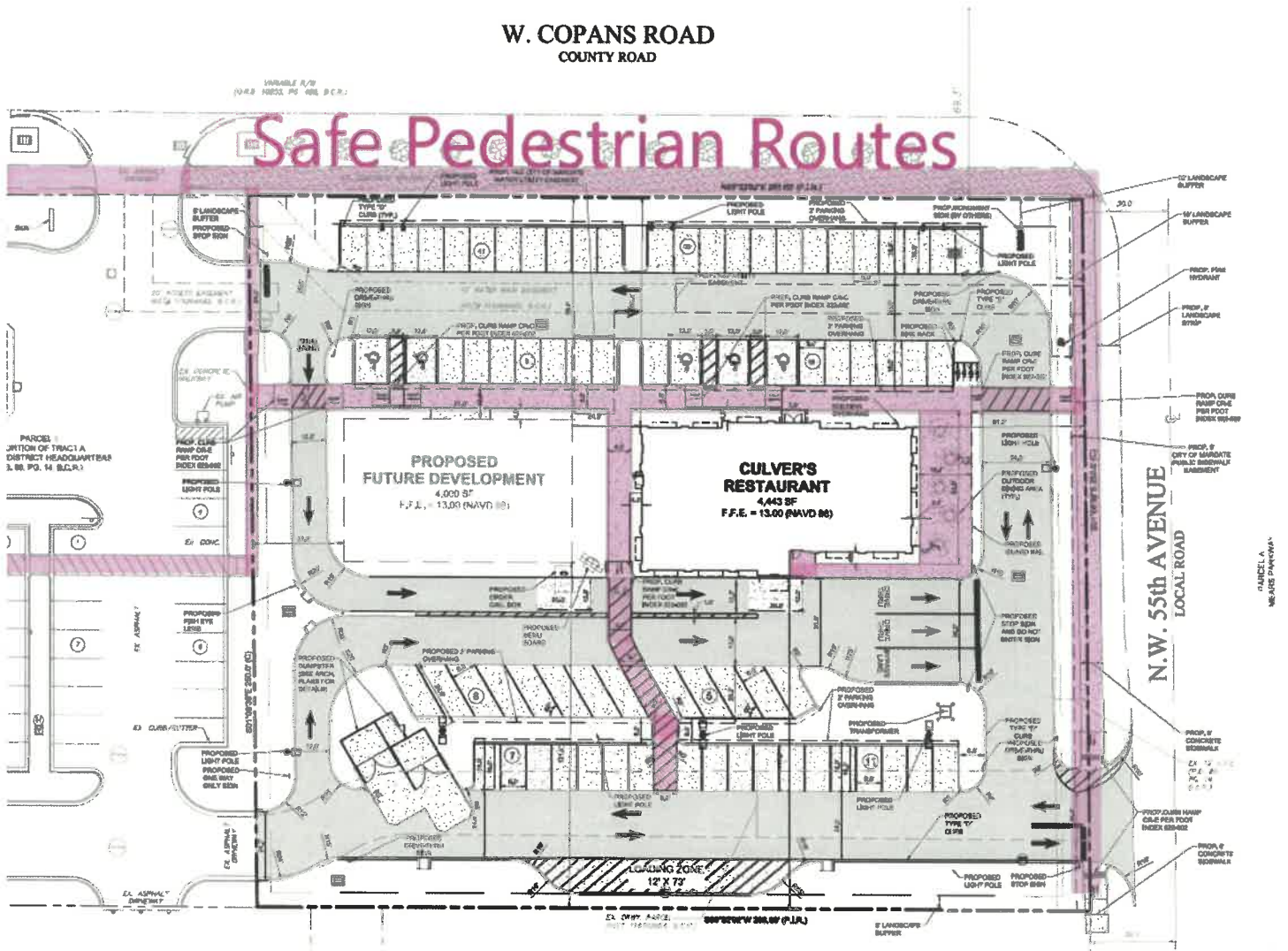
The proposed drive-through facilities for this restaurant have been designed in a manner to encourage pedestrian and transit usage. The Culver's site plan has the buildings oriented toward the street, and offers several welcoming pedestrian pathways which connect the storefront to the public sidewalks and transit stops. There are only two rows of parking and one drive-aisle to separate the front of the building from the front property line. This results in a front setback of roughly 80 feet.

The proposed drive-through facilities for this restaurant are strategically located interior to the TOC, and preserve the streetscape. This restaurant is not located on State Road 7, and the drive-through is concealed behind the building.

**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.

The applicant has satisfied this policy to provide sidewalk connections which lead to transit stops, and is evidenced with the site plan. Below is the applicant's site plan with walkways highlighted.





The east-bound side of the Copans Road right-of-way has a bus shelter located in front the adjacent Wawa hybrid market. The safe and convenient pedestrian routes connect transit users to the Copans Road sidewalk, which provides a bus shelter for transit users. Below is an aerial photo which highlights the proximity of the bus shelter to the proposed Culver's.



**Policy 13.8** The City shall continue to provide for an inner city community shuttle bus within the TOC to provide mobility to and from the SR 7 Corridor. Development within the TOC is encouraged to provide amenities to support transit stops and riders.

The site plan has been designed to provide amenities to support transit stops and riders. The building is oriented toward the street. The site plan offers pedestrian amenities such as a pedestrian pathways network which connects the storefront to all adjacent roadways, transit stops, and the Wawa hybrid market. Additionally, the site plan provides bicycle parking.

**Policy 13.11** Consistent with the intent of a TOC land use category, design features shall be required that promote and enhance pedestrian mobility, including connectivity to transit stops and stations. Such design elements shall include, but not be limited to the following:

Integrated transit stops with shelter, or station (within the TOC area).

Pedestrian and bicycle paths ranging in width from 5 to 30 feet (5 feet shall be the minimum consistent with ADA requirements) shall be required that minimize conflicts with motorized traffic and are adequately landscaped, shaded and provide opportunities for shelter from the elements.

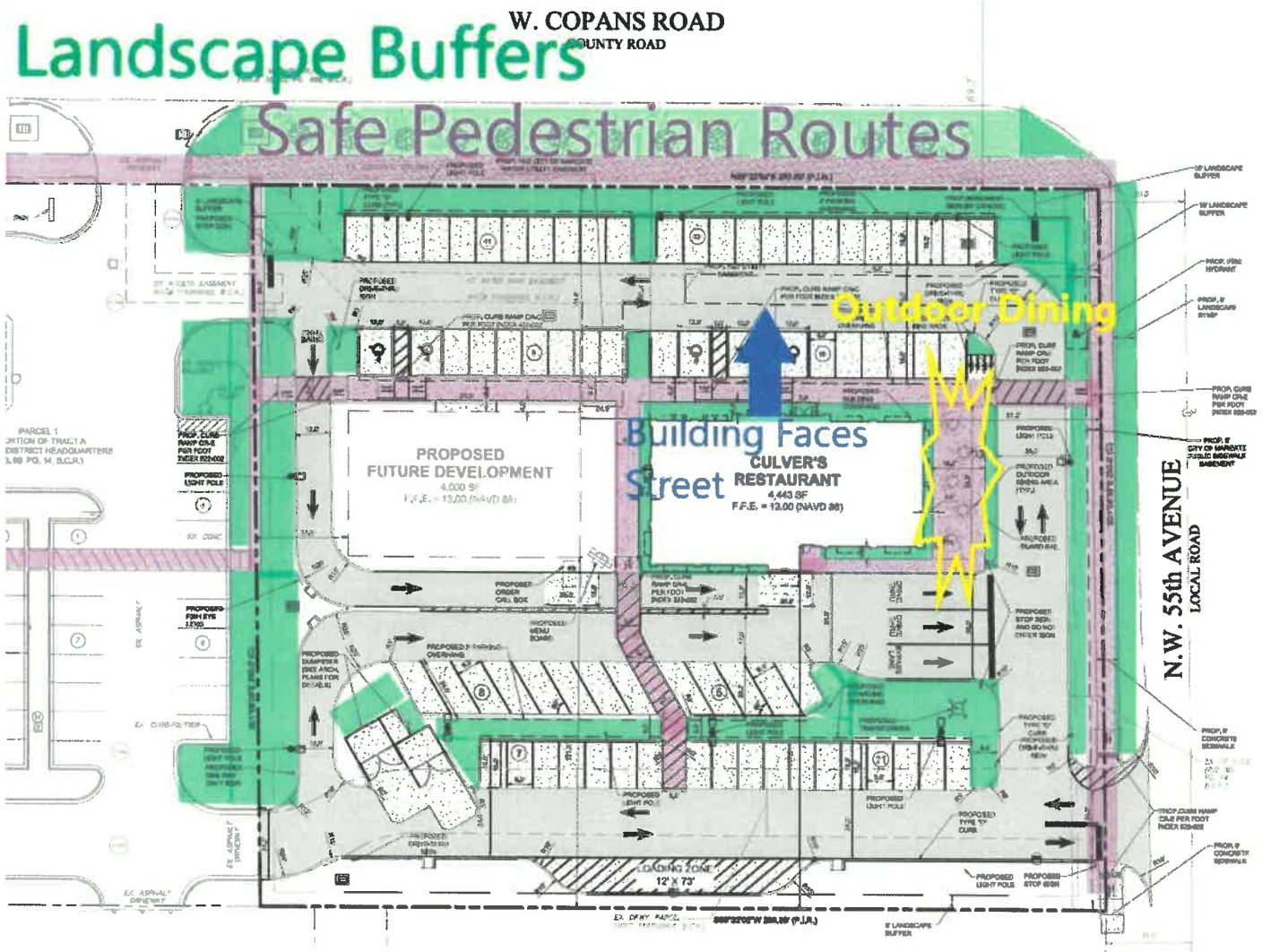
Buildings shall front the street with zero or minimal setbacks, as required per the land development regulations adopted to implement the TOC land use category.

Vehicle parking strategies shall be adopted that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, maximum allowable parking, and/or reduced parking ratios). The City shall provide, as part of the street master plan for on-street parking, and investigate opportunities for public/private partnerships for structured parking and other mechanisms for reducing vehicle parking requirements.

Streets, both internal to and adjacent to the TOC shall be designed to discourage isolation and provide connectivity.

The proposed development is consistent with this policy. The site plan offers pedestrian amenities such as an outdoor dining area, and pedestrian pathways network which connects the storefront to all adjacent roadways, transit stops, and the Wawa hybrid market. The paths are shaded and buffered with landscaping to enhance user experience. The width of the paths range from five to eight feet. The outdoor dining area has been thoughtfully located on the east side of the building, so that it is shaded from the afternoon sun. This design element is complementary to Culver's operational hours, which is primarily geared toward lunch and dinner service. A solid roof over the outdoor dining area would further enrich this amenity. The buildings front Copans Road with minimal setback. The vehicle parking strategy employed on this site plan minimized pedestrian/vehicle conflict. Finally, the Culver's site is well integrated and connected to the adjacent Wawa hybrid market. Below is the applicant's site plan with the above features and amenities highlighted.





**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.

The applicant has satisfied the requirements on this policy by providing a buffered pedestrian pathways network (described above) to support transit usage, and by providing bicycle parking to support alternative modes of transportation.

All applicable comprehensive plan policies have been satisfied with this design.

- 4) **Compatibility.** Evaluate the project's compatibility with adjacent properties, such as: use, height, scale, parking/loading/garbage facilities, hours of operation, noise, etc. Are those factors 'in character' with the surrounding area? Explain.)

This section of the staff report describes the compatibility of the proposed use with the surrounding area. The subject property is located within the TOC-G Gateway zoning district, as well as the adjacent Wawa hybrid market to the west. Across Copans Road to the north, the Arrigo Dodge Chrysler auto dealership is located in the TOC-G Gateway and the Autonation Ford auto dealership is located in the M-1 Light Industrial zoning district. Property to the east, across NW 55<sup>th</sup> Avenue, has been developed as industrial warehousing and is located within the M-1 Light Industrial zoning district. Properties to the south have been developed as an AMF Margate Lanes bowling alley and as commercial warehousing, both of which are located within the TOC-C Corridor zoning district. Staff did not identify any sensitive lands or uses which would present a compatibility concern. Below is an aerial photo showing the surrounding properties with corporate logos.



#### **IV. RATIONALE:**

[Include all of the following:]

This section of the staff report provides a rationale for the City Commission to consider with this application. As the staff report has exhaustively described above, the applicant has demonstrated compliance with applicable special exception criteria and comprehensive plan policies, which should weigh heavily on the decision process of the City Commission. Additionally, the applicant is offering mitigating factors which have been incorporated within the design of the site plan. The site plan has Culver's restaurant sharing a driveway connection on Copans Road with Wawa hybrid market in order to prevent additional vehicle travel delays and vehicle/pedestrian conflict points. The site plan also sufficiently conceals the drive-through behind the building to enhance both the area aesthetics as well



as pedestrian mobility. Additionally, the drainage design of Culver's is integrated with the Wawa hybrid market, and is intended to correct the drainage problems that Wawa has recently experienced.

Based on the above analysis, staff recommends a conditional approval of this special exception. The conditions would be to satisfy all remaining comments from the Development Review Committee, and to include a solid roof covering over the outdoor dining area on the east side of the building.



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Robert Massarelli, AICP  
Director of Economic Development Services