

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A RESTAURANT WITH DRIVE THROUGH WITHIN THE TOC-G GATEWAY ZONING DISTRICT FOR CULVER'S, LOCATED AT 5510 WEST COPANS ROAD, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.

WHEREAS, on October 23, 2018 and February 26, 2019, the Development Review Committee reviewed a proposal for a 4,443 square foot restaurant with drive through, and a future Phase II to include free standing general retail space for Culver's to be located at the 5510 West Copans Road, and recommended approval subject to design revisions; and

WHEREAS, on May 7, 2019 the Planning and Zoning Board reviewed the above described proposal and recommended approval subject to the Development Review Committee conditions and safeguards.

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, hereby approves with conditions a special exception use to permit a restaurant with drive through within the TOC-G Gateway Zoning District for Culver's to be located at 5510 West Copans Road. The conditions of approval are that the petitioner must comply with the findings of the October 23, 2018 and February 26, 2019 Development Review Committee meetings, referenced above. The City Commission makes the following findings as provided in subsection Section 31-54(C) of the Code of the City of Margate:

- (1) The special exception is consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.
- (2) The establishment, maintenance or operation of the proposed use is not detrimental to or endangers the public health, safety, or general welfare.
- (3) The establishment, maintenance or operation of the proposed use is in the best interest of the City. A genuine need for the use is present in the city to support and justify the approval order and does not create a proliferation of said special exception use.

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

(5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, exist at the city's adopted levels of service, or will be available concurrent with demand as provided for in the requirement of this Code of Ordinances.

(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 development permitted by right.

(7) There is 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.

(8) The establishment of the special exception use 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.

(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.

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

SECTION 2: That all representations by the applicant and determinations by the Development Review Committee and Planning and Zoning Board are incorporated as part of the conditions for this special exception.

SECTION 3: That this resolution shall become effective immediately upon its passage.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

ANTHONY N. CAGGIANO, MAYOR

RECORD OF VOTE

Simone	_____
Arserio	_____
Schwartz	_____
Ruzzano	_____
Caggiano	_____