



STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

Project Name: Popeyes Margate

Applicant: Darren Vega, GI of Margate, LLC

Project Location: 830 S State Road 7

I. RECOMMENDATION:

APPROVE WITH CONDITIONS

II. EXECUTIVE SUMMARY:

New construction of a 2,466 square foot Popeye's Louisiana Kitchen restaurant with a double drive-through lane and outdoor walk-in cooler in the TOC-C Corridor zoning district. Drive-through facilities and outdoor storage are both classified as special exception uses in the TOC-C Corridor zoning district. Staff recommends a conditional approval of this application.

III. ANALYSIS:

1) Description.

The subject property is a 1.01-acre site located at 830 S State Road 7. This parcel has a land use designation of Transit Oriented Corridor (TOC), and is located within the TOC-C Corridor zoning district. In this zoning district, "restaurant" is classified as a permitted use, but "drive through facilities" is classified as a special exception use. Permitted uses within a given zoning district are allowed by right, however, special exception uses can only be approved by the City Commission after review and recommendation by the Planning and Zoning Board and the Development Review Committee, and only if found to be consistent with certain codified requirements.

The property is located at the northeast corner of State Road 7 and SW 8th Court. A twenty-foot-wide publicly dedicated alley separates this property from single family homes to the east. The alley is presently open on the north entrance from Southwest 7th Street, but the south entrance is closed at Southwest 8th Court. Serino Park (municipal park) is located to the south, across SW 8th Court. State Road 7 bounds this property on the west. There is a 10-foot-wide utility easement along the east, south, and west property lines, and a thirty-five-foot-wide easement for road purposes along the west property line. The current condition of the subject property is vacant and undergoing minor parking lot and utility improvements. This parcel is related to the 5-story Limited Access Self Service Storage Facility (LASSSF) abutting this subject property to the north known as Nuvo Storage. The LASSSF was approved by special exception use on October 19, 2016 via Resolution 16-302, as a Planned Commercial Development (PCD). The subject property was included in that approval as a future phase of the PCD. Photos of the subject property in its current condition are provided below.

Aerial Photo of Subject Property (BCPA)



Photo of Subject Property Current Condition (looking southwest, toward State Road 7)

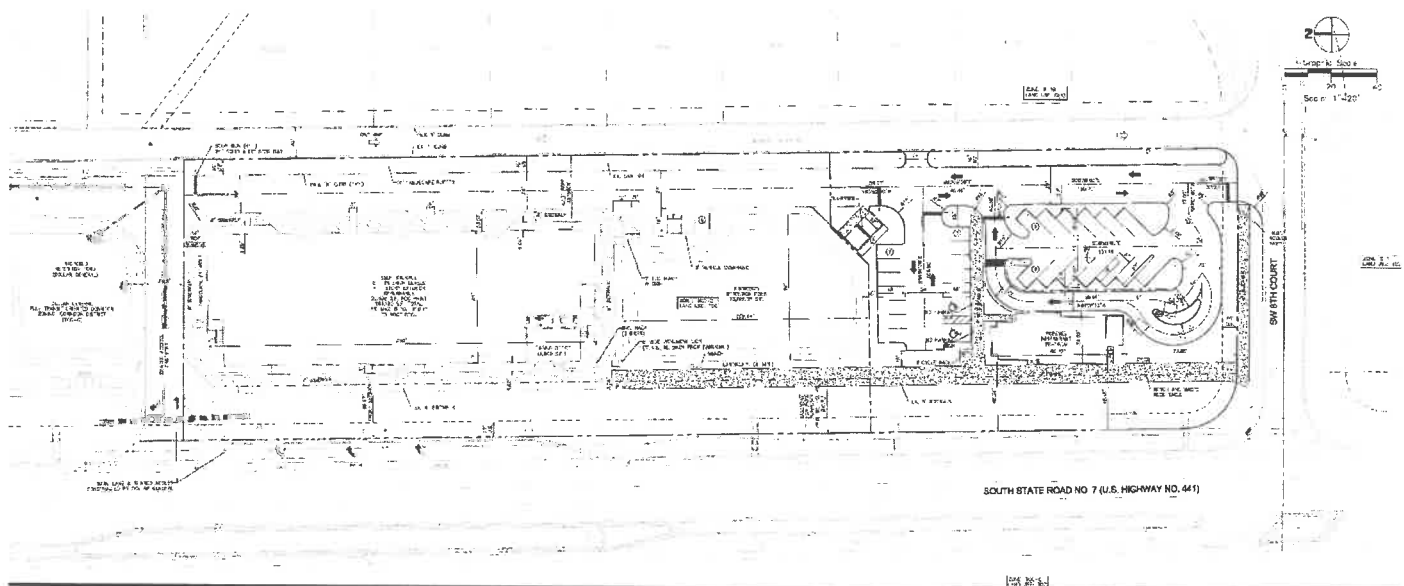


Applicant is proposing to develop the subject property as a single-story, 2,466 square foot, Popeyes Louisiana Kitchen restaurant with a double drive-through and exterior walk-in cooler. The proposed building is 21 feet, ten inches high to the top of the parapet wall on the south side of the building. This parcel is on the south side of, and is contiguous to, the Nuvo Storage building located at 780 S State Road 7. The Nuvo project was approved as a Planned Commercial Development, and showed this subject property as a future phase of the Nuvo development. Due to the relationship of these two properties, the properties will share vehicle access, dumpster access and maintenance responsibility, and stormwater, drainage and retention system maintenance. A draft declaration of easements has been provided with the application.

The building is rectangular in shape with the broad side oriented parallel to State Road 7. The main customer entrances are located on the north and west sides of the building. The site is designed to separate pedestrians from vehicle traffic. The building is abutting the west property line. There are two parking fields provided, one to the east of the building and one to the north. Dine-in customers are provided a safe route to the building. There is a decorative fence to

ensure that customer who park and walk-in do not cut through the drive-through lanes. There is a single dedicated crossing point of the drive-through lane. The parking field on the east side of the building provides angled parking spaces and one-way traffic flow, to the north. The east parking field has two one-way connection points on the two-way drive aisle shared with the developments to the north. The parking field on the north side of the building utilizes 90-degree parking spaces with a two-way drive-aisle. The north parking field has a single two-way connection point on the two-way (north/south) drive aisle shared with the developments to the north. Designated handicap parking spaces are located in the north parking field and are the closest parking spaces to the entrance to the restaurant. Vehicle access to the site is provided through a single driveway on SW 8th Court on the south side of the property and through a shared drive aisle with the Nuvo storage building to the north. The site plan provides a total of 27 parking spaces.

Overall Site Plan



2) Compliance.

This section of the staff report provides analysis of the application against criteria specific to the special exception use.

The Zoning Code requires a degree of uniformity and continuity within Planned Commercial Developments for limited access self-service storage facilities. Ordinance 2017-1500.638 deleted the limited access self-service storage facility provisions from the Zoning Code thereby prohibiting any additional LASSSF developments within the City, but provided the following language, "Where any structure or site was lawfully developed for the use of self-service storage, said use may continue as originally permitted..." With the preceding codified language, the regulations in force at the time LASSSF was approved are applicable to the PCD, including the development of this subject. In this zoning district, where LASSSF is classified as a special exception use, additional regulations apply, including, "The exterior colors, facades, windows, roof, architectural treatments and features, and building materials of all structures shall be compatible and complimentary with the character of the surrounding area." The applicant is proposing a typical Popeye's Louisiana Kitchen prototype with Louisiana-bayou architectural style. **The architectural style as presented is not compatible or complimentary with the rest of the PCD, nor with properties in the surrounding area.** Below are elevations and photos of the Dollar General store located at 700 S State Road 7, the Nuvo Storage LASSSF (currently under construction) located at 780 S State Road 7, and the proposed Popeye's Louisiana Kitchen to be located at 830 S State Road 7.

Dollar General (view from State Road 7)



SOUTH-WEST ELEVATION

Nuvo Storage (view from State Road 7)



AWNING SUPPORTS AT 4'-0" O.C. AND AT EACH END

12'-10" WIDTH OF SIGN

5'-0"

POPEYES LOUISIANA KITCHEN

WALL MOUNTED SIGN AND FRAMING AS SHOWN: 1L-27 ILLUMINATED LETTERS BUILDING SIGN

T.O. PARAPET 20'-8" AFF.

T.O. PARAPET 21'-10" AFF.

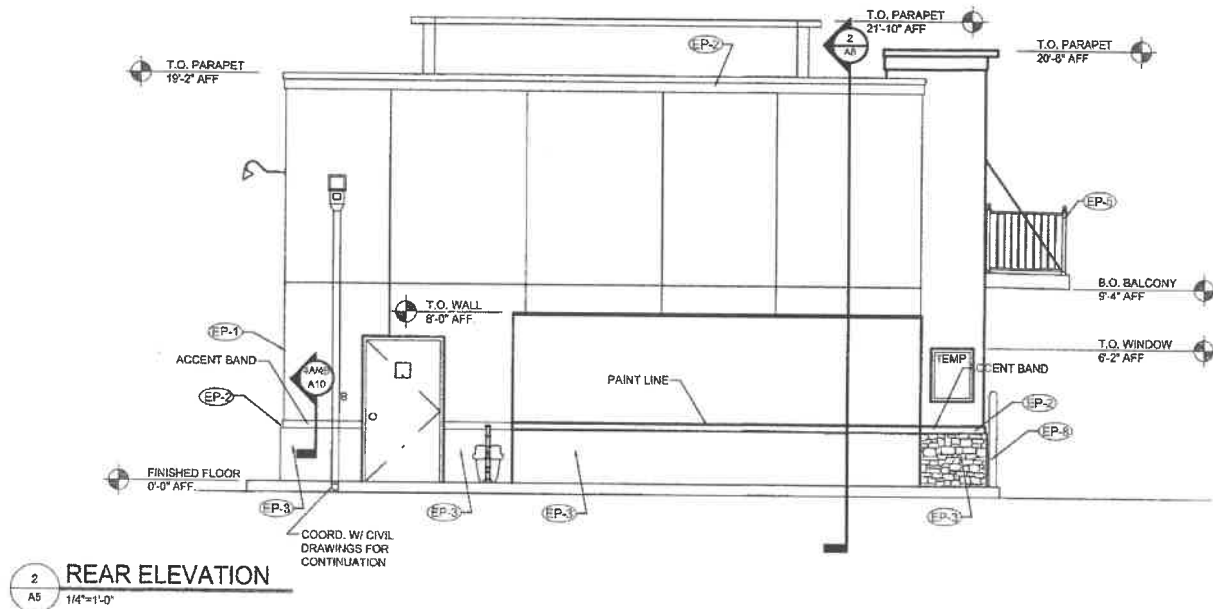
T.O. PARAPET 19'-2" AFF.

B.O. AWNING 9'-4" AFF.

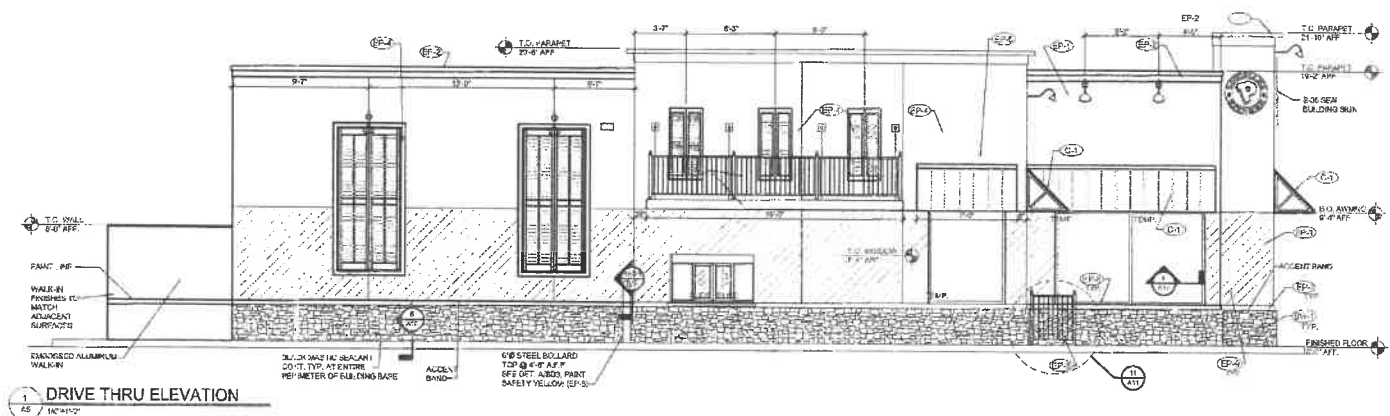
FINISHED FLOOR 0'-0" AFF.

TOTAL OF 3 EQ. WINDOWS W/ MULLIONS

Popeyes (view from SW 8th Ct)



Popeyes (view from homes on SW 56th Ave)



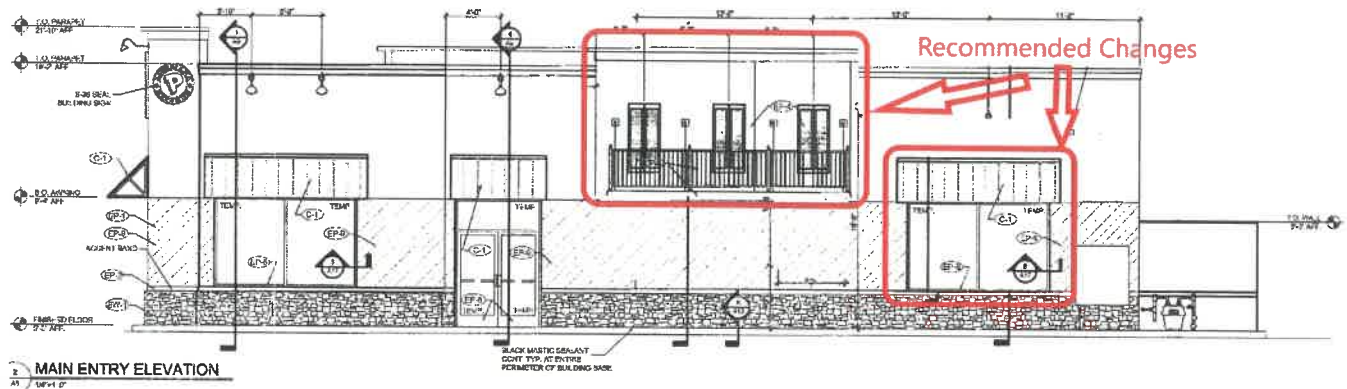
Typical Popeyes





Minor modifications made to the Popeyes Louisiana Kitchen could drastically improve the aesthetic and compatibility of the development. The Nuvo storage building utilizes black metal awnings over spandrel glass windows. The Popeyes could install black metal awnings as opposed to the red awning shown in the provided photographs. The Nuvo storage building has a white trim line along the parapet roofline, the photos of Popeyes shows a red trim line along the parapet roofline. A simple change to white would improvement compatibility with the PCD as well as comply with the City's Color Palette Guidelines. Finally, Popeyes is showing three decorative shutters on the façade facing State Road 7. Two simple modifications using the same exact features already utilized by Popeyes could make the State Road 7 façade much more attractive and interesting. Rather than three simple shutters, the restaurant could incorporate the same balcony and window concept (including the elevated parapet), that is used on the drive through side of the building, and a spandrel glass version of the same windows used on the dining room could be added the south side of the State Road 7 façade. These modifications would add an elevation change to an otherwise flat roofline, add a three dimensional decorative element, add the appearance of additional windows/glazing, and generally add a higher quality of architectural features to the façade. The applicant's proposal as well as the staff recommended State Road 7 elevations are below.

Staff's recommended State Road 7 elevation:



This application for a special exception use is subject to the review criteria provided in Section 31-54(C) of the Margate Code of Ordinances. The criteria with staff comment is provided below.

(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:

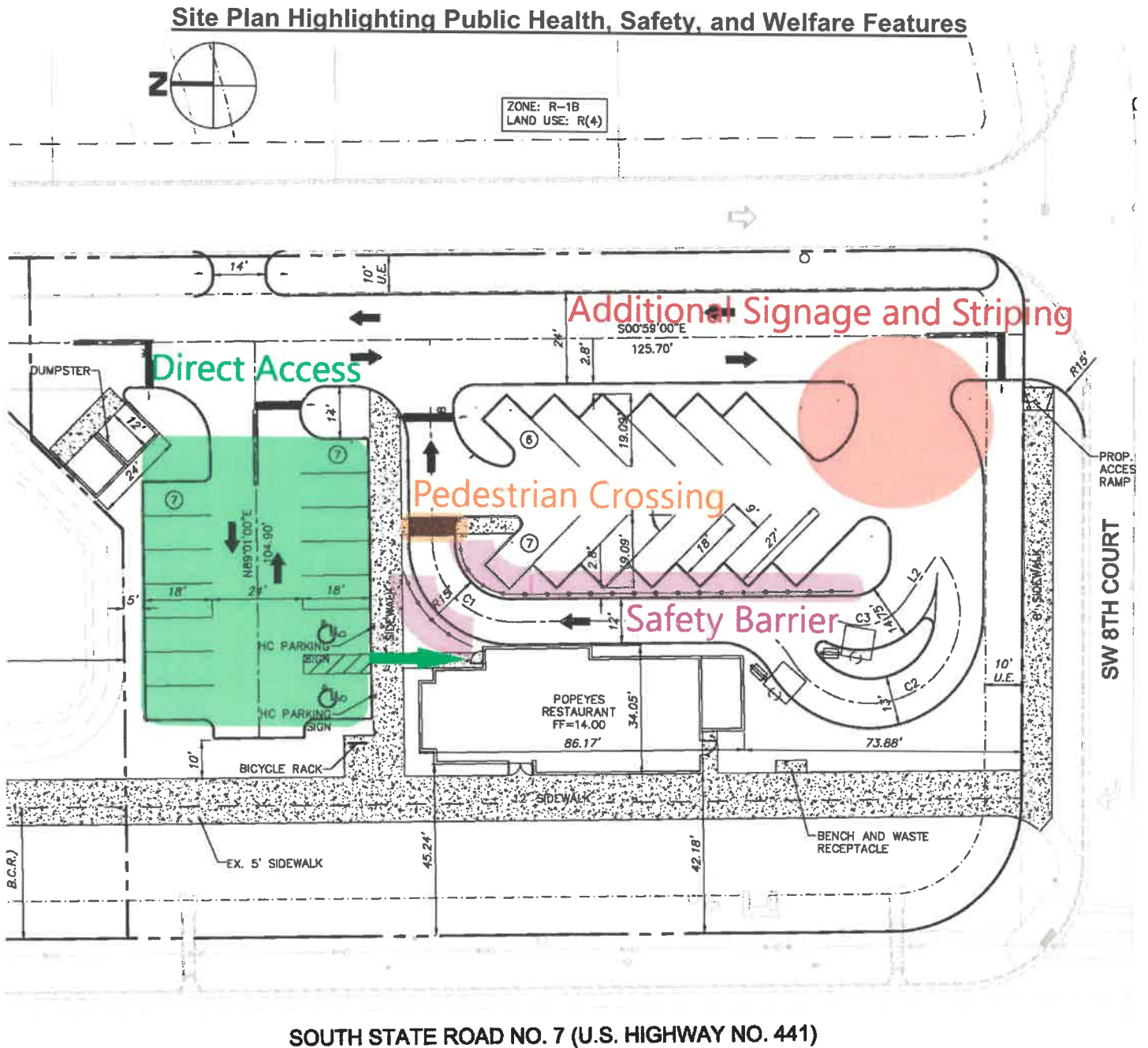
- (1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.

Staff finds that the application is generally 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-C Corridor zoning district. The special exception use is the drive through component of the restaurant. Special safeguards have been designed into the drive through facilities, including building orientation and the relationship to the provided parking fields. The majority of parking spaces provided for this restaurant lie north of the building and allow customers to enter the restaurant without having to cross the drive through lane. Where there are parking spaces which lead to crossing the drive through lane a decorative fence has been added as a safety barrier to the site to help separate pedestrian movement from vehicular traffic. A pedestrian crossing which utilizes color and material changes has been added to the site to help pedestrians safely cross the drive through lane. The applicant has agreed to install additional signage and pavement striping at the drive

through entry area in order to provide for orderly vehicle movement on site. Below is the site plan with safety features highlighted.

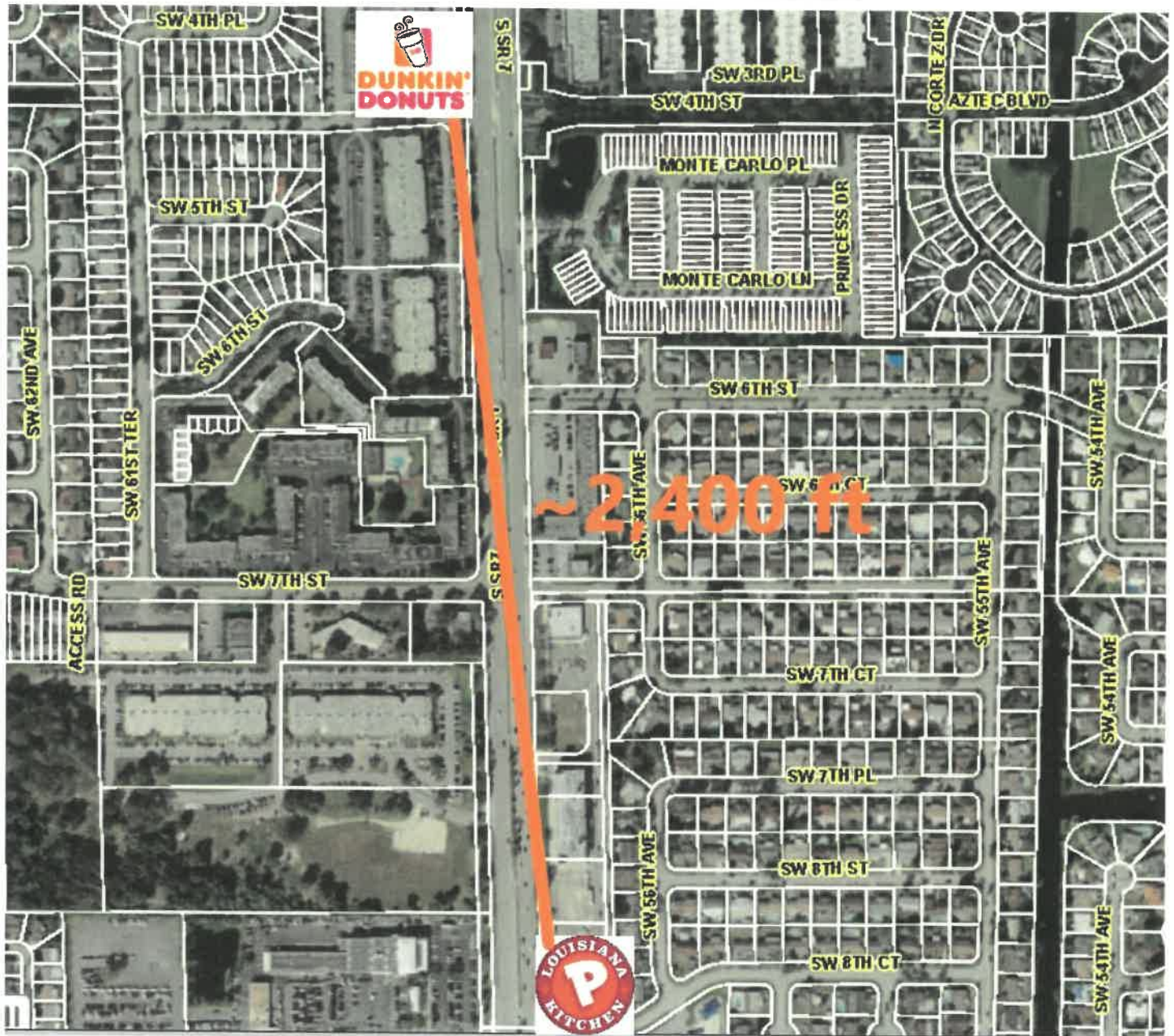


- (3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the city. It shall be determined that a genuine need for the use is present in the city to support and justify the approval order to avoid creating an excessive proliferation of said special exception use.

The applicant referenced a market study at a Development Review Committee meeting and indicated that there is a genuine need to be satisfied by Popeyes Louisiana Kitchen in this area of

the City of Margate. The nearest fast food restaurants with drive through facilities are a Dunkin Donuts located roughly 2,400 feet to the north, and a Burger King located roughly 2,500 feet to the south. The Burger King is located within the City of North Lauderdale. Below are aerial photos depicting the locations and approximate distances of these restaurants in reference to the proposed Popeyes.

Aerial Showing Nearest Drive Through (North)



Aerial Showing Nearest Drive Through (South)

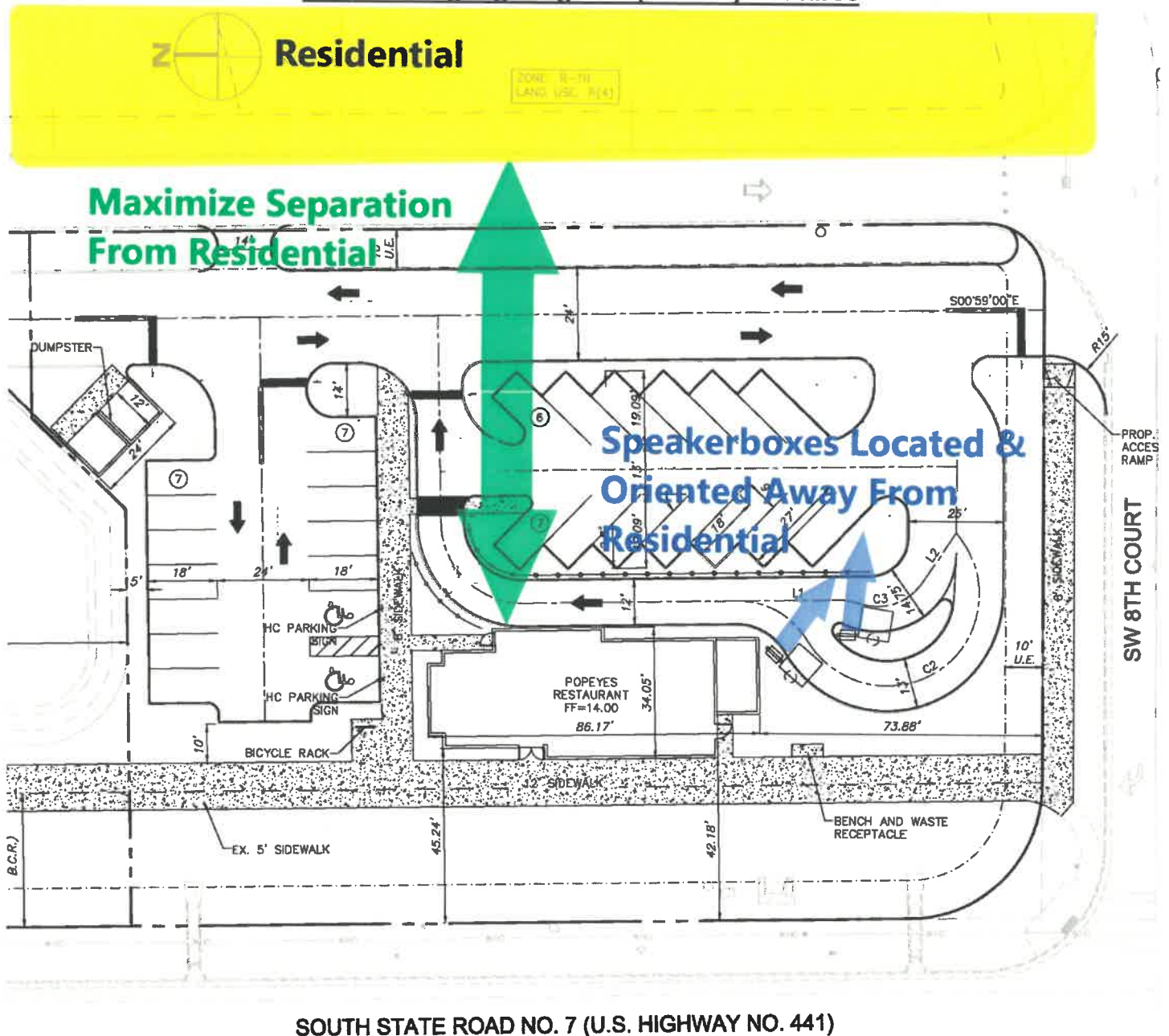


- (4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.

Staff has identified architectural incompatibilities with this application above, on pages 5 – 12 of this staff report. Continuing the compatibility analysis brings the focus to the features of the drive through facilities and the adjacent residential development to the east.

The applicant has positioned the building on the property as far away from the residential properties as physically possible. The building placement pulls with the drive through lanes and menu signs where orders are placed. In addition to the greatest physical separation possible, the menu signs are oriented so that they are not directly facing the houses to the east. The building elevations provided by the applicant include small exterior speakers in order to “set the mood” with jazz music, as indicated by the applicant. Below is the applicant’s site plan with these compatibility enhancing features highlighted.

Site Plan Highlighting Compatibility Features



Further analysis of compatibility has been 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, 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 2,466 square foot restaurant with double drive through facilities. The report calculated total and peak trip generation and concluded that the drive through facilities could adequately handle the proposed trips. The applicant provided a revised traffic report on June 26, 2019. The revised report provides a Level of Service analysis indicating that both State Road 7 and SW 8th Court are currently operating at LOS B, and will continue to operate at LOS B, except that westbound SW 8th Court will operate at LOS C during the PM Peak Hour. Section 31-48 of the Margate Code of Ordinances provides that the minimum acceptable Level of Service for Arterial Roads is LOS D, and the minimum for Local Roads is LOS C. State Road 7 is classified as a Principal Arterial, and SW 8th Court is classified as a Local Road. Although the LOS will drop during peak to LOS C on SW 8th Court, it is still within the Code minimum acceptable level. The Department of Environmental and Engineering Services, Police Department, and Fire Department did not object to projected demands on the current systems and infrastructure during the Development Review Committee meetings. The applicant is aware that the City collects impact fees prior to issuing building permits.

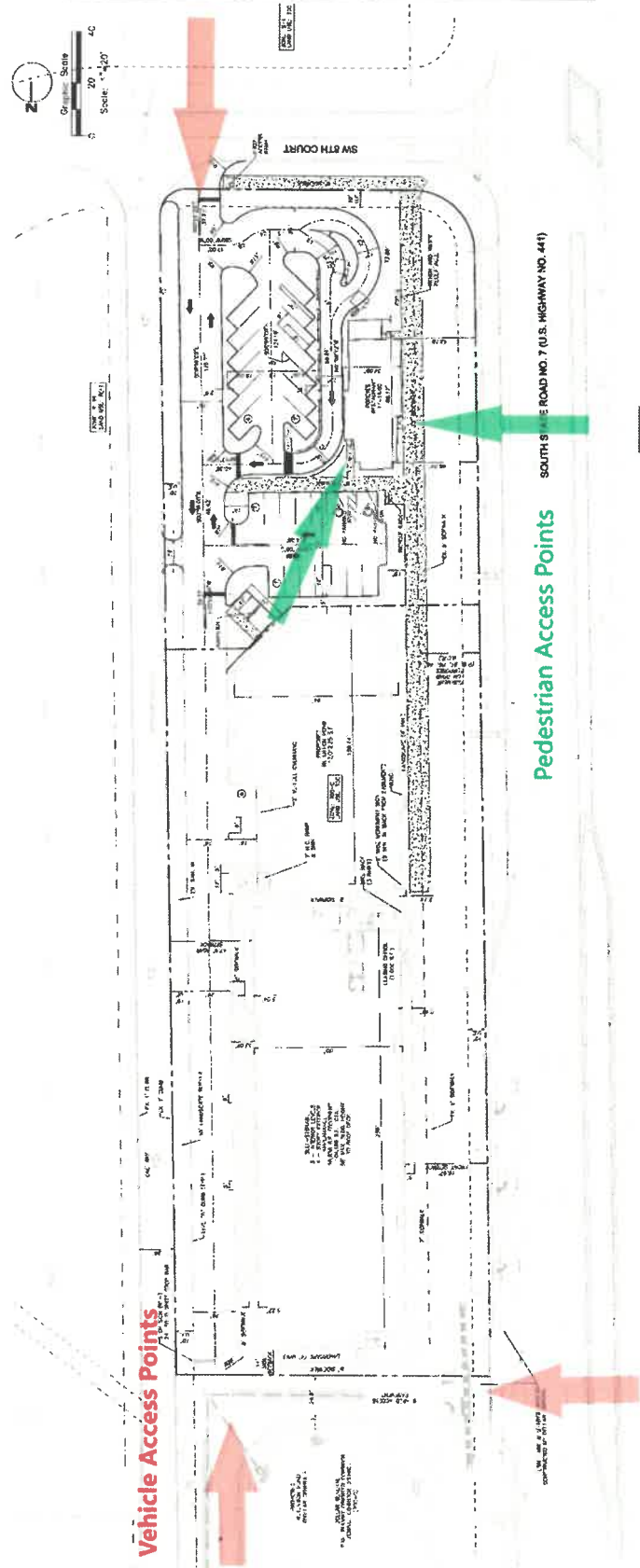
- (6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result 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. The traffic study provided by the applicant concludes that the drive through queuing is adequate to handle the anticipated daily trips without backing up onto adjacent roadways.

Pedestrians have safe and convenient access to the restaurant via the State Road 7 sidewalk and internal walkways. Vehicle access is provided to the property at three different points. There are driveway connections that lead to this restaurant from SW 7th Street, State Road 7, and SW 8th Court. Providing three vehicular ingress and egress points, as well as an alley running parallel to State Road 7 reduces the likelihood of Popeyes customer traffic re-routing through the adjacent residential neighborhood.

Section 33.11 of the Margate Zoning Code requires that drive through lanes for beverage and food sales must provide at least four reservoir spaces, starting where the vehicle is being served. This requirement equates to 80 feet of stacking, measured from the drive through window. The applicant has split that stacking into two lanes that merge into a single lane to be served at a single drive through window. The two-into-one design adds additional vehicle storage volume, such that the applicant is providing 133 feet of drive through stacking before an intersection with a parking lot drive aisle. Below is the applicant's site plan with access points and the pedestrian routes highlighted, and the drive through stacking highlighted. The area highlighted as overflow stacking does not count toward minimum requirements, but would serve the same purpose in a worst case scenario.

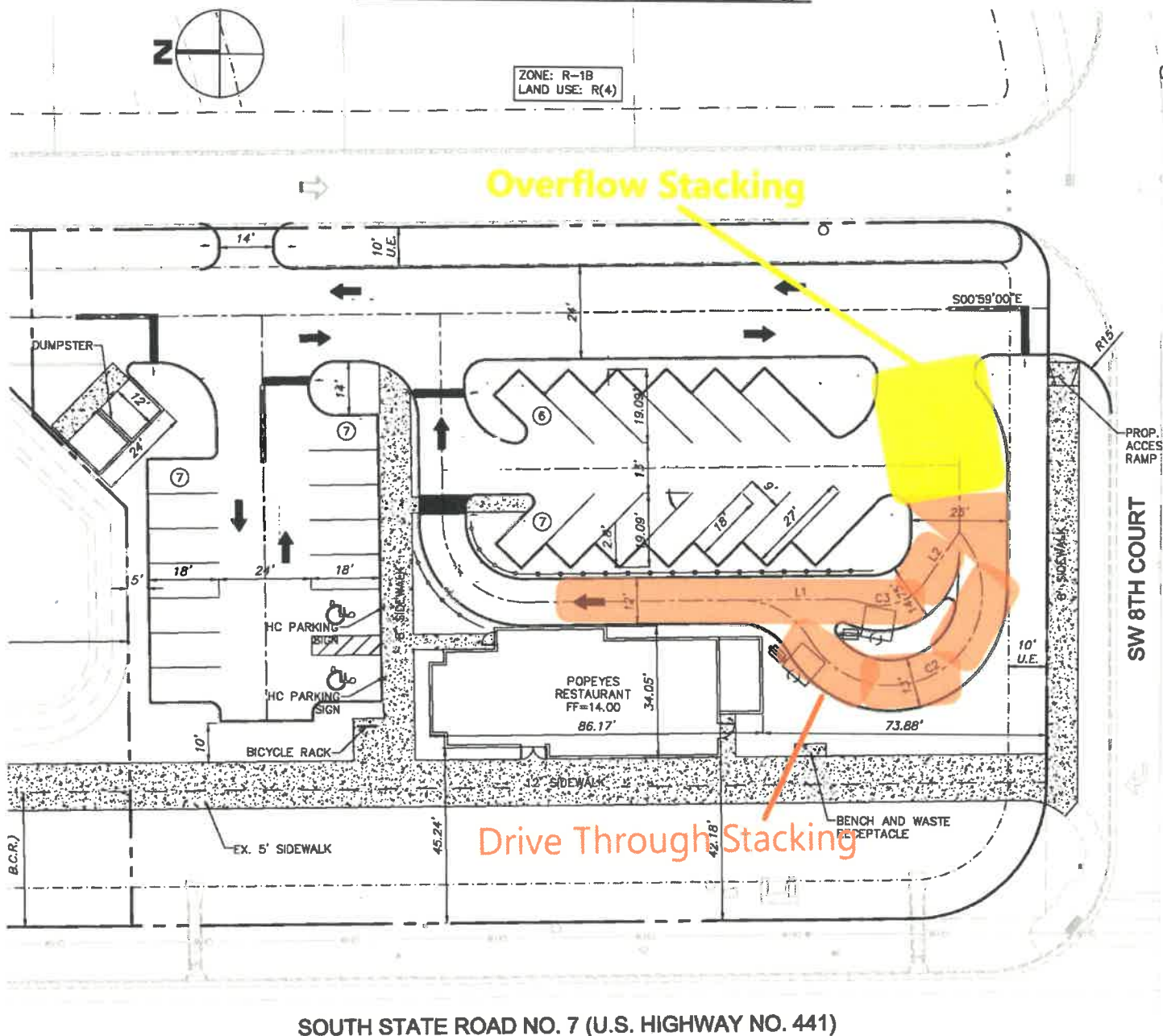
Site Plan Highlighting Access Points



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SOUTH STATE ROAD NO. 7 (U.S. HIGHWAY NO. 441)

Site Plan Highlighting Drive Through

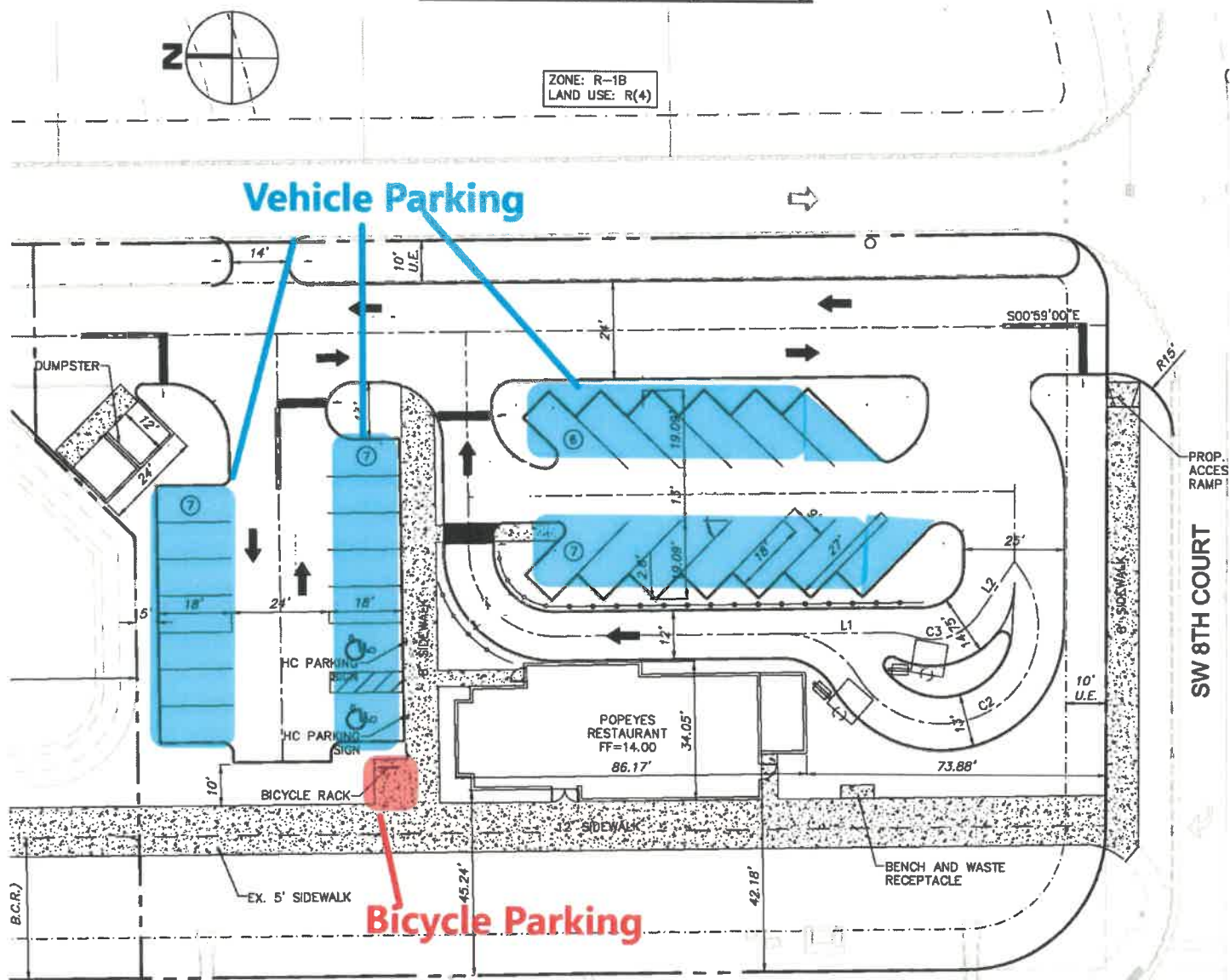


- (7) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest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

The subject property is located within the TOC-C Zoning district. Parking requirements for TOC development is provided in Section 9.12 of the Zoning Code. For restaurants and other uses not specifically mentioned in Section 9.12, this Section defaults to the requirements of Section 33.3 of the Margate Zoning Code. Section 33.3 requires a minimum of one parking space for each 30 square feet of floor area in rooms for customer service. The tabulation on the site plan indicates

that the restaurant will have 780 square feet of customer service area, which requires 26 parking spaces. Developments within the TOC that are within 400 feet of a transit stop, on the same side of a roadway, are entitled to a parking credit of two percent, or no less than three parking spaces. This parking credit reduces the required amount of parking to 23 spaces. There is a bus stop located at the south east corner of State Road 7 and SW 8th Court, roughly 90 feet from the subject property, which makes this development eligible for the transit parking credit. The site plan provides 27 parking spaces, which one of the spaces is reserved for Nuvo storage. The applicant has satisfied the parking requirement, and provides a surplus of three parking spaces. Below is the applicant's site plan with parking areas highlighted, and an aerial photo showing the location of the bus stop in relation to the subject property.

Site Plan Highlighting Parking



SOUTH STATE ROAD NO. 7 (U.S. HIGHWAY NO. 441)

Aerial Showing Proximity to Transit



- (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 potential of surrounding properties for uses permitted in the zoning district, nor will it have 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 with commercial uses to the north, a municipal park is located to the south, and a residential neighborhood is located to the east. Below is an aerial photo showing the surrounding properties with corporate logos.

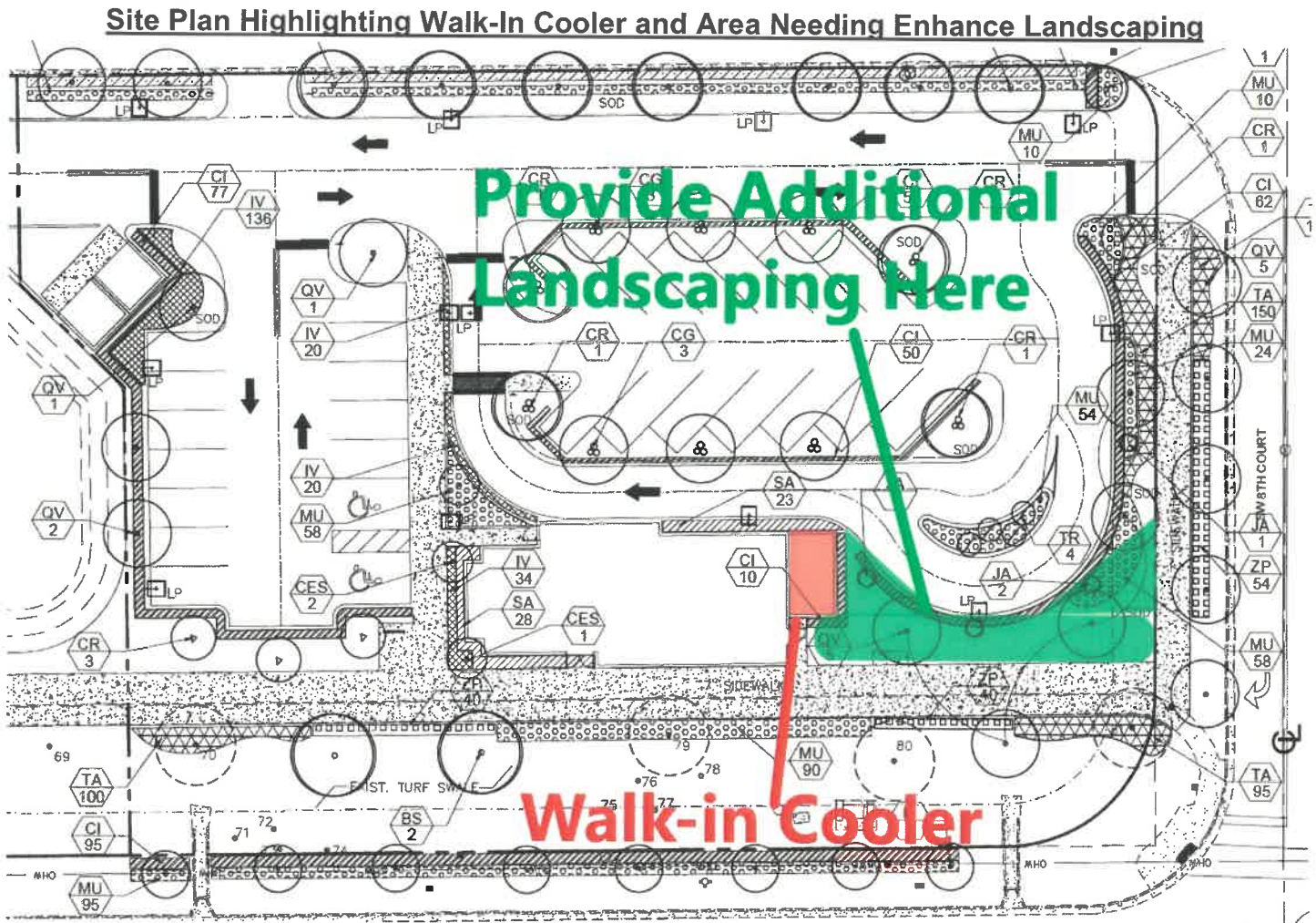
Aerial Showing Nearby Businesses



- (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. The building is oriented toward the street and offers direct entry from both the parking areas and the public sidewalk. The applicant has provided landscaping to buffer the development from the residential neighborhood to the east. **Staff has found the landscaping between the drive through and front property line to be minimal and has asked for enhanced landscaping.** Enhanced landscaping here would screen the drive through lanes from public view, protect vehicle headlight glare from spilling onto State Road 7, and aid in screening the walk-in cooler and other back-of house infrastructure related to the restaurant.

Due to the size and layout of the parking and buildings, the drive-through lane is routed behind the building, which aids in screening views from adjacent roadways, maximizes separation from the adjacent residential neighborhood, and enhances pedestrian access to the restaurant dining room. Below is the applicant's landscape plan with the area highlighted where staff has identified as needing to be enhanced.



(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 portion of the staff report analyzes the applicant against adopted Comprehensive Plan policies. Below are five policies from the Margate Comprehensive Plan that apply to new development within the TOC and auto oriented uses, such as drive through facilities.

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 Popeyes site plan has the building oriented toward the street, and even has a dining room door opening out directly on to the State Road 7 public sidewalk. A bike rack is thoughtfully located near the main entry. The drive through is located behind the building and is routed in a way that does not require pedestrians to cross the drive through or any other drive aisle in order to access the restaurant.

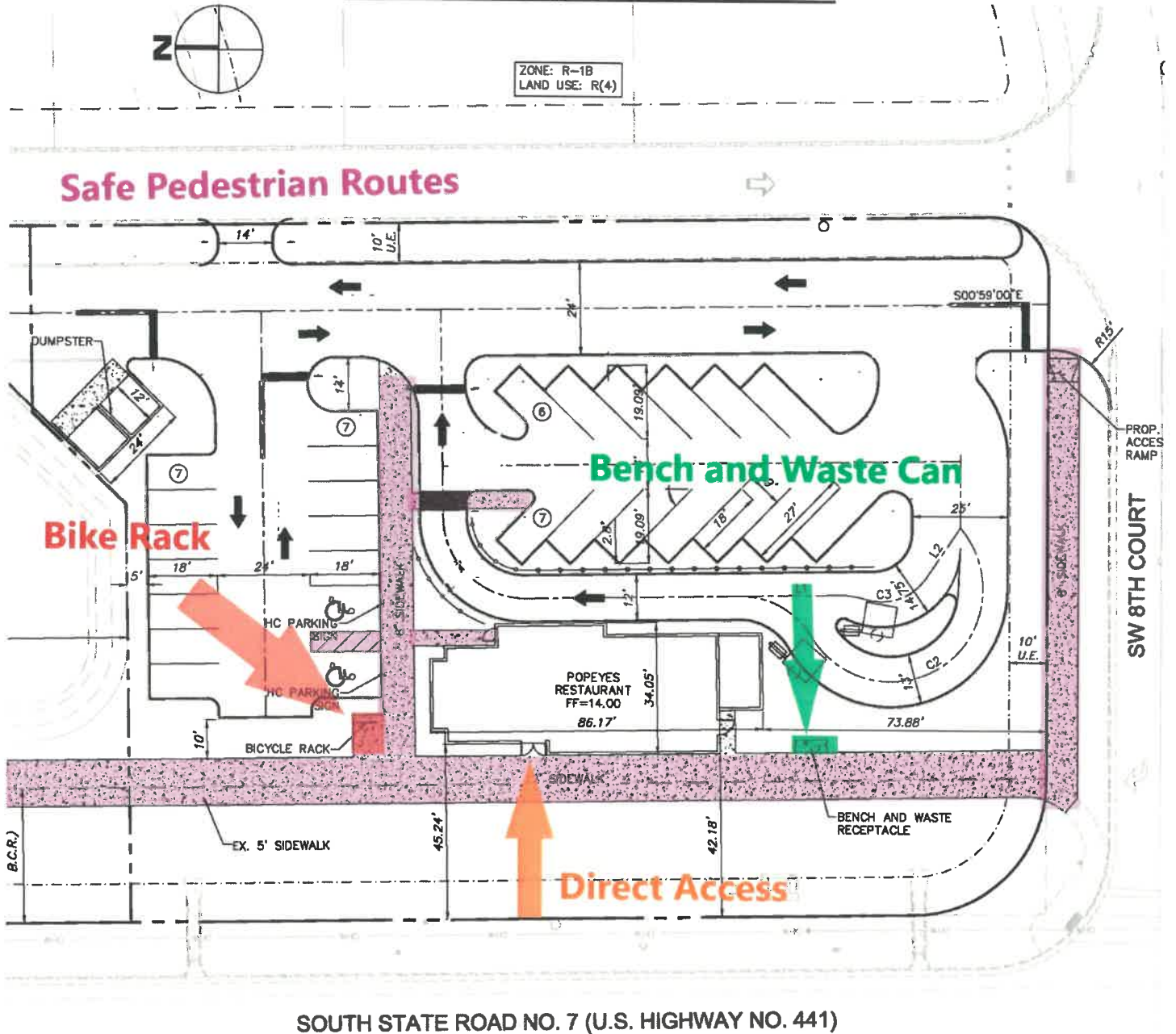
Policy 13.6 The redevelopment and development within the TOC shall ensure that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the TOC land use category. Street connections and sidewalk 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. The applicant’s site plan with safe pedestrian routes highlighted is found on page 20 of this report, and an aerial photo showing the proximity to a bus stop is found on page 23 of this report.

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, and is directly accessible from the public sidewalk. The site plan offers pedestrian amenities such as a pedestrian pathways network and street furnishings. Additionally, the site plan provides bicycle parking. Below is the applicant’s site plan with these amenities highlighted.

Site Plan Showing Pedestrian Amenities



Policy 13.11 Consistent with the intent of a TOC land use category, design features shall be required that promotes 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 applicant has satisfied this policy. A broad multimodal sidewalk will be provided along State Road 7. The building offers minimal setbacks which gives pedestrians direct access to the restaurant. A bike rack has been provided. A parking credit for nearby transit has been applied to the site plan. Both a rear alley and internal drive aisle will be provided in order to enhance connectivity. Where pedestrian traffic intersects with vehicle traffic safeguards such as highlighted pedestrian crossings and a safety barrier have been provided.

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 of this policy by providing safe pedestrian routes, broad sidewalks, street furnishings, pedestrian safety measures, a bike rack, and direct access into the restaurant from the public sidewalk. These amenities have been depicted and described above in this report.

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

4) **Compatibility.**

In this report, staff has previously identified compatibility concerns with the architectural design of the restaurant, and recommended changes to the color and façade which would enhance compatibility. This report also highlighted features that were designed to enhance compatibility with the adjacent

existing residential neighborhood to the east, such as the orientation and location of the building, drive through lanes, and menu speaker boxes. The photometric plan provided shows that light levels drop to less than 0.5 foot candles along the eastern property line. The landscape plan provided shows nine gumbo limbo trees and rows of green buttonwood shrubs and muhly grass to buffer the commercial development from the residential neighborhood. The site has been designed to address compatibility concerns with the adjacent neighborhood.

At a previous DRC meeting, and at the June 3, 2019 Planning and Zoning hearing, the applicant indicated that the Popeyes drive through would be open until midnight, and the dining room would be open until 10 or 11 PM. **In order to ensure compatibility of the proposed use with the adjacent residential development, staff is recommending that the restaurant dining room and drive through close by 10 P.M. each night.** Although the applicant has control over the placement and volume of outdoor improvements such as the drive through menu signs where orders are placed, the applicant has no control over the customer vehicles used to visit the restaurant via the drive through or parking lot. Customer vehicles may have modified stereo and/or exhaust systems which are louder than the original manufacturer's design. Late night hours of operation provides further opportunity for customer vehicles (modified or not) to slam vehicle doors and blow horns. Finally, late night hours of operation provides the opportunity for customers, staff, or visitors at large to convene in the parking area and possibly disturb the adjacent residences. Staff used 10 P.M. as a recommended closing time because this time is used in the City's Noise Control Code to enforce a more stringent noise limitation. Temporary Use Permits (TUP) are also limited in operation until 10 P.M., unless otherwise approved by the City Commission. The presence of these time limitations in the Code of Ordinances provides guidance as to a natural time to restrict non-residential activity in order to preserve a peaceful enjoyment of nearby residential properties.

IV. RATIONALE:

Staff is recommending a conditional approval because the applicant has made earnest efforts to buffer the use from adjacent residential properties. The property itself is a challenge to work with. There is a 35-foot-wide roadway easement dedication that runs along the front property line. A ten-foot-wide utility easement that runs along the sides and rear of the property. And the development pattern created by Dollar General and Nuvo storage creates a challenge to find a compatible design on the same block. Additional buffering opportunities may be created with strategic use of the adjacent alley, and may be imposed as condition of the approval.

Separating the subject property from the adjacent residential neighborhood to the east is an existing paved alley that is 20 feet wide and features catch basin drainage structures. When Dollar General was approved and built, the alley was opened on the north end, at the SW 7th Street connection, but the south end connection to SW 8th Court is presently closed. See photos depicting the SW 7th Street connection and the SW 8th Court closure below.

SW 7th Street Alley Connection



SW 8th Court Alley Closure



The Dollar General site plan indicates that the alley provides one-way southbound travel. The alley continued to appear as one-way southbound travel in the Nuvo site plan and the Popeyes site plan.

Currently, the Popeyes site plan shows the alley to be blocked off at SW 8th Court, which staff has raised concerns because it is open at SW 7th Street and there is a 10-foot-wide curbed utility easement separating a private two-way drive aisle that runs parallel to the alley. There are openings which allow vehicles to enter the alley from the private drive aisle. If the alley remains closed at SW 8th Court, then it essentially becomes a vehicle trap with no exit.

If the alley is opened, there is concern that incoming vehicle traffic from SW 8th Court may become confused and mistakenly enter the alley against a one-way traffic flow.

There was discussion about possibly converting the alley into a greenway to further buffer the adjacent residential development and enhance local drainage and water quality. Staff has concerns about this concept because a number of residents have added gates to their rear yard for access to the alley, possibly for vehicle access or recreation type equipment. Additionally, the alley seems to be the least intrusive method of accessing and servicing existing utilities in the area. Photos below show the gate access and existing utilities.

Existing Utilities



The above photo shows existing utilities installed at grade. The residential properties have built their fences around these installations. Utility companies utilize the alley for access.

Existing Utilities



The above photo shows existing overhead utilities. The residential properties have built their fences around these installations. Utility companies utilize the alley for access.

Typical Gate Access Point To Alley



A concept to add in either parallel parking or directional parking was also contemplated as an improvement to the alley that would improve buffering between the subject property and the adjacent residential properties. Adding parking would keep the alley open and accessible to adjacent residents and utility workers. Further, it would serve as overflow parking for Serino Park and would facilitate vehicle control devices, such as curbed medians, to further help drivers identify a safe route of travel. One concern raised with this concept is that due to a substantial difference in elevation between the alley and parallel drive aisle, a retaining wall system would have to be installed so that vehicles do not drive off of the drive aisle and fall onto the alley. The elevation difference can be observed in the photo below depicting the SW 7th Street alley connection.

SW 7th Street Alley Elevation



Staff is looking for direction from the City Commission as to what the desired form of this alley should become.

Staff recommends approval of the special exception application for Popeyes Louisiana Kitchen double drive through with the following conditions and mitigating factors:

- Satisfy all remaining DRC comments
- Apply recommended changes to the architectural design of Popeyes:
 - Add balcony feature and spandrel glass window with canopy to the State Road 7 façade
 - Change colors to use black metal awnings and white trim around the building
- Increase landscape plantings (shade trees and shrubs) between the drive through and the property line
- Limit hours of operation for restaurant and drive through to 10PM
- Recommend an improvement to the existing public alley



Robert Massarelli, AICP
Director of Economic Development Services