



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Christina Bilenki
Lauren G. Odom

**Clutch Coffee
5300 Coconut Creek Parkway
Special Exception Application
Comment Responses
Date Comments Issued: October 27, 2020
Comment Response Date: December 2, 2020**

ENGINEERING

D.E.E.S.\ Engineering Review

The Director of the Department of Environmental and Engineering Services, or his qualified designee, has conducted a review of the submitted documentation in accordance with 31-35 (2), 31-37, and other relevant sections of the City's Code of Ordinances and finds the following:

A. AVAILABILITY OF POTABLE WATER

Potable water service is available to serve the needs of the proposed development. The water treatment plant has sufficient available capacity to satisfy the potable water needs of the proposed development as well as those of other developments in the service area which are occupied; available for occupancy; hold active, valid building permits; or have already reserved capacity.

Please note that this determination shall not be construed as a reservation of capacity for the development unless a developer's agreement has been executed with the City specifically reserving water treatment capacity.

Response: Noted.

B. AVAILABILITY OF WASTEWATER TREATMENT AND DISPOSAL SERVICES

Wastewater treatment and disposal service is available to serve the needs of the proposed development. The wastewater treatment plant has sufficient available capacity to satisfy the wastewater treatment and disposal needs of the proposed development as well as those of other developments in the service area which are occupied; available for occupancy; hold active, valid building permits; or have already reserved capacity.

Please note that this determination shall not be construed as a reservation of capacity for the development unless a developer's agreement has been executed with the City specifically reserving wastewater treatment and disposal capacity.

Response: Noted.

C. TRAFFIC IMPACTS

Based on the analysis provided by the applicant's traffic engineer, the net trips being contributed to the roadway network by this development is a net decrease compared to those trips that were contributed by the prior bank. Therefore, we have concluded that the traffic generated by the proposed development will be safely and efficiently handled by the regional transportation network and local streets. No roadway improvements are required of the developer.

While the traffic study shows that most of the trips to this development are "drive-by" trips, rather than "destination" trips, the study indicates that site will receive 996 daily trips, supposedly all flowing through the single drive-thru lane. Please provide sufficient stacking on site to manage the volume of traffic expected without stacking off site and affecting traffic flow within the shopping center or on the public streets. Provide a stacking study to support the plan.

Response: The drive-through facilities include a primary service lane and a by-pass lane. The primary service lane provides 80 feet of queuing distance from the service window to the menu board and an additional 30 feet to the property line. The total vehicle queuing distance provided is 110 feet which will accommodate approximately five (5) vehicles. The City of Margate Code of Ordinances (Section 33.11) requires that a drive-through lane for beverage or food sales must provide at least four (4) reservoir spaces. (The dimensions of a reservoir space are 9 feet wide by 20 feet long.) As such, the City Code with respect to reservoir areas for drive-through facilities is satisfied. In addition, please see Traffic Statement from Karl Peterson for additional information.

D. SURFACE WATER MANAGEMENT

This project is a re-purpose of an existing bank parcel within the shopping center. The property was previously permitted and developed with the surface water management system connected to the master drainage system within the shopping center. No revisions to the drainage system are proposed. The proposed development will realize a reduction in pervious area and, therefore, a reduction in site run-off. Accordingly, the existing stormwater management system is deemed sufficient, as are the rights-of-way and easements for a surface water management system.

Response: Noted.

E. STREETS, SIDEWALKS, PUBLIC PLACES

The engineering design of streets, sidewalks, and other public places abutting or serving this property appear to be “existing to remain”. They appear to be in good condition and do not appear to be in distress. To the best of our knowledge and understanding, these public improvements were previously constructed under permits from the City. Accordingly, they are deemed to meet the minimum standards set forth in Chapters 31 and 35 of this Code.

Response: Noted.

F. WATER DISTRIBUTION SYSTEM

To the best of our knowledge and understanding, the water distribution system meets or exceeds the minimum standards and requirements of the following:

1. Chapter 39 of the City’s Code of Ordinances
2. AWWA Standards
3. Broward County Environmental Protection and Growth Management Division Connection charges and/or impact fees will be determined during review of the engineering permit.

Response: Noted.

G. WASTEWATER COLLECTION AND TRANSMISSION SYSTEM

To the best of our knowledge and understanding, the wastewater collection and transmission system meets or exceeds the minimum standards and requirements of the following:

1. Chapter 39 of the City’s Code of Ordinances
2. AWWA Standards
3. Broward County Environmental Protection and Growth Management Division

Response: Noted.

H. GENERAL

1. Application

- a. In response to the question “Describe the proposal/request in detail, including occupant capacity (if applicable)” “See attached.” Is not a sufficient answer, especially when nothing was attached. Please provide a narrative sufficiently describing the project and its intent.

Response: A project narrative describing the proposed project is included with this submittal.

2. Cover Sheet

- a. Please correct the contact information as noted:
 - i. “Surveyors” is misspelled in Pulice Land Surveyors, Inc.
 - ii. Comcast’s office is in Miramar, not Margate
 - iii. Daniella Carvajal is now Daniella Hill and her phone number should be (954) 972-0828.

Response: Sheet C0.00 Cover Sheet, has been revised to address “Surveyors” misspelling, Comcast address and Mrs. Hill’s updated contact information.

3. C1.00 Site Plan

- a. The shopping center driveway appears to cross a NVAL. Please clarify.
- b. At the NW corner of the site, between the H/C parking space and the main driveway to the shopping center, a concrete light pole appears to obstruct the clear width of the ADA Accessible Route.

Response: As discussed via telephone, the shopping center driveway is existing. Plans have been revised to show the existing 45’ NVAL Access opening for right turns only recorded in Plat Book 110 Page 19, see Sheet C1.00 Site Plan and Boundary and Topographic Survey by Pulice Land Surveyors, Inc. dated January 1, 2020. Additionally, Sheet C1.00 Site Plan and Boundary and Topographic Survey by Pulice Land Surveyors, Inc. dated January 1, 2020 have been revised to show the existing light pole at the northwest corner of the property in the correct location outside the ADA accessible route.

4. C1.01 Loading Zone & Truck Route Plan

- a. Truck route should not cross the centerlines.
- b. Show truck route with the vehicle maintaining its own lane throughout.

Response: Sheet C1.01 Loading Truck Route Plan has been revised to show the loading truck path maintaining its own lane throughout and not crossing centerlines.

5. C4.00 Construction Details

- a. Type D Curb Along Existing Pavement Detail
 - i. Lines representing asphalt and the various layers of sub-grade shall terminate at the face of the curb, rather than extending through the curb.
 - ii. Please provide a Trench Detail.

Response: The “Type “D” Curb Along Existing Pavement Detail” on Sheet C4.00 Construction Details has been revised to show the lines representing asphalt and the layers under to end at the face of curb as requested. Broward County Public Works Department figure 180 “Typical Trench Backfill” detail dated February 23, 2011 has been included on sheet C4.01 Construction Details.

6. E.R.C.’s and Connection Charges

Current E.R.C.s at 5300 Coconut Creek Parkway is one (1.) Per Code Sec. 39-73. - Connection charges, paragraph (c), “Either upon initial connection to the system, or upon each change of type or expansion of occupancy, or type of use, or nature of business, all nonresidential users, including commercial and industrial users and public facilities, shall have their E.R.C. value redetermined based on the actual measured and recorded water consumption.” In your case, the Drive-Through Bank is changing to a Drive-Through Coffee Shop.

The actual use shall be determined after said change occurs or after initial connection to the system and when the facility reaches the degree of occupancy, activity, or use that allows for the accurate measurement of maximum expected water consumption (as determined by the city).

The actual measured water consumption shall be used as the basis for redetermining the E.R.C. value as follows: The maximum monthly flow for a previous one-year period (converted to a daily flow value in gallons per day) shall be divided by three-hundred thirty-five (335) gallons per day per E.R.C. to derive the redetermined E.R.C. value, which shall be calculated to the nearest one-hundredth (0.01) ERC.

One E.R.C. is equal to Water and Wastewater = \$1,790.00 + \$1,920.00 = \$3,710.00

Response: Acknowledged.

7. Tree Removal Permit

a. Must submit a Tree Removal Permit. Please download the application at <https://www.margatefl.com/DocumentCenter/View/280/Tree-Removal-Relocation-Permit-Application-PDF>

Response: A Tree Removal Permit application will be scheduled to be submitted to the Engineering Department before the building permit submittal. Per discussions with Ms. Fran Condon and team a Tree Removal Permit can be submitted at any time and should not hinder the DRC approval of this project.

8. Please provide a response letter identifying how and where (what document, page, etc.) you have addressed each comment.

Response: Please use this document as the comment response letter addressing all comments and concerns listed on the city's letter received on October 27, 2020.

DEVELOPMENT SERVICES

COMMENT 1: This application is for a special exception and is therefore subject to the requirements of Chapter 31 of the Code of the City of Margate.

Sec. 31-33. - Definitions.

Development permit means any building permit, as defined herein, subdivision resurvey or plat approval, rezoning, special exception, or other official action of the city having the effect of permitting the development or redevelopment of land.

This does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, or other building code in force and effect at the time.

Response: Noted.

Sec. 31-35. - Determinations required prior to approval of a development permit.

A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met:

(1) *Director of development services.* The director of development services determines:

- a. That the proposed development is consistent with the Margate Comprehensive Plan.
- b. That the proposed development is in conformity with the Margate Zoning Code.
- c. In the case of site plans, that the proposed development is in conformity with the provisions of chapter 23 of this Code.

Response: Noted.

Sec. 31-37. - Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.

(a) For the purpose of implementing sections 31-34, 31-35, and 31-36, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.

(b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it *may* be used as the basis to assess the maximum impact of the development. In the event that an application for a building permit is submitted which, in the opinion of the building official, provides more intensive uses than those indicated on the site plan or substantially deviates from the

approved site plan, the application shall be referred to the development review committee for assessment.

Based on the above three Code sections, Development Services staff must compare the application to the adequacy determinations described in Section 31-35 of the Code of the City of Margate under the presumption that the proposed special exception use will have maximum impact under the applicable land development regulations and the land use element of the Margate Comprehensive Plan.

Response: Noted.

Subject Property:

The subject property is a 17,444 square foot (~1/3-acre) site located at 5300 Coconut Creek Parkway. The property is generally located near the southeast corner of State Road 7 and Coconut Creek Parkway. The subject property has 89.46 feet of frontage on Coconut Creek Parkway.

The subject property is currently an outparcel of the Crossroads Shopping Center. The zoning designation of the subject property is TOC-G Gateway. The subject property is located within the TOC Transit Oriented Corridor land use category. The principal structure is ~498 square feet in area and features four drive-through lanes. The subject property was originally developed as a drive-through only bank and ATM. Resolution 9836 approved both an adjacent drive-through pharmacy and the subject property drive-through bank facility together on June 4, 2003. The subject property had a B-2 Community Business district designation and a Commercial land use designation at the time. The site has been vacant since approximately 2016. The site provides vehicular access from both State Road 7 and Coconut Creek Parkway through the Crossroads Shopping Center. The setbacks of the structure are as follows:

Front (Coconut Creek Pkwy) – 78.2 feet

Side (west) – 8.1 feet

Side (east) – 23.6

Rear (south) – 92.1 feet

Nature of TOC-G District

Section 9.11 of the Margate Zoning Code provides that “Parcels designated as Gateway are located at significant entrances to the City where distinctive building elements and height to emphasize the corner, such as a corner tower, are encouraged.” Section 7.2 of the Margate Zoning Code provides a detailed statement of purpose and description of the TOC zoning districts.

Section 7.2. - Purpose and general description.

The Transit Oriented Corridor districts are specifically created to implement and encourage the redevelopment of lands designated as Transit Oriented Corridor on the future land use plan map of the City of Margate Comprehensive Plan. The TOC districts generally include right-of-way and private properties abutting or proximate to the State Road 7/U.S. 441 corridor and comprising approximately one thousand one hundred eighty-four (1,184) acres. This area is designated on the City of Margate Future Land Use Map (FLUM) and the Broward County Land Use Plan Map (BCLUPM) as Transit Oriented Corridor (TOC).

This article provides general guidance and specific standards necessary to promote the goals, objectives and policies contained within the future land use element and is designed to

maximize the development potential of the State Road 7/U.S. 441 corridor, foster a mix [of] land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly and multimodal sidewalks, encourage upper story office uses, and provide on-site parking facilities in the rear yard and accesses when possible through rear alleys or side streets.

The city encourages development and redevelopment projects that contribute to the following objectives:

1. Promoting well-planned development and redevelopment;
2. Encouraging the reduction of impacts on adjacent neighborhoods through building placement and sensitivity of building design and green building standards;
3. Encouraging infill and redevelopment with an emphasis on pedestrian orientation, increased mobility and integration of transit and bicycle systems that provide alternatives to the automobile and promote a sustainable environment;
4. Encouraging a closer relationship between primary building entrances, the public sidewalk, and pedestrians with entrances to building shopfronts, workplace and housing oriented directly to the public street;
5. Providing opportunities for a range of housing types and price levels to accommodate diverse ages and incomes;
6. Planning transportation corridors in coordination with land use and coordinating the intensity of development proximate to mass transit and encouraging a sustainable environment;
7. Encouraging development that is pedestrian-oriented with a variety of uses including mixed-use development;
8. Providing that ordinary activities of daily living may occur within walking distance of most dwellings, allowing independence to those who do not drive;
9. Providing for interconnected networks of tree-lined or shaded roads to be designed and created incrementally to improve pedestrian access to transit and to disperse and reduce the length of automobile trips;
10. Creating an interconnected rear alleyway system;
11. Promoting the small scale of newly formed blocks with public open spaces to serve corridor residents, workers and visitors for increasing social gathering, active and passive recreation, and visual amenities;
12. Promoting appropriate building densities and land uses be provided within walking distance of transit stops;
13. Creating a range of open space including parks, squares, and playgrounds and positioning buildings to front streets and open spaces;

14. Encouraging buildings, streetscapes and landscaping to contribute to creating community living spaces;
15. Promoting a street environment and building orientation that emphasize comfort, safety, and distinctive identity, with the provision of urban greenways along major corridor roadways containing a variety of shopfronts that provide a high level of transparency at the sidewalk level;
16. Maximizing the development potential for the TOC district;
17. Providing form-based guidelines for change to promote a harmonious and orderly evolution of the TOC district redevelopment area; and
18. Encouraging energy efficiency through building design and site development.

COMMENT 2: Site data provided on the site plan is referencing the entire Crossroads Shopping Center rather than the subject property. Please revise and provide site data specific to the subject property. Site data is required per Section 31-54(b)(1)c of the Code of the City of Margate.

Response: The site data table has been revised to exclusively provide information for the subject property. See Sheet C1.00 Site Plan.

COMMENT 3: Elevations provided do not include tenant signage details. Sign details are required on the site plan per Section 31-54(b)(1)d9 of the Code of the City of Margate.

Response: Please see revised elevations with proposed signage included.

COMMENT 4: Staff finds the application is generally consistent with the 10 General Standards of Review provided in Section 31-54(c) of the Code of the City of Margate, copied below with specific staff comments and recommendations provided therein.

Sec. 31-54. - Special exceptions.

(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 this application is consistent with the Goals, Objectives, and Policies of the Margate Comprehensive Plan. This finding is explained in further detail below.

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

The drive-through use has been established at this property since 2003. Applicant proposes to reactivate the use for a coffee shop, and in doing so, make specific improvements to the property, and reduce the number of active drive-through lanes. Applicant proposes to add a buffered dumpster enclosure to the site, as well as additional landscaping, and traffic control signage and markings.

Staff finds that the subject property has a number of maintenance issues that must be addressed in order to preserve the public health safety, and general welfare. The parking lot is in need of repair to address pot holes and ponding water, sealcoat parking lot, re-stripe parking lot, trim/clean-up landscaping areas, replace broken light fixtures, replace broken disabled parking signage, remove unused sign post, address rusted red and green lights installed on south side of canopy that are used for traffic control.

Response: If the project is approved, Applicant will address the maintenance issues concurrent with renovations to the structure. Applicant will clean up the landscaping, paving, and striping, among other general improvements. See note #4 on sheet C1.00 and note #9 on sheet C3.00 Paving, Grading & Drainage Plan.

(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.

This site was previously developed as a drive-through use. Approval of this application would not create a new drive-through facility; it would merely re-activate an existing drive-through use for a coffee shop. Thus, approval of this application would not contribute to an excessive proliferation of the special exception use.

If only considering the use of drive-through, there is a drive-through pharmacy approximately 93 feet to the west, located adjacent to the subject property and in the same shopping center. A drive-through branch bank facility is located approximately 314 feet to the northwest, across Coconut Creek Parkway. If considering a drive-through with prepared beverage and/or food service, the nearest locations are a Culver's restaurant approximately 3,500 feet to the north, and a McDonald's restaurant located approximately 2,950 feet to the south. Staff finds approval of this special exception would not create an excessive proliferation of the requested use.

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

The subject property was previously developed as a drive-through bank facility. There are no adjacent residential uses that may be disturbed by a drive-through use. The nearest residential buildings are roughly 500 feet from the principal building of this application, and those buildings are further buffered and separated by both the main buildings of the Crossroads Shopping Center and the USPS Margate Post Office. Staff finds that a shopping center outparcel is an appropriate and compatible setting for the proposed use.

Setbacks are required by the Margate Zoning Code in order to enhance compatibility between uses. The subject property exceeds all setbacks required for the structure in the TOC-G Gateway zoning district.

(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.

Address Level of Service (LOS) in the analysis of each: Utilities, Roadway Capacity, Drainage, Police, Fire, and Emergency Services.

Response:

Utilities: The applicant is not proposing new service connections. The existing service connections for the existing drive-through financial institution structure will be used and are expected to be sufficient for the proposed drive-through only coffee shop.

Roadway Capacity: The proposed coffee shop is expected to generate more daily and AM peak hour vehicle trips than that of the previous bank use. However, the actual traffic impacts to the external roadway network are expected to be less as a result of significantly higher pass-by rate since the overwhelming majority of trips are from vehicles already on the nearby/adjacent roadway network. Therefore, the new net external vehicle trips are estimated to consists of 110 daily vehicle trips and 18 AM peak hour vehicle trips and the existing roadway capacity is expected to be sufficient to handle the daily vehicle trips.

Drainage: The applicant is not proposing any additional drainage structures or infrastructure. Sheet C3.00 Paving, Grading, and Drainage Plan maintains the existing drainage patterns of positive flow to the existing drainage structures on site. The proposed site plan modifications increase pervious area; therefore, improving the existing conditions by reducing the runoff volume generated by the subject property.

Police, Fire, and Emergency Services: The subject property is currently developed as a vacant drive-through only financial institution. The Clutch Coffee project proposes to revitalize the subject property by upgrading site lighting fixtures for enhanced visibility & safety at night. The property will be refreshed through proper site maintenance including improved landscape areas, re-painted pavement markings, additional marked pedestrian walk paths, drop-off/pick-up area, a waste disposal can for customer use and a dumpster enclosure for both solid waste and recycling refuse containment. The subject property currently allows for proper maneuverability of emergency vehicles to access and exit the site, and with the change of use from a bank to a coffee shop it can be inferred that less potential criminal activity would occur. Provided that the previous use was of a financial institution it is safe to assume the level of service intensity for the police department must be less for a drive through only coffee shop.

Roadway Capacity

Daily average estimated trip generation shows 499 trips for drive-in bank and 996 trip for coffee shop in the traffic statement prepared by Karl B. Peterson, P.E., for KBP Consulting, Inc. Traffic statement goes on to rationalize that of those totals, pass-by trips account for 32% of the bank trips, and 89% of the coffee shop trips. Pass-by trips are explained by Karl B. Peterson, P.E. as not being primary trips, but rather, “trips from vehicles that are already on the nearby/adjacent roadway network.” When accounting for pass-by trips, the drive-through coffee shop represents a decrease of 229 primary trips per day compared to the previous drive-through bank use.

As this criterion specifically speaks to roadway capacity at the City adopted levels of service, the traffic statement prepared by Karl B. Peterson, P.E., for KBP Consulting, Inc. should do same. Please revise.

Response: See revised Traffic Statement from Karl Peterson at KBP Consulting, Inc.

(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 already exist on the subject property, as this site was previously developed as a drive-through bank. There is direct pedestrian access from the Coconut Creek Parkway public sidewalk to the building entrance. There is an existing ADA accessible route that connects to the entrance to the building. Both internal sidewalks also connect to the main shopping center building located on the south side of the subject property.

Section 33.11 of the Margate Zoning Code requires four vehicle reservoir spaces (including the vehicle being served) for drive-through beverage sales. Each reservoir space must be at least 10 feet wide and 20 feet long. This site provides enough space for five vehicle reservoir spaces completely within the subject property and without interfering with the flow of vehicular and pedestrian traffic within public rights-of-way, nor interfering with parking circulation or loading within the facility.

As indicated by staff above, the traffic statement provided KBP Consulting, Inc. compares and contrasts the proposed use of drive-through coffee shop to the previously approved prior use of drive-through bank facility, and estimates that the proposed use will result in a reduction of trips on local roads.

(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 provides five parking spaces (four standard spaces and one disabled parking space). Section 33.3 of the Margate Zoning Code does not presently provide a minimum prescribed amount of parking for this use, but instead relies on the applicant to provide a Master Parking Plan (MPP). The MPP submitted with this application indicates that this business is drive-through only, so there will be no need for customer parking. Further, the only parking demands for this use are anticipated to be for employee parking. The MPP notes that the business will typically be staffed with two employees, so even during a shift change over, there should be sufficient parking. When describing parking demands for Clutch Coffee, the MPP provides, "many of their employees are expected to walk, bike or take transit to work. Those that do arrive by automobile are likely to be dropped off."

Section 33.9 of the Margate Zoning Code provides minimum requirements for loading zones. A restaurant would have to be at least 10,000 square feet in area before the Margate Zoning Code would require a loading zone. The structure on the subject property is 498 square feet; therefore, a loading zone is not required for this property.

- (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;

As noted above, the subject property was previously developed as a bank with drive-through. The applicant proposes a re-use of the existing structure and property. As the shopping center has already accommodated a drive-through use on this property, approval of this use is unlikely to impede the development of surrounding properties.

Applicant provided a statement from Honey Bryan, the Senior Director and Real Estate Broker Associate for Colliers International South Florida, LLC, addressing anticipated impact on property value of surrounding properties. Ms. Bryan asserts that coffee shops such as Clutch Coffee have a positive impact on the property values of their surrounding areas.

- (4) 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 building on the subject property exceeds the minimum required setbacks for the TOC-G Gateway zoning district. The existing landscape buffer located along Coconut Creek Parkway will be enhanced by the applicant.

Staff finds an opportunity to enhance the existing landscape buffer between the subject property and the Crossroads Shopping Center parking area to the east. The landscape plan submitted with this application notes this buffer to vary from one foot to four feet in width. This area is already being modified to accommodate a new dumpster enclosure. The applicant could widen the landscape area to the north for additional trees and decorative plantings to enhance this buffer area. If this application was for new development or redevelopment, this buffer would be required to be 10 feet in width, with each adjacent property owner contributing five feet.

Response: The landscape plan was revised to include an additional buffer tree in the east buffer, north of the dumpster. A new hedge was added around the dumpster and doubled up on 50% of the existing eastern hedge. The existing hedge along the east buffer will remain. See sheet L1.00 Landscape Plan.

Staff finds additional opportunities to control light spill by upgrading the light fixtures on the property. There are a number of older style light fixtures that are presently mounted on the walls and under the canopy of the subject property. By upgrading these older style light fixtures to recessed fixtures and fully shielded fixtures, the property will more effectively control obtrusive light spill and nuisance glare as well as enhance aesthetics. Section 33.2(E) of the Margate Zoning Code requires the use of fully shielded light fixtures.

Response: The existing light poles will remain, but the fixtures on the subject property are now proposed to be upgraded to LED shielded light fixtures. The building fixtures are now proposed to be replaced with upgraded LED shielded light fixtures. See revised Sheet C5.00 Photometric Plan and Sheets C5.01 and C5.02 Photometric Details.

Staff recommends the addition of a garbage can on the north side of the building, for use by vehicles exiting the drive-through.

Response: A garbage can is now provided on the north side of the building. See Sheet C1.00 Site Plan.

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

I. CONFORMITY WITH CODE

A. TOC-G Gateway Zoning District:

COMMENT 5: The requested special exception use conforms to the TOC-G Gateway zoning district. This district only allows drive-through facilities with a permitted use. Restaurants are a permitted use in the TOC-G Gateway district, per Section 8.4 of the Margate Zoning Code.

Some of the site elements do not conform to the TOC requirements because the site is not being redeveloped. Section 2.2 defines ‘redevelop’ as, “To demolish a principal building or structure of a site and construct a new principal building or structure; or to expand an existing principal building or structure beyond twenty-five (25) per cent of the gross area or size.” Section 7.1 of the Margate Zoning Code provides, “After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within the TOC district.” As this application is not considered new development or redevelopment, the site is not required to be fully compliant with the TOC design standards, including, but not limited to, providing an “urban greenway” along Coconut Creek Parkway and a “pedestrian zone” along applicable sides of the building.

Section 2.2. - Terms defined.

Redevelop: To demolish a principal building or structure of a site and construct a new principal building or structure; or to expand an existing principal building or structure beyond twenty-five (25) per cent of the gross area or size.

Section 7.1. - Application of article.

This article is intended for all lands designated as Transit Oriented Corridor on the Margate Future Land Use Map. The regulations of this article shall apply in all TOC zoning districts.

TOC-C: Transit Oriented Corridor—Corridor;
TOC-G: Transit Oriented Corridor—Gateway;
TOC-CC: Transit Oriented Corridor—City Center.

After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within the TOC district. No permits for the development or redevelopment of a property designated as Transit Oriented Corridor on the Margate Future Land Use Map and designated as one (1) of the three (3) TOC

zoning districts on the Regulating Plan Map provided herein shall hereafter be issued from the city until said properties have officially changed zoning designation on the City of Margate Zoning Map to one (1) of the three (3) applicable TOC zoning districts as identified on the Regulating Plan Map.

Response: Noted.

COMMENT 6: The minimum plot size within the TOC zoning districts is 10,000 square feet, with a minimum of 100 feet of street frontage, per Section 9.7(N) of the Margate Zoning Code. The subject property provides 89.46 feet of street frontage and therefore does not conform to the minimum plot sizes established for TOC districts.

Response: Applicant is not seeking to create a new plot or proposing new development or redevelopment, but rather is intending to reuse an existing non-conforming plot and existing structure.

Section 9.7. - Specific design standards.

(A) *Intent.* This article illustrates the types of streets, buildings, heights, and mixes of uses that create the desired "form" presented in the master plan and TOC districts. Guidelines for building design, site design, access, and other development components are transect-based with a corresponding regulating plan that prescribes the appropriate land uses, and project and site design principles relating to the appropriate form for the pedestrian orientation, streetscape, and public realm in the subject area.

In general, development along the corridor is able to maximize developable heights and developable volume by positioning buildings at the back of the public sidewalk. Parcels with less than two hundred (200) feet of lot depth will also find increased flexibility in achieving greater developable height and building volume while maintaining or increasing separation from adjacent residential properties located to the rear.

A minimum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the TOC-CC City Center district.

(B) *Building placement.* The building placement regulations contained in this article assume the implementation of a one hundred fifty (150) minimum trafficways reservation width for parcels fronting the State Road 7 corridor and one hundred seventy-five (175) minimum trafficways reservation at the intersection of State Road 7 and Atlantic Boulevard as described in appendix 2, Broward County Trafficways Map Series.

(C) *Setbacks along street frontages.* The building placement regulations contained in this article assume the implementation of sidewalk improvements and associated adjustments to the State Road 7 corridor right-of-way widths and related back-of-sidewalk locations as described in subsection (O) "Streets and blocks" and Appendix 2, Broward County Trafficways Map Series. Placement of future buildings is encouraged to reflect either:

- (1) Location of back of sidewalk following street reconstruction, or
- (2) If street reconstruction has not yet taken place, approved city plans for sidewalk reconstruction that relocate the back of sidewalk.

For the purposes of this article front setback is defined as the minimum permitted distance from the back-of-sidewalk line along a primary street to the primary building facade. The primary frontage setback shall maintain a minimum of eighteen (18) feet, measured from the curb along; along roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map; and sixteen (16) feet for all other roadways.

(D) *Secondary frontage setback.* For the purposes of this article the side street setback is defined as the minimum required distance from the right-of-way line back of curb along the side street to the side street building facade. The secondary frontage setback shall maintain a minimum of eighteen (18) feet, measured from the curb along; along roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map; and sixteen (16) feet for all other roadways where an urban greenway is required.

(E) *Side yard setback.* For the purposes of this article side yard setback is defined as the required minimum distance from the side property line to the primary building. There is no minimum side yard setback between buildings or minimum space between buildings.

(F) *Rear setback.* Rear setback is defined as the required minimum distance from the rear property line to the nearest building. The creation and maintenance of a new and interconnected rear alleyway system is a major goal of this section. Rear setbacks must be maintained to accommodate rear alleyway creation and provide separation between nonresidential uses in the TOC and residential uses outside of the TOC. The minimum rear setback shall be thirty-eight (38) feet when new development abuts a residential district or use.

(G) *Alleyway setback.* Alleyway setback is defined as the required minimum distance from the alleyway edge of pavement to any building. The minimum alleyway setback shall be twelve (12) feet. The minimum paved width of a one-way alley in the TOC shall be ten (10) feet, the minimum width of a two-way alley in the TOC shall be eighteen (18) feet. Portions of an alley which serve parking spaces shall meet minimum dimensions provided in Article XXXIII of this Code.

(H) *Frontage build-out.* Frontage coverage is defined as the percentage of the length of the frontage coverage zone that is occupied by the front facade(s) of the primary building(s). In the TOC-C and TOC-G districts a minimum frontage buildout of seventy (70) per cent is encouraged. In the TOC-CC districts a minimum frontage buildout of eighty (80) per cent is encouraged. In order to connect the public sidewalk with courtyards and parking lots in the interior or at the rear of a parcel, development may incorporate a passage between buildings designed in a manner consistent with the pedestrian zone, described in Section 23-8 of this Code not less than sixteen (16) feet.

(I) *Build-to-corner.* Developers are encouraged to build-to the corner of the parcel at the intersection of two (2) primary streets. The build-to-corner location is defined by the front and side setback lines. No visual obstructions are permitted within the corner of an intersection measured thirty-five (35) feet from the intersecting rights-of-way for a height of twenty (20) feet. The use of tower elements at these locations is encouraged.

(J) *Space between buildings.* There is no minimum space between buildings on the same parcel, except for the provision of pedestrian zones.

(K) *Reserved.*

(L) *Height limits.* A minimum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the TOC-CC City Center district. No building or structure shall be

erected or altered to exceed four (4) floors and sixty-six (66) feet in the TOC-C Corridor districts. No building or structure shall be erected or altered to exceed six (6) floors and ninety-four (94) feet in height in TOC-G Gateway districts, provided that no more than seventy-five (75) per cent of any building elevation exceeding one hundred fifty (150) feet in length may exceed four (4) stories and sixty-six (66) feet. No building or structure shall be erected or altered to exceed eight (8) floors and one hundred twenty-two (122) feet in height in the TOC-CC City Center district. Rooftop antennas and elevator shafts are not counted in these height limitations. Rooftop mechanical equipment must be placed in enclosures or screened.

(M) Frontage types. For the purposes of this article private frontage is defined as the area extending from a building facade in combination with the private open space that spans between the building and to the public right-of-way or back of sidewalk line. There shall be no residential frontages directly on State Road 7.

(N) Plot size. The minimum plot size, excluding public rights-of-way, shall be ten thousand (10,000) square feet with a minimum of one hundred (100) feet of street frontage.

(O) Streets and blocks.

1. The maximum primary block face is seven hundred (700) feet and total block perimeter is two thousand one hundred (2,100) feet. New development and redeveloped sites are encouraged to share connections to roadways and provide rear alley connections.

2. Urban greenways consist of a landscape buffer and broad multi-modal path lying between travel lanes of adjacent roadways and buildings within the TOC, and are intended to replace existing sidewalks. Urban greenways may be required to be wider than the minimum requirement if any right-of-way reservation dedications, or roadway, utility, or other easements have been previously granted. Urban greenways along all roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map roads are required to maintain a minimum width of eighteen (18) feet. Urban greenways along all other roads, except for rear alleys and connections, are required to maintain a minimum width of sixteen (16) feet. Beginning from the curb or edge of travel lanes, a landscape buffer shall be provided within the urban greenway which meets the minimum design criteria of Section 23-6(B)(2) of this Code. Behind the landscape buffer, a multi-modal paved path of at least ten (10) feet in width shall be provided within urban greenways built along arterial roadways. Urban greenways built along all other roads shall provide a multi-modal path of at least eight (8) feet in width behind the landscape buffer and within the urban greenway. The paved multi-modal path shall be made of a uniform material, and concrete paths shall not have seams or joints running the length of the path. No obstructions, temporary or permanent, are allowed within the minimum required width of the multi-modal path. Multi-modal paths and landscape buffers wider than the above described minimums are also encouraged. A public access easement shall be dedicated and recorded for any portion of an urban greenway located on privately owned property.

3. Up to fifty (50) per cent of the length of the required landscape buffer within an urban greenway on a local street owned by the City of Margate or a private entity may be utilized for parallel on-street parking if approved by the Department of Environmental and Engineering Services, provided that one (1) tree is planted every three (3) parking spaces. Said tree shall meet the minimum requirements described in Chapter 23 of this Code. The minimum width of the paved multi-modal path shall not be reduced to accommodate on-street parking, and shall be elevated at least six (6) above the grade of the on-street parking.

B. Off-street Parking Requirements

COMMENT 7: Section 33.2(E) of the Margate Zoning Code requires the submittal of either a photometric plan or lighting certification with every application for a special exception use. The applicant submitted a photometric plan. The plan must be modified to include light fixture details. Staff questions the accuracy of the photometric plan submitted by applicant because there is no scope of work provided to indicate what improvements and/or repairs are needed in order to reach the levels of illumination depicted on the photometric plan. There are two parking lot light poles on the north side of the subject property. One of the light poles has a broken fixture with no luminaires present, and is beginning to be covered by a nearby tree. The other light pole is completely shrouded and covered by a nearby tree. The two parking lot light poles on the south side of the building could use general landscape maintenance and clearancing around them as well.

There are several light fixtures on the building that are broken or missing. Further, a number of these fixtures are not considered to be fully shielded. Section 33.2(E)(4) requires all exterior parking lot light fixtures to be fully shielded to prevent nuisance lighting.

Minimum light levels are based on hours of operation. Please clarify for the record the proposed hours of operation for Clutch Coffee. [Applicant indicated 5 a.m. to 9 p.m. at the 10/27/2020 DRC meeting.]

Response: Light fixture cut sheets are now provided for all proposed light fixtures. See sheets C5.01 and C5.02 Photometric Details. The existing light poles within the subject property are to remain, but the fixtures are to be updated with new proposed LED lights with shielding. General maintenance of surrounding landscape adjacent to the existing light poles will be done so that the landscape does not interfere with the light reaching the parking area. The existing building wall packs are to be removed. There are now new proposed LED building wall packs that are shielded. See sheet C5.00 Photometric Plan. The proposed hours of operation remain to be 5 a.m. to 9 p.m.

Section 33.2. - Parking design standards.

(E) The following lighting standards have been adopted for all off-street parking facilities:

(1) *General requirements:* The following lighting requirements shall apply to all vehicular use areas in non-residential, multi-family, and mixed use developments.

(2) *Required illumination levels for parking lots:* The lighting system shall be designed with efficiency, security, quality, and control. The required illumination levels, which are expressed in footcandles (fc), are maintained levels. Maintained levels take into account the luminaires decreased efficiency over time by a factor.

Required illuminance levels, expressed in footcandles (fc), have been established for two (2) levels of activity designated as level 1 and level 2, based on nighttime traffic and pedestrian activity. The defined levels of activity for facilities are as follows:

Table 1.
Levels of Nighttime Traffic and Pedestrian Activity

Level of Nighttime use
Activity

Level 1	<ul style="list-style-type: none"> • Facilities with businesses not operating after 7:00 p.m.
	<ul style="list-style-type: none"> • Multifamily residential
Level 2	<ul style="list-style-type: none"> • Facilities with businesses operating after 7:00 p.m. These facilities can fall back to level 1 criteria only after the closing hours of all businesses within the center

The required illuminance levels for the two (2) levels of activity shall be as follows:

Table 2. Required Maintained Illuminance Levels(3) *Required illumination levels for garages:* The required illuminance levels for each parking garage component shall be as specified in Table 3, below:

**Table 3.
Required Maintained Illuminance Levels**

Feature	General Areas	Ramps	Entrance Areas	Stairways	Rooftop
Minimum Horizontal Illuminance	2.0 (fc)	1.0 (fc)	1.0 (fc)	2.0 (fc)	2.0 (fc)
Maximum Uniformity Ratio (Max/Min)	10:1	10:1	10:1	10:1	10:1

(4) *Light sources:* All exterior parking lot lighting fixtures must be fully shielded to prevent nuisance lighting.

(5) *Mounting-height restrictions:* In order to prevent nuisance lighting, pole fixtures shall be mounted between fifteen (15) feet and forty (40) feet in height. Wall-mounted fixtures shall be mounted at a minimum height of ten (10) feet, but shall not be placed on nor extend past the roofline of any structure.

(6) *Obtrusive light:* Obtrusive spill light and up light shall be controlled with the use of efficient luminaires using cut-off optics and shields. Luminaires providing light to any parcel of land adjacent to any residentially zoned parcel of land shall emit no more than one-half (0.5) footcandle of light at the property line of the adjacently zoned parcel, measured horizontally six (6) feet above grade level.

(7) *Tree canopies:* Location of light poles in new facilities and substantial rehabilitation of existing facilities shall be such that poles are placed a minimum of ten (10) feet from the edge of the tree canopy. Tree canopies at existing facilities shall be trimmed in accordance with the City of Margate's Property Maintenance and Landscaping codes, in order to allow lighting to reach the parking surface.

(8) *Photometric plans:* A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, change of occupancy group, or special exception use. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate footcandle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent street lights.

For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

(9) *Inspection:* Prior to issuing a certificate of occupancy or certificate of completion for any application required to comply with this section, a design professional shall certify to the Margate Department of Environmental and Engineering Services that the exterior lighting facilities are in compliance with this section.

Response: All proposed light fixtures have shields to comply with City of Margate code. The existing light poles have a mounting height of 25', which complies with code. The subject property is not adjacent to any residentially zoned property. The existing tree canopies adjacent to the existing light pole locations will be trimmed properly so as to allow the light to reach the parking surface. A photometric plan is included with this resubmittal. See Sheet 5.00 Photometric Plan and Sheets C5.01 and C5.02 Photometric Details.

COMMENT 8: Section 33.2(F) of the Margate Zoning Code requires the applicant to submit a Master Parking Plan. While the conclusion reached by KBP Consulting, Inc. is reasonable, Section 33.2(F)(2)(e)(v) requires information from peer-reviewed literature regarding parking generation rates and the reduction of parking demand to support the justification of the number of parking spaces. Please provide appropriate references and citations. The Master Parking Plan that was submitted did not include certain features that are required to be depicted on the plan, such as bicycle parking facilities, pedestrian drop off and pick up areas, and all truck turning movements. There is no detail of the bicycle parking facilities, nor description of bicycle capacity. There are no pedestrian drop off and pick up areas depicted, yet the Master Parking Plan specifically states that employees who arrive by automobile are likely to be dropped off. The site plan includes a truck routing sheet, but it does not show truck turning radii for servicing the proposed dumpster enclosure.

Response: See revised Sheet C1.00 Site Plan and revised parking statement.

Section 33.2. - Parking design standards.

(F) Before any building permit for any new parking area, new or change of use, or substantial modification to an existing parking area such as an alteration to vehicle circulation and/or an expansion of the parking area can be issued, a property owner shall submit a master parking plan to the City for review and approval, as follows:

(1) For single-family or duplex housing, a parking plan shall be submitted with the building permit application for said single-family or duplex unit. The plan shall clearly and accurately designate the required off-street parking spaces.

(2) For all other uses or improvements described in Paragraph (F), above, a master parking plan shall be submitted by the property owner to the Development Services Department for review and approval by the Development Review Committee (DRC). The plan shall clearly and accurately designate off-street parking spaces, landscape areas, pedestrian access, bicycle parking facilities, parking for disabled people, pedestrian drop off and pick-up areas, dumpster locations, loading zones, all truck turning movements, drainage, lighting, access aisles, driveways, and the relation to the uses or structures these off-street parking facilities are intended to serve as appropriate. If applicable to the subject property or properties, the following parking area features shall be included in the master parking plan: electric vehicle charging stations, fuel pumps, valet parking, vehicle gates, vehicle reservoir areas (queueing), short-term parking such as order online and pickup at store parking, designated spaces for restaurants with curbside or automobile service where customers consume food in vehicles, reserved parking spaces, hydrants, freestanding signs, and all other accessory structures within the parking area. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

(a) The master parking plan shall be prepared by a professional engineer licensed in the State of Florida.

(b) The master parking plan shall provide a detailed parking calculation. If this Code does not prescribe a minimum number of parking spaces for the proposed use(s), then a justification for the number of parking spaces provided shall be prepared by a qualified traffic engineer or certified planner (AICP) and submitted with the master parking plan.

(c) Where shared parking is proposed, the master parking plan shall identify the uses that share the parking and demonstrate the hours of peak demand by each use.

(d) When an application for a change of use is submitted a previously approved master parking plan may be submitted to the Development Services Director for review with an updated parking calculation and justification for the number of spaces provided. The director may approve the plan or forward it to the DRC for review and approval.

(e) Approval of a proposed master parking plan shall be based on the design standards of the City Code for the various components of the plan. All of the following factors shall be considered in the justification of the number of parking spaces:

(i) The physical constraints of the parking field.

(ii) The intensity of the uses on the property.

(iii) The use of shared parking.

(iv) The availability of and convenient access to transit to the site.

(v) Information from peer-reviewed literature regarding parking generation rates and the reduction of parking demand.

(vi) Experience from other sites in the City.

(vii) The proposed master parking plan will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.

(f) The property owner is responsible for making all improvements described in the approved master parking plan prior to the issuance of any temporary certificate of occupancy, certificate of occupancy, or certificate of completion for any application required to comply with this section.

(g) A master parking plan shall be null and void if a building permit and/or engineering permit has not been issued for the improvements described therein within one year from the date of approval. The date of approval shall be the date an official DRC meeting approved the plan, or in the case of a previously approved master plan, the date of the Development Services director approval.

C. Property Maintenance:

COMMENT 9: The exterior of the structure and the subject property premises are in need of maintenance actions. The red and green traffic control light fixtures on the rear (south) elevation are rusted and staining the canopy area. Please explain why the user is retaining the red and green traffic control light fixtures if Clutch Coffee intends on using only one out of four existing drive-through lanes. [Applicant indicated at the 10/27/2020 DRC meeting that the traffic control lights were retained for symmetry, but would look at other options.]

Response: The exterior of the existing structure and subject property premises will be given the proper maintenance as requested. See note 4 on Sheet C1.00 Site Plan. The red and green traffic control light fixtures will be removed from the south canopy area.

A number of tree branches have grown into and are shrouding parking lot light fixtures. These trees should be trimmed back in accordance with the American National Standards Institute (ANSI A-300), as amended, so that the light is not blocked.

Response: A note is included on the landscape plan requiring the renovation trimming of the existing trees and shrubs. See sheet L1.00 Landscape Plan and see note 4 on Sheet C1.00 Site Plan.

A number of trees and shrubs have grown into internal walks and paths. These landscape areas should be trimmed back so as not to encroach into the walkways.

Response: A note is included on the landscape plan requiring the renovation trimming of the existing trees and shrubs. See sheet L1.00 Landscape Plan and see note 4 on Sheet C1.00 Site Plan.

There is a noticeable amount of trash and debris on the property that should be cleaned up and cleared away.

Response: Applicant will address concurrent with remodeling of the structure. Note 4 has been added to C1.00 Site Plan sheet directing the contractor to remove trash from subject property.

The roof is stained and in need of pressure cleaning.

Response: Applicant will address concurrent with remodeling of the structure. Note 4 has been added to C1.00 Site Plan sheet directing the contractor to pressure clean stains on roof.

A number of potholes can be found through the subject property parking lot, some with vegetation growing in them. Water was found ponding in some areas of the parking lot. Parking lot striping is faded to the point of being nearly non-existent. Staff recommends repair of potholes and areas ponding water, reseal the asphalt, restripe the parking lot, replace all damaged signs (such as disabled parking), and remove the vacant sign post on the south side of the subject property.

See Sections 40.4 and 40.8 of the Margate Zoning Code, copied below.

Section 40.4. - Exterior maintenance of structure and premises.

(a) All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior and shall be in accordance with the color palette of the City of Margate adopted by resolution. Trim paint shall be uniform in color and in accordance with the adopted color palette of the City of Margate without blemishes.

(b) Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any dwelling, commercial building or structure.

(c) Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure. All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when twenty-five (25) per cent or more of any exposed roof surface becomes discolored or is scaling. In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roofing shingles or tiles.

(d) Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures, modular storage structures, and similar utility enclosures shall be maintained in a good state of repair.

(e) Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when twenty-five (25) per cent or more any exposed surface becomes discolored or is peeling. All subdivision walls or walls separating residential areas from commercial areas shall be painted or have a finished surface and all concrete walls shall be stuccoed and painted on the side facing the property adjoining the property on which the wall is situated. All subdivision or common development walls, fences, barriers or barricades shall be constructed in a uniform design, material, pattern and color throughout the length of the same development, as stated in section 3.14 of this Code.

(f) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.

(g) All signage shall be maintained in the originally permitted and constructed condition as required by this Appendix.

(h) Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.

(i) Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 23-17 of the City of Margate Code of Ordinances. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.

(j) Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.

(k) Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.

(l) Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan. Any person who increases the area of a primary structure by more than twenty (20) per cent shall comply with all landscaping requirements in effect at the time of alteration unless said person applies for and is granted an adjustment of standards from the City of Margate Beautification Committee.

(m) All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair and be in compliance with Article XXXIII of Appendix A—Zoning of the City of Margate Code of Ordinances.

Section 40.8. - Parking and paved areas.

It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage and the routine cleaning/clearing of french drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, directional markings, stop bars, or other indicators. Wheel stops, curbing and any other paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking areas shall be maintained

in the original constructed condition as required by Article XXXIII of Appendix—A Zoning of the City of Margate Code of Ordinances. This section shall apply to all paved area, including but not limited to parking areas and ingress or egress driveways. Additionally, a building permit shall be required for all resurfacing, resealing, restriping, replacement of parking areas.

RESPONSE: Applicant will address all property maintenance and building maintenance issues identified above concurrent with the remodeling of the structure to convert to the coffee shop use. Specifically, Applicant will fix the potholes, seal and stripe the vehicular use and parking areas, and trim, clean up, and/or replace landscaping. Note 4 has been added to C1.00 Site Plan sheet directing the contractor to address property maintenance issues.

D. Landscaping Requirements

COMMENT 10: Please clarify which areas were considered for satisfying the interior landscape area requirement described in Section 23-8 of the Code of the City of Margate. Further, the planting requirement is based on the actual amount of area provided, not the minimum square foot required (based on number of parking spaces).

Sec. 23-8. - Parking area and pedestrian zone interior landscaping.

(A) Off-street parking areas shall provide at least twenty (20) square feet of interior landscaping for each parking space. Interior landscaping shall be located within the vehicular use area. Each such interior landscaping area shall contain at least one hundred (100) square feet with a least dimension of seven (7) feet.

(B) There shall be one (1) shade tree and five (5) shrubs per two hundred (200) square feet, or fraction thereof, of interior landscaping. Trees used shall provide visual and vertical clearance for automobiles, emergency vehicles and service trucks. In addition to the tree requirement, all such areas shall be landscaped with turf, ground covers, and shrubs. Not more than thirty (30) per cent of the parking area interior landscaping may be sodded with turf.

Response: “Landscape Calculations” Interior VUA data describe these requirements and how they are met. The plan exceeds the minimum requirements with existing trees and shrubs. See sheet L1.00 Landscape Plan.

COMMENT 11: The right-of-way buffer described in Section 23-6(B) of the Code of the City of Margate requires a landscape buffer that is at least 10 feet wide adjacent to and parallel with the right-of-way. Within this buffer shall be planted one shade tree (category 1), a continuous hedge, and at least 50% of the remaining area of this buffer shall be planted with decorative ground covers. The Landscape plan does not account for the required ground covers, and does not address a break in the existing ‘continuous hedge.’

Sec. 23-6. - Driveway limitations, landscaping abutting right-of-way, visual clearance.

(B) *Required landscaping abutting rights-of-way.* On the site of a building or vehicular use area directly fronting on a public right-of-way, with the exception of single-family detached dwellings and duplex detached dwellings, there shall be landscaping provided between the site and the right-of-way as follows:

(1) In non-residential districts and multi-family residential districts, a strip of land at least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one (1) shade tree for every forty (40) lineal feet of frontage or portion thereof. In addition, a hedge shall be planted within the landscape strip and parallel with the street. All hedges must be planted a minimum of two (2) feet back from any public sidewalk. The remaining area of this strip shall be covered with ground covers and turf. Ground covers shall cover at least fifty (50) per cent of the landscaping strip not occupied by trees and shrubs.

Response: The landscape plan AND “Landscape Calculations” were revised to include infill shrubs within the existing buffer hedge, and ground cover plantings in place of 50% of the existing buffer grass area between the buffer hedge and sidewalk along Coconut Creek Pkwy. See sheet L1.00 Landscape Plan.

COMMENT 12: The landscape plan provided indicates that there is no buffer requirement along the east and west property lines. This is incorrect. Section 23-7 provides the details for this buffer requirement.

Sec. 23-7. - Required landscaping adjacent to other perimeters.

(A) *Abutting properties.* All sites of buildings or vehicular use areas, except single-family detached dwellings and duplex detached dwellings, shall provide a perimeter landscape strip not less than five (5) feet in width along parcel lines that do not directly abut a public right-of-way or residential property. At the time both abutting properties are developed according to these standards, there will be a landscape strip of no less than ten (10) feet in width, both properties considered.

Within the perimeter landscape strip described above, each abutting property shall plant one (1) shade tree along the common property line every for seventy-five (75) lineal feet or fractional part thereof. Such shade trees shall be located with consideration given to the trees provided by the abutting property, so that adequate spacing is provided between the trees. The remaining area of the perimeter landscape strip shall be planted with small ornamental trees, shrubs, ground covers, and turf. Not more than thirty (30) per cent of the perimeter landscape strip may be sodded with turf.

The provisions of this section shall be modified in the following instances:

- (1) Where buildings are located along a common property line, the requirements of this section shall not apply to those portions of the perimeter covered by such buildings.
- (2) Where an agreement to operate abutting properties as a joint parking area or a cross access agreement is in force, the perimeter landscape strip requirements between said properties shall be waived for the portions of the perimeter used for vehicular access until the agreement is terminated.

Response: 5' East and 10' West Buffers are now designated as Abutting Buffers both with existing trees, shrubs and grass that meet code requirements. See sheet L1.00 Landscape Plan.

COMMENT 13: The planting detail for Canopy Tree indicates use of #12 gauge double twisted galvanize wire.’ Section 23-5 of the Code of the City of Margate prohibits the use of wire as a tree staking material. Both the Shrub and ground cover detail and the Canopy Tree detail provide specific

measurements for the distance between the outer edge of root ball and the limits of the planting hole. Please add note that planting holes will be at least twice the diameter of the root ball or container for consistency with Section 23-5 of the Code of the City of Margate.

Sec. 23-5. - Materials, installation and irrigation requirements.

(B) Installation:

(1) All landscaped areas shall be protected from vehicular encroachment by curbing or other durable barriers. All shade trees installed within six (6) feet of public infrastructure, including, but not limited to, utility lines, sidewalks and paved rights-of-way, shall utilize a root barrier system, as approved by the department of environmental and engineering services. The front of parked vehicles may overhang a protected landscaped area if said area is at least seven (7) feet wide.

(2) Planting holes shall be a minimum of twice the diameter of the root ball or container and shall be free of limerock, asphalt or other debris. All planting holes shall be back-filled with a suitable soil, free of clay, stone, plants, roots, and other debris. The root flare shall be visible at time of planting.

(3) Slow release general fertilizer shall be applied at the time of planting and contain trace elements iron and manganese in addition to N-P-K. However, fertilizer shall not be applied within ten (10) feet of any body of water.

(4) All trees shall be stabilized in a workmanlike manner at the time of planting. The use of nails, wire, rope, or any other method which damages the tree is prohibited. Trees shall remain stabilized until establishment, but in no instance shall a tree remain stabilized for more than twelve (12) months. Trees shall be restaked in the event of blow over or other failures of the stabilization.

(5) Where mulch is applied in landscape areas, it shall be laid so that it is a minimum of three (3) inches thick. Trees in sodded areas shall be mulched under the drip line, except that no mulch shall be laid within six (6) inches of any tree trunk.

(6) Sod shall be laid with alternating and abutting joints.

(7) Hedges shall be planted no closer than two (2) feet from any plot line. The planting of hedges within any easement of record shall be permitted only when written permission is granted by the applicable departments and/or utility companies.

Response: The landscape planting details were revised to replace guy wires with arbor tape. Tree pit dimensions were removed, and General Planting note #12 on sheet L1.01 prescribes planting pits 2 times the size of the root ball.

COMMENT 14: Ensure that the dumpster enclosure is sized appropriately for both garbage and recycling needs of the business.

Provide at least one exterior trash receptacle for the building. Staff recommends placing it on the north side of the building, and using a receptacle accommodating to existing drive-through customers.

Sec. 23-9. - Dumpster and other screening requirements.

(A) All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A combination of hedges and ground covers shall be planted on three (3) sides of the enclosure, in a planting bed not less than three (3) feet in width.

Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, change of occupancy group, or special exception.

To achieve the objectives of this section, existing off-street parking facilities may be reduced upon administrative review and approval of a site plan amendment by the development review committee.

(B) All mechanical, utility, or any other equipment installed outside and on the ground shall be screened from all public rights-of-way by a hedge maintained to a height not less than six (6) inches above the height of the installed equipment. The screening hedge shall be planted within ten (10) feet of the equipment that it was planted to screen. The hedge shall not be required if the equipment is screened by a building or other permanent structure.

(C) Shopping centers and strip centers shall place litter receptacles along the front walkways of said centers at an interval of two hundred (200) linear feet or a minimum of two (2) per center, whichever is greater. Freestanding commercial buildings shall contain a minimum of one (1) trash receptacle per building.

(1) For the purposes of this section, litter receptacle shall be defined as any container which is made of wood, recycled plastic, metal or stone and is a minimum of thirty (30) gallons in size. Said container shall be provided and usable for the disposal of litter, garbage or trash and same shall be collected and disposed of on a regular basis.

(2) Litter receptacles shall be architecturally compatible with the surrounding development and shall be permanently anchored to the wall or ground to prevent theft and/or vandalism.

Response: A proposed dumpster enclosure has been included to be located in the southeast area of the subject property, see Sheet C1.00 Site Plan. The dumpster enclosure includes a surrounding masonry wall that provides proper screening. The proposed enclosure is equipped with a durable chain link gate.

F. General

COMMENT 15: Survey and site plan depict light pole within an internal sidewalk on the north side of the subject property. This light pole is actually located within a landscape area to the north of this sidewalk. Revise plans to show actual condition.

Response: The light pole in question is now shown in the proper location. See revised sheet C1.00 Site Plan and ALTA NSPS Land Title Survey.

COMMENT 16: The proposed use and improvements leave a vast paved area that is not proposed to be used. Staff recommends alternative treatment of the site to avoid unsightly sea of asphalt with loading zone striping.

Response: The previously proposed pavement markings have been revised to include a bypass lane of equal length to the service lane and the striping is now limited to an area of 20 feet by ± 34 feet for the pickup and drop off area along with a pedestrian crosswalk area to the building sidewalk. See revised sheet C1.00 Site Plan.

II. CONSISTENCY WITH COMPREHENSIVE PLAN, ELEMENT I

COMMENT 17: The Goals, Objectives, and Policies of Element I Future Land Use, of the Margate Comprehensive Plan, copied below, are applicable to the subject special exception use application, as the subject property is covered by the Margate Comprehensive Plan. Under the guidance of Policy 2.3, staff reviews applicable landscape buffering and setback requirements of the TOC-G zoning district, applicable to the subject property. Staff finds that a drive-through coffee shop use is a compatible in a shopping center setting when appropriate improvements are made to the site. The subject property meets all required setbacks, and needs only a few improvements to meet all landscape buffering requirements, as described above.

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 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 2.3 Impacts of existing incompatible land uses shall be minimized through the requirements of land use codes and regulations, such as landscape buffering and setbacks.

Response: Acknowledged.

COMMENTS 18: Staff finds the proposed use to be compatible and complementary to adjacent and surrounding land uses. The subject property is an outparcel that was previously developed as a drive-through bank. Given the size of the proposed use and the history of the site being used for a drive-through, staff raises no objections to compatibility.

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: Acknowledged.

COMMENT 19: This application is for the re-use of an existing drive-through facility which will reduce the number of active drive-through lanes at the subject property from four lanes for a bank down to one lane for a coffee shop. Therefore, approval of this application would not be considered an additional or expanded stand alone automobile oriented use, and thus, the application is consistent with Policy 13.5, below.

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: Acknowledged.

COMMENT 20: An application for a special exception use is a development permit, as defined in Chapter 31 of the Code of the City of Margate and 163.3164, Florida Statutes. As the subject property of this special exception use generally adheres to the adopted compatibility requirements of the Comprehensive Plan and the applicable Zoning and Land Development Regulations, this special exception use application *is consistent* with Policy 7.2 of Element I Future Land Use, of the Margate Comprehensive Plan.

Response: Acknowledged.