



STAFF REPORT
DEVELOPMENT SERVICES DEPARTMENT

Project Name: Clutch Coffee Bar

Applicant: John Anderson, Clutch Coffee Expansion, LLC

Project Location: 5300 Coconut Creek Parkway

Application Type: Special Exception Use for Drive-Through Facilities

I. RECOMMENDATION:

APPROVE

APPROVE WITH CONDITIONS

DENY

TABLE

II. EXECUTIVE SUMMARY:

Applicant is requesting permission to repurpose an existing drive-through only bank facility into a drive-through only coffee bar. Staff recommends a conditional approval, as follows:

- A. Approval is subject to the findings of the Development Review Committee (comments attached).
- B. The applicant shall correct all maintenance items on site, including but not limited to, pot holes, faded parking lot striping, ponding water in parking lot, sealcoat parking lot, trim landscaping, remove landscaping debris, clean up litter and debris, replace broken light fixtures, replace broken signage, remove unused sign posts, repaint building.
- C. Widen and enhance the eastern landscape buffer to at least six feet on the applicant's side of the property line and provide plantings consistent with Section 23-7 of the Code of the City of Margate in this area.
- D. If the drive-through use proves to become a nuisance to the area by way of traffic congestion, litter, or any other recognized factors that cause public harm, the City Commission shall have the right to rescind the special exception use upon a finding of facts at a City Commission meeting with proper notice to the property owner.

III. ANALYSIS:

This portion of the staff report consists of four subsections and provides a detailed analysis of the application and subject property. The four subsections of Part III. Analysis consist of A. Description, B. Compliance, C. Consistency, and D. Compatibility. Description is simply a statement of facts describing both the application and the subject property. Compliance provides analysis for how well the application complies with the Code of the City of Margate. Consistency provides an analysis for whether the application is consistent the Comprehensive Plan of the City of Margate. Compatibility

provides an analysis for how well the proposed use will exist in harmony within the particular area of the City identified in the application.

A. Description.

The subject property is a 17,443 square foot parcel that is generally located at the southeast corner of State Road 7 and Coconut Creek Parkway, within the Crossroads Shopping Center. The site was previously developed as a drive-through only bank in conjunction with the adjacent pharmacy to the west by way of Resolution 9836, approved by the City Commission on June 4, 2003. The enclosed space of the building is 497 square feet. When used as a bank, there were four active drive-through lanes on the east side of the building, and one walk-up service window on the west side. The building is oriented such that vehicles travel northbound through the drive-through lanes. The bank vacated this property in 2016. Below are photos of the subject property in its current condition.



[ABOVE: AERIAL PHOTO OF SUBJECT PROPERTY]



[ABOVE: NORTH ELEVATION OF SUBJECT PROPERTY- JANUARY 20, 2021]



[ABOVE: WEST ELEVATION OF SUBJECT PROPERTY - JANUARY 20, 2021]



[ABOVE: EAST ELEVATION OF SUBJECT PROPERTY - JANUARY 20, 2021]

As of the date of application filing, the subject property had a land use designation of Transit Oriented Corridor (TOC), and was located within the TOC-G Gateway zoning district. The subject property is located within the boundary of the Margate Community Redevelopment Agency. The Margate Future Land Use Map has been attached to this staff report as Exhibit 1. The Margate Zoning Map has been attached to this staff report as Exhibit 2. The Margate Community Redevelopment Map has been attached to this staff report as Exhibit 3.

Applicant has represented that the intent is to utilize existing improvements in their current configuration, with the exception of reducing the number of active drive-through lanes from four to one, remodeling the interior of the building, adding pedestrian amenities, constructing a new dumpster enclosure with landscape buffer, and correcting a number of maintenance issues. Hours of operation for the proposed coffee bar would be 5 a.m. to 9 p.m.

The application before the City Commission is for a special exception use. Section 31-54 of the Code of the City of Margate requires the application to be reviewed by the Development Review Committee (DRC). The DRC review is based on the general standards of review, use regulations, and development regulations provided in the Code of the City of Margate. This Staff Report is the result of the DRC review. Next, the Planning and Zoning Board conducts a public hearing to discuss the DRC staff report and project proposal in order to make a recommendation to the City Commission. The City Commission then holds a quasi-judicial public hearing for the application. City Commission action is based on the general purpose and standards of review set forth in Section 31-54 of the Code of the City of Margate, this Staff Report, the recommendation of the Planning and Zoning Board, and any comments received before or at the public hearing.

The application underwent a DRC courtesy review while the City's advisory boards were postponed due to the COVID-19 pandemic. The application was reviewed at the October 27, 2020 and the January 12, 2021 DRC meetings. At the January 12, 2021 meeting, the DRC recommended a conditional approval of the application. Staff comments from the 10/27/2020 and 1/12/2021 DRC meetings have been attached to this staff report as Exhibits 4 and 5. DRC comments are technical in nature and are generally resolved during final site plan approval and permitting.

B. Compliance.

The use of restaurant is a use that is permitted by right within the TOC-G Gateway zoning district, and drive-through facilities are classified as a special exception use within this zoning district. All special exception uses are subject to the general standards of review, provided in Section 31-54(c) of the Code of the City of Margate. Those standards of review have been addressed by the applicant in the justification statement, supplemental information, and site plans provided with the application. Additionally, staff offers the following analysis:

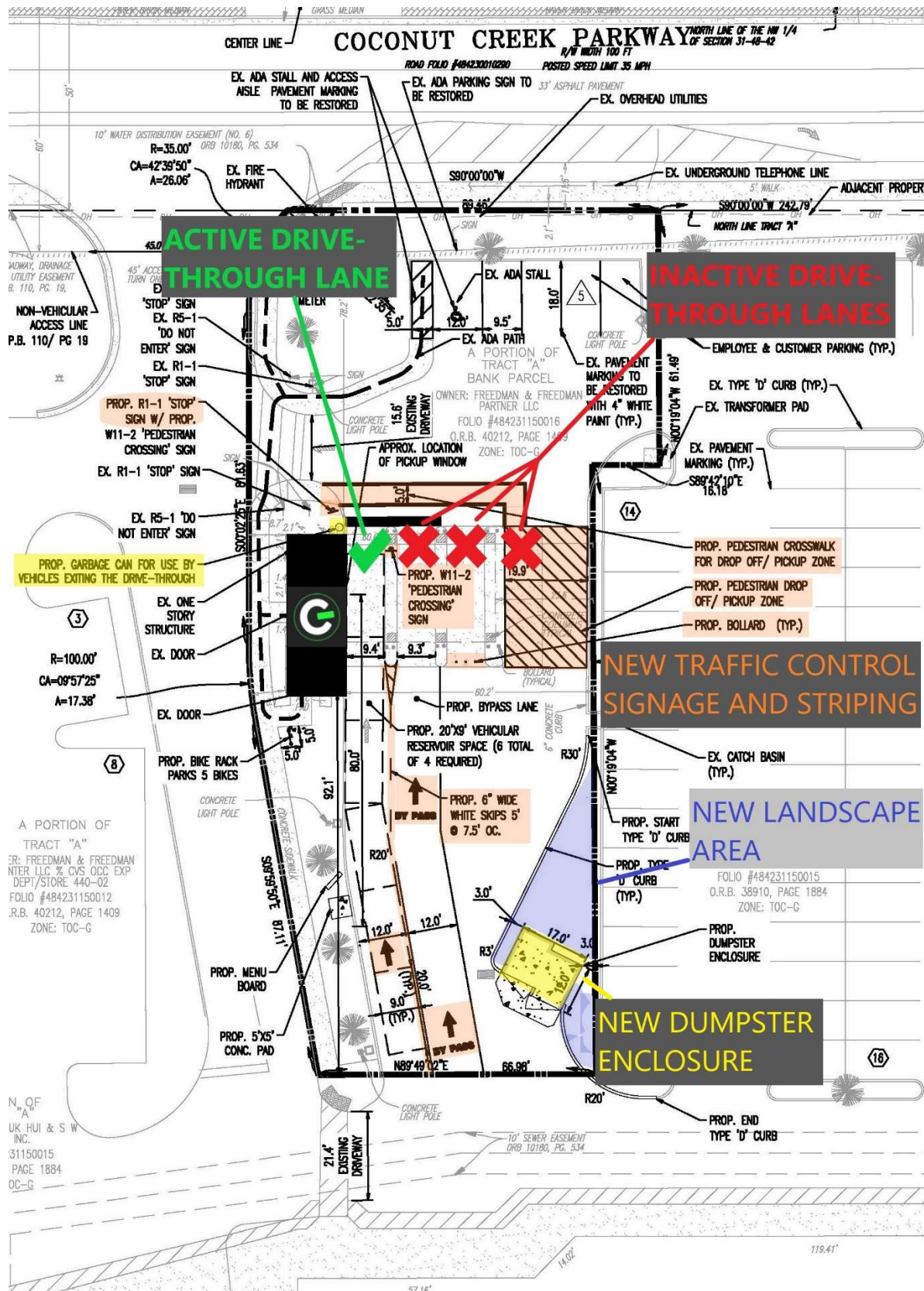
(c) *General standards of review.* In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:

(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, in Part III(C) of this 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.

The drive-through use has been established at this property since 2003. Applicant proposes to re-activate the use for a coffee shop, and in doing so, make specific improvements to the property, as well as 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.



[ABOVE: APPLICANT'S SITE PLAN WITH PROPOSED IMPROVEMENTS HIGHLIGHTED]

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 potholes, faded striping, and ponding water. Staff identified the following corrective actions: 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. **In response to staff comments issued at DRC, Applicant has agreed to correct property maintenance issues. Staff has included this as a recommended condition of approval.**

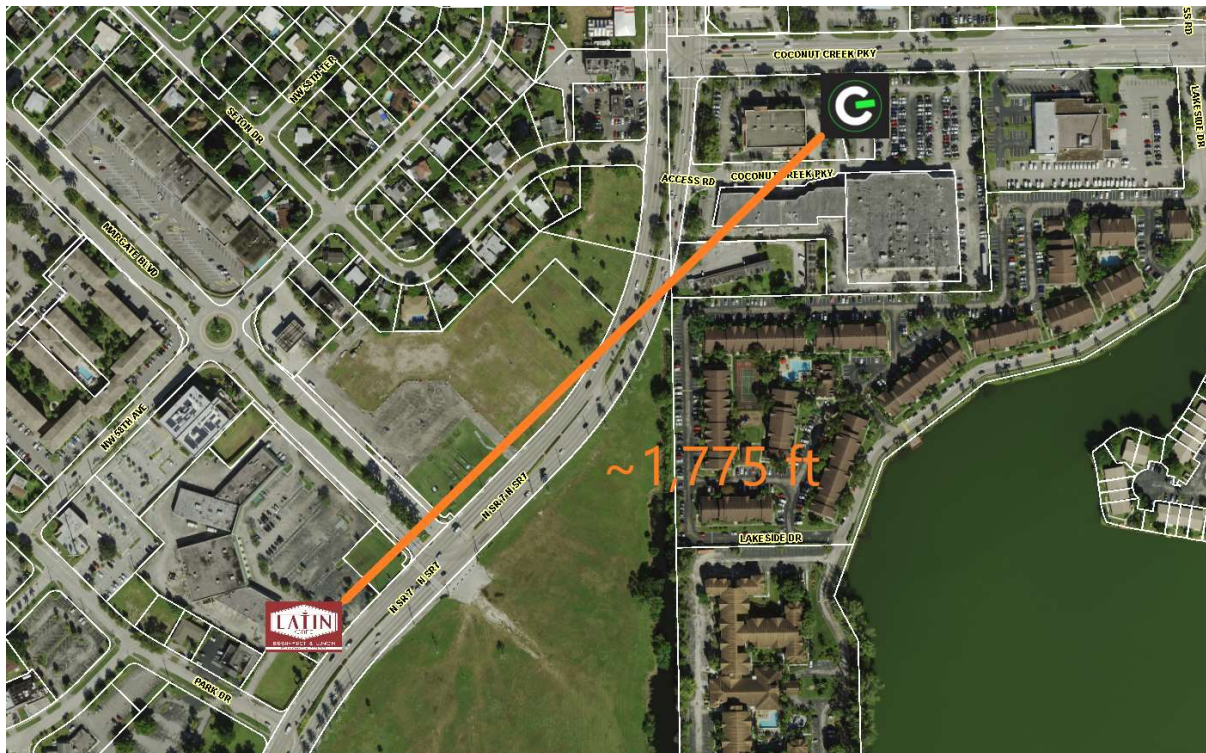
(3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the city. It shall be determined that a genuine need for the use is present in the city to support and justify the approval order to avoid creating an excessive proliferation of said 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. Further, this application only seeks to actively use one of the existing four drive-through lanes on the subject property.

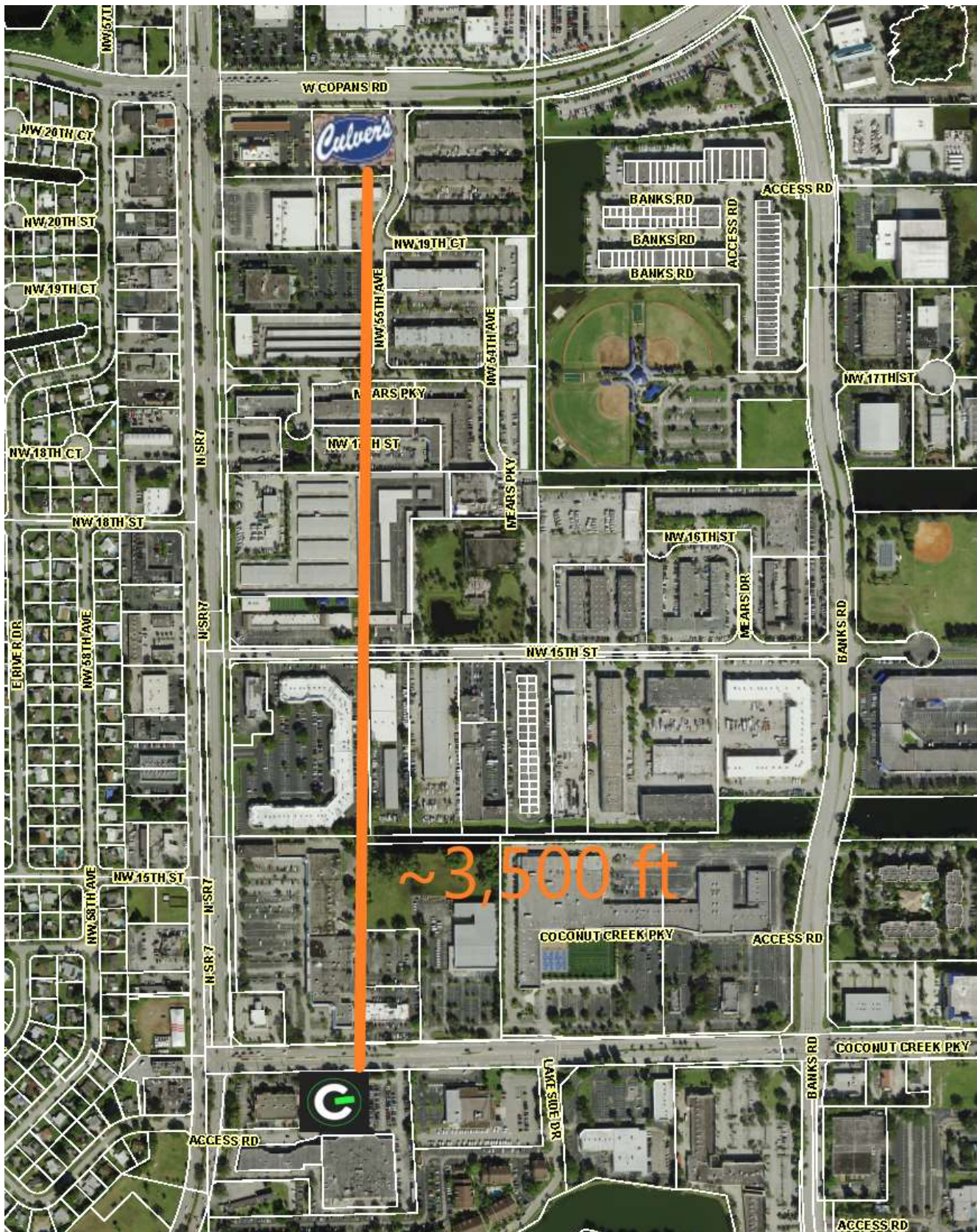
If only considering the use of drive-through facilities in the perspective of judging whether this approval would contribute to a proliferation, there is a CVS Pharmacy with drive-through service approximately 93 feet to the west, located adjacent to the subject property and in the same shopping center. A drive-through branch bank facility is located approximately 314 feet to the northwest, across Coconut Creek Parkway. If narrowing the perspective to drive-through facilities for prepared beverage and/or food service, the nearest locations are a Latin Café restaurant located approximately 1,775 feet to the southwest and a Culver's restaurant approximately 3,500 feet to the north. Staff finds approval of this special exception would not create an excessive proliferation of the requested use.



[ABOVE: APPROXIMATE DISTANCE TO NEAREST DRIVE-THROUGH FACILITIES]



[ABOVE: APPROXIMATE DISTANCE FROM SUBJECT PROPERTY TO ANGEL'S LATIN CAFÉ RESTAURANT]



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

Staff finds the use to be compatible with the existing natural environment and community character of the properties within the immediate neighborhood. This finding is explained in further detail below, in Part III(D) 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.

During the DRC process, the Department of Environmental and Engineering Services indicated the following:

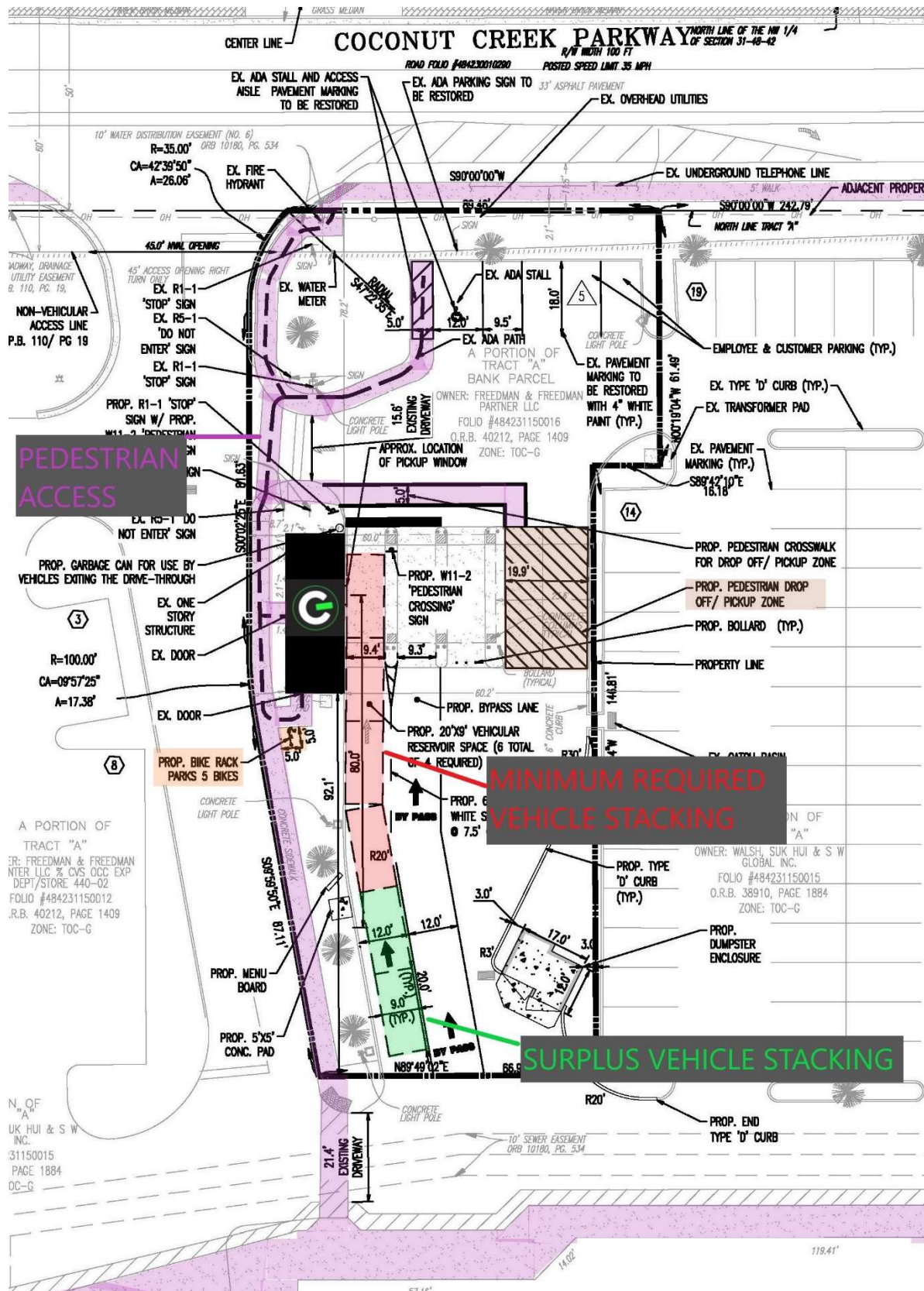
- i) That potable water is available to serve the needs of the proposed development; and
- ii) Wastewater treatment and disposal service is available to serve the needs of the proposed development; and
- iii) The net vehicle trips being contributed to the roadway network is a net decrease compared to those trips that were contributed by the prior bank; and
- iv) The existing stormwater management system is deemed sufficient; and
- v) The existing streets, sidewalks, and other public places abutting or serving this property appear to be in good condition and do not appear to be in distress; and
- vi) The water distribution system meets or exceeds the minimum standards and requirements of:
 - (1) Chapter 39 of the Code of the City of Margate; and
 - (2) AWWA Standards; and
 - (3) Broward County Environmental Protection and Growth Management Division; and
- vii) The wastewater collection and transmission system meets or exceeds the minimum standards and requirements of:
 - (1) Chapter 39 of the Code of the City of Margate; and
 - (2) AWWA Standards; and
 - (3) Broward County Environmental Protection and Growth Management Division

Staff representatives from the Police Department and Fire Department had no comments for this application. As such, staff finds that the necessary public facilities shall remain at the City's adopted levels of service.

(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.

The site was developed for a drive-through bank in 2003 with four drive-through lanes and a walk-up service window. A paved walkway has been provided along the west side the building which offers a direct connection between the public sidewalk, the building on the subject property, as well as the principal structure of the Crossroads Shopping Center. This applicant is improving the safety measures for ingress and egress of the site by providing a dedicated pedestrian drop off area with corresponding traffic control striping and signage. The accessible route for disabled individuals is also being updated.

Section 33.11 of the Margate Zoning Code describing minimum requirements for vehicle stacking related to drive-through facilities. This section establishes vehicular reservoir spaces, which are 10 feet wide and 20 feet long, assigns specific design criteria, and prescribes a minimum number of vehicle reservoir spaces based on the use that the drive-through facilities serve. For drive-through beverage or food sales, the Code requires four reservoir spaces, and indicates that the space occupied by the vehicle being served by the facility is considered one reservoir area. The site in its current configuration has sufficient vehicle stacking to accommodate six vehicles on the subject property, which more than satisfies the zoning requirements.

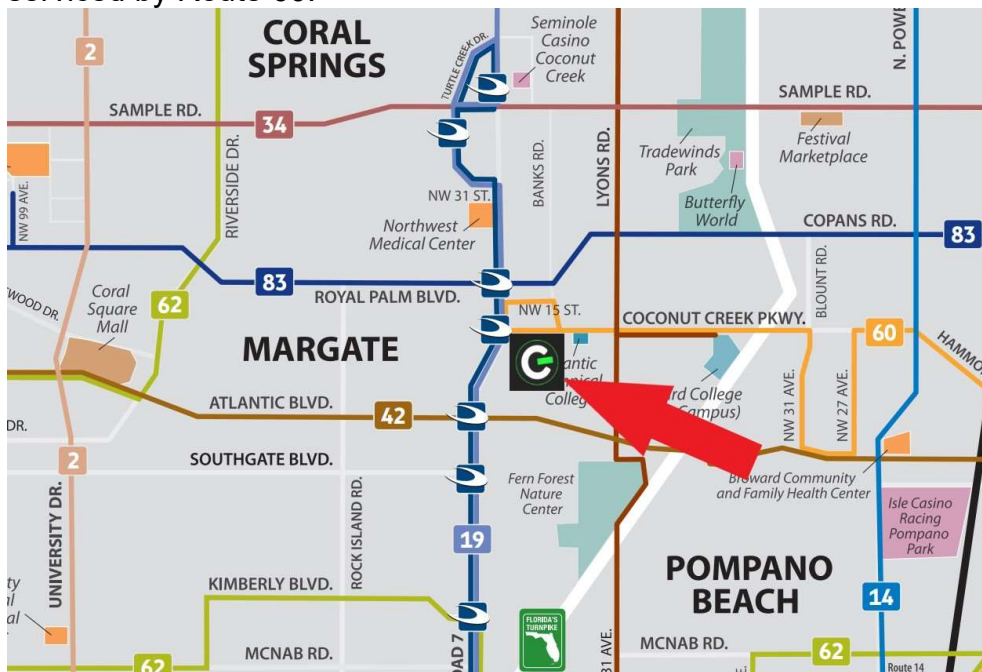


[ABOVE: APPLICANT SITE PLAN WITH HIGHLIGHTED FEATURES]

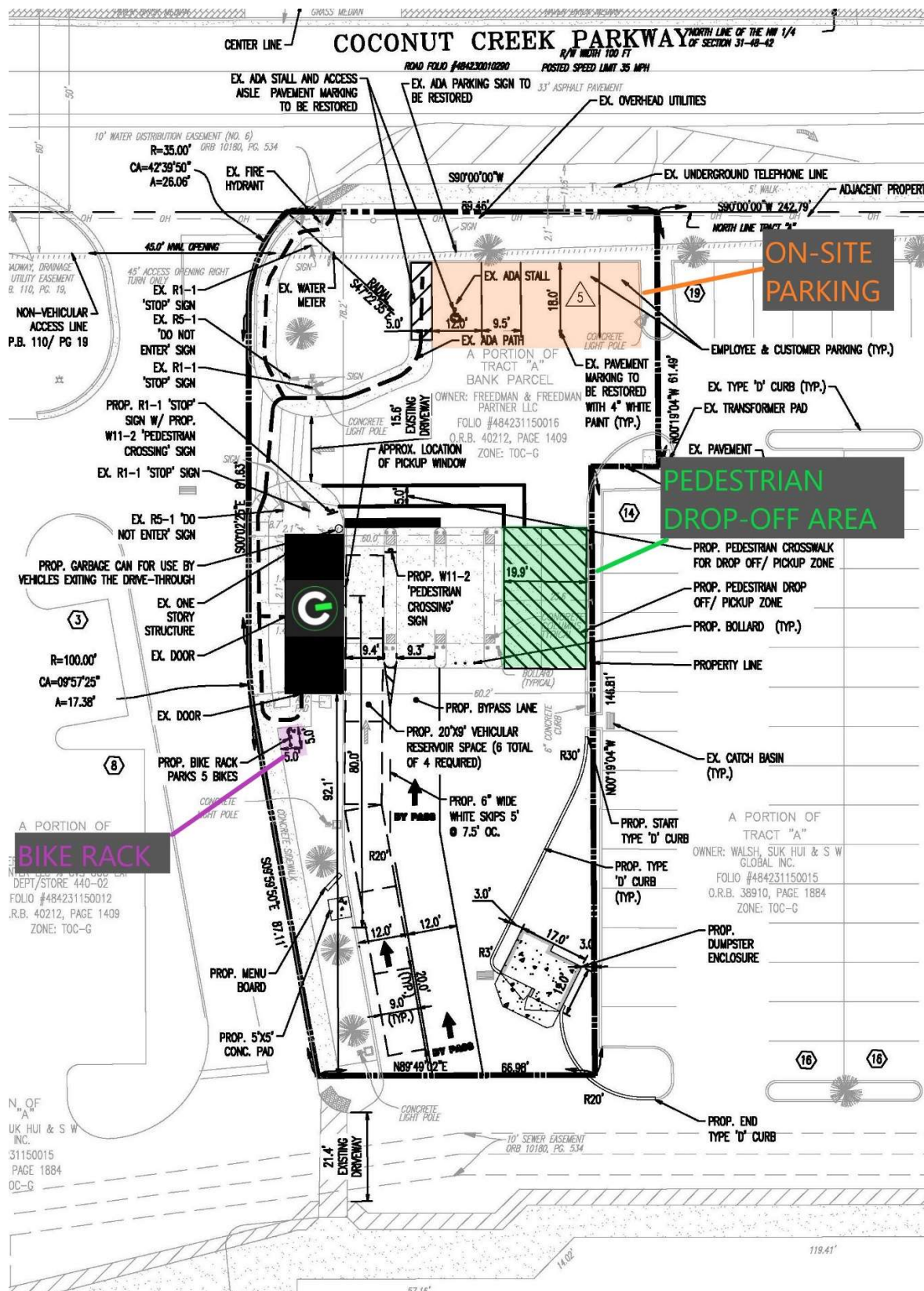
This application included a traffic statement prepared by KBP Consulting, Inc. The traffic statement indicates that the drive-through coffee shop use has 89% of its vehicle trips generated as “pass-by trips”, rather than primary trips. This means that of all the vehicles that are expected to visit this particular use, the vast majority of those vehicles are already on the road and did not make a special trip to visit this site. Staff finds that adequate measures exist or will 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 would result in a significantly greater amount of traffic on local streets that would result from a development permitted by right.

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

The applicant provided a master parking plan with this application for a special exception use. After careful review, the Development Review Committee approved the plan. The site is existing, and the applicant proposes to use it in its existing configuration. No customers are permitted inside of the building. Due to the drive-through only nature of the business, staff does not anticipate parking demands to be generated by customers. The site provides five parking spaces on-site (one disabled and four standard). The site has been built with cross access to the Crossroads Shopping Center in the event that overflow parking is needed. Improvements in the master parking plan include adding a dedicated pedestrian drop-off area with pavement striping and signage to provide safe access from the drop-off area to the building, as well as conveniently located bicycle parking. The site offers convenient access to transit on both State Road 7, which is serviced by the Breeze and Route 19, and Coconut Creek Parkway, which is serviced by Route 60.



[ABOVE: SUBJECT PROPERTY IDENTIFIED ON BROWARD TRANSIT MAP]



[ABOVE: APPLICANT SITE PLAN WITH PARKING FEATURES HIGHLIGHTED]

The Margate Zoning Code does not require a dedicated loading space for a development of this size.

Staff finds the application conforms to this criterion.

(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.

This site is existing, and applicant has indicated the intent to re-use the building and drive-through facilities in their current form. The subject property is located within the Crossroads Shopping Center. Surrounding properties have already been developed; therefore, approval of this application will not impede the development of surrounding properties.

The applicant provided an opinion letter from Honey Bryan, Senior Director and Real Estate Broker Associate for Colliers International South Florida, LLC to address any potential impact of property values as a result of approving this application. The letter indicated that the approval of the Clutch Coffee application would have a positive impact on property values.

Staff finds the application conforms to this criterion.

(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.

Staff finds the application complies with this criterion. The applicant has stated intent to re-use the building in its existing form, and reduce the number of active drive-through lanes from four to one. Proposed improvements to the existing site include additional traffic control signage and striping, providing a vehicle drop-off area with pedestrian route, enhancing onsite landscaping, correcting maintenance issues, and upgrading site lighting.

(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 use application. As previously stated in this Staff Report, staff recommends a conditional approval.

C. Consistency.

This portion of the staff report analyzes the application against the City's Comprehensive Plan. The subject property is covered by the Margate Comprehensive Plan. As stated above, the subject property is located within the Transit Oriented Corridor (TOC) land use category. *[The TOC land use category was renamed and its policies were updated subsequent to the filing of this application. Staff has applied the Margate Comprehensive Plan to this application, as it existed as of the filing date of this application.]* The Goals, Objectives, and Policies of Element I Future Land Use, of the Margate Comprehensive Plan, that have been copied below, are applicable to this special exception use application.

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 use within 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 applicable to this type of application, as described above.

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

Objective 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.

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. Additional compatibility analysis has been provided in Part IIID of this staff report.

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.

By re-using the existing building, the application, if approved, will bring a new business to the City of Margate without tolling the available commercial square footage within the TOC. As of the date of this Staff Report, there are 1,208,232 square feet of commercial use available within

the TOC land use category. Staff finds this application complies with Policy 4.18 of the Margate Comprehensive Plan, Element 1, copied below.

Policy 4.18 In order to assess the development potential and public facilities impact of a site, the following maximum intensity standards shall be applicable for non-residential land use categories:

a. Transit Oriented Corridor - The mix of land uses within the TOC shall not exceed the maximum intensities provided in Policy 13.2 of this element, as indicated below.

Commercial	4,454,894 sq. ft.
Office	1,371,159 sq. ft.
Industrial	1,830,884 sq. ft.
Residential	3,565 d.u.
Hotel	555 rooms

b. Commercial - One hundred (100) foot height maximum and fifty percent (50%) lot coverage maximum.

c. Office Park - One hundred (100) foot height maximum and fifty percent (50%) lot coverage maximum.

d. Industrial- Sixty (60) foot height maximum and fifty percent (50%) lot coverage maximum.

e. Community Facilities - Sixty (60) foot height maximum and fifty percent (50%) lot coverage maximum.

f. Commercial Recreation - Thirty five (35) foot height maximum.

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.

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.

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

D. Compatibility.

The subject property was developed as a drive-through bank facility in 2003. 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. The proposed hours of operation are 5 a.m. to 9 p.m. 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. Staff finds that a shopping center outparcel is an appropriate and compatible setting for the proposed use.



[ABOVE: AERIAL PHOTO IDENTIFYING NEARBY USES]

IV. RATIONALE:

A. Reasons for approval:

1. The subject property was originally developed for a drive-through use. This application simply represents a change in the service offered to customers, as well as a reduction in the number of active drive-through lanes from four to one.
2. As an outparcel to a shopping center located at the intersection of two arterial roadways, the location for this application is an ideal setting for a drive-through facility. Staff has no compatibility concerns.
3. The subject property has been vacant for approximately five years. As indicated in the letter from commercial broker, Honey Bryan, approving the coffee bar at this location would have a positive impact on property values.
4. As identified above, the application generally satisfies the special exception use criteria.
5. The applicant has committed to correcting maintenance issues and making improvements to the subject property if this application is approved.

B. Reasons for denial:

1. The parcel where the subject property does not conform to minimum plot size requirements for the TOC-G Gateway zoning district. The subject property has 89.46 feet of street frontage, Section 9.7(N) of the Margate Zoning Code requires a minimum of 100 feet of street frontage.
2. The Applicant's traffic impact statement prepared by KBP Consulting, Inc. indicated that the proposed drive-through coffee bar use would generate an estimated 994 daily trips to the property compared to the 499 daily trips that the prior drive-through bank was estimated to have generated. The applicant proposes to actively use one of the four existing drive-through lanes. This means that if this application is approved, nearly twice the number of vehicles will be channeled through one-fourth the number of drive-through lanes compared to the previous bank use. Although the subject property conforms to the drive-through reservoir requirements of Section 39.11 of the Margate

Zoning Code, this condition creates a potential for localized traffic congestion.

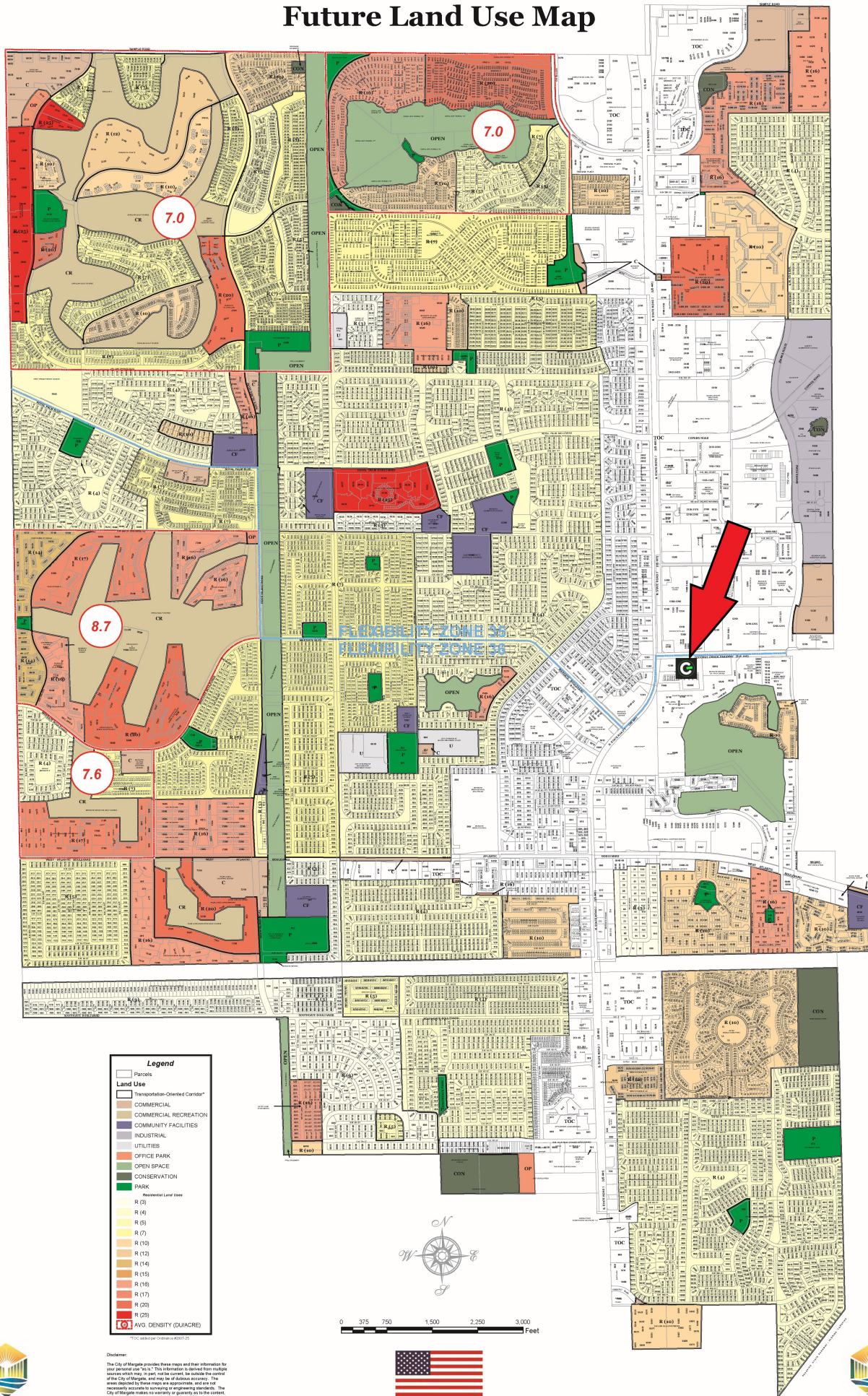
C. Mitigating factors:

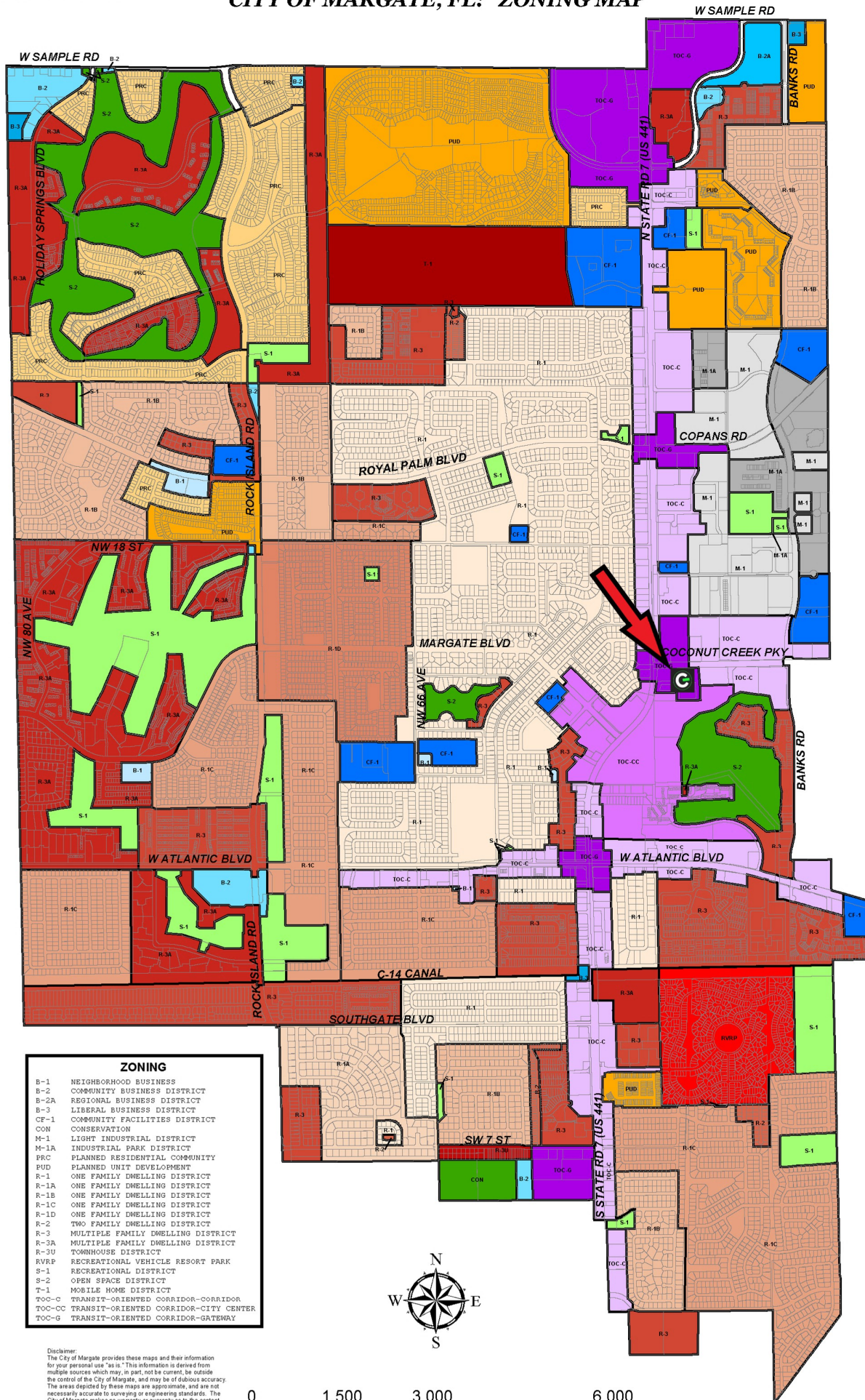
1. The recommended conditions of approval address the concerns brought by this application, follows:
 - a) The DRC findings will bring the subject property into conformity of the Code as much as practicable.
 - b) The applicant has committed to improving the property.
 - c) Enhancing the landscape buffer along the east property line will help to buffer views of vehicle stacking and drive-through components from Coconut Creek Parkway.
 - d) The ability to rescind the special exception approval in the event the proposed use creates a nuisance or otherwise causes harm to the public guarantee the City Commission has the authority to protect the City.



Elizabeth Taschereau
Director of Economic Development Services

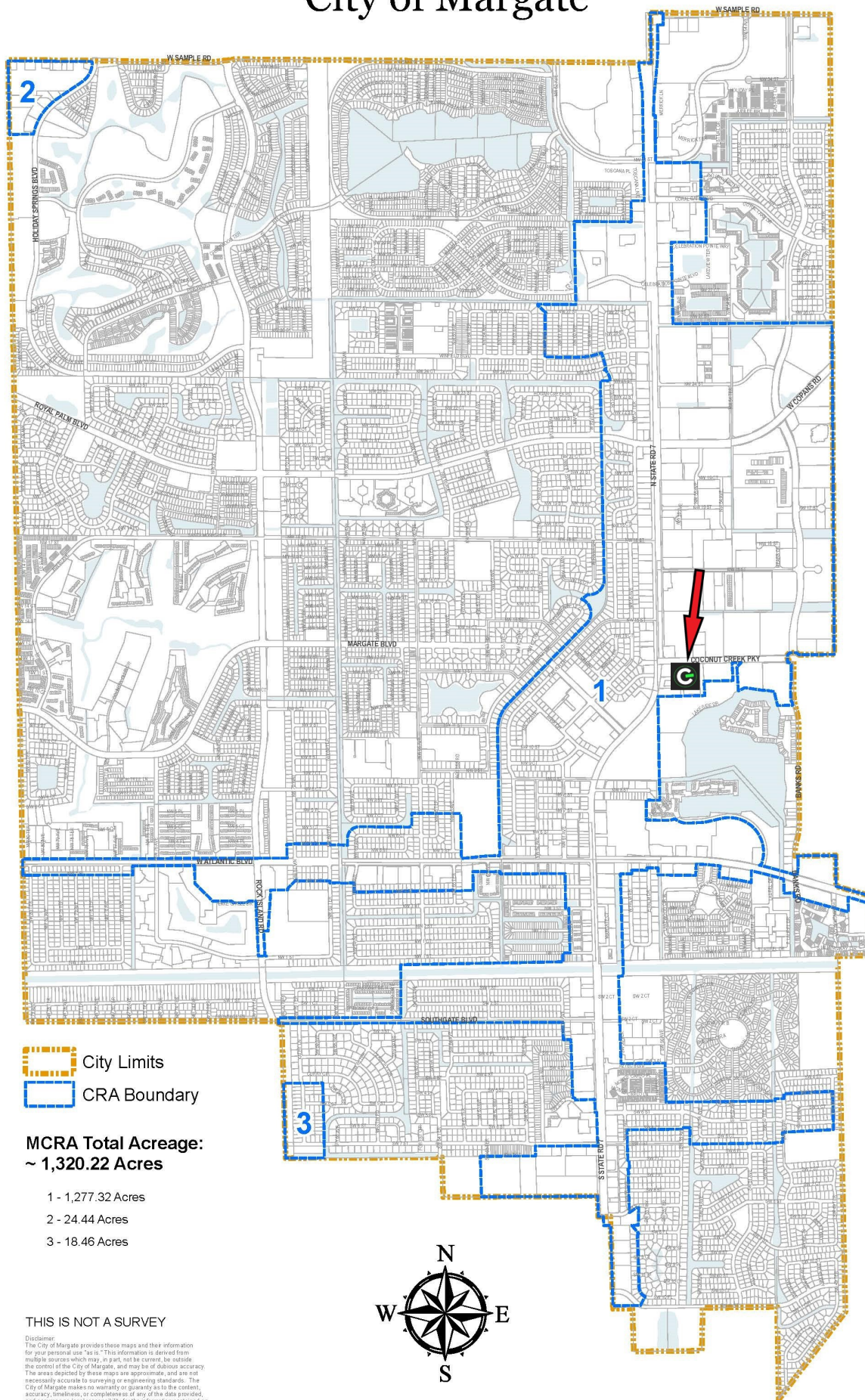
City of Margate, Florida Future Land Use Map





Disclaimer:
The City of Margate provides these maps and their information for your personal use "as is." This information is derived from multiple sources which may, in part, not be current, be outside the control of the City of Margate, and may be of dubious accuracy. The areas depicted by these maps are approximate, and are not necessarily accurate to surveying or engineering standards. The City of Margate makes no warranty or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Please notify the GIS staff of any discrepancies by contacting the Department of Environmental and Engineering Services at (954) 972-0828.

City of Margate





CITY OF MARGATE

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #1

October 27, 2020

PROJECT NAME:	Clutch Coffee		
PROJECT NUMBER:	N/A		
LOCATION:	5300 Coconut Creek Parkway		
APPLICANT/AGENT:	Matthew Scott, Esq. Dunay, Miskel and Backman, LLP, agent for John Anderson		
REVIEW/APPLICATION	Special Exception		
DISCIPLINE	REVIEWER	EMAIL	TELEPHONE
DRC Chairman	Elizabeth Taschereau – Director	etaschereau@margatefl.com	(954) 884-3686
Planning	Andrew Pinney – Senior Planner	apinney@margatefl.com	(954) 884-3684
Planning	Alexia Howald – Associate Planner	ahowald@margatefl.com	(954) 884-3685
Building	Richard Nixon – Building Official	rnixon@margatefl.com	(954) 970-3004
Engineering	Pedro Stiassni – Engineer	pstiassni@margatefl.com	(954) 884-3635
Fire	David Scholl – Fire Department	dscholl@margatefl.com	(954) 971-7010
Public Works	Mark Collins – Director	mcollins@margatefl.com	(954) 728-5515
CRA	Vacant		
Police	Lt. Ashley McCarthy – Police Department	amccarthy@margatefl.com	(954) 972-1232

Pursuant to the requirements of Section 166.033, Florida Statutes, be advised that this development permit (application) is incomplete and the areas of deficiency have been identified herein. The requirements of Section 166.033 further provide that the applicant has 30 days to address the deficiencies by submitting the required additional information. If such a response is not provided in a timely manner, the application shall be deemed withdrawn unless the applicant wishes to waive any or all of the requirements of Section 166.033, Florida Statutes, in which case a request for waiver must be submitted to the City prior to the expiration of the 30-day response period identified above. The City's waiver form is available upon request.

DEPARTMENTAL COMMENTS

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.

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.

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.

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.

E. STREETS, SIDEWALKS, PUBLIC PLACES

The engineering design of streets, sidewalks, and other public places abutting or servicing 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.

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.

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

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.

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.

3. C.100 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.

4. C.101 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.

5. C.400 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.

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

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

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.

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.

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.

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.

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.

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 re-activate 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.

(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.

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.

(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.

(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 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.

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.

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

(10) 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.

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.

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.]

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

Expand

Level of Activity	Nighttime use
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

Expand

Feature	Level 1	Level 2
Minimum horizontal illuminance	1.0 (fc)	2.0 (fc)
Maximum Uniformity ratio (max/min) ¹	10:1	10:1

¹ Uniformity ratios shall be measured at grade level.

(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

Expand

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.

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.

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 pick-up 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.]

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.

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.

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

The roof is stained and in need of pressure cleaning.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Policy 7.2 All proposed


Development Services Department

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CITY OF MARGATE
DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #3
January 12, 2021

PROJECT NAME:	Clutch Coffee		
PROJECT NUMBER:	2020-460		
LOCATION:	5300 Coconut Creek Parkway		
APPLICANT/AGENT:	Matthew Scott, Esq. Dunay, Miskel and Backman, LLP, agent for John Anderson		
REVIEW/APPLICATION	Special Exception for Drive-Through Facility		
DISCIPLINE	REVIEWER	EMAIL	TELEPHONE
DRC Chairman	Elizabeth Taschereau – Director	etaschereau@margatefl.com	(954) 884-3686
Planning	Andrew Pinney – Senior Planner	apinney@margatefl.com	(954) 884-3684
Planning	Alexia Howald – Associate Planner	ahowald@margatefl.com	(954) 884-3685
Building	Richard Nixon – Building Official	rnixon@margatefl.com	(954) 970-3004
Engineering	Pedro Stiassni – Engineer	pstiasni@margatefl.com	(954) 884-3635
Fire	David Scholl – Fire Department	dscholl@margatefl.com	(954) 971-7010
Public Works	Mark Collins – Director	mcollins@margatefl.com	(954) 728-5515
CRA	Vacant		
Police	Lt. Ashley McCarthy – Police Department	amccarthy@margatefl.com	(954) 972-1232

Any questions regarding the DRC comments, please contact the appropriate department.
DRC comments are as follows:

Applicant is required to provide a response letter addressing **EACH** comment and to revise plans accordingly (*acknowledgements are not corrections*).

DEPARTMENTAL COMMENTS

BUILDING

1. Provide ADA crosswalk from handicap parking space across driveway to coffee shop. Show a clear direct unobstructed ADA compliant accessible route from handicap parking space to building. Existing site conditions like sidewalk and asphalt may need to be modified to comply with current ADA building code.

FIRE

1. No comments

PUBLIC WORKS

1. No comments

POLICE

1. No comments

ENGINEERING

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.

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.

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.~~

The plan has been determined to satisfy the requirements of code Section 33.11.

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.

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.

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.

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

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 is attached. Please provide a narrative sufficiently describing the project and its intent.~~

The project narrative submitted on December 8, 2020 is deemed to satisfy this comment.

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.

All of these issues have been addressed on the revised plans.

3. C.100 Site Plan

- ~~a. The shopping center driveway appears to cross a NVAL. Please clarify.~~

Applicant's response is satisfactory.

- ~~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.~~

Applicant's response is satisfactory.

4. **C.101 Loading Zone & Truck Route Plan**

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

5. **C.400 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. **This detail is still not correct. This can become an advisory note to be addressed during the engineering permit process.**
 - ii. ~~Please provide a Trench Detail.~~ **Satisfied.**

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 predetermining 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

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>

This comment can become an advisory note to be addressed during the engineering permit process.

I. ADVISORY NOTES

1. Upon receipt of DRC Approval, applicant must apply for and obtain an Engineering Permit. Please download the application at <https://www.margatefl.com/DocumentCenter/View/281/Engineering-Permit-Application-PDF>
2. Upon receipt of DRC Approval, applicant must apply for and obtain a Tree Removal Permit. Please download the application at <https://www.margatefl.com/DocumentCenter/View/280/Tree-Removal-Relocation-Permit-Application-PDF>
3. Demonstrate how you are going to prevent the liquids and trash from entering the catch basin adjacent to the dumpster enclosure.
4. When the application is filed for the Engineering Permit, ensure the engineering details are complete and accurate.
 - a. Sheet C.400, 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.

DEVELOPMENT SERVICES

COMMENT 1: This application for a special exception was previously reviewed at the October 27, 2020 DRC meeting. The applicant has made a number of revisions to the application for this re-submittal, including providing a response sheet to address all staff comments. In reviewing the documentation provided with this resubmittal, staff recommends consolidating all of the responses and analyses of the special exception criteria into the justification statement in order to simplify review for policymakers of the City. For example, page 11 of the Comment Response sheet provides analysis for utilities, roadway capacity, drainage, and police/fire emergency services, while the justification statement does not provide the same level of detail in addressing criterion #5 for special exception uses. **This comment is an advisory note.**

COMMENT 2: 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. **This comment is an advisory note.**

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.

COMMENT 3: Some of the plans included in this resubmittal are inconsistent, for example, the site plans included in the traffic statement and master parking plan do not match the current site plan provided by Dynamic Engineering. **Correct this issue before proceeding to the Planning and Zoning Board.**

I. CONFORMITY WITH CODE

COMMENT 4: Tenant signage depicted on the elevation exceed maximum sign area permitted per Section 39.6 of the Margate Zoning Code. Maximum sign area permitted is 1 square foot of area per linear foot of frontage, and secondary signs are not permitted to be larger than main identification signs. The west elevation depicts a secondary identification sign that is 45 square feet in area, and this frontage is approximately 38 feet in length. **Revise signage prior to final site plan submittal.**

COMMENT 5: Tenant signage depicted on the North elevation consists of three lines of copy. Section 39.6 of the Margate Zoning Code limits main identification wall signs to a maximum of two lines of copy. **Revise signage prior to final site plan submittal.**

COMMENT 6: Tenant Signage depicted on the North elevation appears to be a directional sign because it includes chevrons pointing to the drive-through use. Directional signs are limited to a maximum height of four feet, and a maximum sign area of four square feet, per Section 39.6 of the Margate Zoning Code. **Revise signage prior to final site plan submittal.**

COMMENT 7: 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 recommendations provided therein. An explanation of the staff finding were provided in the staff comments for the October 27, 2020 DRC meeting. Only recommended conditions of approval remain in this comment sheet.

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.
- (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 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. **In response to staff comments, Applicant has agreed to correct property maintenance issues. Staff will include this as a recommended condition of approval.**

(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.

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

(5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, 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.

(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.

(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.

(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;

(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.

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 existing buffer varies 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 of the proposed dumpster enclosure 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. **Staff will include this as a recommended condition of approval.**

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

A. TOC-G Gateway Zoning District:

COMMENT 8: The subject property is located within 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. **This comment is an advisory note.**

B. Off-street Parking Requirements

COMMENT 9: 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. Applicant indicated the hours of operation will be 5 a.m. to 9 p.m. at the 10/27/2020 DRC meeting, as well as in this submittal. These hours of operation are considered light level 2 and require a minimum illuminance of 2.0 footcandles, with a maximum uniformity ratio of 10:1. Several areas of the vehicular use area fall below this minimum requirement, and the uniformity ratio stated on the plan is 65, far exceeding the maximum allowed. **Correct this issue prior to final site plan submittal.**

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 Activity	Nighttime use
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

Feature	Level 1	Level 2
Minimum horizontal illuminance	1.0 (fc)	2.0 (fc)
Maximum Uniformity ratio (max/min) ¹	10:1	10:1
¹ Uniformity ratios shall be measured at grade level.		

(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.

COMMENT 10: Justification statement indicates applicant intends to paint the building. Section 40.5 of the Margate Zoning Code provides that non-residential buildings which is to be painted shall be approved only pursuant to the color palette of the City of Margate. A paint permit must be submitted to Development Services prior to painting of the building. Please download the application at <https://www.margatefl.com/202/Zoning>. **This comment is an advisory note.**

II. CONSISTENCY WITH COMPREHENSIVE PLAN, ELEMENT I

COMMENT 11: Staff finds the application generally consistent with the Margate Comprehensive Plan, Element I. An analyses was provided with the October 27, 2020 DRC comments. **This comment is an advisory note.**