

CITY OF MARGATE

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #1

July 14, 2020

APPLICANT RESPONSES

PROJECT NAME:	Dunkin Donuts Drive Thru
PROJECT NUMBER:	N/A
LOCATION:	7300 Royal Palm Blvd
APPLICANT/AGENT:	Dennis D. Mele, Esq, Agent for Aryn Lakhani
REVIEW/APPLICATION	Special Exception

DEPARTMENTAL COMMENTS

BUILDING

1. Plans should show the exit discharge in the rear of the building with a clear path of exit discharge to a safe location in the event of emergency.

Response: See revised sheet SP-1.

2. Show the dimensions of the continuous sidewalk in the rear of building, especially near the dumpster.

Response: See revised sheet SP-1.

ENGINEERING

Please provide a response letter for our latest comments,

1. Provide an overview; the response letter should begin with a summary of changes.
2. Respond to every point raised by the City.
3. Use typography to help us navigate your response.

D.E.E.S.\ M.O.T. Review

1. Not applicable for a D.E.E.S.\ M.O.T. Review

D.E.E.S.\ E.R.C. Review

1. Not applicable for a

D.E.E.S.\ Engineering Review

1. Provide the Broward County Development and Environmental Review. The review is a two-step process; you will first receive a Development Review (Transportation Concurrence) and then an Environmental Review immediately after. For more information please visit, <https://www.broward.org/Consumer/Pages/Transportation and Environmental.aspx>

Response: The applicant acknowledges this comment and the process will be completed at the time of permitting.

2. Provide the South Florida Water Management District approval letter.

Response: A South Florida Water Management District letter is not required for these improvements.

3. The proposed D-Curb located on the southeast corner shows a cut. Please explain why are you proposing the cut instead of a continuous curb.

Response: See revised sheet SP-1 and SP-2.

4. A license application for removing or relocating trees shall be submitted by the property owner or authorized agent of the owner.

Response: This application will be provided at the time of permitting if necessary.

Flood Plain Manager Review

1. Not applicable for a Flood Plain Manager Review.

Tree Removal Information

1. Tree removal fees. The permit fee shall be the following:
 - a. Initial tree removal permits application fee (nonrefundable), \$50.00
 - b. Plus, for each tree proposed to be removed or relocated, \$10.00

Response: The fees will be provided at the time of permitting if necessary.

2. Tree replacement fees for specimen trees.
 - a. A tree appraisal will be performed by DEES to determine the dollar value of any specimen tree approved by DEES for removal pursuant to subsection 23-20(c)(5) of the City Code. This appraisal shall be pursuant to the Guide for Plant Appraisal, 9th Edition, as amended, by the Council of Tree and Landscape Appraisers.
 - b. DEES will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by DEES for the removal of the specimen tree(s).

Response: The summary of existing trees to be removed is provided on sheet L-2.

3. Specimen tree means any tree which has a DBH of eighteen (18) inches or greater; with the exception of the following:
 - a. Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.
 - b. Species of the genus Ficus except F. aurea (strangler fig), F. laevigata (short leaffig), F. rubiginosa (rusty fig or rusty leaf fig), F. jacquinifolia;
 - c. All multitrunk palms.
 - d. Trees that are in poor condition or form as determined by DEES.

Response: The summary of existing trees to be removed is provided on sheet L-2.

4. Maintenance/monitoring requirements for replaced trees. Any person conducting tree replacement activities shall:
 - a. Maintain the health of a replacement tree for a period of one (1) year from the date of planting;
 - b. Replace within sixty (60) days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by the city. The one-year maintenance period shall begin anew whenever a tree is replaced.

Response: The applicant acknowledges these requirements and they will be implemented during site development.

FIRE DEPARTMENT

1. If any fire sprinkler heads are added or relocated for the drive through window we will need a fire sprinkler plan and permit.

Response: The applicant acknowledges this requirements and it will be addressed through the permitting process, if necessary.

2. Please show the EXIT discharge for the front and rear exit of structure with striping on the parking lot for pedestrians.

Response: See revised sheet SP-1.

PUBLIC WORKS AND FIRE DEPARTMENT

1. No comments

DEVELOPMENT SERVICES

Application is incomplete, staff questions the conclusions of the traffic report, and staff has raised concerns with compatibility of proposed use. Please review comments provided in red, below.

Section 31-54 of the Code of the City of Margate:

(b) Application requirements. No use designated as a special exception shall be established until after such use has received approval under the provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval shall be filed with the development services department on forms provided. The application shall include:

- (1) A preliminary site plan, meeting the technical requirements for a final site plan and containing all relevant information necessary for review, including, but not be limited to, the following:

- a. A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.

Response: See enclosed boundary survey.

- b. An accurate tree location plan, superimposed over the basic site plan, showing the species and size of all trees of three (3) inches or greater caliper, d.b.h.

Response: See revised sheets L-1, L-2 and L-3.

- c. Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.

Response: See revised site data on sheet SP-1.

- d. Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet, and shall include the complete dimensioning and location of:

1. Plot lines.

Response: See revised sheet SP-1.

2. Existing and proposed buildings and all other proposed improvements.

Response: See revised sheet SP-1, SP-2 and boundary survey.

3. Off-street parking, curbing, wheel stops and interior landscape area.

Response: See revised sheet SP-1, SP-2 landscape plans and boundary survey.

4. Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.

Response: See enclosed boundary survey.

5. Setbacks.

Response: See enclosed boundary survey.

6. Floor plans, and exterior sales, storage or service areas. A floor plan was provided lacked dimensioning and measurements.

Response: See revised sheet A-1.

7. Internal walks and pedestrian ways.

Response: See enclosed boundary survey and SP-2.

8. Typical building exterior elevation view.

Response: See revised sheet A-2.

9. Signs and exterior lighting.

Partially provided. Site plan fails to provide details for existing tenant signage, monument sign, and some traffic control signage on-site. Proposed menu board sign is over 45.9 square feet, which is larger than the maximum size allowed by Code (42 sqft). See Section 39.8 of the Margate Zoning Code.

Response: See revised detail #3 on sheet A-1.

10. Water mains and fire hydrants; sewer laterals.

Surface infrastructure appears to be provided on the site plan, but staff is unable to confirm without a recent survey. Below grade infrastructure does not appear in site plan package.

Response: See enclosed boundary survey.

11. Buffering and fencing or decorative masonry walls.
Partially noted on plans, but pertinent information is missing.

Response: See revised SP-1.

12. Solid waste disposal containers and enclosures.
Locations are noted on the site plan, but elevations and design details have not been provided.

Response: See existing dumpster detail on SP-1

13. Proposed finished floor and pavement elevations.

Response: See enclosed revised SP-2

14. Landscaping plan.
Has not been provided. An irrigation plan has not been provided, as required by Section 23-4 of the Code of the City of Margate.

Response: See enclosed sheets L-1, L-2 and L-3.

15. Any other architectural, engineering or other data as may be required to permit the necessary findings.

Staff is concerned with the traffic report and acoustical study provided to support this application. The conclusion that the addition of drive-through services to this business would reduce the number of trips generated is illogical, and if nothing else, would motivate the business owner to retain the business in its existing form in order to preserve the trips and activity currently occurring at the business rather than make substantial investments in order to lose daily customers. The justification statement provided with the application conflicts with the conclusions reached in the traffic report. Staff recommends revisiting this traffic report.

Staff commends the applicant for providing an acoustic study in order to address compatibility with nearby sensitive land uses, however, the study provided does not take into account customer behavior other than vehicle speed. Staff recommends the applicant revisit this study to examine the buffer wall of acoustic properties, including, but not limited to, sound absorbing properties and sound deflecting properties, as well as investigating other possible specific recommendations for buffering sound and light. The Justification vaguely hints at bolstering the existing buffer, but makes no specific recommendations, nor proffers any solutions. Staff recommends revisiting this acoustic study.

RESPONSE:

See traffic study included with this resubmittal.

RESPONSE:

Noise Study

The Applicant will comply with all light and noise requirements of the City Code in order to ensure that the sound and light are not disruptive to the adjoining neighbors. The drive-through will be separated from the residential area to the south by an existing wall and mature landscaping that in some areas is taller than the existing homes. None of the trees existing in the southern buffer will be removed. The wall and landscaping will prevent headlights from shining into the adjacent properties. All lighting moved or installed for the drive-through will be installed to prevent light spillage on adjacent property as demonstrated by the lighting plan included with this application. The existing wall and mature landscaping will buffer the noise associated with the drive-through and all operations at the drive-through will be in accordance with the City's noise regulations.

(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.

The applicant fails to accurately cite specific goals, objectives and policies in response to this criterion, and instead makes vague references. Please cite the specific goal, objective, and/or policy referenced, including the specific element where it can be found. If making reference to a code provision, please cite the specific chapter, article, section, and/or appendix as appropriate.

Policy 4.6, of Element I Land Use, of the Margate Comprehensive Plan, provides, **“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.”

Staff has raised a number of compatibility concerns of the proposed use with adjacent and surrounding residential use, and thus staff finds that the proposed development conflicts with Policy 4.6 of Element I Land Use, Margate Comprehensive Plan. Compatibility issues are described in detail, below.

RESPONSE: The justification narrative was revised to address these comments.

- (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 recognizes the advantages and benefits offered by a food service establishment with drive-through facilities during a worldwide health pandemic caused by a highly contagious virus. Thus, it may be argued that the addition of a drive-through window at this business could benefit public health, safety, and welfare.

In response to this criterion, the applicant writes, "Approving the special exception request will allow for the improved operation of the existing Dunkin Donuts, which will help improve property values and promote safer streets by virtue of the increased activity in the plaza." This statement is contradictory to the traffic report provided by applicant that offers the conclusion that the addition of a drive-through would somehow actually reduce the number trips generated by the business. How is that the trip generation is expected to be reduced by the drive-through use, yet activity is increased in the plaza?

RESPONSE: The justification narrative was revised to provide further clarification.

- (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.

Applicant incorrectly states Criterion #3 as, "The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood." Applicant fails to address genuine need for the requested use, nor whether approval would create a proliferation of the use.

RESPONSE: The justification narrative was revised to address these points.

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

Staff is concerned over the close proximity of the proposed drive-through use to existing single family home developments. Routing the drive-through lane behind the building is ideal for preserving aesthetics from the Royal Palm Blvd view-point, however, this same routing drastically increases traffic to the rear of the building where it is closest to the adjacent neighborhood.

While the applicant can control physical improvements on the property such as light fixtures, speaker boxes, and signage, the applicant will have no control over the customers that visit. If this special exception use is

approved, these customers will be routed to the rear of the property, which is the closest side to the adjacent residential neighborhood.

Customer vehicles may have extremely loud after-market stereo systems and/or exhaust systems installed which would emit sounds drastically louder than factory installed equipment. Further, the applicant is unable to control customer behavior, for example, if drive-through customers are inspired to use the horns installed on their vehicles. Customers may even have after-market air-horn type devices installed which are generally substantially louder and able to emit noise for longer durations than factory installed equipment. These factors amount to a significant potential to create an audible nuisance for the adjacent neighborhood, and thus staff finds that the use is not compatible at this location.

RESPONSE: See revised justification narrative.

- (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.

Applicant fails to provide any analysis to support claims that the proposed development will not significantly increase current demand on necessary public facilities.

RESPONSE: See revised justification narrative.

- (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 is awaiting revised traffic report for the proposed development. The proposed drive-through would eliminate a grade separated paved pathway that provides access from the rear of the property to the loading zone and public sidewalk.

RESPONSE: See revised traffic study included with this resubmittal.

- (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.

A Master Parking Plan with parking calculation needs to be submitted, per Section 33.2 of the Margate Zoning Code. Proposed drive-through window and lane appear to interfere with existing loading. If approved, the proposal would require truck drivers to load and unload material while crossing an active drive-through queue.

RESPONSE: See parking study.

- (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;

Applicant fails to provide any competent substantial evidence as to the effect that the requested use may have on adjacent property values. This staff report has already addressed the potential for this use to become a nuisance, which would result in negative impacts to adjacent residential property values.

While surrounding properties have already been developed, the approval of this use has the potential to negatively impact adjacent businesses. If approved, deliveries, garbage service, and other back of house activities will have to interact with customer vehicles queueing for drive-through service.

In response to this criterion, the applicant writes, "The increased efficiency and attraction offered by the drive-through use will allow for more successful operation of the Dunkin Donuts store which only serves to increase surrounding property values." This statement is contradictory to the traffic report provided by applicant that offers the conclusion that the addition of a drive-through would somehow actually reduce the number trips generated by the business. How is that the drive-through will increase efficiency and attraction, yet yield reduced trip generation as indicated by the traffic report provided by applicant?

RESPONSE: See revised justification narrative.

- (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 applicant makes a vague offer to improve the buffer along the rear property line, without committing to anything specific, or offering anything engineered with specific performance criteria. The offer of, "The landscaping and masonry wall in the rear of the building shall be bolstered in a method agreeable to the City in order to provide ample barrier to any possible noise or light pollution that may result from the associated use." is far too vague for staff to support.

RESPONSE: See revised justification narrative.

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

In response to this criterion, the applicant writes, "Current consumer trends favor the quick and convenient service provided by a drive-through." The applicant builds off of this statement with, "The drive-through addition is expected to attract new customers and allow for more efficient service overall." These statements are contradictory to the traffic report provided by applicant that offers the conclusion that the addition of a drive-through would somehow actually reduce the number trips generated by the

business. If current consumer trends favor the quick and convenient service provided by a drive-through, why would the addition of drive-through services yield lower trip generation, as indicated in the traffic report provided by applicant?

RESPONSE: See revised justification narrative.

In addition to the special exception comments above, below are general site plan comments:

- 1) Please depict and delineate vehicle reservoir spaces as 10ft x 20ft spaces on the site plan, and abide by all design requirements for such spaces as provided in Section 33.11 of the Margate Zoning Code.

Response: See revised sheet SP-1.

- 2) Please ensure that all symbols used are either labeled clearly or identified in a legend.

Response: See revised sheet SP-1.

- 3) Dumpster enclosures are required to be surrounded by a 3ft wide irrigated landscape buffer area on three side, per Section 23-9 of the Code of the City of Margate.

Response: See revised sheet SP-1.

- 4) Please include location of all on-site traffic control signage and details for each. Please include signage and light poles (distinguish between existing and proposed) on the landscape plan.

Response: See revised sheet SP-1.

- 5) Loading zone is present on site plan, but is not labeled. "Plans for buildings or uses requiring off-street loading facilities under the provision of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities." per Section 33.9 of the Margate Zoning Code. Applicant is proposing to install drive-through menu board and speaker box order station in the middle of an existing

sidewalk located along rear of building. Please revise location or provide alternate means of loading access and circulation.

Response: See revised sheet SP-1.

- 6) Photometric plan should include fixture details and pertinent data required by Section 33.2 of the Margate Zoning Code.

Response: See photometric plan included in plan set.

- 7) Due to the incomplete site plan and lack of detail, additional comments may be forthcoming.

LANDSCAPING

1. A landscape and irrigation plan is required per 23-4 of the Margate Code of Ordinances. Please provide a landscape plan that shows compliance with applicable sections of Chapter 23 of the Margate Code of Ordinances.

See enclosed landscape plan.