



## **CITY OF MARGATE**

### **DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #2**

**OCTOBER 26, 2021**

**Meeting Location:**

**Building Department**

**901 NW 66<sup>th</sup> Avenue, Margate, FL, 33063**

<b>PROJECT NAME:</b>	Dunkin Donuts		
<b>PROJECT NUMBER:</b>	2021-401		
<b>PROJECT LOCATION:</b>	7300 Royal Palm Boulevard		
<b>APPLICANT/AGENT:</b>	Dennis D. Mele, Esq. Greenspoon Marder LLP		
<b>REVIEW/APPLICATION</b>	Special Exception		
<b>DISCIPLINE</b>	<b>REVIEWER</b>	<b>EMAIL</b>	<b>TELEPHONE</b>
DRC Chairman	Elizabeth Taschereau – Director	<a href="mailto:etaschereau@margatefl.com">etaschereau@margatefl.com</a>	(954) 884-3686
Planning	Andrew Pinney – Senior Planner	<a href="mailto:apinney@margatefl.com">apinney@margatefl.com</a>	(954) 884-3684
Planning	Alexia Howald – Associate Planner	<a href="mailto:ahowald@margatefl.com">ahowald@margatefl.com</a>	(954) 884-3685
Building	Richard Nixon – Building Official	<a href="mailto:rnixon@margatefl.com">rnixon@margatefl.com</a>	(954) 970-3004
Engineering	Curt Keyser – Director	<a href="mailto:ckeyser@margatefl.com">ckeyser@margatefl.com</a>	(954) 884-3631
Engineering	Randy L. Daniel – Assistant Director	<a href="mailto:rdaniel@margatefl.com">rdaniel@margatefl.com</a>	(954) 884-3633
Fire	David Scholl – Fire Department	<a href="mailto:dscholl@margatefl.com">dscholl@margatefl.com</a>	(954) 971-7010
Public Works	Mark Collins – Director	<a href="mailto:mcollins@margatefl.com">mcollins@margatefl.com</a>	(954) 972-8126
Public Works	Gio Batista – Assistant Director	<a href="mailto:gbatista@margatefl.com">gbatista@margatefl.com</a>	(954) 972-8123
CRA	Cale Curtis – Executive Director	<a href="mailto:ccurtis@margatefl.com">ccurtis@margatefl.com</a>	(954) 935-5300
Police	Cpt. Joseph Galaska – Police Department	<a href="mailto:jgalaska@margatefl.com">jgalaska@margatefl.com</a>	(954) 935-5429
Police	Sergeant Paul Frankenhauser, – Traffic	<a href="mailto:pfranken@margatefl.com">pfranken@margatefl.com</a>	(954) 972-7111

**Any questions regarding the DRC comments, please contact the appropriate department.**

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

**ALL corrections must be provided in ONE submittal package at the time of the submittal appointment with a DSD planner.**

**DRC comments follow.**

**NOTE: Please email city staff with names, title and companies from your team that will be in attendance at the DRC meeting and indicate if they will be attending in-person or by zoom.**

## DEPARTMENTAL COMMENTS

### BUILDING

1. No comments.

### FIRE

1. No comments.

### PUBLIC WORKS

1. No comments.

### POLICE

1. No comments.

### CRA

1. No response.

### 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 Article IV, Chapter 31 of the City of Margate is Code of Ordinances and finds the following:

#### PREAMBLE

The petitioner is seeking special exception for a drive through lane associated with the existing 1,700 sf Dunkin' store, and submitted a Special Exception Justification Narrative by Greenspoon Marder LLP, to support the application.

#### A. NEIGHBORHOODS

**ADVISORY 1:** The proximity of the adjacent residential community is noted in the narrative, but dismissed from further consideration due to the “large buffer area” and a “dividing wall”. The Narrative incorrectly states that the existing buffer and dividing wall is sufficient in its current state to protect the homes closest to the drive through from noise and lights.

DEES suggests that the dividing wall be extended east beyond the outside edge of pavement of the north bound turn lane. In addition to sound abatement the extended wall shall screen the drive through lane from north bound traffic on Parkside Way.

The petitioner is advised to address the impact of the proposed drive through on the quality of life for those who live nearby.

## **B. VISUAL IMPACTS**

To preserve their quality of life, the residential community to the south shall be screened from visual interaction with the drive through.

## **C. TRAFFICWAYS**

In order to determine the traffic impacts of this project, KBP analyzed the existing traffic at two similar Dunkin' drive-through lanes in Margate. They concluded that the average numbers of AM and PM peak hour trips were 154 and 43 respectively.

The logic that the majority of trips generated by the Drive Thru would be from existing customers, appears flawed since the Drive Thru lane is not being added as a convenience for the existing customers but rather to attract new business.

The conclusion of "de minimus" new vehicle trips is not clearly supported in the engineering report. Pass-by trips results in the reduction of new trips added by the proposed drive thru and the engineer selected 89% for the pass by rate because ITE Land Use # 938 exhibits a rate of 89%. The high pass by rate is also associated with the flawed logic aforementioned, and appears to be arbitrary.

The petitioner is requested to provide more meaningful justification to document a pass by rate of 89%. The justification shall include Trip Generation (AM & PM peaks), internal trips, Pass-by and Diverted Trips, Pass-by and diverted Patterns, and trip volume adjustment, to accurately determine and support the number of new trips.

## **D. PARKING**

In addition to the Land Uses depicted in Table 1-D, the current parking demand of the sit down Dunkin store was not included in the parking analysis. Update parking analysis to include current store demands.

The statement that the operator may elect to designate several parking spaces near the drive-through is misleading first because there is no indication that the operator has this authority, and second, to access the spaces at the end of the drive through patrons will need to traverse incoming and existing traffic, which would make waiting for a drive through order to be filled, extremely difficult.

## **E. ACOUSTICS**

An Acoustic Study was prepared on November 19, 2018, by Yahya Consultants Inc. (Yahya) on behalf of the petitioner. Yahya submitted that the two primary sources of noise pollution are from vehicles in the drive through and the drive through communication system.

To measure the impact of these two sources, an onsite simulation with vehicles in the drive through lane while ordering on the communication system was conducted to assess noise pollution. Although this simulation suggested that sound levels were in accordance with the maximum allowed levels, there are two other drive through Dunkin Donuts locations in Margate where actual noise levels can be measured. In a similar manner, measurements at these locations were taken to determine actual trips to determine traffic impacts in section A above.

Accordingly, the petitioner is requested to perform an acoustic study that measures the noise levels at the two existing Dunkin Donuts locations in Margate, to determine actual levels and develop mitigation strategies to eliminate any noise impact to the nearby residential community. If this is a 24-hour operation noise abatement measures will need to be presented.

**ADVISORY NOTE 2:** The existing fence wall on the southern side of the existing alleyway/proposed drive through lane shall be extended east beyond the outside edge of pavement of the north bound turn lane. In addition to sound abatement the extended wall shall screen the drive through from north bound traffic on Parkside Way.

**F. LIGHTING**

The hours of operation have not been defined. However, if this is a 24-hour operation and additional night time lighting will be required proposed lighting plans will need to be reviewed, for potential unwanted spillage to the residential properties to the south.

**G. POTABLE WATER**

A water main is located on the southern side of the proposed drive through lane and services 7300 to 7330 Royal Palm Boulevard. Water meters are located on the opposite side in the sidewalk. The drive through lane will not impact this water main.

**H. WASTEWATER**

No impact

**I. DRAINAGE**

Submit calculations to illustrate changes in the volume of storm water run-off from the property and how increased stormwater runoff will be discharged from the site.

**J. SOLID WASTE**

**ADVISORY NOTE 3:** The dumpster that is located adjacent to the proposed drive lane will present operational challenges to the proposed drive through lane. The proximity of the dumpster to food ordering and dispensation may present real or perceived health issues.

As a result, the petitioner is advised to consider relocating the dumpster to facilitate the proposed drive through lane. The dumpster may be relocated behind the west building, adjacent to the dumpster that services that building. It appears that sufficient space exists there and if required, a parking space may be used to facilitate the relocation.

**K. LANDSCAPING**

City Code section 23-20 regulates tree removal in the City of Margate. The replacement trees must comply with the Code in terms of the number of replacement trees and caliper.

Tree replacement requires that if a tree cannot be successfully relocated it shall be replaced in accordance with the table in Sub Section (I)(6).

The petitioner is advised to create a table on Sheet L-2 that would illustrate the trees that will be removed, their existing canopy, and the required number of replacement trees, to comply with City Code.

**L. RECREATION**

Not Applicable.

## DEVELOPMENT SERVICES

A review was conducted of the special exception application in accordance with Chapter 31 of the Code of the City of Margate. Comments require a written response from the applicant and correction(s) to the application. Advisory notes do not require correction.

**ADVISORY NOTE 1:** This application is for a special exception use, which is a development permit, as defined in Section 31-33 of the Code of the City of Margate (“CCM”). Development permits are subject to the requirements of Chapter 31 of the Code of the City of Margate.

### **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.

Based on the above Code section, Development Services staff must compare the application to the adequacy determinations described in Section 31-35 of the Code of the City of Margate.

#### **Subject Property:**

Applicant proposed to add drive-through facilities to an existing Dunkin Donut restaurant located at 7300 Royal Palm Boulevard. This is a tenant space within the Royal Sun Plaza (“Subject Property”). The subject property is a 2.34-acre site located on the south side of Royal Palm Boulevard, approximately 750 feet west of Rock Island Road. The subject property is bounded to the north by Royal Palm Boulevard, bounded to the east by NW 73<sup>rd</sup> Avenue, and bounded to the south by Parkside at Royal Palm (single-family homes), and bounded to the west by Royal Palm Court shopping center. The subject property appears to enjoy vehicular cross-access with the Royal Palm Court.

The subject property has a land use designation of (C) Commercial, and is located within the B-1 Neighborhood Business district. The subject property is not located within the Margate CRA boundary.

Section 21.2 of the Margate Zoning Code provides the following for purpose and general description of the B-1 Neighborhood Business district.

“The B-1 neighborhood business district is primarily intended for retail sale of goods or personal services primarily for persons residing in adjacent residential areas. It includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood. The uses permitted typically do not provide high volumes of traffic, noise, dust, dirt, visual pollution and other hazards. The B-1 neighborhood commercial district is generally located on the periphery of the residential neighborhood on a minor street in close proximity to major streets.”

## **I. GENERAL**

**COMMENT 1:** Application forms indicate applicant is Amyn Lakhani as tenant, yet the special exception justification statement submitted with this application indicates that Applicant is Royal Palm Plaza Investment, LLC (property owner). Please make all representations consistent.

## **II. CONFORMITY WITH CODE**

**ADVISORY NOTE 1:** The B-1 zoning district permits drive-thru facilities (with a permitted use) as a special exception use under Section 21.3(B) of the Margate Zoning Code (“MZC”). The Dunkin Donuts restaurant is a permitted use in the B-1 zoning district, and the drive-thru facilities would be subservient and dependent upon the permitted use of a restaurant. This section provides two required criteria for drive-through facilities in the B-1 district. The first criterion is that the subject property must be located on a roadway classified by the Broward County Metropolitan Planning Organization’s Broward Highway Functional Classification Map as an arterial roadway. Subject Property is located on Royal Palm Boulevard, which is classified as an arterial roadway on the Broward County Metropolitan Planning Organization’s Broward Highway Functional Classification Map. The second criterion is that the use is subject to the requirements described in Section 33.11 MZC. This section establishes the minimum size of a vehicle reservoir area as 10ft x 20ft, and requires no less than four such areas for drive-through beverage or food sales. Applicants site plan depicts seven such vehicle reservoir areas for the proposed drive through.

**COMMENT 2:** Section 33.11 MZC prohibits any vehicle reservoir area from interfering with parking circulation or *loading within the facility*, and provides that the reservoir areas shall not block parking stalls, parking aisles, driveway or *pedestrian ways*. Drive through queue is located between existing loading space and rear services doors of building, and crosses the path of a dedicated pedestrian access point from NW 73<sup>rd</sup> Avenue.

**COMMENT 3:** Identify author and qualifications of the person(s) who created the concurrency report submitted with this application.

**COMMENT 4:** Please correct the Justification Statement in response to special exception criteria 5 and 6, which indicate that MPO data suggests the adjacent road segment of Royal Palm Boulevard is operating at an acceptable level.

The Broward MPO hosts a document identified as “Level of Service Spreadsheet- 2019” on their website [<https://www.browardmpo.org/data>] which indicates that the Royal Palm Boulevard road segment east of Riverside Drive is operating at an LOS F during peak hour conditions.

**COMMENT 5:** In response to criterion 6 of the special exception use criteria, staff recommends installing pavement markings and traffic control signage to maintain safe traffic circulation on the shared drive aisle between the two shopping plazas, and along the rear of the buildings.

**COMMENT 6:** Additional striping and signage should be installed in front of the dumpster so that vehicles entering the Dunkin Donuts queue do not block access to the dumpsters.

**COMMENT 7:** Traffic statement applies ITE land use code 938 for Donut Shop With Drive Through Window and No Indoor Seating, however, this proposal maintains indoor seating. Revisit traffic analysis.

**COMMENT 8:** Provide the hours of operation.

### **III. CONSISTENCY WITH COMPREHENSIVE PLAN**

**ADVISORY NOTE 2:** The original filing date of this special exception application pre-dates the certification of the most recent amendment to the Margate Comprehensive Plan, so staff has reviewed the previously certified version of the Comprehensive Plan.

**ADVISORY NOTE 3:** Subject Property has a land use designation of (C) Commercial. The proposed use is consistent with Policy 1.2 of Element I – Future Land Use, of the Margate Comprehensive Plan, which describes the permitted land uses of Commercial as follows:

b) Commercial

1. Neighborhood, community, and regional retail uses.
2. Office and business uses.
3. Commercial uses, including wholesale, storage, light fabricating and warehousing.
4. Hotels, motels, and other tourist accommodations.
5. Parks, recreation, and commercial recreation uses.
6. Community facilities.