



### City Commission

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## REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE VIRTUAL MEETING

<https://us02web.zoom.us/j/86880198477>

### MINUTES

**Tuesday, October 26, 2021**

**10:00 a.m.**

City of Margate  
Municipal Building

### PRESENT:

Elizabeth Taschereau, Director of Development Services  
Andrew Pinney, AICP, Senior Planner  
Alexia Howald, Associate Planner  
Randy L. Daniel, DEES Assistant Director  
David Scholl, Fire Code Official (via Zoom)

### ALSO PRESENT:

Dennis Mele, Esq., Greenspoon Marder (via Zoom)  
Amyr Lakhani, Dunkin Donuts operator  
Cynthia A. Pasch, AICP, Planner

### ABSENT:

Cale Curtis, CRA Executive Director  
Richard Nixon, Building Department Director  
Mark Collins, Public Works Director  
Gio Batista, Public Works Assistant Director  
Cpt. Joseph Galaska, Police Department  
Sgt. Paul Frankenhauser, Police Department

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:06 a.m. on Tuesday, October 26, 2021, in the City of Margate Municipal Building, 901 NW 66<sup>th</sup> Avenue, Margate, Florida 33063.

### 1) NEW BUSINESS

A) ID2021-401

CONSIDERATION OF A SPECIAL EXCEPTION USE TO A PERMIT  
DRIVE-THROUGH FACILITY FOR AN EXISTING DUNKIN DONUTS

**LOCATION:** 7300 ROYAL PALM BOULEVARD

**ZONING:** NEIGHBORHOOD BUSINESS (B-1)

### Development Services Department

901 NW 66<sup>th</sup> Avenue, Suite C, Margate, FL 33063 • Phone: (954) 979-6213

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**LEGAL DESCRIPTION:** LOTS 5 THROUGH 10, BLOCK O AND P, "GATEWAY MILE," AS RECORDED IN PLAT BOOK 63, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

**PETITIONER:** DENNIS D. MELE, ESQ., GREENSPOON MARDER, LLP, AGENT FOR AMYN LAKHANI AS TENANT

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He stated staff comments were posted online and were attached to the agenda for reference, as well as emailed to the applicant. He asked if staff had any additional comments or corrections. Hearing none, he asked the applicant to provide an overview of the request along with any clarifications or questions.

Cynthia A. Pasch, AICP, Planner, explained one (1) of the most important things for the applicant was that the sales at this particular location have dropped about 28 percent since the beginning of COVID-19 and not returned to those numbers. She stated the intent was not to draw a new bunch of patrons, but to regain prior sales. Continuing, Ms. Pasch stated the site plan and application materials with revisions had been submitted, and they would like clarification on some of the comments and their scope as it relates to the project because the applicant sees the scope as very limited.

Mr. Pinney stated they had done a good job on the resubmittal. He noted the comments were overall pretty light this time around, but if there was anything vague or needed clarification, the DRC was available to work that out.

Ms. Pasch explained one (1) of the biggest questions for her was on the master parking plan. She stated the parking plan submitted was based on the last site plan that was approved for the addition of the outdoor seating area for the cigar shop. She noted that site plan was prepared by an engineer and was provided as backup for the parking study. She asserted it seemed it should meet the requirements of the master parking plan, so she was wondering if staff could explain how they saw it as insufficient.

Mr. Pinney clarified the comment was on the site plan application. He stated the site plan for the outdoor patio was done over 10 years ago, and the Code had changed sometime since then. He noted there were a few details missing off the plan. He stated the components were out there, they just needed to be put on the plan.

Ms. Pasch stated if that was true, the applicant would have to go out and spend the money for a new site plan for the rest of the property, whereas the engineer had gone out and verified the number of parking spaces, and it matched what was shown on the table in the site plan. She asserted there was a disconnect between what seemed like a minor task and a major task, if staff was asking the applicant to look at the other half of the shopping center.

Mr. Pinney stated he was only referencing the subject property in this case. He noted in the interconnectivity between the two (2) buildings, staff was asking for some improvements such as

one (1) way signage, but for the master parking plan, on this comment they were only looking at Royal Sun Plaza.

Ms. Pasch argued Royal Sun Plaza has two (2) separate sections, an east and a west. Mr. Pinney responded that they were looking at the east side.

Ms. Pasch clarified they were looking at the area from the center drive between the buildings east. Mr. Pinney confirmed.

Ms. Pasch stated they would have to go back to the original engineer to try to get that updated. Mr. Pinney clarified the process for a special exception, including DRC review followed by Planning & Zoning Board (P&Z) review and then a quasi-judicial hearing before the City Commission, followed by a final site plan for administrative review by staff. He noted there would be tweaks and changes along the way, and any conditions requested by the Commission would need to be reflected on the final site plan. He stated there would be updates to the site plan, they just needed these features updated to meet the relatively recent requirements.

Ms. Pasch responded that the comments helped to clarify. Mr. Pinney noted there were some other minor tweaks staff was looking for, such as a little crosswalk or loading ramp to be added.

Mr. Pinney stated on the special exception, an uncertainty from the staff perspective was trip generation and adjacent roadways. He explained he had seen the justification statement stated that Royal Palm was at an acceptable level, but on the spreadsheet, it was operating at level service level F. Continuing, Mr. Pinney stated that could not fully be attributed to the applicant, but at the same time, there was a County project to make improvements to the intersection of Royal Palm and Rock Island which was slated to start in the next few weeks and could be worked into the justification statement where it talks about level of service. He suggested getting a projected improvement from the County might help the applicant tremendously.

Ms. Pasch stated 24-hour and daily volumes may have contributed to the discrepancy. She noted they would work through the issue. She stated she was unclear on the Engineering advisory comment number one (1) and needed more clarification as to where the suggested dividing wall would be extended to. Ms. Pasch noted the landscape plan contemplated the addition of trees and plant material on the section where the curve of the drive is, so she did not think they dismissed the neighbors. She stated there is a substantial buffer in the rear of the property, and additional trees being added. She asserted they had also done noise studies at a different location, the location of which needed to be clarified in the report, and the projection on this property was on an acceptable level based on Code. She stated the combination of the noise study and landscaping was their way of protecting the neighbors.

Randy L. Daniel, DEES Assistant Director, stated the concern was the noise. He explained in the report he reviewed; it was not clear the simulation of traffic through the drive through was done at a similar drive through in Margate. He stated it was encouraging to know the sound estimate was based on a real-life drive through. Ms. Pasch responded that they would have the report clarified.

Mr. Daniel noted the report he reviewed talked about a simulated drive through acoustic study at the subject site, there was no mention of measurements at an existing drive through. He stated the traffic engineer had looked at an existing drive through and he had mentioned in his comments that they could have done similar for noise.

Ms. Pasch stated they would work on getting that information to staff. She reiterated that they felt the combination of the noise study and the additional landscaping around the curve was a way to address the impacts on the neighbors, so they would like clarification on the extension of the dividing wall.

Mr. Daniel responded that he had pointed out the wall could be extended if the acoustics required. He stated he had driven by the site and was in the northbound lane on Land Lane, and the house on the corner had a second view of the drive through and approach to the pick-up window. He noted this was something to look at addressing, as there is no impact now, but that would change once the drive through was constructed. He stated if there was no sound impact, screening was still important to preserve the quality of life for people on the southern side of the property. Ms. Pasch stated she believed they could respond to that issue in the next submittal.

Ms. Pasch asked for Engineering comment three (3) on the special exception, labeled parking. She stated the applicant had made a statement in the traffic analysis that if it were necessary, they could designate a space or two (2) in the parking lot for patrons who need to pull aside from the drive through and park to get their order. Continuing, Ms. Pasch stated she did not see the parking space required in the Code, and if it was not a requirement, the applicant would be happy to remove the statement. She noted it would be rare that anyone has to pull off at a Dunkin Donuts.

Amyn Lakhani, Dunkin Donuts operator, stated it happens, but is a rare occurrence related to larger orders. He noted the space was not mandatory for operation.

Mr. Daniel stated he had made the comment that it was not easy to do because you have to pull across traffic to access the spaces, but he agrees it is probably not used often.

Mr. Pinney clarified regarding whether the spaces were a requirement. He referenced the required features of a master parking plan and read the section marked "if applicable." He stated if they would not be using it, it was not applicable.

Ms. Pasch referenced landscape comments and clarified that they were just discussing the eastern portion of the site. Mr. Pinney stated this was correct.

Ms. Pasch stated it sounded like they were asking for new landscape tabulations and asked for clarification. Mr. Pinney explained the plan did not address what had to be done to bring the property up to Code. He stated staff was not looking for the applicant to tear up the parking lot, but it is a replacement of plant material. He noted where there is a tree stump, there needed to be a tree, and hedging needed to be replaced.

Mr. Lakhani asked if that was in front of the store, or the entire shopping center. Mr. Pinney reiterated they were looking just at the eastern portion.

Ms. Pasch clarified the store was not intended to be 24-hour, even with the drive through. She noted they wanted to maintain the existing hours. Mr. Pinney asked that be stated in the justification statement of the application, along with a breakdown of any different hours for the drive through from the store.

Ms. Pasch asked for clarification on the lighting, and what area was to be addressed. Mr. Pinney stated it would be the east property and the shared lane where the applicant's customers would drive through. He noted they needed to make sure that was well lit. He stated the Code reads that it is for the subject property, so if there are dark spots by Royal Palm, they will have to fix those, though he did not know whether it entailed a replacement fixture or bulb.

Ms. Pasch asked the next steps.

Mr. Pinney stated comments were relatively light and asserted the DRC could move forward with conditional approval. He noted the applicant would need to provide some things before the P&Z meeting, including:

- Clarification of the applicant on the documents, as in some places it listed the property owner and in others the tenant
- Clarification of the hours of operation and hours of the drive through
- Address Royal Palm level of service
- Clarify Mr. Daniel's concerns with the acoustic study
- Update concurrency analysis with author
- Revisit traffic statement

Mr. Pinney stated once those items were in place, staff would schedule the applicant to go before the P&Z on the special exception. He noted provided the application was approved by the City Commission and went on to final site plan, they would need to nail down trees, striping, and signs.

Ms. Pasch asked if they could submit the master parking plan after City Commission approval. Mr. Pinney responded that they could proceed how they wanted to.

Ms. Pasch stated they would like to know that they would actually get the drive through approved before embarking on the rest of the plans. Mr. Pinney stated the staff report would have recommended conditions of approval, including those items.

Mr. Daniel commented on the dumpster at the back and asked if the applicant was giving it any kind of consideration for the patrons coming through. He stated he was not sure if it was unsightly for patrons. Mr. Lakhani stated right now it was open, but there were various doors and they would keep the lids closed.

Mr. Daniel suggested the access on the side so that when driving through the drive through, you would not be stopped next to an open dumpster.

Mr. Pinney noted that the garbage truck still had to be able to get access.

Ms. Pasch stated it was rare that there would be people backed up that far. Mr. Lakhani added that it would require seven (7) or eight (8) cars to be stacked from the window to the dumpster.

Elizabeth Taschereau, Director of Development Services noted one (1) of the comments was to put lines so that people don't stop in front of the dumpster. Mr. Pinney stated that would also allow service if the truck came through. He noted it was hard to spend money on a new enclosure when the current is compliant.

Ms. Taschereau stated she would just put no stopping, no parking, so customers know not to do that. She noted that way they would not be looking at it and complaining.

Mr. Daniel stated he had actually suggested it be moved entirely, because he had driven to the west building and saw another dumpster before he realized it was different properties.

Dennis Mele, Esq., Greenspoon Marder asked if there was an idea when the P&Z meeting would be scheduled. Mr. Pinney stated it depended on the turnaround time for the submittal and noted staff would require review time.

Ms. Pasch stated she did not think it would take them more than a couple of weeks to get everything addressed.

Ms. Taschereau explained the challenge was that the comments needed to be redistributed to the entire team, and depending on their workloads, it would require a minimum of two (2) weeks to respond and then notice was required 14 days ahead. She asked the applicant to let staff know when the documents could be returned, and they would work out the timeline.

Mr. Pinney stated the DRC was granting conditional approval for special exception, provided the applicant provide the comments previously listed are addressed prior to scheduling of a hearing before the P&Z.

Mr. Daniel asked that when addressing the lighting plan, the applicant be mindful of spillage.

B) *ID2021-447*

CONSIDERATION OF A SITE PLAN TO CONSTRUCT DRIVE-THROUGH  
FACILITIES FOR AN EXISTING DUNKIN DONUTS

**LOCATION:** 7300 ROYAL PALM BOULEVARD

**ZONING:** NEIGHBORHOOD BUSINESS (B-1)

**LEGAL DESCRIPTION:** LOTS 5 THROUGH 10, BLOCK O AND P, "GATEWAY MILE," AS RECORDED IN PLAT BOOK 63, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

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Mr. Pinney introduced the item and asked if there were separate comments or questions.

Ms. Pasch stated all questions had been addressed.

Mr. Pinney stated the DRC was granting conditional approval. He explained once the application goes before the P&Z and is approved by the City Commission, it will require a final site plan submittal to be circulated for a stamp and seven (7) signatures from staff. He stated the applicant will provide three (3) signed and sealed copies of the plan, and any comments will be provided in writing, and at the end one (1) copy is returned to the applicant and two (2) copies are kept for City records.

#### **GENERAL DISCUSSION**

Mr. Pinney called for any general discussion.

There being no further business to discuss, the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

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Elizabeth Taschereau, Director of Development Services