

## DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**Project Name:** Nove of Margate

**Applicant:** Matthew H. Scott, Esquire, agent for Michael Fimiani, Fimiani Development Corporation

**Project Location:** 7870 Margate Blvd

**DRC #:** 23-400065

**Application Type:** Subdivision Resurvey

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### **I. RECOMMENDATION:**

#### **CONDITIONAL APPROVAL**

### **II. SUMMARY:**

Fimiani Development Corporation ("Applicant") has submitted a Subdivision Resurvey application following applications for Land Use Plan Amendment ("LUPA"), Rezoning, and Site Plan approval in order to redevelop a 21.3-acre golf course to a 132-unit townhouse development identified as Nove of Margate. The purpose of this application was to subdivide Parcel 4 of the ORIOLE GOLF AND TENNIS SECTION TWO (78-21) plat into 132 townhouse lots and other features of the development, such as recreation and drainage. The Margate Development Review Committee ("DRC") recommended a conditional approval on June 11, 2024. The DRC comments are attached as Exhibit A, and the meeting minutes are attached to this staff report as Exhibit B. In addition to the DRC comments, this subdivision resurvey application is contingent upon approval of the pending PUD rezoning application for this property.

### **III. ANALYSIS:**

#### **General**

The subject property of this application consists of Parcel 3 and a portion of Parcel 4 of ORIOLE GOLF AND TENNIS CLUB SECTION TWO, according to the plat thereof, as recorded in Plat Book 78, Page 21 of the public records of Broward County, Florida, in 1973. Broward County Property Appraiser ("BCPA") records indicate that the subject property was developed in 1973 as a 9-hole golf course with a 681 square foot building. This golf course was known as the Margate Executive Golf Course.

The subject property is generally located along the south side of Margate Boulevard, approximately 800 feet west of NW 76<sup>th</sup> Avenue, and approximately 80 feet east of NW 79<sup>th</sup> Avenue. The property consists of two parcels, identified with BCPA folio numbers 484135050030 and 484135080010. Both parcels considered, the subject property is 21.3 acres in area.

Applicant has filed concurrent applications for LUPA, Rezoning, and Site Plan. This staff report provides analysis and a recommendation for the Subdivision Resurvey. It is important to note that the rezoning of the property can only be approved if the LUPA is approved, and likewise, the subdivision resurvey can only be approved if the rezoning is approved. These applications are contingent upon approval of each.

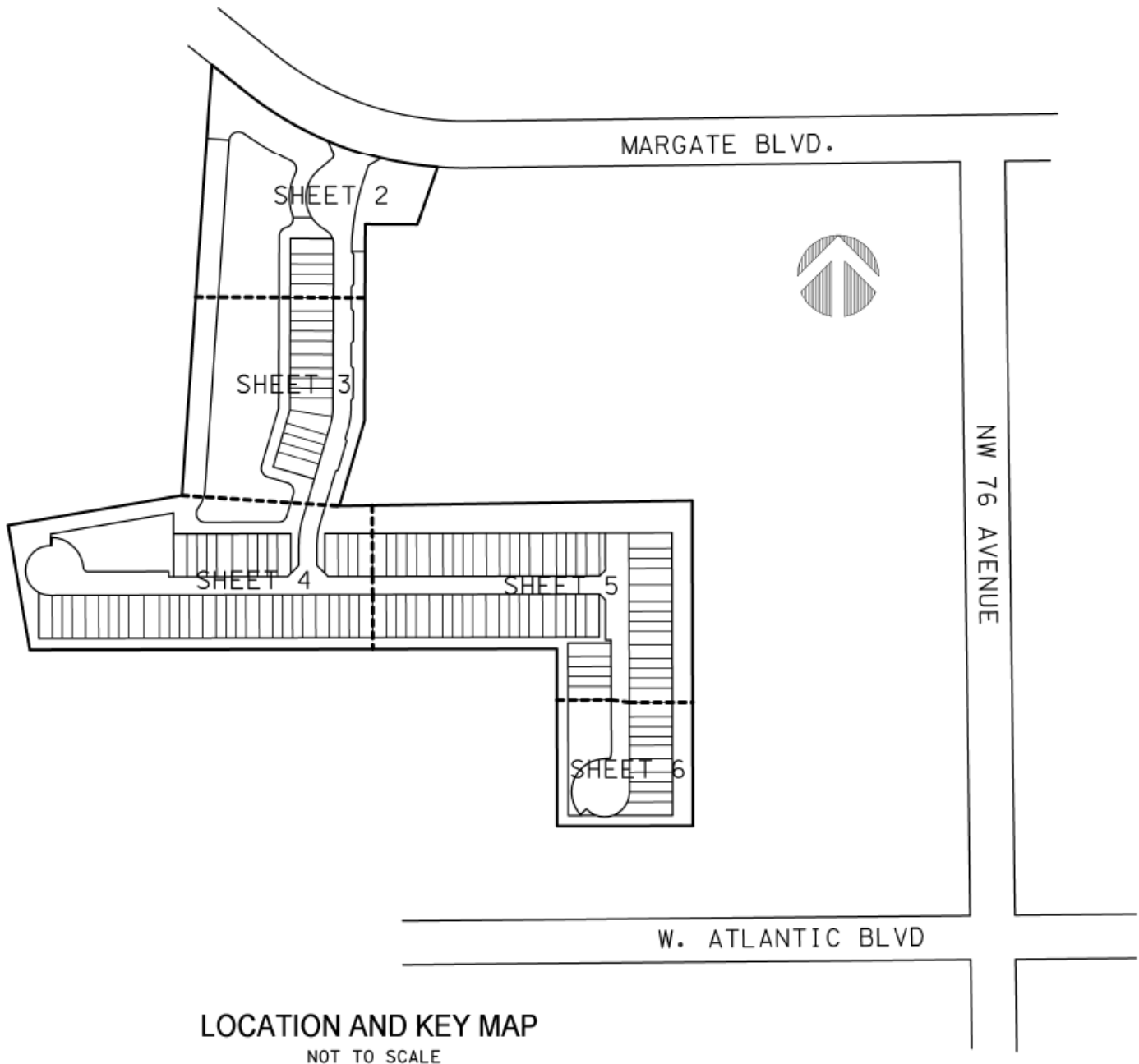
The table below identifies the zoning designations and brief descriptions of abutting developments:

<b>ABUTTING</b>	<b>NAME</b>	<b>DEVELOPMENT TYPE</b>	<b>ZONING</b>
North and East	Garden Patio Villas	Villas	R-3A
West and North	Oriole Margate VI	Single Family, detached	R-3A
West, South, and East	Oriole Gardens Phase 2	Multifamily, low-rise	R-3A and R-3



[Subject Property – Current Condition]





[Nove Subdivision Resurvey Location and Key Map – Showing proposed lot lines]

Section 40.401 ULDC provides that a Subdivision Resurvey application shall be subject to the same requirements of a plat, and references Sections 40.402, 40.403, and 40.504 ULDC. This application was reviewed by DRC on April 23, 2024 and again on June 11, 2024 where the Committee recommended a conditional approval. Per Section 40.301 ULDC, the DRC found that adequate services exist or will be provided concurrent with the development. This application, as well as concurrently filed LUPA, Rezoning, and site plan applications included traffic reports, drainage plans for the subject property, school capacity letters from the School Board of Broward County, and a

number of other exhibits that were used to evaluate the proposal. The staff comments and meeting minutes are attached to this staff report as Exhibits A and B.

The Code provides that after the DRC reviews an application, a Preliminary Plat/Subdivision Resurvey shall be reviewed by the Planning and Zoning Board. Section 40.402(A)2.b.v. ULDC provides that, “The City Planning and Zoning Board shall check lot sizes to assure conformity with minimum standards set forth by the zoning requirements, and shall coordinate the recommendations of the several agencies above mentioned.” The Applicant has a pending application to rezone the property to PUD Planned Unit Development. The PUD zoning district does not have a minimum lot size for the 132 individual townhouse lots requested in this application, therefore the application conforms to this requirement. During the DRC process, the Margate Department of Environmental and Engineering Services (DEES) staff commented on general engineering and drainage requirements, utility and easement requirements, as well as address assignment. DEES staff also required the Applicant to apply for a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). DEES staff has indicated that the Applicant will apply to Broward Surface Water subsequent to the FEMA CLOMR process. Thus, staff is coordinating the review agencies.

Prior to scheduling this application for City Commission review, the City Engineer (DEES Director) shall review the Final Plat/Subdivision Resurvey for conformity with the Preliminary Plat/Subdivision and will confirm that the applicable drainage and utility agencies have had adequate opportunity to review the application, or at least have a pending application. The City Engineer, Planning and Zoning Board Chair, Mayor, and City Clerk are all signatories of the Final Plat/Subdivision when it is presented on mylar. Once the subdivision resurvey has been signed, it will be forwarded to the Broward Clerk of Courts for signature and recordation to complete the process.



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Andrew Pinney, AICP  
Senior Planner  
Development Services Department  
City of Margate

## **STAFF REPORT EXHIBITS**

Exhibit A: DRC Staff Comments June 11, 2024

Exhibit B: DRC Meeting Minutes – June 11, 2024

Exhibit A

DRC Staff Comments – June 11, 2024

**Project Name: 23-00400065**

**Project Description: Nove of Margate Subdivision Resurvey**

Review Comments List Date: 6/4/2024

Ref. # 4, Building, Richard Nixon, 12/12/23 10:35 AM, Cycle 1, **Info Only**

Comment: Complete permit submittals required for construction. Note: this is just a comment and does not need to be addressed now.

Ref. # 15, Engineering, Randy Daniel, 12/19/23 3:39 PM, Cycle 1, Resolved

Comment: Submit a plan that illustrates the proposed street names.

Responded by: Amanda Martinez - 2/9/24 10:34 AM

*The proposed street names have been provided on the subdivision resurvey plan. Please refer to Sheets DSRS-01 through DSRS-06*

Ref. # 16, Engineering, Randy Daniel, 12/28/23 9:57 AM, Cycle 1, **Info Only**

Comment: On page 2 of 6 on the survey, flip property line and easement line.

Ref. # 17, Engineering, Randy Daniel, 12/28/23 9:58 AM, Cycle 1, **Info Only**

Comment: On page 5 of 6 show types and widths of easements.

Ref. # 18, Engineering, Randy Daniel, 1/2/24 9:08 AM, Cycle 1, Resolved

Comment: Submit a plan that illustrates the layout of 132 Town-homes on the proposed building lots; indicate the number of distinct residential units per structure or per lot to enable the assignment of addresses.

Responded by: Amanda Martinez - 3/7/24 3:15 PM

*Response: The proposed site plan has been uploaded with this submittal (Sheets SP-01 - SP-05). This plans shows the typical building layout and configuration on the building lots.*

Reviewer Response: Randy Daniel - 2/21/24 2:24 PM

**PROVIDE A SKETCH TO SHOW THE TYPICAL BUILDING LAYOUT AND CONFIGURATION ON BUILDING LOTS**

Responded by: Amanda Martinez - 2/9/24 10:36 AM

*The subdivision resurvey plan sheets have been revised to illustrate the layout of the townhomes and the number of units per lot. Please refer to sheets DSRS-01 - DSRS-06.*

Ref. # 19, Engineering, Randy Daniel, 2/21/24 2:17 PM, Cycle 2, Resolved

Comment: Include the street names shown on drawings DSRS-01 through DSRS-06 on the site plan that is to be recorded.

Responded by: Amanda Martinez - 3/7/24 3:16 PM

*Response: The street names have been added to the site plan. Please refer to Sheets SP-01-SP-05.*

Ref. # 28, Engineering, Randy Daniel, 4/5/24 10:01 AM, Cycle 1, Resolved

Comment: The existing drainage/flowage easement is in use cannot be vacated until a replacement easement has been approved by FEMA, constructed, and commissioned for use.

Responded by: Amanda Martinez - 5/3/24 3:04 PM

*The drainage and flowage easement vacation is being removed as part of the subdivision resurvey application. The easement vacation request will be submitted to the City at a later date, after the new easement has been created and constructed. The plans have been revised to show the drainage and flowage easement as existing with a note that it is to be abandoned*



*and released.*

Ref. # 29, Engineering, Randy Daniel, 4/5/24 10:15 AM, Cycle 1, Resolved

Comment:

The existing channel appears to be between 30 and 70 feet wide.

Provide a canal dedication that is a minimum of 60 feet wide.

Responded by: Amanda Martinez - 5/3/24 3:04 PM

*The applicant is not proposing to dedicate a canal to the City. As discussed, at the DRC meeting, the plat dedication language has been revised.*

Ref. # 30, Engineering, Randy Daniel, 4/5/24 10:27 AM, Cycle 1, Resolved

Comment: Provide a maintenance easement of twenty feet along each side of the canal dedication.

Responded by: Amanda Martinez - 5/3/24 3:04 PM

*A 20' maintenance easement is shown along any proposed edge of water within the property limits.*

Ref. # 31, Engineering, Randy Daniel, 4/5/24 10:39 AM, Cycle 1, Resolved

Comment: Provide rationale for 20 foot P.D.E. shown on DSRS -03 and DSRS -04

Responded by: Amanda Martinez - 5/3/24 3:04 PM

*There is an existing 36" CMP drainage pipe that discharges stormwater from the adjacent property to the south. The pipe will be extended to the proposed lake. A public drainage easement has been shown over this pipe and connecting to the proposed flowage drainage easement.*

Ref. # 34, Engineering, Randy Daniel, 4/10/24 4:42 PM, Cycle 1, Resolved

Comment: Provide FEMA's approval of the proposed realigned channel; FEMA's approval shall consist of new channel cross section and channel depth, width and slope.

Responded by: Amanda Martinez - 5/3/24 3:05 PM

*The analysis / study for the FEMA submittal is underway. A copy will be provided to the City upon completion. It is understood that the FEMA approval is to be provided prior to any construction permits.*

Ref. # 37, Engineering, Randy Daniel, 6/3/24 9:16 AM, Cycle 2, **Unresolved**

Comment: Fix typographical error on all sheets: change THEREOFM to THEREOF

Ref. # 38, Engineering, Randy Daniel, 6/4/24 1:59 PM, Cycle 2, **Unresolved**

Comment: Submit a (key) map that illustrates the configuration of all the tracts.

Ref. # 39, Engineering, Randy Daniel, 6/4/24 2:00 PM, Cycle 2, **Unresolved**

Comment: Provide a legend for line types and cross hatches.

Ref. # 40, Engineering, Randy Daniel, 6/4/24 2:07 PM, Cycle 2, **Unresolved**

Comment: Use horizontal orientation for text relating to Tracts so that it is more easily distinguishable from text that is oriented vertically.

Ref. # 41, Engineering, Randy Daniel, 6/4/24 2:12 PM, Cycle 2, **Unresolved**

Comment: Provide explanation of the abbreviations L.M.E and N.R.

Ref. # 42, Engineering, Randy Daniel, 6/4/24 2:19 PM, Cycle 2, **Unresolved**

Comment: On all sheets that reference an existing body of water provide the date that the particular water body's configuration is existing, since in the future it may be removed or realigned.

Ref. # 33, Fire, David Scholl, 4/9/24 10:44 AM, Cycle 1, Resolved

Comment: Site plan shows fire access road. Subdivision resurvey does not. Fire access road needs to be shown on resurvey and be mentioned in the notes.

Responded by: Amanda Martinez - 5/3/24 3:05 PM

*The fire access road has been added.*

Ref. # 35, Fire, David Scholl, 5/16/24 2:46 PM, Cycle 2, **Info Only**

Comment: Approved

Ref. # 5, Planning, Andrew Pinney, 12/14/23 10:02 AM, Cycle 1, Resolved

Comment: Each page of a drawing is required to be uploaded as an individual file. Please re-upload the DSRS file. Use a numbering system in the file names so that the files display in the correct sequence.

Responded by: Amanda Martinez - 2/9/24 10:37 AM

*The plan sheets have been uploaded as separate sheets. Please refer to sheets DSRS-01 - DSRS-06.*

Ref. # 10, Planning, Andrew Pinney, 12/18/23 11:21 AM, Cycle 1, Resolved

Markup: Changemark note #01, DSRS.pdf

Typo. Should be "AS DEFINED."

Responded by: Amanda Martinez - 2/9/24 10:37 AM

*The typo has been corrected. Please refer to Sheet DSRS-01.*

Ref. # 11, Planning, Andrew Pinney, 12/18/23 11:34 AM, Cycle 1, **Info Only**

Comment: Prior to City Commission provide opinion of title from an attorney, and if necessary add a mortgagee approval signature.

Ref. # 12, Planning, Andrew Pinney, 12/18/23 11:36 AM, Cycle 1, **Info Only**

Comment: Prior to City Commission provide pavement and drainage plan approval.

Ref. # 13, Planning, Andrew Pinney, 12/18/23 11:36 AM, Cycle 1, **Info Only**

Comment: Prior to City Commission provide Drainage District approval.

Ref. # 14, Planning, Andrew Pinney, 12/18/23 11:37 AM, Cycle 1, **Info Only**

Comment: Prior to City Commission provide utility plan approval.

Ref. # 20, Planning, Andrew Pinney, 4/4/24 11:25 AM, Cycle 1, Resolved

Comment: Sheet 2 of 6 is missing two of the three adjacent subdivisions.

Responded by: Amanda Martinez - 5/3/24 3:05 PM

*Adjacent subdivision labels have been added.*

Ref. # 21, Planning, Andrew Pinney, 4/4/24 11:26 AM, Cycle 1, Resolved

Comment: Subdivision does not depict all existing water courses and canals.

Responded by: Amanda Martinez - 5/3/24 3:05 PM

*The existing water courses have been added – see Sheet 7.*

Ref. # 22, Planning, Andrew Pinney, 4/4/24 11:34 AM, Cycle 1, Resolved

Comment: Subdivision does not depict all existing easements.

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*The existing easements have been added. Title information was also added to Sheet 1 which includes the existing easement that are not plotted.*

Ref. # 23, Planning, Andrew Pinney, 4/4/24 11:44 AM, Cycle 1, Resolved

Comment: Sheet 3 of 6 does not show one of the adjacent subdivisions.

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*Label added for the adjacent subdivision.*

Ref. # 24, Planning, Andrew Pinney, 4/4/24 3:03 PM, Cycle 1, Resolved

Comment: "The minimum width of a canal dedication shall be 60 feet. Canal and water area improvements shall conform to any requirements set forth under authority of the local drainage district. Should a continuous retaining wall be required, it shall be constructed along both sides of the canal concurrently with the excavation of the canal in accordance with the specifications of Section 11-17." Sec. 40.403(D)2, Code of the City of Margate.

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*As discussed at the 4/23 DRC meeting, the applicant does not intend to dedicate a canal to the City. The plat dedication language has been revised.*

Ref. # 25, Planning, Andrew Pinney, 4/4/24 5:11 PM, Cycle 1, Resolved

Markup: Changemark note #01, DSRS-01.pdf

Department of Environmental and Engineering Services

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*The Department name has been revised.*

Ref. # 26, Planning, Andrew Pinney, 4/4/24 5:11 PM, Cycle 1, Resolved

Markup: Changemark note #03, DSRS-01.pdf

Clarify drainage easement vs public drainage easement.

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*: A drainage easement is private for drainage required for this project only. The public drainage easement is used when there is stormwater being accepted from the adjacent property to be routed through the project. Additional dedication language has been added.*

Ref. # 27, Planning, Andrew Pinney, 4/4/24 5:16 PM, Cycle 1, Question

Markup: Changemark note #01, DSRS-04.pdf

Why is there a "public" drainage easement here?

Responded by: Amanda Martinez - 5/3/24 3:06 PM

*Stormwater is being accepted from the adjacent property and routed through the project.*

Ref. # 32, Planning, Andrew Pinney, 4/9/24 10:30 AM, Cycle 1, Resolved

Comment: The word "BOULEVARD" is misspelled throughout the subdivision resurvey.

Responded by: Amanda Martinez - 5/3/24 3:07 PM

*Boulevard spelling has been corrected.*

Ref. # 36, Planning, Andrew Pinney, 5/20/24 3:38 PM, Cycle 2, **Unresolved**

Markup: Changemark note #02, DSRS-01.pdf

The P&Z chair is Shekinah Awofadeju-Major.

Exhibit B

DRC Meeting Minutes – June 11, 2024



**REGULAR MEETING OF  
THE DEVELOPMENT REVIEW COMMITTEE**  
<https://us02web.zoom.us/j/83832947459>  
**MINUTES**

**Tuesday, June 11, 2024**  
**10:00 a.m.**  
City of Margate  
5790 Margate Boulevard  
Margate, FL 33063

**PRESENT:**

Elizabeth Taschereau, Director, Development Services  
Andrew Pinney, AICP, Senior Planner  
Christopher Gratz, AICP, Senior Planner  
David Scholl, Fire Marshal  
Richard Nixon, Director, Building/Code Services  
Randy Daniel, Assistant Director, Department of Environmental and  
Engineering Services (DEES)  
Mary Crabtree, Sergeant, Traffic Unit

**ALSO PRESENT:**

Matthew H. Scott, Esq., Greenspoon Marder, LLP  
Jeff Hodapp, President, Perimeter Surveying and Mapping, Inc.

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order at 10:04 a.m. on Tuesday, June 11, 2024, at the City of Margate Commission Chambers, 5790 Margate Boulevard, Margate, FL 33063.

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**NEW BUSINESS**

- A) *ID2024-190*  
**DRC NO. 23-00400065** RECONSIDERATION OF A SUBDIVISION  
RESURVEY FOR NOVE OF MARGATE  
**LOCATION:** 7870 MARGATE BOULEVARD  
**ZONING:** S-1 RECREATIONAL AND R-3A MULTIPLE DWELLING  
**LEGAL DESCRIPTION:** PARCEL 3, "ORIOLE GOLF AND  
TENNIS CLUB SECTION TWO," ACCORDING TO THE PLAT  
THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF  
THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA  
TOGETHER WITH A PORTION OF PARCEL 4 OF SAID PLAT,

**Development Services Department**

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[www.margatefl.com](http://www.margatefl.com) • [dsd@margatefl.com](mailto:dsd@margatefl.com)

**City Commission**

Mayor Tommy Ruzzano  
Vice Mayor Arlene R. Schwartz  
Antonio V. Arserio  
Anthony N. Caggiano  
Joanne Simone

**City Manager**

Cale Curtis

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

**City Clerk**

Jennifer M. Johnson, MMC

“ORIOLE GOLF AND TENNIS CLUB SECTION TWO,” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION

Andrew Pinney, AICP, Senior Planner, introduced the item and advised that comments were published with the agenda. He invited any additional comments or corrections from staff.

Jeff Hodapp, President, Perimeter Surveying and Mapping, Inc., stated he had spoken with Randy Daniel, Assistant DEES Director, and most of his questions were answered. He asked if it would be possible for him to email staff a copy of the plat to ensure he had addressed all comments.

Randy Daniel, Assistant DEES Director, stated there was no problem with that. He noted the comment he had made to Mr. Hodapp was regarding a request to change the label track in a way that would make it stand out. He noted all his other comments in regard to the application seem to have been addressed.

Mr. Hodapp stated he would email Mr. Daniel later in the day.

Mr. Pinney advised that in the application review software, the application was returned to the applicant for corrections. He stated there were seven (7) comments, six (6) of which were DEES, with the final comment being a minor request he had put in for a name change. He asked the Committee whether they were comfortable with conditional approval and noted the next step would be scheduling a Planning and Zoning Board (PZB) hearing.

Mr. Daniel stated his comments were not substantial and he had no objection to conditional approval of the application.

Matthew H. Scott, Esq., Greenspoon Marder, LLP, agent for the applicant, commented that this was a subdivision exercise simply creating lines and lots, so they were hoping for conditional approval. He asked for clarification on Mr. Pinney’s comment requesting pavement and drainage plan approval, drainage district approval, and utility plan approval.

Mr. Pinney stated those approvals would be uploaded so they would be in the project file, and the sooner the applicant can get them the better, but the Code allows for conditional approval with evidence those processes have been started. He noted staff would need to review something, whether it was a pending application or the document.

Attorney Scott asked if the pavement and drainage and the utility plan were part of the PUD. Mr. Pinney explained the language was being borrowed from the platting chapter for the subdivision process. He asked Mr. Daniel if he had feedback on the paving and drainage requirement.

Mr. Daniel advised this was a broad category under the FEMA conversation. He stated he would like to see where the applicant is in regard to conversation with FEMA, and the last time he spoke with Jeffrey Schnars, Schars Engineering Corp., he had stated he was applying that week for a preliminary letter of map revision (CLOMR).

Attorney Scott stated that was in process, and the CLOMR was complete with great results. He noted typically in his experience he sees the pavement and drainage plan take place with a site plan package, as is a utility plan. He asked if staff was looking for approval, what the mechanism they were looking for was. He pointed out the comment said it was required prior to Commission approval, and he was hoping for an August PZB review of the subdivision resurvey followed by the Commission in the fall.

Mr. Daniel clarified that his biggest obstacle was that he would like to see where the applicant is with FEMA, officially uploaded in ProjectDox. He stated staff wants to see what FEMA has responded on and to make sure the application is moving forward.

Mr. Pinney confirmed the DRC was granting conditional approval on the reconsideration of a subdivision resurvey. He stated the comments are in the system, and any corrected or supplemental documents should be uploaded. He advised there would be an additional internal review and then a date for PZB would be set.

Mr. Daniel noted that in addition to the progress with FEMA being uploaded to ProjectDox, it would be helpful for the applicant to explain the expected timeline for completion.

## GENERAL DISCUSSION

Mr. Pinney called for general discussion. There being no further business to discuss, the meeting was adjourned at 10:13 a.m.

Respectfully submitted,



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Elizabeth Taschereau, Director of Development Services