



**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
VIRTUAL MEETING
<https://us02web.zoom.us/j/88092183259>
MINUTES**

**Tuesday, August 10, 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
Curt Keyser, DEES Director
David Scholl, Fire Code Official
Mark Collins, Public Works Director
Lt. Ashley McCarthy, Police Department

ALSO PRESENT:

Michael Jones, Parks & Recreation Director
Cotter Christian, DEES Project Manager
Tanya McCormick, PLA, AICP, Chen Moore & Associates (via Zoom)
Mike Gai, Principal, Sun-Tech Engineering, Inc. (via Zoom)
Joaquin Vargas, P.E., Traf Tech Engineering (via Zoom)
Brandon Loshak, Esq., Loshak Leach, LLC, Agent for The Family of God Ministry, Inc.
Sarah Stewart, AICP, Loshak Leach LLP
Kimberly Moyer, Landscape Architect (via Zoom)
Pastor Carlos Pierre, Owner, The Family of God Ministry, Inc.
Christopher Lall, E.I. Bohler Engineering FL, LLC (via Zoom)
Matthew Scott, Esq., Dunay, Miskel, & Backman, LLP (via Zoom)
Stacy Bomar, Consultant, North American Development Group (via Zoom)
Juan F. Ortega (via Zoom)

ABSENT:

Richard Nixon, Building Department Director
Gio Batista, Public Works Assistant Director
Cale Curtis, CRA Executive Director

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,

Development Services Department

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City Commission

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

City Manager

Cale Curtis

City Attorney

Janette M. Smith, Esq.

City Clerk

Joseph J. Kavanagh

August 10, 2021, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) **NEW BUSINESS**

- A) *1D2021-334*
CONSIDERATION OF A SITE PLAN FOR THE REDEVELOPMENT OF ORIOLE PARK
LOCATION: 7870 MARGATE BOULEVARD
ZONING: RECREATIONAL (S-1)
LEGAL DESCRIPTION: A PORTION OF PARCEL "B", "ORIOLE MARGATE SECTION 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 74, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: ERIC HARRISON, PLA, CHEN MOORE & ASSOCIATES, AGENT FOR MICHAEL JONES, PARKS AND RECREATION DIRECTOR

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed.

Tanya McCormick, Chen Moore & Associates, introduced herself and provided an overview of the redevelopment of Oriole Park, including a plan to convert the site from an existing baseball field and multi-purpose field to a large multi-purpose field, playground, food truck service area, restroom building, and concessions building.

Mr. Pinney stated staff comments were posted online and were attached to the agenda for reference. He asked if staff had any additional comments or questions.

Mark Collins, Public Works Director, pointed out an outstanding question regarding garbage removal from the site.

Mr. Pinney asked the applicant if she had any additional comments or questions.

Ms. McCormick stated most of the comments were clear and straightforward. She asked for clarification on Engineering comment B, regarding water and sewer. She explained the sanitary sewer connection was planned for the east side of the parking lot, and the water connection was proposed for NW 1st Street, near the food truck staging area. She added that location was the shortest route and required the least demolition to the existing site. Ms. McCormick asked if there was objection to that connection.

Curt Keyser, DEES Director, asked if those connections were shown in the plans. He stated Assistant Director Randy Daniel had completed the review. Ms. McCormick responded that it was shown on the plan, on C.00, the Utility Plan. She stated she could clarify in her response.

Mr. Keyser stated there was a water and sewer main to the east of the parking lot and another along Rock Island Road, and he presumed they would connect to the one (1) in the park. Ms. McCormack pointed to the connections on the plan.

Mr. Keyser asked why the plan was to go under the street, and not connecting on the park property to the main that already exists. Ms. McCormack explained the engineering team had reviewed that option and determined there was a separation that had to happen between sanitary sewer and storm drainage, and this option was the best way to cause the least amount of disturbance to the site.

Mr. Keyser asked the location of the sanitary sewer connections. Ms. McCormack pointed it out to the north on the same sheet, above the proposed pavilion.

Mr. Keyser clarified that they were trying not to cross the drainage. Ms. McCormack confirmed that was the intent. She stated the excavation would cause disturbance.

Mr. Keyser asserted he would rather they disturb the park than the roadway. He asked Mr. Collins if he had any objections.

Mr. Collins responded that he agreed and thought it would help reduce some of the cost. He asked if they planned an open cut or bore. Discussion ensued regarding the method.

Ms. McCormack stated she thought the intent was to do a directional bore, but she would confirm.

Mr. Keyser stated he did not want the water meter located in the sidewalk. He added that ideally, they would bore under the sidewalk and roadway, not touching the sidewalk or road. Discussion ensued as to the location of the water main, and whether the park main was to be located on Rock Island or east of the parking lot.

Mr. Collins asked Ms. McCormack to have her engineers explore using the water connection east of the parking lot instead of NW 1st Street.

Ms. McCormack agreed. She stated they had explored the option but for reasons of disturbance and cost had selected the NW 1st Street as easiest and most accessible. Mr. Collins responded that they may just need to elaborate on the plans.

Mr. Keyser stated he understood they were trying to avoid crossing the eight (8) inch gravity sewer line. He added that he did not object but would rather not open cut the road. He asserted he did not oppose the water meter being in the sidewalk, but the concrete finisher would need to do a nice job in order to not create a trip hazard or ADA issue.

Mr. Collins asked that they not put the meter in the sidewalk. He suggested a location behind it. Ms. McCormack responded that she understood.

Mr. Keyser noted that location might create an easement issue, but if it was argued that they did not need an easement on City-owned property, he could probably go along with that.

Discussion ensued as to whether the fence would conflict. Ms. McCormack stated they had discussed a five (5) foot offset, so there would be more than enough room to place the meter.

Ms. McCormack pointed to Engineering comment G1, suggesting a multi-use walking and jogging path on the perimeter of the park. She explained her team had reviewed the suggestion internally and it was determined the pathway would be maintained as a potential future improvement at this time. She noted a pedestrian access does exist. Mr. Keyser asked that the narrative be included when the applicant responded to comments.

Ms. McCormack responded to Engineering comment G2, which asked for an increased staging area for food trucks. She stated the intent for the property was that no more than two (2) vendors at a time, so no additional space was required. Mr. Keyser stated that response worked for him and asked that it be included in the narrative.

Ms. McCormack responded to Development Services comment three (3), which stated all new vehicle gates are required to be setback into the property a minimum of 60 feet. She explained the proposed gates were not vehicular access gates, but maintenance access gates. She asserted the setback would tarnish the intent to keep public vehicles out. Ms. McCormack proposed the gates connect with the perimeter fence. She stated the fence would be along the perimeter property line set five (5) feet in, which would allow a hedge to be placed between the fence and the perimeter sidewalk itself. She added it would also connect to the gates at the food truck area and the maintenance driveway on the northern side of the property. She explained that would allow a City maintenance vehicle to pull off the road, unlock the gates, and drive inward.

Mr. Pinney explained staff had discussed and had thought maintenance vehicles could be a truck pulling a trailer for lawn equipment, and they did not want the trailer to be across the sidewalk or into the road. He stated they could make the argument it was something other than a vehicle gate, but staff would like it to be shown that a truck pulling a trailer would not block the sidewalk while pulling in.

Michael Jones, Parks & Recreation Director, stated the maintenance vehicle could temporarily park on the road to open the gate. He argued the Public Works Department had gates which operated in the same way. He stated there was no way around it.

Mr. Pinney responded that if there was design capability for a better system, he saw no reason to do that. Discussion continued as to whether the gates at maintenance entrance and food truck entrance should be moved to keep the sidewalk and traffic from being blocked.

Ms. McCormack explained at the food truck area, there was not 60 feet before reaching the east/west lane the truck itself is supposed to park in.

Ms. Taschereau argued the issue created a potential traffic hazard.

Mr. Jones explained he did not see it as a concern, as similar situations occurred at other parks. He compared the maintenance truck driver's stop to open the gate to that of a garbage truck or mail delivery vehicle temporarily stopping in the road to do their jobs. Discussion continued regarding the potential location of the gate.

Mr. Pinney asked Lt. Ashley McCarthy, Police Department, to weigh in on the issue.

Lt. McCarthy stated from a Police Department perspective, she did not see any issue with not putting in the additional 60 feet easement. She discussed examples of times when the additional space might be used as parking, causing a different set of issues. She stated she would recommend the single gate.

Mr. Pinney withdrew Development Services comment three (3).

Ms. McCormack responded to Development Services comment five (5). She stated paved access to the food truck area would be provided. She commented on Development Services comment nine (9), noting the applicant would reconfigure access to make a symmetrical T-shape to allow the trucks to arrive and depart independently. She stated there would still only be room for two (2) vendors at most.

Continuing, Ms. McCormack referenced Development Services comment 10, regarding the requirement for LEED certification, and stated the intent was to work with the architect to provide documentation as needed. She asserted it was not possible to apply for LEED because the small structure was not a fully functioning public building. She asked staff to confirm the approach. Mr. Pinney stated that sounded like a good strategy.

Ms. McCormack asked for any additional questions.

Mr. Keyser asked Ms. McCormack to explain the drainage shown on the north side of the field. Ms. McCormack explained the proposed field was artificial turf, so there was a storm drainage system to capture runoff. She stated it was treated as impervious space.

Mr. Keyser express concern regarding the T being buried instead of the yard drain being in line. He stated the idea of the yard drain was to take on water. Ms. McCormack responded that she would have to speak with the civil engineer and get back to Mr. Keyser with an answer to his question. She stated that her understanding was that the lines immediately around the field would catch runoff from the field, and lines further out would capture runoff from the driveway and other areas.

Mr. Keyser stated the engineer may make the argument that the herringbone pattern field drains with the connection to the header pipe were all buried and not visible, but he was concerned the

junctions had an odd configuration. Ms. McCormack pointed out the connection from the field to the storm drain system north of the bleachers. She asked if additional clarification was needed.

Mr. Keyser stated he was alright with it. He added that he would be happier if the junctions were in a junction box or somewhere not buried so they were accessible for maintenance. Mr. Jones provided additional clarification.

The Committee gave conditional approval for the site plan. Mr. Pinney asked that comments be addressed with submittal of the final site plan, and explained once the final submittal was signed off, the permits could be processed.

Cotter Christian, DEES Project Manager, asked for clarification on the next steps. Mr. Pinney explained.

- B) *1D2021-314*
RECONSIDERATION OF A PLAT NOTE AMENDMENT TO SUBDIVIDE TRACT A OF THE SHERMAN PLAT INTO PARCELS "A" AND "B" AND ADD 135,000 SQUARE FEET OF INDUSTRIAL USE ON PARCEL B
LOCATION: 5301 COPANS ROAD
ZONING: LIGHT INDUSTRIAL (M-1)
LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "SHERMAN PLAT," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 144, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: MIKE GAI, SUN-TECH ENGINEERING, INC AGENT FOR CHRIS WILLSON, FR 5355 NORTHWEST 24 STREET, LLC

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He stated the item was tabled from the July 2021 DRC meeting due to an outstanding issue with the traffic report.

Mike Gai, Sun-Tech Engineering, Inc., introduced himself and stated there would be a written response on the firm's letterhead to the traffic comment later in the afternoon. He asked if there was anything on the submittal in addition to the traffic report which Engineering was looking for.

Mr. Keyser stated he had spoken with Assistant Director Randy Daniel a few minutes earlier, and he had accepted the traffic study. Mr. Keyser asserted he was not sure what he was looking at in the submission materials and noted the documents did not line up.

Mr. Pinney explained the packet and application briefly.

Mr. Keyser noted the only outstanding Engineering comment he saw was regarding the wording of the plat note itself. Mr. Gai provided a history of the plat notes and revisions to the notes. Mr. Keyser asked for clarification as to what the plat note says at this time.

Mr. Gai stated the entire plat was parcel A and explained the separate parcel for the development within the plat had been created as a result of the pre-application meeting with Broward County. He explained parcel B would have 135,000 square feet of industrial and stated sketches and legals had been provided for parcel A and parcel B.

Discussion continued regarding the plat note language. Mr. Keyser asked Mr. Gai to confirm the verbiage of the note and application match exactly so that they could move on.

Mr. Pinney followed up on a comment from the July meeting regarding the square footage of the project. He stated the applicant had put him in contact with a Broward County staff member to discuss the overage on the application. He explained the County included canopies and other outside structures which tightened the margin between the proposed 131,680 and the requested 135,000. Mr. Pinney added that he no longer had an objection.

Mr. Pinney asked if the Committee had any additional comments.

The Committee had no further comments.

The Committee recommended conditional approval of the application.

Mr. Keyser noted the approval was conditioned upon receiving the requested documentation, to include the plat note and matching application.

Mr. Pinney stated once the documentation was submitted, staff would look at Planning & Zoning Board meeting dates.

- C) *1D2021-333*
CONSIDERATION OF A CHANGE OF OCCUPANCY FOR A HOUSE OF WORSHIP
LOCATION: 1100 SOUTH STATE ROAD 7, SUITE 102 AND 103
ZONING: TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C)
LEGAL DESCRIPTION: 1100 OFFICE CENTER CONDOMINIUM, ACCORDING TO DECLARATION OF CONDOMINIUM, AS RECORDED IN OFFICIAL RECORDS BOOK 41420, PAGE 1477, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: BRANDON LOSHAK, ESQ., LOSHAK, LEACH, LLC AGENT FOR THE FAMILY OF GOD MINISTRY, INC.

Mr. Gai stated he would also be a part of the team for this application. Additional representatives of the application joined the meeting in person.

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He noted a few corrections to the posted comments, including the subject site and occupancy listed on the Development Services advisory note and striking section 23-11c of Development

Services Comment one (1), as the project was not a redevelopment. Mr. Pinney added a comment stating the Master Parking Plan identifies existing handicap accessible routes as a pedestrian drop-off, but staff has concern regarding the loading and unloading of passengers at these locations. He stated it has the potential to conflict with on-site circulation. He recommended a revised location for those passenger loading areas.

Brandon Loshak, Esq., introduced himself and provided a brief overview. He stated most of the comments were self-explanatory and reviewed those comments he had questions on. He asked for clarification on the buffer referenced in Development Services comment two (2). He noted the applicant saw it a little differently, as they were only going to be changing the use on Sunday but understood the requirement. Attorney Loshak asserted there may be a need for some type of waiver for extreme hardship, as the requirement created difficulty.

Mr. Pinney stated there may be a misunderstanding. He confirmed the Code does call for a 10-foot buffer along the roadway where it was previously five (5) feet and explained in an application for a change of occupancy, the DRC is looking at the site to see if it is missing plant material but is not looking for the parking lot to be torn up and redone. Mr. Pinney stated the issue was more about a continuous hedge, tree every 40 feet, and ground cover in the area.

Attorney Loshak thanked Mr. Pinney for the clarification. He stated going forward, the applicant understood the issue needed to be addressed and changes to the landscape plan would be made. He asked landscape architect Kimberly Moyer if she had any additional questions.

Ms. Moyer stated the existing buffers are five (5) feet, and with the existing plants, the 50 percent planting requirement was met. She offered to provide additional calculations to show that information on the next submittal.

Mr. Pinney clarified the requirements. He stated there was a hard requirement for a category one (1) shade tree every 40 feet, as well as a continuous hedge, and of the remaining area of the buffer, 50 percent must be covered with planting. He noted that could be clarified in the plan and adjusted as needed. Mr. Pinney pointed to the plans and noted areas where the hedge and ground cover were missing.

Ms. Moyer asked if ground cover was specifically required, or if it could be some type of shrub to cover 50 percent. Mr. Pinney responded decorative ground cover was required, noting the goal was a layered, nice finish.

Ms. Moyer stated a lot of the hedge was existing, and then there was a car overhang, so there was very little room between the hedge and parking. She said they would add ground cover.

Mr. Pinney referenced the Google Street View and stated there was hardly any hedge material shown along 11th Street. He noted a site visit may be required to get the details straight. Continuing, Mr. Pinney pointed out buffering around mechanical was missing from the plan, stating the Florida Power & Light (FPL) transformer was an example.

Mr. Pinney stated the larger issue was that some of the plans submitted did not seem to coordinate well with each other. He noted the Master Parking Plan showed a bike rack in the same place the Landscape Plan showed an oak tree.

Ms. Moyer responded that she understood the plans all needed to coordinate, so that would be addressed and corrected. Mr. Loshak agreed. He stated there was a technical issue with layers on the plans.

Mr. Pinney stated he was impressed with the Master Parking Plan, it just needed to be coordinated with the other plans, and to include an alternate pedestrian drop off. He suggested that if there was excess parking, some could be converted, and stated they would have to look at the site to determine what was feasible.

Mr. Pinney asked for clarification on the proposed hours of operation. Mr. Loshak stated the hours of worship would be 9 a.m. to noon on Sunday, and for office purposes, the site would be used Thursday from 7 p.m. to 9:30 p.m. and on Friday from 7 p.m. to 8 p.m.

Mr. Pinney stated the hours of operation were important because there was a photometric plan turned in, and there were a number of areas that required improvement to the lighting in order to maintain evening hours. He stated a minimum of 2.0 foot-candles was required throughout the vehicle use area.

Mr. Loshak clarified the lighting was required for the Thursday and Friday operations. Mr. Pinney confirmed, stating if all other tenants shut down operation at 7 p.m., the lighting was fine as-is.

David Scholl, Fire Code Official, asked the proposed capacity of the building. Pastor Carlos Pierre responded that it was about 36 individuals.

Mr. Loshak pointed to Development Services comment six (6) regarding enclosure of the dumpster. He stated it was enclosed on two (2) sides, and the issue they were running into was that the back of the dumpster is at the property line. He asked how the City would like that situation dealt with.

Mr. Pinney responded that he did not believe there was a specific setback for a dumpster, but one (1) of the big concerns was that it appeared on Google Street View to be a chain link enclosure. He stated that material was specifically prohibited in 23-9, and this type of application would bring with it mandatory compliance. Mr. Pinney explained the enclosure needed to be an appropriate material, it needed to be located on a reinforced concrete slab, and it had to have a three (3) foot wide landscape buffer on three (3) sides. Mr. Loshak stated he understood.

Mr. Loshak noted this was a commercial building with each tenant being an individual owner. He asked if they were authorized to appeal to the other tenants for assistance with the expense of the upgrades.

Mr. Pinney acknowledged that it was an interesting situation. He stated the Code specifically identifies that all the improvements mandated by the Master Parking Plan were the responsibility of the owner of the building. He stated as far as the other improvements, such as the dumpster enclosure, it was open to negotiation between the applicant and other owners of the building.

Ms. Taschereau asked if there was a building association. Mr. Loshak responded that there is an association, and they offered their support, however not financially. He stated if the City did not object, they would try to work with the association.

Mr. Loshak asked if conditional approval of the application was possible to avoid the time and expense of having to come back before the DRC.

Mr. Pinney stated he was not sure how the rest of the Committee felt, but he had concern regarding the location of the pedestrian drop off and coordination of the plan. He asserted he would prefer the item come back to DRC.

Mr. Loshak reiterated that conditional approval would mean approval was not given if the terms were not met. He noted it would result in cost savings to the church that they would like to realize in light of the expense ahead.

Mr. Pinney explained the fees for submittal and stated with the unknown of the pedestrian drop off and how it might affect proper flow on the site, he would prefer it come back before the DRC.

Mr. Loshak asked if Mr. Gai could address the point of the pedestrian drop off and perhaps provide assurances in that regard. Mr. Gai stated he had reviewed the plans for a place to put a pedestrian drop off, and he thought the handicap parking spot was probably the best location. He asked if Mr. Pinney had a recommendation in mind.

Mr. Pinney responded that his concern with using that spot was that whoever was going to load and unload was in the middle of the drive aisle. He stated this church and the other church on site might have a community shuttle or something, but he did not want someone to be stuck in their car as a result. Mr. Pinney added that the Master Parking Plan had indicated a parking surplus due to the usage, so perhaps spaces could be sacrificed for a dedicated drop off and some nice sidewalk connections.

Mr. Gai explained the other point of clarification he wanted to provide was as to the "do not enter" sign near the bike rack. He explained in that area, the drive goes from 24 feet to 12.5 feet, becoming one (1) way in that location. Mr. Pinney thanked him for the explanation.

Mr. Gai stated he would take a look at the plan and see what he could come up with as another option for a pedestrian drop off area.

Curt Keyser, DEES Director, clarified his comment regarding parking. He stated the Master Parking Plan was approved. He noted he did not have a problem moving the application on, but the applicant would have to comply with the new flood plain Ordinance, and that would come up during Engineering Permitting if not during Building Permitting.

Ms. Taschereau pointed out it was an existing building and asked if they still had to do so. Mr. Keyser responded it may not require any changes, but it would need to be reviewed and anything new enforced. He stated the parts which would be applicable to the existing building are in the new Code, not the old Code. He noted he believed there was very little they would have to do, but he wanted to make sure the applicant knew there was a new Code. Mr. Keyser stated DEES did not object to conditional approval.

Mr. Pinney and Ms. Taschereau conferred briefly.

The Committee recommended resubmittal of the application for a future DRC meeting.

Pastor Pierre thanked the DRC and stated they had tried to comply with everything the City had asked of them, but the congregation would be a benefit to Margate. He stated the people in the church were young people who used to be in jail who had been approached with the gospel. He discussed the prayer line and outreach efforts. He asked that the Committee reconsider.

Ms. Taschereau responded that she definitely understood, and the Committee was made up of compassionate people. She explained a number of people buy properties not understanding all of the requirements, and asserted she was hopeful the City could communicate with individuals looking to purchase properties to let them know the process. She stated safety was critical to staff, and the issue of the pedestrian loading zone was an important safety issue that could not be bypassed or put off. Continuing, Ms. Taschereau stated there had been a number of projects recently where conditional approval was given and it was an extreme challenge because the companies thought because they had been approved. She added there was nothing else staff could do but abide by the requirements, though she understood the challenge presented.

Mr. Loshak thanked Pastor Pierre for his comments and stated the applicant's team absolutely respects the DRC and its process. He stated the frustration was that the small congregation did not understand the process when they purchased the property and were limited on funds. He noted they had hoped for conditional approval because from a legal perspective, conditional approval was not approval until the conditions were met.

- D) *1D2021-311*
CONSIDERATION OF A SITE PLAN APPLICATION TO ALLOW A RESTAURANT WITH DRIVE THROUGH FACILITY
LOCATION: 5555 WEST ATLANTIC BOULEVARD
ZONING: TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C)
LEGAL DESCRIPTION: A PORTION OF "MARGATE REALTY NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42,

PAGE 42, AND A PORTION OF TRACT "A," "LAKEWOOD COMMERCIAL," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: CHRISTOPHER LALL, E.I. BOHLER ENGINEERING FL, LLC

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He stated when the agenda was published, there was a mix-up, and comments from another project were attached. He explained he had recognized the issue earlier in the morning and emailed the correct comments to the applicant's agents.

Mr. Pinney asked if there were any additional comments from the Committee. He noted the floor plan submitted lacked detail. He pointed out the parking on the east and west sides of the restaurant had no access to the restaurant. He stated the parking on the east had a hedge providing a physical barrier from those spaces to the restaurant, and both sides required crossing the drive-thru lane.

Mr. Pinney asserted he would like the applicant to try to enhance the situation and make it safer for everybody involved. He stated the City had a number of Comprehensive Policies which talk about pedestrian enhancements, and he was not seeing a lot of that on this proposal. Continuing, Mr. Pinney stated the CRA had recently adopted architectural design guidelines, and the person who had helped to create those guidelines had done a cursory review of the proposal. He stated that he would forward the mark-up from that review to the applicant's agents following the meeting. Mr. Pinney noted some of those comments were regarding relocating the drive-thru access to create a pedestrian area for outdoor seating and connecting the parcel to the east.

Matthew Scott, Esq., Dunay, Miskel, & Backman, LLP, introduced himself and provided an overview of the application. He stated the proposal was for a Chipotle with a "Chipotlane," the first of its kind in Broward County, and explained there would not be an ordering box in the drive-thru, as orders are made on the app.

Attorney Scott stated comment 31, related to pedestrian connection to the shopping center, was challenging because it was an existing shopping center with established parking aisles, making it difficult to add sidewalks to an existing parking field.

Christopher Lall, E.I. Bohler Engineering FL, LLC, added that three (3) access points to the shopping center, including two (2) on the north. He stated he found it challenging to add a fourth access point as being requested by the CRA. Mr. Pinney responded that he understood but was relaying information from the CRA.

Attorney Scott asked if the CRA reviewer meant a vehicle connection or a pedestrian connection. Mr. Pinney stated his understanding was a vehicle connection, as they had talked about a dedicated turning lane.

Mr. Lall stated that would create a huge stacking issue, with cars backing up all the way to the right-of-way.

Mr. Pinney encouraged the applicant to confer with the architect offline. Stacy Bomar, North American Development Group, asserted it was an unusual request and stated typically jurisdictions do not want added entrances or exits off main drive aisles.

Mr. Lall stated there was a 350-foot patio provided south of the building, which would meet the occupancy requirements.

Mr. Pinney explained the details of the patio area was another comment. He stated the Code was specific regarding maintaining a minimum clear pathway when occupied, so staff needed to see the layout and furniture.

Mr. Pinney read Development Services Comment 31 for discussion:

Staff finds the development proposal could use improvements to internal pedestrian connectivity to the restaurant and other amenities along the urban greenway in order to be consistent with Policy 7.2.6., below.

Policy 7.2.6 New development shall incorporate internal pedestrian and transit amenities to serve residents and employees within the area designated as an Activity Center (such as benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plaza (such as clocks, fountains, sculpture, drinking fountains, banners, flags, and food refreshment vendor areas.) [BCLUP 2.4.16]

Mr. Pinney explained the urban greenway was the sidewalk to be constructed along Atlantic Boulevard. He stated the comment was referencing enhancing connectivity from the store to that sidewalk. He noted there was an accessible route on the plan, then on the other side a narrow sidewalk connecting into it, but staff was discussing merging those, so it was a broader walkway. Mr. Pinney stated he did not know if they had the space to do so but thought it would function better than a single five (5) foot sidewalk.

Alexia Howald, Associate Planner, stated the Building Department had also commented regarding striping or a ramp to access the sidewalk. She pointed to the area on the plan.

Mr. Lall stated that was not a problem. He noted they could move the ramp and have one (1) connection to the larger sidewalk, addressing both comments.

Mr. Keyser asked for clarification on where the ramp would be located. Mr. Lall indicated the area on the plans.

Mr. Keyser asked if the parking spaces would also be ramped. Mr. Lall responded that they were just talking about the five (5) foot strip.

Mr. Keyser asserted that would be illegal. He referenced Chapter 4 of the Building Code. He stated that aisle was an access aisle and needed to be fully accessible from a van or car, from front to back. He noted that building a ramp would get in the way of accessibility.

Mr. Keyser asked for additional clarification on the sidewalk. Mr. Pinney stated the wider sidewalk would become the public sidewalk.

Mr. Keyser asked if there would be a public sidewalk on private property. Mr. Pinney responded that there would and gave examples of other sites where that was the case. He noted this was what the Code required.

Mr. Pinney explained the Code requires a landscape buffer and enlarged sidewalk, starting from the edge of the travel lane. He stated if it does not fit in the right-of-way, then the City gets a publicly dedicated easement for the portion of the sidewalk on private property.

Mr. Keyser stated the easement was not shown on the plan. Mr. Pinney noted that was a comment to be addressed.

Mr. Collins pointed out the sidewalk currently belongs to Florida Department of Transportation (FDOT), not the City, and asked how that would fit together. Mr. Keyser outlined the process, including permitting from FDOT.

Mr. Lall asked if making the sidewalk east of the handicap stall eight (8) feet wide would address the comment. Mr. Pinney stated staff was just looking for some type of enhancement to cater to pedestrians, to put out a welcome mat.

Mr. Keyser recommended building an FDOT curb ramp at the access aisle. He stated that would put the elevation change outside the access aisle and accomplish what was needed.

Mr. Lall asked for clarity on the comment regarding a café permit. Mr. Pinney responded the comment was more of an advisory note, letting the applicant know a permit would be needed for the outdoor seating area. He stated that would be nailed down during permitting but could be found in section 22.3 for review.

Mr. Lall stated there were no further questions from the applicant.

Mr. Pinney expressed concern regarding the location of the proposed Chipotle sign. He noted the close proximity to signs to the east and west and stated 100 feet was required.

Mr. Lall asked if there was any wiggle room in the requirement. Mr. Pinney stated it was a set requirement under 39.6 for monument signs.

Mr. Lall clarified the distance would be needed from both adjacent signs. Mr. Pinney confirmed. He explained an application for a sign waiver could be submitted to the Board of Adjustment. Attorney Scott stated there were no further questions, and the applicant would begin working on addressing the DRC and CRA comments as soon as possible.

The Committee recommended resubmittal of the application for a future DRC meeting, addressing the comments.

- E) *1D2021-312*
CONSIDERATION OF A SPECIAL EXCEPTION USE TO ALLOW A RESTAURANT WITH A DRIVE THROUGH LANE
LOCATION: 5555 WEST ATLANTIC BOULEVARD
ZONING: TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C)
LEGAL DESCRIPTION: A PORTION OF "MARGATE REALTY NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42, AND A PORTION OF TRACT "A," "LAKEWOOD COMMERCIAL," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: CHRISTOPHER LALL, E.I. BOHLER ENGINEERING FL, LLC

Andrew Pinney, Senior Planner, introduced the item and called for any additional comments or corrections. He noted the item was Quasi-Judicial, so the City Commission would make a decision based on competent and substantial evidence. He stated when addressing the criteria, they should stick to the facts and focus on the innovative approach to the drive thru.

The Committee recommended resubmittal of the application for a future DRC meeting, addressing the comments.

- F) *1D2021-316*
CONSIDERATION OF A SUBDIVISION RESURVEY TO FURTHER SUBDIVIDE THE EXISTING PARCEL TO CONSTRUCT A RESTAURANT WITH DRIVE THROUGH FACILITY
LOCATION: 5555 WEST ATLANTIC BOULEVARD
ZONING: TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C)
LEGAL DESCRIPTION: A PORTION OF "MARGATE REALTY NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42, AND A PORTION OF TRACT "A," "LAKEWOOD COMMERCIAL," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: CHRISTOPHER LALL, E.I. BOHLER ENGINEERING FL, LLC

Andrew Pinney, Senior Planner, introduced the item and called for any additional comments or corrections. He stated it looked as though the drainage tied into the existing shopping center and asked if the applicant's plan was to maintain one (1) surface water license.

Mr. Lall responded that because the subdivision would be carving out a new property line and new property limits, the applicant would be responsible to maintain any drainage within the property lines delineated in the subdivision survey. He pointed out the improvements would decrease the impervious area within the property lines, therefore providing a positive drainage design compared to the existing.

Mr. Pinney stated the site plan showed some of the storm drains tying into an inlet to the east. He asserted if both parties are reliant on the same pipe, he believed it was pertinent to draft a maintenance agreement, so responsibilities were clear. He stated he would send an example.

The Committee recommended resubmittal of the application for a future DRC meeting, addressing the comments.

GENERAL DISCUSSION

Mr. Pinney called for any general discussion.

There being no further business to discuss, the meeting was adjourned at 11:58 a.m.

Respectfully submitted,

Elizabeth Taschereau, Director of Development Services