



CITY OF MARGATE

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #1

September 14, 2021

Meeting Location:

Building Department

901 NW 66th Avenue, Margate, FL, 33063

PROJECT NAME:	Hebrew Academy Expansion		
PROJECT NUMBER:	2021-350		
PROJECT LOCATION:	1500 North State Road 7		
APPLICANT/AGENT:	Matthew H. Scott, Esq. Dunay, Miskel & Backman, LLP Agent for Chabad Hebrew Academy, Inc.		
REVIEW/APPLICATION	Special Exception		
DISCIPLINE	REVIEWER	EMAIL	TELEPHONE
DRC Chairman	Elizabeth Taschereau – Director	etaschereau@margatefl.com	(954) 884-3686
Planning	Andrew Pinney – Senior Planner	apinney@margatefl.com	(954) 884-3684
Planning	Alexia Howald – Associate Planner	ahowald@margatefl.com	(954) 884-3685
Building	Richard Nixon – Building Official	rnixon@margatefl.com	(954) 970-3004
Engineering	Curt Keyser – Director	ckeyser@margatefl.com	(954) 884-3631
Engineering	Randy L. Daniel – Assistant Director	rdaniel@margatefl.com	(954) 884-3633
Fire	David Scholl – Fire Department	dscholl@margatefl.com	(954) 971-7010
Public Works	Mark Collins – Director	mcollins@margatefl.com	(954) 972-8126
Public Works	Gio Batista – Assistant Director	gbatista@margatefl.com	(954) 972-8123
CRA	Cale Curtis – Executive Director	ccurtis@margatefl.com	(954) 935-5300
Police	Cpt. Joseph Galaska – Police Department	jgalaska@margatefl.com	(954) 935-5429

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

Applicant is required to address EACH comment and to revise plans accordingly (*acknowledgements are not corrections*).

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. Pending.

CRA

2. 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 a special exemption to operate a private school (preschool and kindergarten through eight grade) in an area with a CF-1 zoning designation.

The narrative in support of the Special Exemption request states that the “petitioner is not proposing to increase students with this project”. This statement is in conflict with the Site Plan, which indicates that the student population will be increased by 50.

It is unclear whether new students will be added.

A. TRAFFICWAYS

1. The traffic study indicates that the applicant had always “intended to have a total of 400 students”. Please provide documented evidence to illustrate that the applicant had approval for a school population of 400 students.
2. The traffic study uses a maximum proposed student population of 450, but the parking statement uses 400 students; clarify which number is correct.
3. The existing building (31,000 sf) will be increased by 21,000 sf or 67.74%; it stands to reason that notwithstanding (2) and (3), the new school may be able to accommodate 67.74 % more students, or $(0.6774 \times 350 = 237)$ 237 more students.

4. The code requires that the development be assessed for its maximum impact and based on 237 additional students (if 206 additional trips resulted from 50 additional students, 237 students would yield, $((237/50) \times 206 \text{ trips} = 977 \text{ trips})$ 977 new trips will be added and therefore the traffic study ought to be redone for a one mile radius, consistent with Section 31-35 of the Code.
5. Provide a plan that illustrates traffic circulation and student drop-off and pick-up locations.
6. Indicate the source of the Peak Season Factor Category Report on the document that is presented.
7. Provide modification factor(s) to take into account the impact of COVID-19, to determine more realistic traffic counts.
8. Provide data to support the statements that “the HCM analysis software does not model six-lane roadways well”, and “HCM software doesn’t evaluate the queue of vehicles turning right from a freeflow through movement onto a more minor street or driveway.”
9. The conclusion of the traffic study appears to be premature and shall be redone based on responses to request for information outlined in items (1) through (8).

B. PARKING

1. The Parking Statement uses a maximum student population of 400; the traffic analysis uses 450 students; clarify which number is correct.
2. A proposed student population of 584 (i.e. 1.6674 times 350 students) will require a minimum of 76 spaces, according to the average rate of 0.13 per student that was presented in the Master Parking Statement.
3. The parking spaces east of property (on the aerial) have been removed on the site plan. In any event, these spaces appear disconnected from the main parking lot and will not count toward the overall required spaces.

C. POTABLE WATER

Potable water service is available to serve the needs of the proposed addition. The water treatment plant has sufficient available capacity to satisfy the potable water needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved.

The determination that potable water service is available shall not be construed as reservation of capacity for the development submitted unless a developer’s agreement is executed with the city specifically reserving water capacity.

D. WASTEWATER

Wastewater treatment and disposal service is available to serve the needs of the proposed development. The wastewater treatment plant has sufficient capacity to provide for the wastewater treatment and disposal needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater treatment and disposal capacity has been reserved.

This determination shall not be construed as a reservation of capacity for the development unless a developer's agreement has been executed with the City specifically reserving wastewater treatment and disposal capacity.

E. DRAINAGE

Submit calculations to illustrate changes in the volume of storm water run off from the property. Show how stormwater runoff from the site will be managed.

F. SOLID WASTE

The City has hired a private vendor for collecting solid waste. There are four categories for collection of solid waste and the subject project is more closely aligned with the requirements of commercial developments. The developer shall make arrangements with the approved vendor(s) for the waste streams that are associated with their operations.

G. RECREATION

Not Applicable.

DEVELOPMENT SERVICES

After review of the above referenced DRC application, the Development Services Department has provided the following comments and advisory notes. Comments require a written response from the applicant and correction(s) to the application. Advisory notes are for informational purposes only.

Advisory Note 1: This application is for a Special Exception review and is therefore 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.

(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.

Background:

The subject property, located at 1500 North State Road 7, is within the Community Facility (CF-1) zoning district and has a land use designation of Activity Center (AC). The subject property is located within the Margate Community Redevelopment Agency (CRA) boundary and is subject to the Margate CRA Building Design Regulations. The subject property has been developed with a split-level building consisting of 15,274 square feet on the first floor, and 6,843 square feet on the second floor. The second floor is consolidated on the east side of the building. In addition, the site includes a freestanding 5,007 square foot 1-story gymnasium, a soccer field, two playgrounds and two shade structures.

On June 5, 1998, the Development Review Committee (DRC) approved a site plan amendment for the addition of 4,800 square feet of gymnasium space. As part of the approval, the applicant required a variance from the Board of Adjustment for the side setback.

On July 2, 1998, the Board of Adjustment granted approval for the variance to reduce the required 25-foot side setback to zero feet for the gymnasium.

On September 2, 1998, the subject property was rezoned from Community Business (B-2) to Community Facility (CF-1). At the time of the rezoning, the use of churches, synagogues, and religious school incidental to same on the same plot were permitted uses within the CF-1 zoning district.

On February 15, 2017, the City Commission approved an ordinance amending the CF-1 zoning district to allow private and public schools as a special exception or as an accessory use to a house of worship. In addition, the ordinance added 4 criteria for the private and public school uses had to satisfy in order to be eligible for consideration of a special exception use. Those certain criteria are as follows:

1. **Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.** Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.
2. School must be located in freestanding single use structure(s), **located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools.** As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution,

Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).

3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and **will not interfere with onsite parking or roadways adjacent to the school**. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

The petitioner provided a special exception justification statement that identified the use of the subject property as, “The Property is currently developed and operated as a private school (preschool and kindergarten through eighth grade) and a place of worship.”

The current operation of a private school as the principal use is a special exception use. Section 31-54(i)(1) of the Code of the City of Margate provides that any expansion to an existing special exception use requires same application, review and approval as a new special exception use, as described in Section 31-54. The applicant is requesting permission to add approximately 21,000 square feet to the school, so under the guidance of Section 31-54, it must be reviewed as a new and complete application.

In addition, per Section 31-2 of the Code of the City of Margate, an underground wiring waiver was also submitted with the site plan application.

I. CONFORMITY WITH CODE

Advisory Note 2: Section 31-54 of the Code of the City of Margate provides that the purpose of this section is to establish standards and procedures to ensure the proposed use is compatible with other land uses permitted in a zoning district, design, configuration and/or operation, within an appropriate location. Certain findings must be made in order for the Development Review Committee (DRC) to recommend approval to the City Commission for final approval.

Comment 1: Include a pdf version of the property survey with each submittal.

Comment 2: The subject property is located at the northeast corner of the intersection of State Road 7 and Northwest 15th Street. As this is a corner plot, the front plot line would be considered the plot line along State Road 7 as it is the shorter of the two street frontages. This interpretation is consistent with the definition of “plot line, front” that is provided in Section 2.2 of the Margate Zoning Code. State Road 7 is classified as an arterial roadway by the Broward County MPO Highway Functional Classification Map, therefore the subject property does not conform to the first criteria for private schools provided in Section 11.3(B)(1)(a) of the Margate Zoning Code.

Comment 3: The existing building is a freestanding single use building. According to Broward County Public Schools criteria, “A middle school site should be at least twenty (20) acres in size. The recommended

site is rectangular in shape with 1200 feet of frontage and 730 feet of depth.” The subject property is approximately 2 acres therefore the subject property does not conform to the second criteria for private schools provided in Section 11.3(B)(1)(a) of the Margate Zoning Code.

Comment 4: The third criterion for private schools provided in Section 11.3(B)(1)(a) of the Margate Zoning Code provides that a school must provide a student drop-off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The traffic impact study included a flawed analysis of the school student drop off activities. The following list describes deficiencies of the traffic impact study in addressing this criterion.

- a) The traffic impact study incorrectly identified Northwest 15th Street as a Collector.
- b) The traffic impact study incorrectly indicates that on-street parking is permitted on Northwest 15th Street.
- c) The traffic impact study does not describe how the current or future drop off operations will not/does not interfere with onsite parking.
- d) The traffic impact statement failed to analyze the afternoon student pick-up operations and failed to offer improvements necessary to correct current and future operations. The traffic impact study noted, “Field observations revealed that, in the afternoon peak hour for the Lubavitch Hebrew Academy, the queue of vehicles stretching to the east was, at one point, 20 vehicles in length.” On the afternoon of September 2, 2021, Development Services staff observed over 30 vehicles queued along Northwest 15th Street before student pick-up operations began. The vehicle line reached the building located at 4900 NW 15th Street, approximately 1,200 feet to the east of the entry gate at Lubavitch Hebrew Academy. Every vehicle that approached from the west made a u-turn or three-point turn in order to change direction and enter the Hebrew Academy student pick-up queue, yet, the traffic impact statement incredibly observed zero u-turn maneuvers by vehicles on NW 15th Street approaching from the west on January 20, 2021. Photos have been included as an exhibit to these staff comments.
- e) The traffic impact statement failed to analyze the morning drop-off operations and failed to offer improvements necessary to correct current and future operations. The traffic study noted, “The Lubavitch Hebrew Academy has an effective student drop-off and pick-up operation in place and has used this operation for many years. It is noted that, regardless of the building expansion, no change is being made to the building footprint. Therefore, the drop-off and pick-up operation that currently occurs in the Academy’s parking lot drive aisle will continue to be used in the future.” On the morning of August 30, 2021, Development Services staff observed morning drop-off operations, which appeared haphazard and chaotic. Parents approached the school from both State Road 7 to the west and Banks Road to the east. Those parents who approached from State Road 7 generally had to drive past the school and turn around on NW 15th Street in order to get into the drop-off queue. Several parents were found parking in the Trizek Village shopping center to the south, and then walking their children into the school. There is no dedicated mid-block crossing where the parents were crossing. School staff were observed stepping into NW 15th Street to direct traffic, but were not observed with any safety equipment or attire. A shared parking agreement between Hebrew Academy and the Trizek Village shopping center was not provided with this application. Photos have been included as an exhibit to these staff comments.

Advisory Note 3: Per Section 11.3(B) (1)(a) of the Margate Zoning Code, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year in order to allow sufficient time to secure the required development order, building permit, and local business tax receipt approval. This time requirement cannot be waived or reduced.

Comment 5: Applicant referenced an older version of the Margate Comprehensive Plan for special exception criterion #1, provided in Section 31-54 of the Code of the City of Margate. Contact Development Services for the new comprehensive plan, or download the current version from www.margatefl.com.

Advisory Note 4: A narrative was submitted for the special exception criteria of Section 31-54 of the Code of the City of Margate. As a special exception application, this application culminates in a quasi-judicial hearing before the City Commission. The record must contain substantial competent evidence to sustain a decision. Competent substantial evidence is such evidence based on fact as opposed to opinion or speculation.

Comment 6: Applicant makes a general statement for criterion #3 (Sec. 31-54) that the use is existing and did not see the expansion as a detriment to the safety of the public. Applicant did not provide detail as to how the school operates in relationship to drop-off and pick-up and how this will be in favor of the health, safety and welfare of the students, parents, faculty and general public.

Comment 7: Applicant's statement for criterion #4 (Sec. 31-54) regarding the compatibility of the use at the subject property touches of certain issues without making a close examination of the facts. The subject property is located on the northeast corner of State Road 7 and Northwest 15th Street. In this area of the City, properties on the east side of State Road 7 generally serve as liner buildings or a buffer for the industrial uses found just east of State Road 7. Northwest 15th Street is a local two-lane road which provides access to industrial uses. The road features a paved shoulder which, despite being marked with 'No Parking' signage, becomes commandeered by the student pick-up/drop-off operations. Adjacent property owners have also posted signs asking parents not to block their driveway connections to Northwest 15th Street. Parents of Hebrew Academy students were observed parking in the shopping center to the south, yet a shared parking agreement was not provided with this application. The on-street vehicle queue related to student drop-off and pick-up operations presents challenges for local traffic, which negatively impacts all other property owners along Northwest 15th Street.

Comment 8: Applicant's response for criterion #5 (Sec. 31-54) regarding Level of Service (LOS) indicates that the number of students is not proposed to increased, even though the application is requesting to increase the existing school facility square footage by 67%. Please include a maximum occupant load calculation for the school facility (before and after proposed expansion) prepared by a qualified design professional in order to support these claims. Further, provide analyses as appropriate to identify the current LOS described in this criterion, and the projected LOS if this project is approved.

Comment 9: Applicant's response for criterion #6 (Sec. 31-54) regarding Applicant taking adequate measures to provide ingress and egress for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right, appears to blatantly disregard the negative impacts created by the current student drop-off and pick-up operations of the school. Please see comment #4 (above) and comment #19 of the site plan review for more information on vehicular access to the subject property. Photos have been included as an exhibit to staff comments.

The property is completely fenced/gated yet does not appear to provide ADA accessible route from the public sidewalk, thus pedestrian access to the subject property is compromised.

Comment 10: Applicant's response for criterion #7 (Sec. 31-54) regarding the provision of adequate parking areas and off-street loading references the Master Parking Plan. If approved, the square footage of subject property appear to require two off-street loading spaces, as described in Section 33.9 of the Margate Zoning Code. No loading spaces appear on the site plan provided with this application.

Comment 11: Applicant's response for criterion #8 (Sec. 31-54) regarding whether approval of the special exception use impeding the development of surrounding properties fails to address the negative impacts of the student pick-up/drop-off operations. The vehicle queue restricts visibility and access to properties along Northwest 15th Street, which can impede the development potential of these properties.

Comment 12: Applicant's response for criterion #9 (Sec. 31-54) regarding the minimization of adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria fails to address the required buffers and setbacks. Subject property presently does not conform to CF-1 setbacks, however a variance was granted for the freestanding gym in 1998. The response does not address the existing landscaping buffers which do not satisfy minimum code requirements, nor does the application propose to improve or enhance those buffers.

Comment 13: Applicant states the number of students will remain the same after the expansion. However, the applicant has been inconsistent on the proposed number of students based on the various documents submitted. Therefore, staff cannot determine if the proposal will meet the level of service.

II. CONSISTENCY WITH COMPREHENSIVE PLAN

Advisory Note 5: The subject property has a land use designation of Activity Center. Policy 1.1.2 of Element I, Future Land Use of the Margate Comprehensive Plan describes permitted uses within each land use category, and community facilities such as the subject property are permitted.

Comment 14: The school is located on the northeast corner of State Road 7 and Northwest 15th Street. Policy 5.3.1 of Element I, Future Land Use of the Margate Comprehensive Plan guides schools to be located away from major traffic corridors and mass transit routes. The current use of the school is not consistent with this policy.