



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 #: 23-400012

Application Type: Land Use Plan Amendment

I. RECOMMENDATION:

CONDITIONAL APPROVAL

II. SUMMARY:

Fimiani Development Corporation ("Applicant") has submitted a Land Use Plan Amendment ("LUPA") to both change the Future Land Use Map ("FLUM") designation and amend Policy 1.2.6 of the Margate Comprehensive Plan Future Land Use Element in order to redevelop a 21.3-acre golf course into a 132-unit townhouse development identified as Nove of Margate. The Margate Development Review Committee ("DRC") recommended conditional approval on September 26, 2023. The DRC comments are attached as Exhibit A, and the meeting minutes are attached to this staff report as Exhibit B.

III. ANALYSIS:

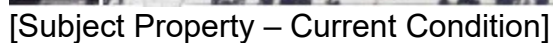
The subject property of this application consists of Parcel 3 and a portion of Parcel 4 of ORIOLE GOLF AND TENNIS CLUB SECTION TWO, according to the plat thereof, as recorded in Plat Book 78, Page 21 of the public records of Broward County, Florida, in 1973. Broward County Property Appraiser ("BCPA") 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 76th Avenue, and approximately 80 feet east of NW 79th Avenue. The property consists of two parcels, identified with BCPA folio numbers 484135050030 and 484135080010, and total 21.3 acres in area.

Applicant has filed concurrent applications for Land Use Plan Amendment, Rezoning, and Site Plan. This staff report provides analysis and a recommendation for the LUPA. A generalized description of the LUPA process required to process Applicant's request has been attached to this report as Exhibit C.

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

<u>ABUTTING</u>	<u>LAND USE</u>	<u>DEVELOPMENT TYPE</u>	<u>NAME</u>
North and East	R(7) Residential	Villas	Garden Patio Villas
West and North	R(4) Residential	Single Family, detached	Oriole Margate VI
West, South, and East	R(17) Residential	Multifamily, low-rise	Oriole Gardens Phase 2



Applicant submitted a two-part LUPA application. The first part is to change the FLUM designation of the subject property **from** Commercial Recreation and R(7) Residential **to** R(7) Residential and Park. The second part of the request is to amend Policy 1.2.6 of Margate Comprehensive Plan Future Land Use Element. The intent of this LUPA application is to redevelop the property into a 132-unit townhouse development, however, this policy currently prohibits such a redevelopment.

The subject property is depicted on the FLUM of the Margate Comprehensive Plan within a dashed-line area, also referred to as an irregular density. The majority of the subject property currently has a land use designation of Commercial Recreation. A small portion of the subject property, namely the northeastern corner where the former executive golf course had its parking lot, has a land use designation of R(7) Residential. This depiction on the FLUM occurred with the adoption of the Margate Comprehensive Plan in 1989.

A portion of the data and analysis provided in Element IV Recreation and Open Space of the Margate Comprehensive Plan offers a bit of historical context as to why three of the four dashed-line areas were designated on the Margate FLUM. The relevant passage is as follows:

Golf Courses

The city contains 4 golf courses that are owned and operated by the private sector. Play on each of these is open to the general public or by membership. There are two 18 - hole courses featuring championship play. These courses also feature associated clubhouse facilities, driving range, and putting greens.

There are also two 9 - hole courses offering par 3 play, the so-called executive golf course. The golf courses located within the City of Margate are listed and described in Table IV-2 and shown graphically in Figure IV-2. There are no miniature golf courses in the city, but the mention of same in the Recreation and Open Space Element would be inappropriate since this use is accounted for in commercially zoned districts.

Each of these golf courses were set aside by the developer of the larger overall neighborhood in which it is located. From a planning perspective, each serves as an open space feature, which allowed a higher density development to be located around it. In lieu of a monolithic lower density, the dwelling units that would have been located on the golf course parcel are transferred to the surrounding residential properties. The proximity of the course and the resultant vistas are quite popular with unit purchasers and the higher density in the surrounding tracts generally lowers land development costs.

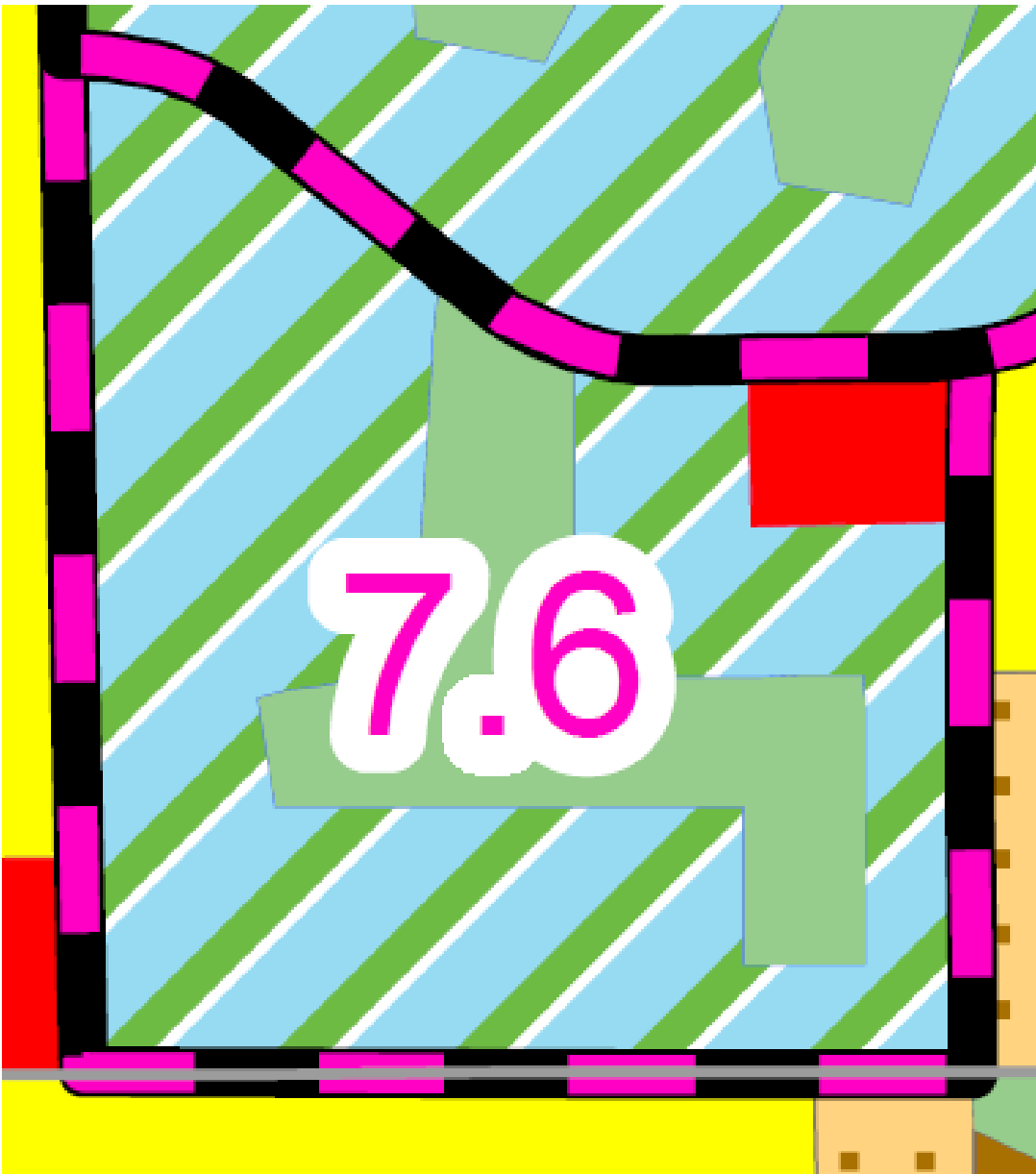
This passage provides staff and policymakers with an understanding of the history of these dashed-line area neighborhoods which feature a golf course, but it does not preclude the City Commission or County Commission from authorizing an amendment to their respective Comprehensive Plans.

The Margate Future Land Use Element provides the following definitions of 'dashed-line area' and 'irregular density':

DASHED-LINE AREA - means an area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall density of dwelling units for all land and land uses within the area, and/or a particular total number of dwelling units permitted within the area. The density within a Dashed-Line Area may be an irregular density.

IRREGULAR DENSITY - means a Residential Future Land Use Map designation or

Dashed Line Area, as defined herein, that has a maximum permitted density that does not coincide with that of a standard Residential Future Land Use category. For example, residential development on a parcel designated Irregular 18 is limited to 18 dwelling units per gross acre, which is greater than the density permitted by the next lowest density category (Medium 16 Residential) and lower than the next highest density category (Medium-High 25 Residential).



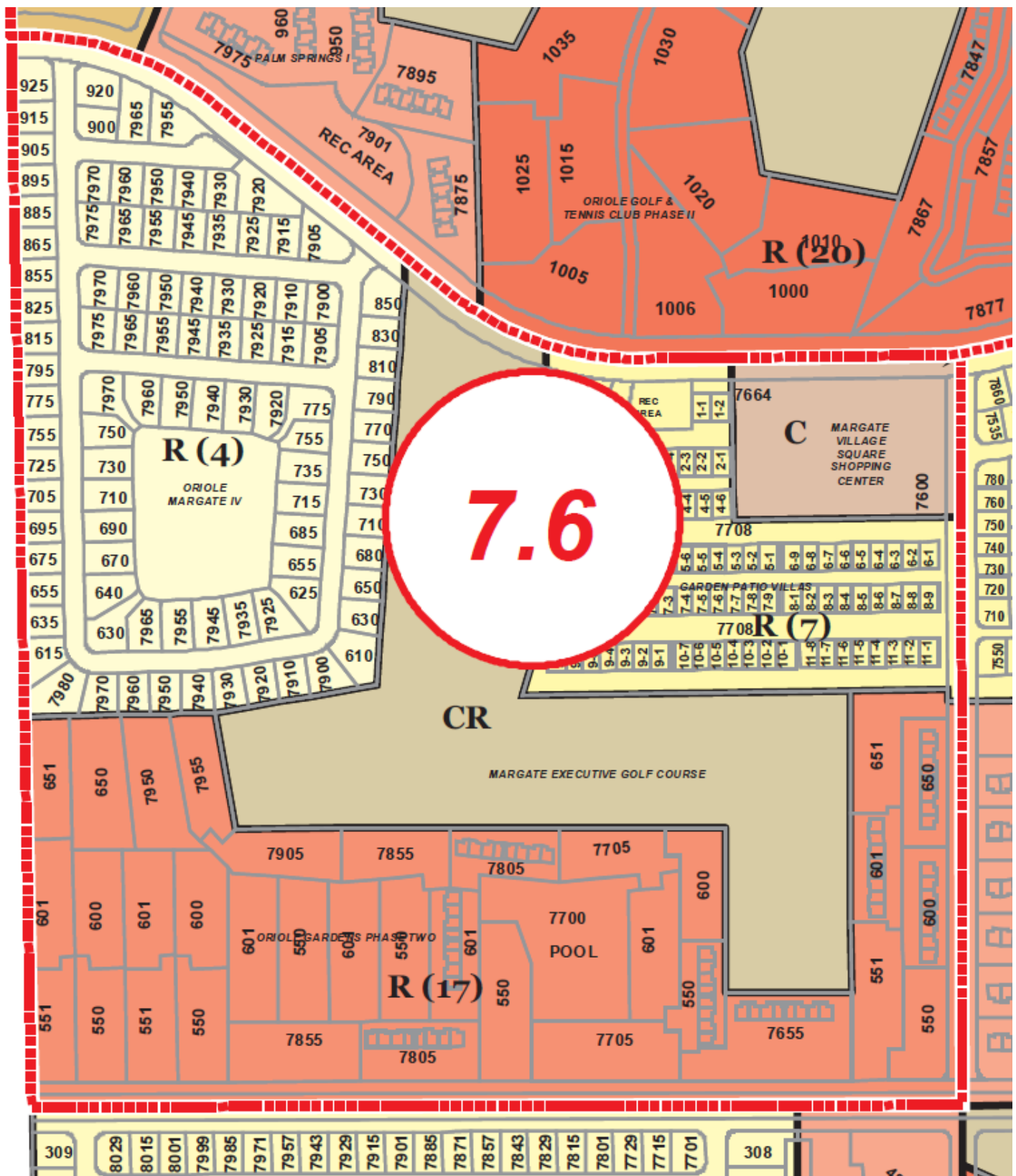
[Dashed Line Area depicted on Broward FLUM – Includes Subject Property]

LEGEND

	Palm Beach County Rural Residential-10		Activity Center
	Rural Ranches		Commerce
	Rural Estates		Agricultural
	Estate (1) Residential		Conservation - Natural Reservations
	Low (2) Residential		Conservation - Reserve Water Supply Areas
	Low (3) Residential		Recreation and Open Space
	Low (5) Residential		Commercial Recreation
	Low-Medium (10) Residential		Community
	Medium (16) Residential		Electrical Generation Facilities
	Medium-High (25) Residential		Tribal Lands
	High (50) Residential		Mining
	Irregular Residential		Transportation
	Dashed-Line Area		Water

[Broward FLUM Legend]

The above depictions obtained from the Broward FLUM show that the subject property is located within an Irregular Residential area, and has a land use designation of Recreation and Open Space. This means that in addition to the LUPA being processed by the City of Margate, an amendment to Broward's comprehensive plan will be required in order to permit the proposed development. Assuming this application is approved at first reading with the Margate City Commission, Applicant will then file a concurrent LUPA application with Broward County to change the map designation and increase the average density within the dashed line area from 7.6 to 8.4 dwelling units per acre in the County Comprehensive Plan. Refer to Exhibit C for additional information about the process.



[Current Dashed Line Area on Margate FLUM – Includes Subject Property]

The overall size of this dashed-line area is 104.3 acres. The average residential density permitted within the dashed-line area is 7.6 dwelling units per acre, allowing a total of 792 dwelling units.

Margate Geographic Information Systems (“GIS”) staff have confirmed that there are a total of 742 dwelling units built within this dashed line area. Since the dashed line permits a total of 792 dwelling units, but 742 have been built, the FLUM provides for 50 additional dwelling units that may be built within this dashed-line area.

Policy 1.2.6 of the Margate Comprehensive Plan Future Land Use Element is as follows:

For areas that are circumscribed with a dashed line to indicate an irregular density, the City may approve a rearrangement of uses or densities that does not increase the total number of dwelling units or decrease the amount of recreational land or increase the amount of commercial land.

The policy prohibits a reduction of recreational land. The golf course is considered recreational land, which is consistent with its current land use designation of Commercial Recreation. Additionally, the applicant has requested an additional 82 dwelling units to be added to this dashed-line area, which would increase the average density from 7.6 units per acre to 8.4 units per acre. The applicant has requested an amendment to the policy as follows:

For areas that are circumscribed with a dashed line to indicate an irregular density, the City may approve a rearrangement of uses or densities that does not ~~increase the total number of dwelling units or decrease the amount of recreational land or~~ increase the amount of commercial land.

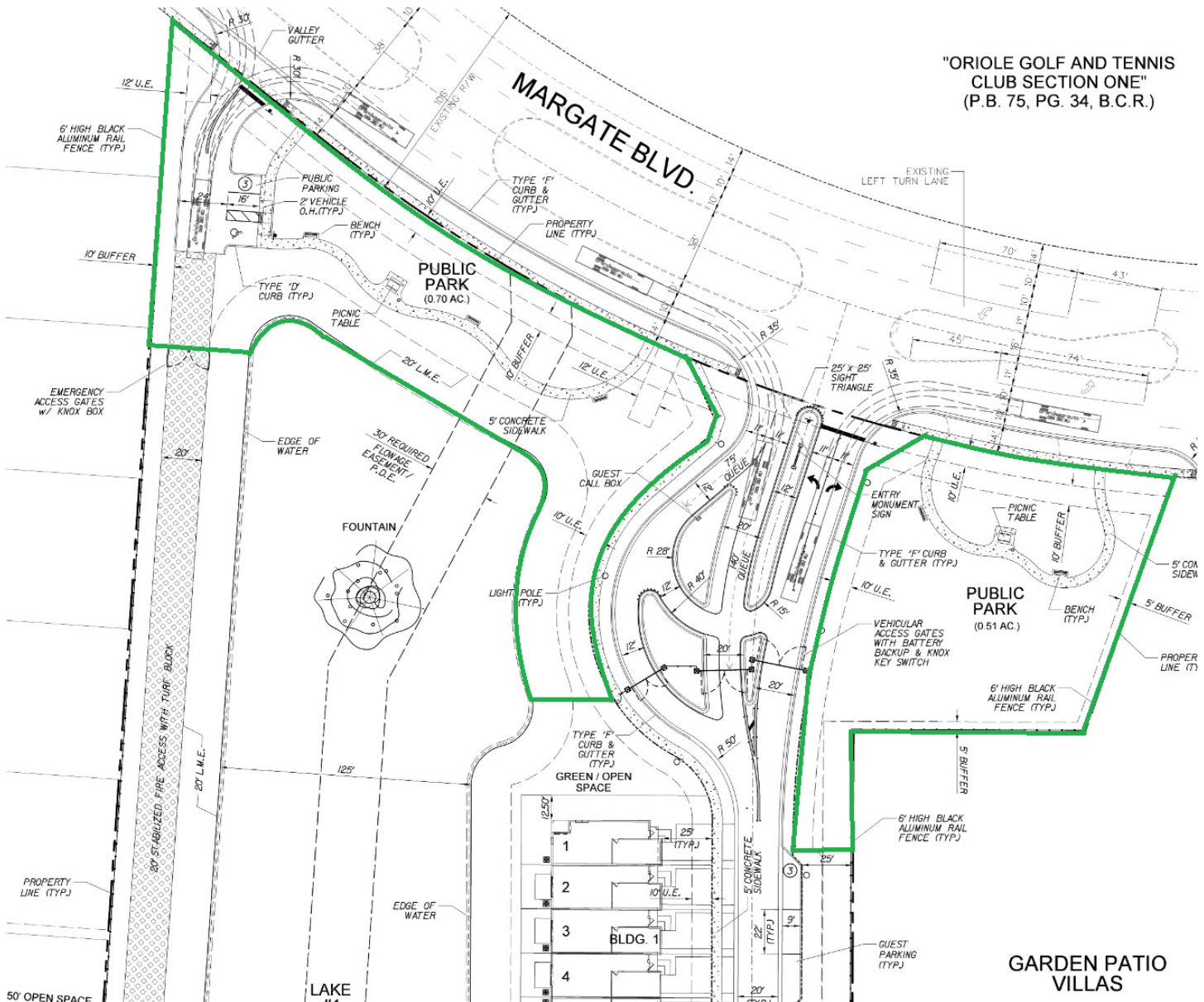
[NOTE: stricken words are deletions.]

While the above edit will enable the City Commission to approve the proposed development, staff recommends additional language to the policy in order to identify each dashed-line area on the FLUM individually as well as the maximum build-out potential of each area. This additional language added to the policy is supported by 163.3177, F.S. which mandates that a future land use element must designate not only the distribution of uses throughout a local government, but the extent of those uses.

The City of Margate has adopted a minimum Level of Service (“LOS”) standard, to provide one acre of park space for every 1,000 residents. This is stated in Policy 1.6 of the Recreation and Open Space Element, and restated in Policy 1.3.1 of the Future Land Use Element of the Margate Comprehensive Plan. As part of the 2020 update to the Margate Comprehensive Plan, the park space inventory was updated to be consistent with rules adopted by Broward County. The Margate Parks Inventory shows a shortage of park space when compared to the future population projects starting at the year 2040. In order to overcome this shortage, Applicant has offered to dedicate a portion of the subject property for use as a public park. The FLUM currently provides for 50 dwelling units, and this LUPA is requesting 82 additional dwelling units, so the Applicant is required to dedicate sufficient park space to offset the need generated by the 82 new dwelling units to be permitted by this LUPA. Broward County prescribes the method to calculate the demand for park space based on the size and density of a proposed development. Section 5-182.7 of the Broward County Code provides the formula for calculating necessary park space as follows:

3 acres/1,000 pop.		Number of Units		Persons/Unit		Acres
.003	x	82 [R(7)]	x	2.5	=	0.615

Applicant has offered to dedicate 1.21 acres of land, to be used as a public park along Margate Boulevard. The park space depicted on concurrent applications filed by Applicant depicts a meandering pedestrian path, lake access, picnic tables, benches, and three parking spaces.



When Staff asked Applicant to clarify the means and intent of creating the public park dedication, Applicant responded through Margate's application review system on August 11, 2023 with, "Applicant will record a restrictive covenant or similar acceptable legal document which requires the park area to be maintained as a park and open to the public during daylight hours in perpetuity. The legal covenant

will also require Applicant and its successors or assigns to maintain the park area in perpetuity. The intended users of the park area will be local, surrounding residents and new residents of the proposed community. The intent is to create a dedicated, publicly accessible green space area and walking trail area for people, including children, to be able to play, have picnics, and fish in the lake/canal area.”

Within Part 2: Plan Implementation of the Future Land Use Element of the Margate Comprehensive Plan, Paragraph h) requires the following considerations described in Section 3.4 i – v for plan amendments that seek to redevelop a golf course. Below is an analysis of Section 3.4 applied to this LUPA.

3.4 Amendments to the Land Use Plan containing golf courses, including closed golf courses, shall analyze and address the following impacts of golf course development:

- i. The impact of the loss of open space on the surrounding residential areas. The loss of open space must be mitigated through provision of parks and open space to serve the surrounding neighborhood.

Applicant is dedicating 1.21 net acres of land to be used as a public park (0.615 acres minimum required). The difference between the minimum and what is being offered is intended to mitigate the loss of open space to the surrounding neighborhood. The Margate Comprehensive Plan, as well as the land development regulations provided in the Margate Zoning Code do not offer a formula or minimum requirement for the amount of land needed to adequately address 3.4i. Additional consideration for this dedication of land is to consider the value of golf course. Current Broward County rules limit the value of private golf courses for meeting parks LOS, such that “golf course acreage may satisfy no more than 15% of the total Community Park requirement.” The Margate Parks Inventory provides a projected population of 68,660 residents in the year 2045, which would require 206 acres of parks space. There are presently 346.14 total acres of golf course in the City of Margate, and a total credit of 30.9 acres towards the Park LOS is the maximum allowed.

- ii. Management of storm water retention taking into account the extent to which the golf course provided storm water retention for the surrounding development and how this will be mitigated, along with any additional storm water impacts created by the new development.

The Margate Department of Environmental and Engineering Services (“DEES”) staff recommended a conditional approval and the comments and meeting minutes are attached to this staff report as Exhibits A and B. At that time, the project was identified as Springdale Townhomes. Applicant resubmitted the project in October of 2023 under the name of Nove of Margate. When reviewing the exhibits to this report as well as the application materials submitted by Applicant, it is important to understand that any reference to Springdale Townhomes is a reference to Nove of Margate.

- iii. Minimization of the impact on natural resources including wetlands, lakes, aquifer recharge areas and the tree canopy, including any historic trees on site.

Applicant has included two reports with the LUPA prepared by WGI. Exhibit I shows that there are no wetlands on the subject property. Exhibit O shows that there are burrowing owls on the property, and

explains the process to relocate the owls prior to the commencement of construction with a Florida Fish and Wildlife Conservation Commission (“FWC”) permit. The tree survey provided with this LUPA shows that there are no historic trees on the property.

iv. Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 environmental assessment. A Phase 2 environmental assessment may be required based upon the findings of the Phase 1 assessment.

Applicant has included a Phase 2 Environmental Assessment Report prepared by Partner Engineering and Science, Inc. as Exhibit J of the LUPA application. Partner collected eight soil samples and two ground water samples at 10 feet below surface grade on January 22, 2018, and found contamination. Based on the results of these samples, Partner recommends a further assessment of the soil and groundwater to evaluate the potential remedial alternatives. It is important to note that remediation of this site will be managed by the Florida Department of Environmental Protection and the Broward County Environmental Protection Department.

v. Integration of the proposed development with the surrounding areas including how the development will tie into the existing neighborhoods through roads, sidewalks, parks/open space and greenways. [BCLUP 2.5.5]

Applicant has designed access to the subject property from Margate Boulevard. Applicant is dedicating 1.21 acres of public park space along Margate Boulevard, which offers both pedestrian and vehicle access. Applicant has filed a concurrent rezoning in accordance with 163.3184(12), F.S. The zoning category requested is Planned Unit Develop (“PUD”), which requires a minimum 25ft peripheral buffer and a minimum 35% open space of the development. Applicant has designed the site to concentrate the open space, recreation features, and water bodies used for drainage along the periphery of the site.

Staff has considered additional Comprehensive Plan policies from the Future Land Use Element in the review of this application. Additional analyses to follow:

Policy 1.2.2 The compatibility of existing and future land uses and the established character or predominantly developed areas shall be a primary consideration in the review and approval of amendments to the Future Land Use Plan in order to prevent incompatible uses. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance with existing land use patterns [BLUP 2.10.2, 2.10.3].

Policy 2.1.1 Residential neighborhoods should be preserved and protected by rezoning existing districts that conflict with adopted land use categories. New residential districts should not be permitted adjacent to an existing non-compatible use district, nor should a new non-compatible use district be permitted adjacent to an existing residential district.

Both of these policies speak to ensuring compatibility of new developments. Residential is compatible with residential when they share similar densities and design features. In this particular situation, the subject property has an odd shape and is surrounded by existing abutting residential

developments. Due to this unusual property shape, the subject property abuts three different residential developments on multiple fronts.

- Garden Patio Villas were developed as single-story villas (attached single family dwellings) and abut the subject property to the north and east.
- Oriole Golf and Tennis 2 are 2-story condominiums and abut the subject property on the west, south, and east.
- Oriole Margate VI abut the west and north property lines of subject property, and are single family detached dwellings. This neighborhood was built as single-story detached homes, but Margate land development regulations permit a maximum height of 35 feet for those single-family homes.

Maximum density to the west is four dwelling units per acre, while maximum density to the east is seven dwelling units per acre, and the proposed density for the subject property is seven dwelling units per acre. Although this dashed-line area was originally developed around a private golf course, Applicant has offered a new public park to mitigate the loss of the central recreational opportunity. Given the comparable densities and heights of this proposed development, and the dedication of a new public recreation amenity, Staff finds the proposed 132-unit townhouse development is compatible with the established character of the developed area.

Policy 1.1.7 Facilities and services shall be available concurrent with the impacts of development, while traffic circulation shall meet the level of service standards as specified within the adopted Transportation Element.

Policy 5.1.1 Prior to approving increases in density or intensity of land uses, including amendments to the Future Land Use Map and Zoning maps, approvals of plats, and issuance of development orders, there shall be a finding that existing public facilities and services are available to serve the needs of the proposed development. [BCLUP 2.14.2, 2.14.3]

Policy 5.1.2 New development shall provide water storage capacity equal to that which existed under pre-development conditions consistent with the water management regulations and plans of the SFWMD, Broward County and independent drainage districts.

The above policies were adopted to ensure sufficient capacity of public infrastructure. This application was reviewed by DRC on June 28, 2023 and again on September 26, 2023 where the Committee recommended a conditional approval. Per Section 31-35 of the Code of the City of Margate the DRC found that adequate services exist or will be provided concurrent with the development. This application, as well as concurrently filed 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. Following this meeting, the DEES Director issued two letters dated October 16, 2023 that address drainage, potable water, and sanitary sewer capacities. The letters confirmed that the City's water treatment plant and wastewater treatment plant have sufficient capacity to serve the proposed development. The DEES department also agreed with Applicant's commitments to address drainage requirements. The DRC staff have confirmed that there is adequate capacity available to serve the proposed development.

Staff finds that the proposed LUPA is compatible with the area, and is consistent with the Margate Comprehensive Plan, provided the City Commission amends Policy 1.2.6 of the Future Land Use Element.



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

STAFF REPORT EXHIBITS

- Exhibit A: DRC Staff Comments – September 26, 2023
- Exhibit B: DRC Meeting Minutes – September 26, 2023
- Exhibit C: LUPA Process

Exhibit A

DRC Staff Comments – September 26, 2023

Project Name: 23-00400012

Project Description: Springdale Townhomes LUPA

Ref. # 23, Building Group, ANDREW VALENTINO, 3/23/23 1:28 PM, Cycle 1, Info Only
Comment: NO PLANS HAVE BEEN SUBMITTED TO REVIEW AT THIS TIME; AJV FOR RN

Ref. # 20, CRA, Christopher Gratz, 3/14/23 2:11 PM, Cycle 1, Info Only
Comment: This project is not within the CRA.

Ref. # 2, Coordinator, Andrew Pinney, 11/22/22 1:06 PM, Info Only
Markup: Change mark note #01, LUPA.pdf
Correspondence required. Application is incomplete without it.
Coordinator Response: Andrew Pinney - 2/2/23 3:50 PM
DEES Director advised that we could accept the application without this letter.
Responded by: Amanda Martinez - 1/26/23 10:46 AM
The letter has been requested from the City's Engineering Division. It will be provided upon receipt.

Ref. # 3, Coordinator, Andrew Pinney, 11/22/22 1:06 PM, Info Only
Markup: Change mark note #02, LUPA.pdf
Correspondence from sanitary sewer provider is required. Application is incomplete without it.
Coordinator Response: Andrew Pinney - 2/2/23 3:51 PM
DEES Director advised that we could accept the application without this letter.
Responded by: Amanda Martinez - 1/26/23 10:46 AM
The letter has been requested from the City's Engineering Division. It will be provided upon receipt.

Ref. # 4, Coordinator, Andrew Pinney, 11/22/22 1:06 PM, Info Only
Markup: Change mark note #03, LUPA.pdf
Correspondence from local drainage district is required. Application is incomplete without it,
Coordinator Response: Andrew Pinney - 2/6/23 9:13 AM
DEES Director advised that we could accept the application without this letter.
Responded by: Amanda Martinez - 1/26/23 10:46 AM
The letter has been requested from the City's Engineering Division. It will be provided upon receipt.

Ref. # 9, Coordinator, Andrew Pinney, 11/22/22 4:21 PM, Info Only
Markup: Change mark note #06, LUPA.pdf
Provide water and wastewater letters. Application is incomplete without them.
Coordinator Response: Andrew Pinney - 2/2/23 4:38 PM
DEES Director advised that we could accept the application without this letter.
Responded by: Amanda Martinez - 1/26/23 10:46 AM
The letter has been requested from the City's Engineering Division. It will be provided upon receipt.

Ref. # 10, Coordinator, Andrew Pinney, 11/22/22 4:21 PM, Info Only
Markup: Change mark note #07, LUPA.pdf
Drainage service letter is required. Application is incomplete without it.
Coordinator Response: Andrew Pinney - 2/6/23 9:13 AM
DEES Director advised that we could accept the application without this letter.
Responded by: Amanda Martinez - 1/26/23 10:46 AM
The letter has been requested from the City's Engineering Division. It will be provided upon receipt.

Ref. # 24, Engineering, Randy Daniel, 3/27/23 4:46 PM, Cycle 1, Info Only

Comment: The 12" Water main that will service the project is made of Asbestos Concrete and was installed in 1972. There may be a need to replace this pipe in part or in its entirety to guarantee a reliable potable water supply to the new 137 units.

Ref. # 25, Engineering, Randy Daniel, 4/13/23 4:15 PM, Cycle 2, Info Only

Comment: Previous requests for hydraulic analyses have not been submitted.

Responded by: Amanda Martinez - 5/16/23 9:02 AM

The detailed information regarding the hydraulic analyses has been provided in the rezoning comment responses.

Ref. # 26, Engineering, Randy Daniel, 5/19/23 2:37 PM, Cycle 3, Info Only

Comment: 1.The supporting documents for the "No Rise Certification" will be analyzed during the review stage of the project. If additional information is deemed to be necessary, a request for information will be made at the time of review.

Ref. # 28, Engineering, Randy Daniel, 5/23/23 9:44 AM, Cycle 3, Info Only

Comment:

1.The objective of DEES' review is to ensure that this development will not increase the flood hazard on other properties upstream, adjacent, or downstream of the project. In this regard, the supporting documents associated with the "No Rise Certification" appear insufficient but will be more closely analyzed during the technical review stage.

2.The water course that the developer proposes to convert to a lake is currently categorized as a FEMA AE flood zone. Accordingly, the developer shall seek a letter of map change from FEMA for changes in flood way boundaries, changes in boundaries of flood hazard areas shown on FIRMs, or changes in BFEs. FEMA'S approval of this map change will be a prerequisite for approving this project.

3. The water course has a specific catchment basin and discharges to the C-14 Canal. The adjacent land to the watercourse is vacant and performs as the flood way for the watercourse. FEMA's requirements for development in the flood way are: (1) prove that there is no obstruction to flood flows and, (2) show that there shall be no damage or nuisance caused to others. Consequently, a more detailed analysis including but not limited to computer modelling, may be required to support FEMA's requirements.

4.DEES' review will include the impact on upstream properties of slowing flow velocities to zero as it enters the lake. In other words, DEES will need to determine the consequence of creating a lake where a free-flowing water course now exists. In addition, DEES' review will determine how the creation of a lake will guarantee (as the developer has submitted), that the current volume discharged through the culvert on Atlantic Boulevard will remain unchanged and examine the need for capacity analysis of the culvert on Atlantic Boulevard.

5.If at the time of technical review additional information is deemed necessary to support the "No Rise Certification", a request for information will be made. If requested documentation is not submitted this application may be rejected on the grounds of increased risk of flooding to any or all of the following: upstream properties on the northern side of Margate Boulevard, properties adjacent to the project, and downstream properties south of the project.

6. As a CRS class 6 community the City has access to the FEMA Regional Office and may request an opinion from FEMA regarding the "No Rise" certification, prior to granting a final decision on this project.

Ref. # 29, Engineering, Randy Daniel, 6/9/23 3:02 PM, Cycle 1, Info Only

Comment:

Provide supporting documents for "No Rise Certification". Documentation shall be based on the standard step-backwater computer model used in developing the 100- year floodway shown on the FIRM.

Since it is uncertain that computer modelling will support the "No Rise" Certification, it is recommended that this exercise be performed prior to project design. At the latest these documents shall be required, and shall be necessary to obtain an Engineering Permit, which is a prerequisite for constructing the project.

Conditional DRC Approval shall be based on the applicant's willingness and unequivocal agreement to provide the aforementioned documents.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

CONDITIONAL DRC APPROVAL IS GRANTED BY THE FLOOD PLAIN MANAGER AND IS BASED ONLY ON THE APPLICANT'S CONCURRENCE TO PROVIDE COMPUTER MODELING THAT WILL DEMONSTRATE ZERO INCREASE IN FLOOD RISK TO UPSTREAM, NEIGHBORING, AND DOWNSTREAM PROPERTIES 90 DAYS PRIOR TO APPLYING FOR A DEES ENGINEERING PERMIT.

Ref. # 30, Engineering, Randy Daniel, 6/9/23 3:03 PM, Cycle 1, Info Only

Comment:

Provide a conditional letter of map change (CLOMC) from FEMA for changes in the flood way boundaries.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

CONDITIONAL APPROVAL IS RELUCTANTLY GRANTED BY THE FLOOD PLAIN MANAGER AND IS BASED ONLY ON THE APPLICANT'S CONCURRENCE TO SUBMIT A CONDITIONAL LETTER OF MAP REVISION (CLOMR) FROM FEMA, 90 DAYS PRIOR TO APPLYING FOR A DEES ENGINEERING PERMIT.

Responded by: Amanda Martinez - 8/11/23 10:03 AM

Response: Yes, a CLOMR analysis will be prepared and facilitated through FEMA's review for approval. Please note that there is no regulatory Floodway mapped per FEMA's current effective model and FIRM. However, the modifications to the existing conveyance ditch will be evaluated through the CLOMR process. The applicant agrees to provide the FEMA CLOMR approval prior to construction.

Ref. # 32, Engineering, Randy Daniel, 6/9/23 3:07 PM, Cycle 1, Info Only

Comment:

Clarify how proposed basin will accommodate existing and proposed peak flows for the entire catchment basin. Calculations shall illustrate how the selected dimensions of the proposed pond will accommodate peak flows.

If the applicant references the previously submitted Surface Water Calculations to satisfy this requirement, indicate exactly where in the calculations that the specific inquiry is addressed by clearly highlighting the associated verbiage in the Surface Water Calculation document.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

CONDITIONAL APPROVAL IS RELUCTANTLY GRANTED AND SUBJECT TO THE APPLICANT'S COMPLIANCE WITH SUBMITTING CALCULATIONS TO ILLUSTRATE THAT THE PROPOSED LAKE WILL CREATE ZERO INCREASE IN FLOOD RISK TO UPSTREAM, NEIGHBORING, AND DOWNSTREAM PROPERTIES. THESE CALCULATIONS SHALL BE SUBMITTED 90 DAYS PRIOR TO APPLYING FOR AN ENGINEERING PERMIT.

Responded by: Amanda Martinez - 8/11/23 10:04 AM

Response: The Surface Water Calculations provided with this submittal shows the existing and proposed water surface area – see pages 5 & 11 of ADOC-Surface Water Calculations. A new plan (Sheet C-11) has been provided which clearly shows the existing water bodies have been enlarged.

Additionally, the previous version of Sheet C-8 showed a typical lake section. This sheet has been revised to include 2 canal sections with more details, demonstrating the improvements. Therefore, there will be no reduction in the flow capacity through the project. The proper sloping of the lake and canal bank will benefit water quality and safety. Furthermore, the FEMA CLOMR analysis will evaluate the changes to the flow channel.

Ref. # 33, Engineering, Randy Daniel, 6/9/23 3:07 PM, Cycle 1, Info Only

Comment:

Provide calculations to show what is the impact of increasing the size of the "relatively small culvert that served as a golf cart and maintenance crossing" on the downstream flows through the culvert on Atlantic Boulevard.

The rationale for this requirement is as follows:

The discharge through the culvert on Atlantic Boulevard is influenced by the catch basins north of Margate Boulevard and east of the bridge on NW 76 Avenue. This "small" culvert currently accepts flow from the catch-basin north of Margate Boulevard and inherently acts as a bleed down device for flow to the Atlantic Boulevard culvert.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

CONDITIONAL APPROVAL IS RELUCTANTLY GRANTED AND IS BASED ON THE APPLICANT'S CONCURRENCE TO SUBMIT CALCULATIONS TO DEMONSTRATE ZERO INCREASE IN FLOOD RISK TO UPSTREAM, NEIGHBORING, AND DOWNSTREAM PROPERTIES BY REMOVING A CULVERT THAT POTENTIALLY PERFORMS AS "A BLEED DOWN DEVICE". CALCULATIONS SHALL BE SUBMITTED AT LEAST 90 DAYS PRIOR TO APPLYING FOR A DEES ENGINEERING PERMIT.

Responded by: Amanda Martinez - 8/11/23 10:04 AM

The CLOMR analysis includes a pre-project and post-project analysis and will include the evaluation of any changes in hydraulic conditions for the culvert on Atlantic Blvd.

Ref. # 34, Engineering, Randy Daniel, 6/12/23 9:29 AM, Cycle 1, Info Only

Comment:

Provide calculations to illustrate that the existing culvert on Atlantic Boulevard has sufficient capacity to accommodate storm water generated from the development either because of increased impervious areas, or by replacing existing bottleneck created by the "culvert used for golf cart crossing" and which acts as a bleed down device, with a bridge.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

CONDITIONAL APPROVAL IS RELUCTANTLY GRANTED AND IS BASED ONLY ON THE APPLICANT'S CONCURRENCE TO SUBMIT ENGINEERING CALCULATIONS 90 DAYS PRIOR TO APPLYING FOR A DEES ENGINEERING PERMIT. THESE CALCULATIONS SHALL DEMONSTRATE ZERO INCREASE IN FLOOD RISK TO UPSTREAM, NEIGHBORING, AND DOWNSTREAM PROPERTIES .

Responded by: Amanda Martinez - 8/11/23 10:04 AM

Response: The CLOMR analysis includes a pre-project and post-project analysis and will include the evaluation of any changes in hydraulic conditions per the removal of the small golf cart crossing culvert and will include the evaluation of any changes in hydraulic conditions for the culvert on Atlantic Blvd.

Ref. # 42, Engineering, Randy Daniel, 6/14/23 10:52 AM, Cycle 1, Unresolved

Comment:

Provide an engineering analysis to illustrate that the existing pumps at LS # 24 possess sufficient capacity to handle peak flows based on current populations plus additional flow generated by the Springdale Development, and not create system surcharge.

Reviewer Response: Randy Daniel - 9/19/23 2:06 PM

THE REQUIREMENT FOR RUNNING THE HYDRAULIC MODEL FOR WASTEWATER IS ONE OF TWO

COMPONENTS FOR CHECKING THAT CURRENT INFRASTRUCTURE CAN SATISFACTORILY HANDLE IMPOSED PROJECT LOADS. THE OTHER COMPONENT IS ENGINEERING CALCULATIONS TO INVESTIGATE IF CAPACITY EXISTS AT LIFT STATION # 24 TO HANDLE TOTAL PEAK FLOWS OF THE PROJECT IN ADDITION TO EXISTING PEAK FLOWS TO AVOID SURCHARGED CONDITIONS. TO BE CLEAR THE ENGINEER IS REQUIRED TO DEMONSTRATE THAT LIFT STATION #24 CAN KEEP SEWAGE DOWN TO THE BENCH DURING PEAK FLOWS. IN OTHER WORDS, THIS ASSESSMENT OUGHT TO DEMONSTRATE WHETHER THE GRAVITY SYSTEM WILL BE SURCHARGED OR NOT DURING THE PERIODS OF PEAK FLOW. THE HYDRAULIC MODEL DOES NOT ANALYZE NON-PRESSURIZED ELEMENTS OF THE SEWERAGE COLLECTION AND TRANSMISSION SYSTEM.

Responded by: Amanda Martinez - 8/11/23 10:05 AM

Response: The Springdale Townhomes Hydraulic Evaluation prepared by CHA, Inc. states "based upon previous emails between Broward County and SEC, Lift Station 24, the lift station immediately downstream of the development, has adequate capacity for the additional of the proposed development." In a subsequent discussion with Randy and Curt, we understand this comment to be satisfied.

Ref. # 45, Engineering, Randy Daniel, 6/14/23 12:35 PM, Cycle 1, Unresolved

Comment:

Provide engineering calculations to check for adequate surplus capacity in the existing 12" VCP gravity mains that will be used to collect and convey sewage from the development to Lift Station # 24 for onward transmission.

Reviewer Response: Randy Daniel - 9/19/23 9:10 AM

THE REQUIREMENT FOR RUNNING THE HYDRAULIC MODEL FOR WASTEWATER IS ONE OF TWO COMPONENTS FOR CHECKING THAT CURRENT INFRASTRUCTURE CAN SATISFACTORILY HANDLE IMPOSED PROJECT LOADS. THE OTHER COMPONENT IS ENGINEERING CALCULATIONS TO DETERMINE WHETHER THE EXISTING 12" VCP GRAVITY SEWER COLLECTION MAIN HAS CAPACITY TO HANDLE PEAK FLOWS FROM THE PROJECT. IF THE EXISTING 12" VCP IS UNDERSIZED TO HANDLE THIS DEVELOPMENT A SIZE UPGRADE WOULD BE REQUIRED. THE HYDRAULIC MODEL DOES NOT TAKE INTO ACCOUNT NON-PRESSURIZED PIPES.

Responded by: Amanda Martinez - 8/11/23 10:05 AM

Response: The Springdale Townhomes Hydraulic Evaluation prepared by CHA, Inc. states "the proposed developments should not adversely affect the rest of the wastewater collection system based upon the provided information under the assumptions stated previously." In a subsequent discussion with Randy and Curt, we understand this comment to be satisfied.

Ref. # 46, Engineering, Randy Daniel, 6/14/23 12:42 PM, Cycle 1, Unresolved

Comment:

Comply with recommendations of the wastewater hydraulic model as follows:

Provide final design confirmation that the pumps at Lift Station# 24 possess adequate pumping capacity for new flow and head conditions imposed by the Springdale Development.

Reviewer Response: Randy Daniel - 9/19/23 2:07 PM

THE HYDRAULIC MODEL OUGHT NOT TO HAVE ANALYZED PRIVATELY OWNED LIFT STATIONS. PLEASE CORRECT YOUR RESPONSE. THE REQUESTED ANALYSIS FOR FLOW AND HEAD CONDITIONS WILL DEMONSTRATE WHETHER THE GRAVITY COLLECTION SYSTEM WILL OPERATE UNDER SURCHARGED CONDITIONS OR NOT. THE HYDRAULIC MODEL DOES NOT TAKE INTO ACCOUNT NON-PRESSURIZED SYSTEM ELEMENTS .

Responded by: Amanda Martinez - 8/11/23 10:06 AM

Response: The Springdale Townhomes Hydraulic Evaluation prepared by CHA, Inc. recommendation is related to the proposed onsite lift station and not lift station 24. Proposed lift station information

will be provided will the Final Engineering Plans.

Ref. # 53, Engineering, Randy Daniel, 6/20/23 2:19 PM, Cycle 1, Info Only

Comment: A prerequisite for issuing a Certificate of Occupancy for the project shall be final approval from FEMA of the completed changes in the floodway boundaries and their final approval shall be documented in a FEMA letter of map change (LOMC).

Ref. # 54, Engineering, Randy Daniel, 6/20/23 4:13 PM, Cycle 1, Info Only

Comment:

Replace the existing 12" Asbestos Concrete (AC) distribution main that will service the new development from Rock Island Road, where the 12" AC is connected to a 30" DI pipe.

Rationale: The existing 12" AC main is old and prone to failures.

A commitment from the developer to replace this main will be sufficient to move this project through DRC.

Reviewer Response: Randy Daniel - 9/19/23 1:23 PM

This response from the Developer shall apply to the Rezoning and Site Plan applications.

Responded by: Amanda Martinez - 8/11/23 10:07 AM

Response: As discussed, the developer agrees to replace the 12" AC water main within Margate Boulevard adjacent to the project. This has been shown on the revised Sheet C-02. The connection details and specifics will be worked out during final engineering plan review.

Ref. # 55, Engineering, Randy Daniel, 6/21/23 5:28 PM, Cycle 1, Info Only

Comment: As a CRS class 6 community the City has access to the FEMA Regional Office and may request an opinion from FEMA regarding the "No Rise" certification, prior to granting a final decision on this project.

Reviewer Response: Randy Daniel - 9/19/23 2:07 PM

The Flood Plain Administrator will communicate with FEMA to ascertain the merits of the documents submitted to support the "no rise" certification.

Ref. # 56, Engineering, Randy Daniel, 9/8/23 2:52 PM, Cycle 2, Info Only

Comment:

Conditional Approval is granted subject to the applicant complying with all requirements listed in this review cycle. It is the strong recommendation of the Flood Plain Manager and DEES Engineering that the CLOMR and associated storm-water calculations ought to be satisfactorily submitted as a prerequisite for DRC approval since it is imperative to demonstrate a zero increase in flood risk for upstream, neighboring, and downstream properties, because of the Springdale project.

In addition to all applicable codes and standards, the developer shall also comply with Element I in the Future Land Use plan in the preparation of project plans. Attention is drawn to Section 3.4 subsections I and ii in the Future Land Use Plan.

Furthermore, DEES Engineering makes it abundantly clear that the developer/contractor/applicant will not be allowed to construct the project until all documents and engineering calculations associated "no rise certification" are satisfactorily complied with. To be clear the Flood Plain Manager and DEES must ensure zero increased flood risk to upstream, neighboring, and downstream properties, because of this project.

Ref. # 49, Planning, Andrew Pinney, 6/15/23 9:29 AM, Cycle 1, Info Only

Markup: Change mark note #01, LUPA.pdf

Describe how the area will be dedicated for public use, including ownership, maintenance responsibility, and access/intended users.

Reviewer Response: Andrew Pinney - 9/14/23 3:34 PM

Include this information in your application documents prior to proceeding to the Planning & Zoning Board.

Responded by: Amanda Martinez - 8/11/23 10:08 AM

Response: Applicant will record a restrictive covenant or similar acceptable legal document which requires the park area to be maintained as a park and open to the public during daylight hours in perpetuity. The legal covenant will also require Applicant and its successors or assigns to maintain the park area in perpetuity. The intended users of the park area will be local, surrounding residents and new residents of the proposed community. The intent is to create a dedicated, publicly accessible green space area and walking trail area for people, including children, to be able to play, have picnics, and fish in the lake/canal area.

Ref. # 57, Planning, Andrew Pinney, 9/12/23 5:14 PM, Cycle 2, Info Only

Markup: Change mark note #01, ADOC-LUPA Narrative.pdf

The park space being dedicated for public use shall have the P Parks and Recreation land use designation. There is no conflict with PUD zoning having underlying Parks land use, as PUD's are meant to have open space and recreation components. This regulatory pattern has been implemented on prior projects within the City. Update all applicable documents and provide separate metes and bounds legal descriptions for the park area and the residential area.

Ref. # 21, Public Works, Gio Batista, 3/14/23 4:52 PM, Cycle 1, Info Only

Comment:

Civil Drawings:

Provide information on the impact of development impervious surfaces to upstream and downstream development and infrastructure based on models.

Responded by: Amanda Martinez - 4/7/23 11:01 AM

Please see attached previously submitted signed and sealed drainage calculations. The calculations include a pre versus post development storage analysis which accounts for both the increase in impervious area and lake area. The post development storm stages are lower than the predevelopment storm stages. Lakes and canals are being widened with properly sloped banks which will allow for a better flow through the property. The project has a net surface water management benefit. The summary of pre and post development stages are shown on the 3rd page of the document.

Exhibit B

DRC Meeting Minutes – September 26, 2023



**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
HYBRID MEETING
<https://us02web.zoom.us/j/83930506913>
MINUTES**

**Tuesday, September 26, 2023
10:00 a.m.
City of Margate
City Commission Chambers**

City Commission

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

City Manager

Cale Curtis

Interim City Attorney

Weiss Serota Helfman
Cole & Bierman

City Clerk

Jennifer M. Johnson, MMC

PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Christopher Gratz, AICP, Senior Planner
Randy Daniel, DEES Assistant Director
Richard Nixon, Building Department Director
Giovanni Batista, Public Works Director
David Scholl, Fire Marshall
Sergeant Mary Crabtree, Police Department

ALSO PRESENT:

Matthew H. Scott, Esq., Dunay, Miskel & Backman, LLP
Jeff Schnars, Civil Engineer, Schnars Engineering

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, September 26, 2023, at the City of Margate Commission Chambers, 5790 Margate Boulevard, Margate, FL 33063.

NEW BUSINESS

A) *ID2023-283*

DRC NO. 23-400012 RECONSIDERATION OF A LAND USE PLAN AMENDMENT TO REDEVELOP THE 21.3-ACRE MARGATE EXECUTIVE GOLF COURSE INTO A 137-UNIT TOWNHOUSE DEVELOPMENT.

LOCATION: 7870 MARGATE BOULEVARD

ZONING: S-1 RECREATIONAL DISTRICT AND R-3A MULTIPLE DWELLING DISTRICT

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

Development Services Department

901 NW 66th Avenue, Suite C, Margate, FL 33063 • Phone: (954) 979-6213
www.margatefl.com • dsd@margatefl.com

OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF PARCEL 4 OF SAID PLAT, "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., AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION.

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He explained this was a resubmittal, with the first review having taken place on June 28, 2023, and stated staff comments were delivered to the applicant and were attached to the agenda online for reference. He invited any additional comments or corrections from staff.

Mr. Pinney advised that he had a minor correction for consistency. He noted in the land use narrative, there was discussion of dedicating a 1.21-acre park for public use, but in the site plan it was shown as 1.14 acres. He stated he was unclear whether the difference was that it was misrepresented, that it was net acreage versus gross, or some other discrepancy, but the applications needed to be made consistent. Mr. Pinney asked whether the applicant had questions or needed clarification regarding the comments.

Matthew H. Scott, Esq., Dunay, Miskel & Backman, LLP, Agent for Michael Fimiani, Fimiani Development Corporation, thanked the Committee for the detailed comments and began a brief review of the comments. He referenced the engineering comments on page two (2) of the document, references two (2), three (3), four (4) and nine (9). Attorney Scott stated typically capacity letters are obtained from the City as a pre-condition of submitting a land use plan amendment (LUPA). He explained that in this case, the City had stated they would not require the letters with the application, but as part of the DRC process. He asked whether the applicant should be anticipating receipt of those capacity letters at this stage in the process.

Mr. Pinney explained the capacity letters are issued by the Department of Environmental and Engineering Services (DEES), and deferred to Randy Daniel, DEES Assistant Director for further clarification.

Mr. Daniel stated the letters strictly respond to the City's ability to treat sewage once it gets to the plant, and ability to deliver potable water to the new community. He noted they would be willing to issue those letters. Continuing, Mr. Daniel explained there is a third letter that he understands also needs to be issued in relation to the drainage service level, which may be more complicated and would require further discussion. He stated the capacity letters should not be a problem to issue.

Attorney Scott noted the applicant had been making progress in addressing the DRC issues, so he thought now would be a good time to bring up the letters to make sure the issue was covered, as they would need the letters if and when they move on to the Broward County process.

Attorney Scott continued his review of the comments, pointing to DEES reference 34. He read Mr. Daniel's response as follows:

Conditional approval is reluctantly granted and is based only on the applicant's concurrence to submit engineering calculations 90 days prior to applying for a DEES Engineering Permit. These calculations shall demonstrate zero increase in flood risk to upstream, neighboring, and downstream properties.

Attorney Scott stated the applicant was okay with the substance of the comment and what staff is asking for but wanted to understand the logic or utility of providing it 90 days prior as opposed to concurrent with the permit application.

Mr. Daniel advised that the comments had been made since the start of the project in April, and the response had been deferred to now. He stated his position is that he does not know what further information he will need once the initial calculations are submitted, so he had given himself as much as 90 days to make the review and give an approval. He noted approval may be less than 90 days, depending on the quality of the submittal made. Mr. Daniel explained that when the applicant makes an application to DEES for the permit to construct the project, there are other things being looked for at that stage, including parking lot arrangement and other project details, not details related to how the project would work. He noted at this point, he is looking for the drainage level and how the drainage will work, and part of that is the calculations for the culverts. He stated he had asked for it and was told it would be submitted with the Conditional Letter of Map Revision (CLOMR), which is fine, but when he gets the CLOMR calculation and the other calculations he had asked for, it should be a substantial amount of data to go through.

Jeff Schnars, Civil Engineer, Schnars Engineering, asked whether Mr. Daniel was asking for the CLOMR analysis 90 days ahead of starting to look at the final engineering plans, or if that could be done concurrently with at least 90 days to review the CLOMR before the permit is issued.

Mr. Daniel responded that the latter was correct. He advised that with the CLOMR there is a computer modeling analysis. He stated the purpose of the CLOMR is to show No-Rise Certification. He stated the intention was to show there would be no flood level rise for the communities upstream of the project, communities neighboring the project, and communities downstream of the project. He stated he is hoping the analysis, computer modeling and calculations shown by the applicant would give him a level of comfort that this No-rise Certification is accurate.

Mr. Schnars stated he agreed, but wanted to be clear the review of the final engineering plans would not be held up until the review of the CLOMR analysis was completed. Mr. Daniel confirmed that he would be holding up the review for the CLOMR analysis. He stated he did not think it would be sensible to approve a project if he did not know if the drainage was going to work.

Mr. Schnars asserted he was asking for a concurrent analysis. Mr. Daniel stated they could do that, but for it to be approved, the calculations would need to be approved first.

Mr. Schnars stated he believes they need to come to an agreement. He noted there is a lot of repeats of a similar concept in the comments, and he would like to come to one (1) condition of approval that can state what is being talked about.

Attorney Scott referenced comment 42 as an example. He stated the City asked the applicant to hire the company directed to run a hydraulic model to determine lift station capacity, and that had come back saying there was capacity. He noted then Mr. Daniel was saying they needed to do an additional analysis, and what Mr. Schnars was hoping for was for that to be done as part of the engineering permit review.

Mr. Daniel stated to be clear, when asking for the hydraulic model, it was to analyze the pressurized components of the sewer system. He noted a hydraulic model of the potable water system was also completed and came back fine. He explained the wastewater modeling was done only for the pressurized component.

Richard Nixon, Building Department Director, joined the meeting at 10:16 a.m.

Mr. Schnars argued that was not what the report said, and that the report said it included the collection system. Mr. Daniel asserted a model could not be done on the gravity system.

Mr. Daniel stated the understanding was that the model would take care of the pressurized system, and someone needed to calculate whether the gravity system can accept the flow from 137 townhomes. He stated it is a 12-inch PVC pipe, and someone needs to calculate the capacity from that pipe and ensure that it can accept the flow from 137 homes at peak times, such as 7 a.m. to 9 a.m. when everyone is taking a shower. He asserted the hydraulic monitoring cannot analyze the non-pressurized system, which is what the comment is referring to.

Attorney Scott read reference 49 for the record as follows:

Describe how the area will be dedicated for public use, including ownership, maintenance responsibility, and access/intended users. Including this information in your application documents prior to proceeding to the Planning & Zoning Board.

Attorney Scott asked Mr. Pinney to expand upon what he was looking for the applicant to provide.

Mr. Pinney explained the response provided by Amanda Martinez on behalf of the applicant was sufficient, it just needed to be inserted into the language where the application talks about dedicating the park for public use. He noted they should update their LUPA applications with the information.

Attorney Scott advised that the applicant has the subdivision resurvey prepared, and they will be looking to start that separate track shortly. Mr. Pinney agreed, and pointed out that if it is a separate track, it will be completely conditioned on everything else.

Attorney Scott stated he understood, which is why they had expressed reluctance to do it. Mr. Pinney confirmed he understood.

Attorney Scott pointed to reference 57, and stated his understanding was that it was fine to include (the park) in the Planning Unit Development (PUD) and use it for the calculations they need for that, but on approval, staff wants the areas in front to have a land use designation of Parks and Recreation for City tracking purposes. He stated this could be accomplished by updating everything to show the metes and bounds for that area. Mr. Pinney confirmed the City land use is important for internal analyses which are reported to the County on acreage, and also provides another layer of regulation on that portion of the property so that it remains a park.

Attorney Scott stated he wanted to call attention to reference 21, because he thought they had submitted all of what was requested, so it was concerning to see a comment that staff was not seeing these items. Giovanni Batista, Public Works Director, stated reference 21 was an old comment.

Mr. Pinney asked whether the applicant had any additional comments on the land use application. Attorney Scott stated he did not.

Mr. Pinney advised that he wanted to circle back to the letters from DEES. He asked Mr. Daniel if, based on the information submitted, he would be able to issue capacity letters for the potable water, sanitary sewer, and drainage.

Mr. Daniel stated affirmative on the first two (2) issues, the capacity letters for sewer and water should not be a problem capacity-wise, but the drainage letter was contingent upon everything being asked for in terms of the CLOMR from the Federal Emergency Management Agency (FEMA), calculation to show the culvert on Atlantic Boulevard was sufficiently sized, and the No-rise Certification. He asserted it would be impossible to issue the drainage letter without that information which the application had been made contingent upon. He noted analysis of the impact of the removal of the small golf cart crossing on the area upstream and downstream was also needed. He explained these items would form the basis of the ability to issue the letter. He stated he could issue a letter saying it was contingent on those submittals, if that would work, but it would not be able to say, "the letter is hereby issued."

Attorney Scott asserted he believed that was incorrect, because based on every other LUPA the team had collectively done in other jurisdictions, the three (3) letters are received before the application is submitted. He stated that respectfully, what Mr. Daniel was saying could not be the case, because in their experience everywhere else, the applicant provides certain general drainage, potable water, and lift station calculations for capacity, and cities provide the letters within two (2) weeks.

Attorney Scott stated the applicant was okay conceptually with Mr. Daniel saying it was part of site planning, and that as part of engineering permits, he wants to know more, but for the LUPA,

he questioned how that could be the case. He asserted the City won't even take the application (without the letters).

Mr. Daniel asked Mr. Pinney for clarification as to whether the drainage calculations would be part of the LUPA, or if they could be taken out. Mr. Pinney responded that the capacity letter for drainage that the application requires is explained in paragraph D of the LUPA application. He stated the applicant is asked to provide information in items one (1) through five (5) of the paragraphs related to the City's adopted level of service for drainage and whether there are any planned drainage improvements, and in item six (6) the local drainage district is asked to verify what the applicant has provided.

Mr. Daniel stated the details of the letter and review he is being asked to do includes off-site discharge, which is the discharge of the project through the existing culvert on Atlantic Boulevard. He noted this was something he could not speak to at this stage, and asked the applicant if he agrees. Mr. Schnars stated that he disagrees that staff can't write the letter.

Mr. Daniel asked if he agreed that they don't have information on the off-site discharge. Mr. Schnars countered that they are reiterating the standards. He stated he provided pre-post analysis for stage, in essence with the additional lake area and proving they have the same stages, and they have a pre-post analysis for discharge also.

Attorney Scott asserted the letters are usually based on the pre and post. He suggested it might help if the applicant were to provide examples from other cities to give an idea of the level of detail that is being requested for the letters.

Mr. Daniel responded that they could do that, and it should be a simple conversation. He stated there is an existing culvert on Atlantic Boulevard which currently accepts flow from the Margate Executive Golf Course property, and that property is now being redeveloped, and additional flow will be generated as a result of the redevelopment. He asserted the existing culvert needs to be analyzed to see if it can accept the flow from the redeveloped property.

Mr. Batista stated that as part of the response from the applicant in April 2023 to a question from Public Works related to the upstream and downstream impact of the development stormwater, the applicant wrote, "lakes and canals are being widened with properly sloped banks which will allow for a better flow through the property." He noted there was reference made in the response that the project has a net surface water management benefit. Continuing, Mr. Batista stated what Mr. Daniel was saying and what staff had been saying for some time is that they just need to understand the impact on the downstream side of things. He noted the question is fair, in that they do not know the impact. He stated the applicant is basing their engineering assumptions on a capacity from the development to the lake, but not necessarily from the lake to the downstream culvert. He asserted that as long as there is a discussion related to that, staff is open to discussion.

Mr. Daniel explained another requirement of the drainage analysis is the floodplain routing, which is subject to the CLOMR, so those are two (2) key elements of the drainage letter. He reiterated

that he could probably write a letter saying conditional approval is granted, with final approval once he has the documentation. Attorney Scott stated that was what they were driving at.

Mr. Pinney stated from the planning side of things, he was just looking for the letters affirming the verification was done, so if Mr. Daniel is fine with a conditional letter, he would take that and move forward. He suggested Mr. Daniel review items one (1) through five (5) in paragraph D of the LUPA application and if he needs more information, perhaps make the letter conditional on receipt of those items.

Mr. Daniel stated he would come up with a letter that he thinks would work for the applicant to have the documentation needed to move forward. He clarified that the letter does not say you should review only items one (1) through five (5). Attorney Scott stated they are not trying to provide short shrift to any of the drainage concerns. He stated this was a box checking element for a LUPA and explained the disconnect was related to experience with other projects.

Mr. Daniel stated he would provide a conditional letter, but wanted to be clear this was not a routine project. He noted there is a channel flowing through this project which makes it quite unique, and the City of Margate may never do another project like it. He stated he thinks the project can work, but they have to show the calculations. Continuing, Mr. Daniel explained if, moving forward a need to expand any of the drainage is identified, staff would need some sort of commitment from the developer at the time of permitting that the developer will commit to upsizing the culvert as required. Attorney Scott clarified that they do not disagree that may be the case.

Mr. Pinney asked the Committee whether they were looking at conditional approval of the LUPA.

Mr. Daniel stated in his comments he had three (3) rejections, and they had already looked at the lift stations and sewer line. He explained he had since had conversations with the rest of the team, and DEES thinks they can move forward on a conditional basis with those elements being pushed to a later date. He stated these items were minor, which is why he believed they should have been addressed now.

Each member of the DRC present individually advised that they had no objection to conditional approval of the application.

Mr. Pinney confirmed the DRC was granting conditional approval on the LUPA. He stated the comments are in the system, and he would need the capacity letters before sending the application to the Planning and Zoning Board.

Mr. Daniel stated based on his understanding, Mr. Pinney needed the letters on or about October 9. Attorney Scott stated he would draft a sample letter to make the process easier. Discussion ensued briefly regarding the letter requirements.

B) ID2023-284

DRC NO. 23-400013 RECONSIDERATION OF A REZONING FROM S-1 AND R-3A TO PUD AND S-2 TO REDEVELOP THE 21.3-ACRE MARGATE EXECUTIVE GOLF COURSE INTO A 137-UNIT TOWNHOUSE DEVELOPMENT.

LOCATION: 7870 MARGATE BOULEVARD

ZONING: S-1 RECREATIONAL DISTRICT AND R-3A MULTIPLE DWELLING DISTRICT

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, "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., AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION.

Mr. Pinney explained this was a resubmittal, with the first review having taken place on June 28, 2023, and stated staff comments were delivered to the applicant and were attached to the agenda online for reference. He invited any additional comments or corrections from staff. Seeing none, he asked whether the applicant had questions regarding the comments.

Attorney Scott stated he did not have questions specifically related to the rezoning.

Mr. Pinney advised he wanted to draw the applicant's attention to reference 32, an information-only comment, as follows:

Several PUD related comments appear on the site plan application and/or LUPA application but are applicable to this application none the less.

Mr. Pinney noted the site plan is a required exhibit for the rezoning as it goes forward.

Attorney Scott asked if it made more sense to discuss the rezoning comments as part of the rezoning. Mr. Pinney stated they could do that, as they are integrated because of the Code.

C) ID2023-0285

DRC NO. 23-400014 RECONSIDERATION OF A SITE PLAN TO REDEVELOP THE 21.3-ACRE MARGATE EXECUTIVE GOLF COURSE INTO A 137-UNIT TOWNHOUSE DEVELOPMENT.

LOCATION: 7870 MARGATE BOULEVARD

ZONING: S-1 RECREATIONAL DISTRICT AND R-3A MULTIPLE DWELLING DISTRICT

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, "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., AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION.

Mr. Pinney read the title of the item and stated the site plan would be heard simultaneously with the rezoning application.

Attorney Scott pointed to reference 73, and noted it relates to the open space requirement on PUDs. He stated PUDs are required to have 35 percent open space and the Code provides definitions for what can and cannot be open space. He explained one (1) thing the applicant is trying to work through is that PUDs require a 25-foot minimum peripheral setback and a 25-foot minimum peripheral buffer. He stated for this project, because the site has a funky shape, a design element they believed would make sense was to provide larger peripheral setbacks. He noted they had discussions with other members of staff and had questions regarding the interpretations of the open space requirements.

Mr. Pinney advised that there were a number of comments entered related to open space, he agreed, and the bottom line was that the calculation provided needed to be revised. He stated if there are any sticking points, he could meet with the applicant to discuss and point to what Code says what, but really the issue was to revise and address the flaws in the submittals before staff could agree there was open space sufficient to Code requirements.

Continuing, Mr. Pinney stated the comments started by asking the applicant to cite where in the Code they are allowed to count this or remove it, and the response was to cite back a definition of open space, which seems partially read through. He noted the end of the definition and stated if the applicant can show where it is allowed, they can agree there is open space.

Attorney Scott stated he believed they were close, because depending on the interpretation, the applicant has run five (5) different models based on what they can and cannot include. He said he believed he needed to follow up with Mr. Pinney on the issue, but that it could be sufficiently addressed, and they would be open to a condition to address it. He noted the access lane for fire on the west side of the site which was a grass and concrete paver grid which was 20 feet wide and part of a 50-foot landscaped area.

Mr. Pinney asked for clarification as to whether the measurement was from water's edge to property line. Mr. Schnars confirmed this was correct.

Mr. Pinney inquired as to whether there were any plantings allowed in the canal slope. Mr. Schnars stated there was not.

Mr. Pinney asked whether there were plantings in the fire lane. Mr. Schnars stated there were not.

Attorney Scott stated he was suggesting for discussion purposes that it was 50 feet. He stated the Code speaks to providing walking paths and providing amenity areas, so they thought as it was rare if ever that the fire path would be used, that this would likely be a place where people walk and fish and do things. He asked whether there were things that staff needed to see to consider it that.

Mr. Schnars asserted they believe this was supported by the Code, as it says, "the area contained within a contiguous open space pedestrian system."

Attorney Scott stated they were seeking feedback on whether adding something to that area or programming it a certain way would achieve what the Committee is looking for as far as that part of the Code. Mr. Pinney responded that he believed there was potential to add a few improvements and get full credit for the area.

Attorney Scott explained it was the applicant's expectation that people would use the lake, but he wanted to make sure that Fire does not have any issue with that, assuming it would not be obstructed in any way. He acknowledged this was the biggest sticking point in the back-and-forth discussion and needed to be addressed with Planning staff. David Scholl, Fire Marshall, stated he was fine with it. Attorney Scott stated the applicant was still working on ideas.

Attorney Scott discussed reference 59. He stated he understood it was an old comment, but wanted to make sure Public Works was comfortable with the access. Mr. Batista confirmed.

Attorney Scott pointed to reference 112, and stated he believed it was a notation item which could easily be done on the plans. Mr. Batista responded that it was fine as long as the notation was on the plans. Attorney Scott stated they had a number of conversations with DEES staff about these things being private between the last submittal and now.

Attorney Scott stated they agreed reference 113 would need to be done as part of the permitting process. He noted they understand they have to do that. He pointed to reference 121 and asked for feedback on the genesis of the comment.

Mr. Batista advised the comment goes back to the response from April 7, 2023, from Amanda Martinez, which reads, "lakes and canals are being widened with properly sloped banks which will allow for a better flow through the property." He noted the existing embankments are going to be widened, but the existing embankments are sandy loam, so it is a lot of sand. Continuing, Mr. Batista stated the canal not only goes from the north of the property but makes its way down to the parcel just north of Atlantic Boulevard. He added that as you follow the north/south canal to the southern part of the canal, which remains sandy, as well. He explained the concern is that if lake and the embankments are going to be widened out of need for the property and the development, there is going to be an impact beyond the development that needs to be considered. He recapped that the comment was stemming from existing conditions, including consideration of the property beyond the development and consideration of hardening if necessary.

Mr. Schnars stated there are banks that are eroded and steep, so when he says they are making improvements to the banks, they are sloping them at what would be a normal lake bank, versus a normal canal bank. He advised a lake bank is typically sloped at a minimum of four (4) to one (1), while a canal bank is typically something steeper, like a two (2) to one (1). He stated the smaller portions along the north and on the east property line would also be sloped, sodded, and maintained by the Homeowners Association (HOA). He noted in this case the HOA will be maintaining the entire grounds, not just the common areas. Continuing, Mr. Schnars explained the canal is being straightened out, so it would not have the jigs and jags that water gets held up on. He stated relatively speaking, there is not a great amount of water flowing through this project. He referenced County and Water District canals and asserted it would not be the kind of canal that has those types of flows, nor would it be the type of canal with those types of slopes.

Mr. Schnars stated they typically would not harden a canal, except in certain locations with situations that take on a higher velocity of water than what would be experienced here. He pointed out that hardening the entire canal would be a great expense. He added they did not want to do something that did not make sense and was not justified. He pointed to the area around the culvert as an area which may require hardening.

Mr. Batista advised that he did not disagree, he was just making a statement of existing conditions. He stated that it is obvious to him in going to the site numerous times that there is a question about the integrity of the embankment. He noted they could have a discussion about hardening options, and some would be more expensive than others, but surely there has to be a commitment from the developer that it is going to be addressed. He stated the comment is not going to go away, it is just going to open more conversation.

Attorney Scott stated they are open to discussing hardening, if it is required, and to giving a level of comfort to that. He noted he did not have experience in that area so would defer to Mr. Schnars. He explained the thought process was that would be something addressed when geotechnical work was done closer to the permitting process, as opposed to at the site plan stage, which is conceptual in nature. Attorney Scott stated assuming the project gets support from the City Commission and Broward County, permitting would be easily a year away, and there would be meetings during that time to highlight areas which need to be addressed. He noted it sounds as though they were generally on the same page. Mr. Batista stated he had no objection to that.

Attorney Scott stated he was not able to see the utilities comments on the drawings. Mr. Pinney explained the process for accessing the comments following the DRC hearing.

Mr. Batista explained the comments on the plans also had to do with the embankment, and the hardening needed to account for driving on the embankments to maintain the canal system without the embankment caving in. He noted this was a matter of access for utilities.

Attorney Scott stated it was the applicant's understanding that it would be their responsibility to maintain those, so the City would be maintaining them as a last resort in the case of some event. Mr. Batista stated there needed to be the opportunity to provide community service.

Attorney Scott explained there had been a lot of back-and-forth with DEES about everything on the site being privately maintained, so he wanted to clarify that piece of the puzzle. He stated they agreed, reluctantly, to take responsibility for all the maintenance obligations on-site, including drainage, water, and sewer. Mr. Batista confirmed.

Attorney Scott stated he had further questions. He thanked the Committee for their time put into the project.

Mr. Pinney stated the DRC was granting conditional approval on the site plan and rezoning. There were no objections.

Mr. Pinney reiterated that before the application could move forward to the Planning and Zoning Board, the open space issues needed to be addressed.

GENERAL DISCUSSION

Mr. Pinney called for general discussion. There being no further business to discuss, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth Taschereau", written in dark ink.

Elizabeth Taschereau, Director of Development Services

Exhibit C

LUPA Process

EXHIBIT C

Nove of Margate Land Use Plan Amendment Process

1. Margate Development Review Committee
2. Margate Planning and Zoning Board Hearing
3. Margate City Commission Transmittal Hearing
4. Simultaneous Actions:
 - a. Transmit City LUPA to Florida Department of Commerce and all other required agencies.
 - b. Application submitted to Broward County Planning Council
5. Florida Department of Commerce issues review comments
6. Broward County Planning Council First Hearing
7. Broward County Commission First Reading
8. [*OPTIONAL] Broward County Planning Council Second Hearing
9. Broward County Commission Second Reading
10. Margate City Commission Adoption Hearing
11. Transmit adopted amendment to Florida Department of Commerce
12. Mandatory 30-day waiting period. [*Additional process if amendment is timely challenged.]
13. Broward County Planning Council Recertification.