



**REGULAR MEETING OF  
THE DEVELOPMENT REVIEW COMMITTEE**  
<https://us02web.zoom.us/j/86849281206>  
**MINUTES**

**Tuesday, March 12, 2024**

**10:00 a.m.**

City of Margate  
901 NW 66<sup>th</sup> Avenue  
Margate, FL 33063

**PRESENT:**

Elizabeth Taschereau, Director of Development Services  
Andrew Pinney, AICP, Senior Planner  
Christopher Gratz, AICP, Senior Planner  
Paula Fonseca, Engineer, Department of Environmental and Engineering Services (DEES)  
Todd Schepers, Chief Electrical Inspector, Building Department  
Todd Belback, Community Development Inspector  
David Scholl, Fire Marshall

**ALSO PRESENT:**

Matthew H. Scott, Esq., Dunay, Miskel & Backman, LLP  
Karl Peterson, Traffic Engineer, Traftech Engineering/KBP Consulting  
Michelle Latte, PLA, ASLA, Landscape Engineer, Kimley Horn  
Teresa Cillalon Camacho, P.E., Civil Engineer, Kimley Horn  
Austin Bouchard, Civil Engineer, Kimley Horn  
Erick Ramires, Landscape Engineer, Kimley Horn (via Zoom)  
Anette McSwain, Design Manager, MSA Architects  
Amanda Martinez, President, Martinez Planning Associates, LLC  
Saul Perez, Managing Member, Rez Se Land, LLC

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:11 a.m. on Tuesday, March 12, 2024, at the City of Margate Commission Chambers, 5790 Margate Boulevard, Margate, FL 33063.

**City Commission**

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

**City Manager**

Cale Curtis

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

**City Clerk**

Jennifer M. Johnson, MMC

**Development Services Department**

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

**NEW BUSINESS**

A) *ID2024-069*

**DRC NO. 23-00400043** THE FOREST APARTMENTS PLAT NOTE AMENDMENT

**LOCATION:** 777-787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT

**LEGAL DESCRIPTION:** PARCEL "A", 441 SOUTH, LTD., II, AS RECORDED IN PLAT BOOK 124, PAGE 41, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Christopher Gratz, Senior Planner, introduced the item and explained the process to be followed. He outlined the resubmittal process briefly and asked whether the applicant had questions or needed clarification regarding the comments.

Matthew H. Scott, Esq., Dunay, Miskel & Backman, LLP, Agent for Rez Se Land LLC, stated it appeared there were only two (2) unresolved comments on this application. Mr. Gatz confirmed.

Attorney Scott read Engineering reference 21, "show updated road alignment easement." Saul Perez, Managing Member, Rez Se Land, LLC, advised that the update has been received.

Mr. Perez noted the reference to TOC in error. Mr. Gratz advised that it was not an error, and technically it was still correct, but from a presentation standpoint the words had been removed from the Code. He stated the application was still subject to the Code at the time it was submitted as it was written, but due to the elimination of the acronym, he had thought it best to eliminate it from the conversation.

Mr. Perez asked whether future insertions and references should also include removing the TOC. Mr. Gratz confirmed.

B) *ID2024-071*

**DRC NO. 23-00400044** THE FOREST APARTMENTS SITE PLAN

**LOCATION:** 777-787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT

**LEGAL DESCRIPTION:** A PORTION OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.) AND PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); THE EAST 265', PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); AND PARCEL "B", MINI MART DEVELOPMENT CORP. SUBDIVISION (PLAT BOOK 81, PAGE 49, B.C.R.).

**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Mr. Gratz read the title of the item and stated this was the site plan for the office park. He noted this was DRC approval only, and no other public appearance process is required. He asked whether the applicant had questions or needed clarification regarding the comments.

Mr. Perez stated an additional parking field was being added to the back, and noted he wanted to make sure that was coordinated as some of the parking spaces will be used by the office as part of a shared parking agreement. He advised that Karl Peterson, Traffic Engineer, would address this in his parking statement.

Attorney Scott noted he had a question regarding CRA reference 55. Mr. Pinney stated the issue may have been a labeling error. He commented that the crosswalk was in an interior pedestrian zone, so there are no criteria for it, but it did not make sense that the width of the sidewalk dropped from seven (7) feet to five (5) feet.

Mr. Gratz noted there had been a discussion among staff as to it making more sense for the sidewalk to go the full width rather than having the landscape buffers on each side. Discussion continued. Mr. Perez stated he appreciated the suggestion and thought it was a good one. He noted the landscaper added the buffer to try to beautify the entrance, but they would investigate.

Attorney Scott highlighted Engineering reference 34, as follows:

*Transportation: as FDOT pre-approval letter indicates, include evaluation of any needs for improvements at the intersection of SW 7<sup>th</sup> Street and SR-7 due to project traffic.*

Karl Peterson, Traffic Engineer, Traftech Engineering/KBP Consulting, stated the intersection had been analyzed. He explained it is currently operating at Level of Service A, and would continue working at Level of Service A/B in the future. He advised it would be fair to say that from an operational standpoint, the intersection is functioning well. He noted there are side street delays, but that is customary on State Road 7 (SR-7), because Broward County has made a policy decision to emphasize traffic on SR-7.

Mr. Peterson pointed to Engineering reference 34, as follows:

*Transportation: FDOT conducted a Road Safety Audit along SR-7/US-441 from Kimberly Boulevard/SW 11<sup>th</sup> Street to NW 31<sup>st</sup> Street. The report provided recommendations for improvement of SW 7<sup>th</sup> Street/SR-7 intersection. The developer shall review these recommendations and coordinate implementation with FDOT.*

Mr. Peterson stated he was not familiar with the Florida Department of Transportation (FDOT) report and asked if a copy could be made available for review. Staff agreed.

Mr. Gratz pointed out there is not a left turn arrow at the light. Mr. Peterson advised the lack of turn arrow is probably because the County does not want to run a split phase, because it would degrade the operation and drive up the delay on the intersection. He noted that would be a Broward County decision.

Mr. Gratz stated that looking at the numbers, it did not appear there were a lot of people going straight through. He noted a benefit of this project to the residents would be the ability to make a

left to go north on SR-7 as opposed to having to go out to the entrance and do a U-turn to go north. He asked if it would make more sense for one (1) lane to be right and straight and the other to be left only.

Paula Fonseca, Engineer, DEES, advised that her comment included any improvements recommended in the FDOT report. She asked whether there was a recommendation for a change to the signal speed based on the evaluation. Mr. Peterson stated there was not.

Mr. Peterson stated something to consider in relation to reassignment of lanes would be the geometric alignment and ensuring the receiving side was within the permissible offsets. Mr. Gratz projected a map of the intersection for further discussion.

Mr. Peterson advised that this was a philosophical difference in the traffic engineering field, and his personal preference is to keep throughs and lefts together because with a small number of vehicles going through, it is less likely to impede right turns. He reviewed the traffic counts briefly.

Mr. Pinney asked whether, instead of repurposing lanes, the stacking capacity of the dedicated turn lanes that already exist could be increased. Mr. Peterson stated he had looked at that, and the northbound left has more than twice what is needed, and the southbound right has no delay, but the eastbound right turn storage is relatively short with high demand. He noted the argument could be made to extend the eastbound right turn lane; however, it is an existing condition the project is not contributing to due to the location of the driveway.

Mr. Peterson read Engineering reference 35, as follows:

*Transportation: Evaluate U-turn alternatives at SW 8<sup>th</sup> Court and Santa Catalina Lane going southbound on SR-7.*

Mr. Peterson stated they had taken into consideration that rather than going to the signal at 7<sup>th</sup> Street to go north, some traffic would come out of the site and make a U-turn at 8<sup>th</sup> Court. He noted they had not anticipated many vehicles would go all the way to Santa Catalina Lane, though he saw that it would provide more distance to get across three (3) lanes of traffic. He commented that he knows the area well and there are a lot of breaks in traffic that would provide an opportunity to get across lanes, but it would not happen all the time. He stated the estimates were for 13 people to make the U-turn maneuver in the morning and seven (7) in the evening.

Mr. Pinney stated he did not predict anyone would do that maneuver during peak hour, as it is congested southbound at that intersection. Mr. Peterson agreed it would not be frequent, and noted they did not want to gloss over the option, because people will do it.

Mr. Peterson explained the turn lane at 8<sup>th</sup> Court has a storage capacity of 375 feet. He stated there were no counts conducted at that location, but he does not believe there will be a problem. He noted if there is an existing condition he is unaware of, he would review further.

Ms. Fonseca asked Mr. Peterson if he thought people were more likely to use Santa Catalina Lane because that the U-turn at 8<sup>th</sup> Court required getting across traffic fast. Mr. Peterson pointed out that the total predicted number could be divided between the two (2) intersections and not make much of an impact on operations. He stated he would elaborate on this point in the response to the comments.

Mr. Peterson read Engineering reference 53, as follows:

*Transportation: Traffic study only references signal timing optimization at the Atlantic/SR-7 and Southgate/Rock Island Rose intersections; however, it fails to provide further details to optimize it.*

Mr. Peterson stated when optimizing signals in a coordinated corridor like SR-7, the key is to hold the cycle length constant to allow for progression of traffic through the corridor. He noted what changes are the individual splits on the side streets, and those details can be highlighted in the response to the comments. He advised that optimization is being done based on today's conditions and projections, and once it is operational Broward County can be asked to review again and make changes based on conditions at that time.

Attorney Scott summarized that City staff would send the applicant the FDOT Road Safety Audit, and the applicant would check the project to ensure consistency with that report. Ms. Fonseca stated the report was for the greater area, but there were recommendations for the intersection at SR-7 and SW 7<sup>th</sup> Street.

Mr. Peterson left the meeting at 10:42 a.m.

Austin Bouchard, Civil Engineer, Kimley Horn, referenced Engineering reference 56, as follows:

*The objective of DEES is to eliminate publicly owned utility infrastructure within private property. Utility plans will be reviewed during permitting process to achieve the aforementioned objective.*

Mr. Bouchard stated they were trying to use the same system, and the applicant would like to vacate everything on site, if possible. Ms. Fonseca explained the main concern was accessing private property to repair breaks and maintain pipes.

Attorney Scott asked for clarification that the office side stays as-is, and the new development side has to be private. Mr. Bouchard stated it would require a master meter of some sort. Ms. Fonseca confirmed.

Attorney Scott commented on Zoning reference 19, an information-only comment, as follows:

*The portion of the parking lot being purchased to serve the development must be joined either by the subdivision resurvey or with a Unity of Title to receive final site plan approval,*

*the parcel line is crooked, and the landscape buffer requirement between the properties is not being met on these plans.*

Attorney Scott stated his understanding is that the Code permits off-site parking via an agreement which the City approves, not Unity of Title or subdivision resurvey.

Mr. Perez added that the intention is to combine the property with the parking lot so eventually it is treated as one (1), which was the reason they were trying to avoid the landscape buffer. Mr. Gratz asserted that at the end of the day, the two (2) properties need to become one (1) property, or they would need to comply with setback requirements on each. Attorney Scott reiterated that if this were an existing parking lot next to a new development, they would have to put in the buffer and could have an agreement.

Mr. Perez asked if they could make the agreement a requirement to pull the building permit, since they first have to subdivide the lot. Mr. Gratz stated it would be on final site plan approval.

Mr. Perez explained the back parcel is four (4) acres and needs to be subdivided into two (2) parcels. Mr. Gratz confirmed they were doing a subdivision resurvey, and they would be fee-simple parcels. Mr. Perez stated that needs to take place before the covenants are filed and asked that the sequencing be kept in mind.

Attorney Scott asked if the plan was to unify. Mr. Perez stated he would do as the City was asking and provide a document tying the properties together.

Mr. Gratz stated he understood the concern and asked that the response to the comment include the request to allow permits to be issued for the parking lot and make it a condition of the permit for the apartments.

Mr. Gratz asked if a landscape buffer was planned all the way around the parking lot property. Michelle Latte, Landscape Engineer, Kimley Horn, confirmed it was.

Attorney Scott advised that the air conditioning units needed to come off, as conceptually it needed to look like a parking lot to get approval on its own. Mr. Perez noted the project has a new engineering team with Kimley-Horn, and they have elected to place the air conditioning units on the roof.

C) ID2024-072

**DRC NO. 23-00400045 THE FOREST APARTMENTS SUBDIVISION RESURVEY**

**LOCATION:** 777-787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT

**LEGAL DESCRIPTION:** A PORTION OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.) AND PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); THE EAST 265', PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16,

B.C.R.); AND PARCEL "B", MINI MART DEVELOPMENT CORP. SUBDIVISION (PLAT BOOK 81, PAGE 49, B.C.R.).

**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Mr. Gratz read the title of the item and advised that he had a comment to add, noting the title in the lien description on the subdivision resurvey needed to be corrected.

Mr. Perez stated Amanda Martinez was spearheading this issue and asked whether she had questions related to the comments. Ms. Martinez had no questions.

Attorney Scott read Engineering reference 24, as follows:

*Code asks for "public access easement" as opposed to sidewalk easement shown on the subdivision resurvey plan. The landscaping and benches proposed on the site plan pose an issue being in an easement that is named sidewalk easement. The dimension of this easement needs to be closely coordinated with the site plan.*

Mr. Gratz clarified that the name of the easement on the document needed to be changed to reflect its use.

D) *ID2024-073*

**DRC NO. 23-00400046** THE FOREST APARTMENTS SITE PLAN

**LOCATION:** 787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT

**LEGAL DESCRIPTION:** SOUTH HALF OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.)

**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Mr. Gratz read the title of the item and shared the site plan on the screen.

Attorney Scott read Engineering reference 55, which asked for the location of the bus shelter to be provided. Mr. Perez advised that the proposed bus stop as suggested by the City would be placed in the same location where the bus stop currently is.

Ms. Fonseca stated there was information regarding the bus shelter, but no location shown on the site plan. Ms. Martinez noted the existing bus shelter was labeled and asked for direction as to correcting the issue. Mr. Gratz suggested "to be replaced" be added.

Mr. Gratz asked whether the applicant wanted to address the site plan and special exception together or separately. Attorney Scott asked that they be discussed together.

E) *ID2024-074*

**DRC NO. 23-00400047** THE FOREST APARTMENTS SPECIAL EXCEPTION

**LOCATION:** 787 S. STATE ROAD 7

**ZONING: GATEWAY DISTRICT****LEGAL DESCRIPTION: SOUTH HALF OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.)****PETITIONER: MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.**

Mr. Gratz read the title of the item and stated the site plan would be heard simultaneously with the special exception application. He stated the site plan is an attachment to the special exception and must meet the criteria of the Code.

Attorney Scott pointed to Planning reference 26, an information-only comment, and advised there seems to be a disconnect between what the applicant is providing relative to the enlarged landscape plan. Ms. Latte stated the enlargement requested was on page LP-21, and asked if it was inadequate. Mr. Gratz asked for the addition of the setback distances from the curb, pavement, and right-of-way.

Mr. Perez advised that once it is finalized, the document would be colored, and full renderings would be provided that depict what the project will look like.

Ms. Latte asked about the reference to bike racks. Mr. Perez stated the applicant agrees with the City and will provide some sort of shelter to better protect the bike racks. He noted it would likely be a combination of indoor and outdoor, and advised that they are looking into several options. Discussion continued regarding how people store their bikes.

Mr. Gratz asked whether the Code requires that bike racks be outdoors. Mr. Pinney stated he believes it just needs to be close to the entrance and easy to use. Mr. Gratz advised it would be nice to have more green area and trees versus a bike rack nobody is using. He suggested finding a balance.

Attorney Scott commented on Zoning reference 42, which addresses trash chutes. He stated in his experience and in Mr. Perez's experience, apartment building would not have two (2) trash chutes. He noted that would be premium luxury product.

Mr. Perez stated the team was doing this type of luxury garden product in several communities, and typically there is a single trash chute for waste. He noted the intent is to operate with valet service, which would be optional but encouraged. He added that two (2) chutes is not being seen in the market, even in the highest-end condominiums.

Attorney Scott advised that the costs are enormous, and asked if the request was made because it is the intent of the City to encourage recycling. Mr. Pinney asked if there was any way to do the two (2) chutes next to each other and divert at the bottom. Mr. Perez stated he would be happy to provide numbers, but each chute ends up costing more than \$500,000.

Mr. Pinney stated what he has seen is that no one recycles when there is only one (1) chute, it all goes to the trash, and that is not the direction the City is headed. Mr. Perez responded that is not



how they foresee it. He noted with the valet trash system, there are two (2) bags for trash and recycling, and they don't expect people to throw away their own trash. Attorney Scott stated they would look at it but want to be up front that it is a challenge to comply with the request.

Mr. Gratz pointed out that one (1) of the requirements was the amount of recycling. Mr. Perez asserted that they believed they were meeting that. Ms. Martinez shared that each building has its own trash and recycling room, which will be managed by an experienced team handling the valet trash.

Mr. Pinney asked whether this level of detail was included in the narrative to explain solid waste service plans. Attorney Scott stated it was not. He noted the comment was received and would be addressed.

Mr. Perez advised that the community would be actively managed, with a staff of at least seven (7) ensuring it does not go into disrepair. He discussed an example in Plantation.

Mr. Gratz noted there were trash rooms, dumpsters, and a compactor on the plans and asked for clarification on the system. Anette McSwain, Design Manager, MSA Architects, advised that the item identified as dumpsters was actually transformers and stated she would make sure they were labeled. She explained that on trash day, the bin would be wheeled out of the building to the loading area for pickup and then wheeled back inside.

Mr. Pinney asked what happens with bulky trash, like a broken sofa or similar. Mr. Perez advised that typically, the tenant would have one (1) of the building's services remove it. He posited whether a compactor is needed if each building needs its own trash chute. He stated that area could be used as a gate area for bulk trash. He noted most of the bulk trash is associated with move outs. Discussion continued regarding how trash would be managed.

Attorney Scott stated the narrative would be updated and commented that the expectation from the applicant is that would be a building maintenance issue that ownership would maintain. Mr. Perez added that they would speak with Republic Services and staff to come up with solutions.

Mr. Pinney asked how the compactors were accessed by a truck. Mr. Perez that the Republic truck would go from building to building and pick up the bins in the loading areas. He noted he had confirmed this with Republic.

Mr. Pinney stated the trash chute keeps trash out of the elevators, but if recycling is picked up by a valet, it would go into the elevator. Mr. Perez agreed that the trash and recycling would go into the elevator. He noted residents can put trash and recycling out for pickup every day.

Attorney Scott shared that he had lived in a building that had a trash chute in a room, and in that room, there were recycling bins which building maintenance would come to pick up. He noted this might be a middle ground. Mr. Perez advised that he would analyze and report back.

Mr. Perez asked that they address landscaping briefly. He stated the City had provided a comment regarding the location of the park and he agrees it would be better to have the park on the north side because it is a better feature for the building and would be better design. He noted the park would be smaller due to space available on the north side, but more space than required was being provided and the south area would still be landscaped heavily to shield the equipment.

Mr. Pinney stated a nice meandering sidewalk was shown on the south side of the driveway, so they may be able to continue it and have a linear park concept. Mr. Perez confirmed that was the intent and asked if that should be shown in the calculations. Attorney Scott asked that the sketch be emailed to staff and discussed ensued briefly regarding working together to address large items prior to resubmission.

Mr. Scholl left the meeting at 11:20 a.m.

Attorney Scott asked that the next topic be the design. Mr. Perez stated the comments were based on the elevations, which are typically not indicative of the architecture. He highlighted that the applicant had listened to the City on special treatment of the first floor, but that would be more apparent in the building images.

Ms. McSwain shared actual images from another project, as well as renderings. Mr. Perez stated they were trying to work with the City to create a product everyone would be proud of.

Ms. McSwain reviewed options the team had developed in the past and asked for direction on what staff was interested in, such as more modern or classic. She noted the comments reflect the base, height, and mid-point of the building, and advised that she would break that down further in the next round of comments. Mr. Gratz stated the comments were based on CRA guidelines.

Mr. Perez pointed to images of the Casero Apartments, a project of the applicant in another community. He stated this project was designed by the same team and was commensurate with the finish level planned. He explained the plan was for two (2) elevators, one (1) for regular service and the other for use on moving days. Mr. Gratz stated colors and articulations should match South Florida. He noted decorative architectural elements are great but he does not like things that feel real and are not.

Attorney Scott commented that he doesn't like the false items either, but it is a way to break up walls. He asked if it was a preference, or something the City does not want. He noted the color comments were well taken. Discussion continued regarding the design examples provided.

Mr. Pinney asked about the balcony depths. Mr. Perez advised that the balcony depths vary but are useable. Ms. McSwain reviewed drawings and explained the standard depth was approximately five (5) feet and depending on the location it would have a slider or a door.

Mr. Gratz asserted there was no reason to provide a balcony if it is not large enough to use. He stated it must be comfortable and fit people. Mr. Perez stated they would look into it, but they do

not want to do anything that would impact the structure or become too expensive. He noted they will expand and vary where they can, but do not want to take away from living rooms. Attorney Scott stated there may be some level of agree to disagree if it was not a Code issue.

Mr. Gratz pointed out on C1, that when submitted, the den/office does not count for a parking space, as the Code had recently been changed.

Mr. Perez commented that the doors open inward due to corridor depth requirements, which would make the building wider and less efficient. Elizabeth Taschereau, Director of Development Services, stated Building Department Director Richard Nixon had pointed out the open corridors were allowed under the Building Code, but he wanted the applicant to check the Code related to placement of doors. Mr. Perez noted the example buildings shown all have open corridors.

Mr. Perez stated there is security in the community and it is actively managed with a concierge present 24 hours a day. He asked if the doors were a requirement. Todd Schepers, Chief Electrical Inspector, Building Department, advised this would be a question for Mr. Nixon. Ms. Taschereau stated the team would follow up with Mr. Nixon.

Ms. McSwain explained that one (1) of the reasons they decided to have six (6) foot corridors and the doors swinging in was because the site is tight due to parking and landscaping, and this allows for reduction in the overall width of the building. Ms. Taschereau suggested the team reach out to Mr. Nixon.

Mr. Perez asked if it would be helpful to submit formal renderings with the next package. Ms. Taschereau suggested they first have a conversation regarding the Building Code issues.

Attorney Scott stated the Building Code issues are easy because they are black and white. He noted what Mr. Perez was referencing was that there were clearly concerns from staff regarding the design, and renderings show it is much nicer than the elevations depict. Mr. Gratz asked that they show exactly what was planned. Discussion continued regarding the renderings.

Ms. McSwain pointed to comments regarding overall access from SR-7 to the preserve. She highlighted two (2) gates to allow accessibility but still have a safe neighborhood. Mr. Perez stated the plan was to program the gates to be fully open during the day, with signage to allow access during park hours. Mr. Gratz advised that was exactly what he was looking for. He noted the preserve is a huge benefit to the community and he wanted to make sure that was maintained.

Mr. Bouchard stated the applicant is working with Broward County regarding the drainage agreement, but the process may not be complete prior to DRC approval. Ms. Fonseca responded that staff understands it is a longer process, but they will not be issuing engineering permits until that is in place.

Attorney Scott stated he had no further questions. He asked for clarification of the next submittal deadline. Mr. Gratz stated there were many moving parts to work out, and advised the deadline

for review by the Planning and Zoning Board and Commission was in August. He discussed the opportunity for flexibility in scheduling.

Mr. Perez advised that the goal was to make the next submission in about 30 days. He noted they would rather get it right than to do it twice.

### **GENERAL DISCUSSION**

There being no further business to discuss, the meeting was adjourned at 11:47 a.m.

Respectfully submitted,



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Elizabeth Taschereau, Director of Development Services



**REGULAR MEETING OF  
THE DEVELOPMENT REVIEW COMMITTEE**  
<https://us02web.zoom.us/j/81948792790>  
**MINUTES**

**Tuesday, June 25, 2024**

**10:00 a.m.**

City of Margate  
901 NW 66<sup>th</sup> Avenue  
Margate, FL 33063

**City Commission**

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

**City Manager**

Cale Curtis

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

**City Clerk**

Jennifer M. Johnson, MMC

**PRESENT:**

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

**ALSO PRESENT:**

Matthew H. Scott, Esq., Greenspoon Marder, LLP  
Saul Perez, REZ SE Land, LLC  
Annete McSwain, MSA Architects, Architect Lead  
Karl Peterson, KBP Consulting, Traffic Lead  
Austin Bouchard, Kimley Horn, Engineering Lead  
Teresa Villalon, Kimley Horn, Engineering  
Michelle Latte, Kimley Horn, Landscaping Lead

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order at 10:08 a.m. on Tuesday, June 25, 2024, at the City of Margate Commission Chambers, 5790 Margate Boulevard, Margate, FL 33063.

**NEW BUSINESS**

- A) *ID2024-210*  
**DRC NO. 23-00400043 RECONSIDERATION OF THE FOREST  
APARTMENTS PLAT NOTE AMENDMENT**  
**LOCATION: 777-787 S. STATE ROAD 7**  
**ZONING: GATEWAY DISTRICT**

**Development Services Department**

901 NW 66<sup>th</sup> Avenue, Suite C, Margate, FL 33063 • Phone: (954) 979-6213  
[www.margatefl.com](http://www.margatefl.com) • [dsd@margatefl.com](mailto:dsd@margatefl.com)

**LEGAL DESCRIPTION:** PARCEL "A", 441 SOUTH, LTD., II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGE 41, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR REZ SE LAND, LLC

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

Saul Perez, REZ SE Land, asked for clarification on Engineering reference 21, which asked for an updated road alignment easement to be reflected on the plan. Paula Fonseca, Engineer, DEES, confirmed the plat language would be amended, and asked what was happening with the current easement. Mr. Perez advised it would be abandoned.

Ms. Fonseca asked if the abandoned easement, and the new easement would be shown on the plat. Matthew H. Scott, Esq., Greenspoon Marder, LLP, commented that it would not be shown on the plat. He stated the plat note amendment was an agreement, and whatever was going on with the roadway would be addressed separately in the vacation process. Mr. Perez added this would take place during the subdivision resurvey, so the plat note was filed with Broward County.

Mr. Gratz restated that the existing plat is not something that would be processed by the County, as the easement affected only the Margate jurisdiction and the County Commission would only look at the approved level of development shown on the plat.

Randy Daniel, Assistant Director, DEES, asked if the DRC would see the plat again, because as it is now, it shows the curvy road. Attorney Scott stated the subdivision resurvey addresses this. Mr. Gratz stated there would not be a plat involved, but the City Code has a subdivision resurvey process that looks like a plat and acts like a plat but does not go to the County Commission for approval. He noted the subdivision resurvey would change the lot lines and easements.

Elizabeth Taschereau, Director, Development Services, commented that there was a series of emails the previous day between Curt Keyser, DEES Director, and David McGuire which had covered this issue, and encouraged Mr. Daniel to connect with Mr. Keyser. Mr. Daniel commented that the exchange had been about granting a new easement while the other easement remained in use, but the drawing showed an incorrect roadway. Attorney Scott stated the applicant was undergoing the plat note amendment process simply to modify uses and the amount of those uses, and the other issues were being addressed in other applications.

Ms. Fonseca asked what the plat would show if she pulled it in 10 years. Attorney Scott stated the PDF of the plat would show it but would have an associated link to show where it was vacated and realigned. He noted they were on the same page, there was just some confusion with the process to achieve what staff was requesting. Mr. Perez advised that his team would send an email summarizing the discussion and if there is any disagreement, it can be addressed.

B) ID2024-211

**DRC NO. 23-00400044** RECONSIDERATION OF THE FOREST OFFICE PARK SITE PLAN

**LOCATION:** 777-787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT

**LEGAL DESCRIPTION:** A PORTION OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.) AND PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); THE EAST 265', PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); AND PARCEL "B", MINI MART DEVELOPMENT CORP. SUBDIVISION (PLAT BOOK 81, PAGE 49, B.C.R.).

**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR REZ SE LAND, LLC

Mr. Gratz read the title of the item and stated this was the site plan for the office park. He stated this was a vacant piece of land being converted into a parking lot, with some of the parking being used for the existing office buildings and some for the apartment development, and cross-access easements for those uses.

Mr. Perez noted the Building Department comment that referenced a missing ADA parking space was correct, but it referenced an older plan, not the most recent submission. He pointed out the area with the trash compactor had been removed.

Richard Nixon, Director, Building/Code Services, confirmed that the trash compactor has been removed and all of the buildings now have their own trash chute. Mr. Perez stated this was correct.

Mr. Nixon stated this was his only comment, as there were ADA parking spaces by all of the other common areas on the plan. Mr. Perez and Mr. Scott stated they had no further comments for Building/Code Services and Mr. Nixon left the meeting at 10:22 a.m.

Mr. Perez commented on Fire reference 60, and stated they would make the change to the hydrant locations as requested. Austin Bouchard, Kimley Horn, Engineering Lead, confirmed the changes would be made.

Attorney Scott asked for clarification on Andrew Pinney's CRA reference 23, as follows:

*Where is the callbox or card reader for this gate? If a vehicle is denied access, how and where do they turn around?*

Mr. Perez stated the referenced gate was exit only from the southernmost parking lot to the north, so it was only one (1) way and there was no card reader. Attorney Scott added that the gate was for residents to leave, and asked if the concern could be addressed with a sign that says exit only.

Mr. Gratz clarified that no one would be coming in that way, traffic would be directed to a main entrance. Attorney Scott confirmed. Mr. Perez stated a do not enter or one way sign could be

added if that was acceptable. Mr. Gratz stated that would be acceptable, and a turn around would not be needed if the gate was exit only.

Mr. Gratz highlighted CRA reference 55, as follows:

*Why does the sidewalk width drop from 7ft to 5ft? Maintain width throughout sidewalk network.*

Mr. Perez stated all of the sidewalks that could be had been expanded to seven (7) feet in width.

Mr. Bouchard pointed to Engineering reference 51, as follows:

*Agreement to discharge surface water to neighboring property:  
Provide status of Application L2023-276.  
Ensure agreement to discharge surface water to neighboring parcel incorporates language ensuring its validity in perpetuity, irrespective of changes in ownership.*

Mr. Bouchard advised the agreements were under review by Broward County and would be provided to the City for review as needed.

Attorney Scott added that for DRC purposes, the applicant did not believe the surface water management licensing agreement needed to be done, and asked if this was correct. Mr. Perez stated they understood for building drawings it was required, and it was being processed. He noted during that process the agreement would go through legal on the County level and then would come back to the City for review and input prior to signing.

Ms. Fonseca stated they need to see where the language was included in the agreement. She noted she understood it was going through the committee, but she wants to see pointed out where the language is. Mr. Perez advised there is language in the agreement, and the team will make sure it is provided. Mr. Bouchard asked for confirmation that the approved licensing agreement could wait until building permit. Ms. Fonseca confirmed.

Mr. Perez asked for clarification on what the 30-foot drainage/access easement through the parking lot area west of the development was in Engineering reference 59. Ms. Fonseca stated the comment was added because there is no connection from the ingress/egress, there is a gap from the easement to the neighboring property. She noted there is nothing protecting the drainage through the parking lot, as there is not an easement there.

Mr. Gratz displayed the plans for discussion. Ms. Fonseca pointed out the existing ingress/egress drainage at the access road, noting it stops right before the master parking area, so that needs to be protected running to the neighboring property.

Mr. Bouchard commented that this was all private property, and asked if there was a reason it needed to be under an easement. He suggested they could place an easement around the



controlled structure to make sure there is maintenance for the discharge. Mr. Daniel stated that was exactly the point being made. He noted because it is private property, it can be excised and sold off later on, so there needs to be an easement so that whatever happens with the property going forward there is an easement dedicated to the drainage of the property on the eastern side into perpetuity, and there will always be that connection.

Ms. Taschereau asked if the applicant knew the exact physical piece of property Mr. Daniel was referencing. Attorney Scott stated the existing offices are owned by an entity that also owns this parking lot, so Mr. Bouchard is asking why he would need to put a drainage easement over his own property.

Ms. Fonseca asked who would be maintaining the drainage system. Mr. Perez advised that the applicant would be. He stated his understanding was that at least on the apartment side, DEES had asked that they maintain their own drainage. Attorney Scott added that there was also a maintenance agreement.

Mr. Perez stated in the reciprocal easement agreement, there is a mutual obligation that the office parcel and the apartment parcel impose on each other to maintain the system. He noted in the event that one (1) of the parties does not, there are mechanisms to cure it.

Ms. Fonseca stated the main question was if there was any way to protect that main line that is discharging to the neighboring property so that it cannot be built on or have something else put on top of it. Mr. Perez advised one of the things Mr. Bouchard was proposing based on what he had seen was perhaps an easement on the outfall structure, but the County would have to agree to it. He stated in the reciprocal easement agreement, neither party can modify without reasonable approval, so there should not be any compromise to the system.

Mr. Gratz provided an example of the drainage issue Ms. Fonseca was trying to avoid, where what should have been a drainage easement had been separated from the development and sold as a separate property. He stated staff was working to ensure that never happens again.

Attorney Scott asserted an easement would not stop the issue; the County Property Appraiser would still create the parcel if that is what is asked of them. He stated he understood they were trying to proactively get ahead of an illegal subdivision, but it was adding an expense and a requirement that would not prevent the situation from happening again. He stated they would record the reciprocal easement agreement which would govern drainage, and it would say the parties are bound together for drainage and cannot change the drainage without permission from each other, the City, and the County. He commented on the scenario of the parcel being sold off and the mechanisms in place.

Mr. Perez stated if DEES would allow, the applicant would send supplemental documentation breaking out the multiple obligations in place to see if that was acceptable. Mr. Daniel agreed, noting a change in language could make it clearer.

Mr. Perez reached Jerry McLaughlin by phone and Mr. McLaughlin reiterated that they were not vacating any easements covering drainage, so it would remain covered by an easement. Mr. Perez stated additional clarification would be provided.

Mr. Perez stated there was an outstanding comment regarding traffic which could be addressed in the next discussion.

Ms. Taschereau asked if Engineering reference 53 had been addressed. Attorney Scott advised that he and Mr. Daniel had discussed this issue briefly the previous Friday and had agreed that it could be argued it was unfair to involve a traffic consultant now on the second submittal. Mr. Daniel stated the City consultant was looking at the issue, and a response is expected in the next five (5) business days. He advised the main issue was staff was concerned they were not doing service to the community if they allowed this to move forward and leave the only recourse as signalization optimization.

Attorney Scott stated they do not disagree that projects would benefit from a third-party reviewer but have a problem with it being done this far down the road. He asserted it was unfair, and the applicant had not been called or informed. He asked that the parties be fair to each other, highlighting the money spent on application fees, multiple pre-application meetings, discussions on traffic methodologies and use types. He noted they should do this as a City but doing it to his client now when they have worked so hard on this creates real heartburn on their side. He stated on one (1) hand they are saying it would only be five (5) days, but the consultant could come back with a list of things.

Mr. Perez advised that the project's traffic engineer, Karl Peterson, believed this would delay the project by four (4) months. He stated they were going to have differing opinions, and even if they arrive at the same conclusions, it will take months to get there.

Karl Peterson, KBP Consulting, stated the most recent round of comments had made reference to review by the City's traffic engineering consultant, and he was unaware there was a consultant. He stated he was not opposed to there being a consultant from the get-go, but they had been at this for quite some time and having another opinion layered in at this time has the potential to result in significant delays. He commented that he believed the applicant had adequately prepared the report in accordance with the methodology prescribed as described by the City.

Mr. Daniel stated he respected and appreciated the comments. He noted that he believed everyone would agree whatever was built today would serve the community and generations for the next 100 years, and they have a duty to make sure it is not going to create a burden to the people who will live in the development and to the people who will live along with the development. He added that maybe staff should have gotten the consultant involved six (6) months ago, but they did not for a variety of reasons. He stated he did not think it behooved them to move forward despite the inability to get a consultant earlier. Mr. Daniel advised that he agreed with the projected timeline and thought it could be done a lot faster, but notwithstanding, four (4) weeks would be nothing compared to 100 years. He stated they need to make sure they are doing the

right thing for the community and those who would eventually live in this development, and to say that signalization optimization at the end of the project is the only recourse is not the way to go. He commented that this was an opportunity to look into other methodologies to solve a potential problem.

Mr. Daniel asked how many apartments were planned for the project. Mr. Perez stated there were 338 units planned.

Mr. Daniel asserted this was a significant development, and while State Road 7 would only be egress for the southbound traffic, Beacon Street is the main ingress and egress to the project. He stated maybe the answer is a west entrance to State Road 7, but whatever it is, staff thinks they need to do their due diligence to make sure the community is served to the best of their ability. He commented that he did not believe it would delay the project and asked Ms. Taschereau when a response was needed to move to the next step of the process.

Ms. Taschereau advised that whether there was a denial or approval from the DRC, the application was going to Planning and Zoning Board (PZB) at the next meeting. Attorney Scott stated that would be August due to notice requirements.

Mr. Daniel stated that meant they had the whole month of July for additional review. Ms. Taschereau stated there were two (2) DRC meetings scheduled, for July 23 and August 13.

Mr. Gratz explained that process wise, the options for the outcome of this meeting would be to approve, approve with outstanding comments to be resolved, or deny in the case that the Code issues are such that another review cycle and DRC is needed. Attorney Scott added that if the applicant wants to move forward regardless of the recommendation of denial, they can.

Mr. Daniel stated he was committing to the team that he expects to have a response from whoever he talks to in regard to this matter in advance of the July 23 meeting and was not expecting to create any sort of delay. Attorney Scott expressed continued concern with the introduction of a consultant at this stage. He stated the it makes sense and they should do it with the next project.

Mr. Gratz noted the removal of the trash compactors and addition of a maintenance building and pointed to Zoning reference 57, as follows:

*38' side setback required from residentially zoned properties, the code makes no exception for the property being in another city. The preserve to the west is zoned B-2 which is the rear property line and a 20' rear setback is required from a non-residentially zoned property.*

Mr. Gratz summarized that the proposed maintenance building does not comply with the setbacks and asked if that had been adjusted. Mr. Perez asked for clarification that it was a side setback off the rear property line.

Mr. Gratz indicated the referenced locations on the plan. Mr. Perez stated that was not a problem, they would make adjustments. Mr. Gratz explained this was a requirement to move forward.

Ms. Fonseca shared Engineering reference 58, as follows:

*Address the stormwater system of the existing office buildings as it seems to be disconnected from the proposed improvements on the master parking area as well as the retention areas to be removed due to the development.*

Teresa Villalon, Kimley Horn, stated the layer was not shown on the plan, but they are all interconnected. She explained there is a catch basin that connects the existing system to the proposed system. She stated they would add the system to the plan. Mr. Bouchard added that they had also accounted for the calculation of the systems merging together.

C) ID2024-212

**DRC NO. 23-00400045** RECONSIDERATION OF THE FOREST APARTMENTS SUBDIVISION RESURVEY

**LOCATION:** 777-787 S. STATE ROAD 7

**ZONING:** GATEWAY DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT

**LEGAL DESCRIPTION:** A PORTION OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.) AND PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); THE EAST 265', PARCEL "A", THE FOREST (PLAT BOOK 129, PAGE 16, B.C.R.); AND PARCEL "B", MINI MART DEVELOPMENT CORP. SUBDIVISION (PLAT BOOK 81, PAGE 49, B.C.R.).

**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Mr. Gratz read the title of the item and shared the subdivision resurvey plan on the screen. He stated at the center of the parcel, there was an existing road. Mr. Perez stated it was just an access road. He noted the location of the drainage lines the City currently has a maintenance requirement over and stated at Mr. Keyser's request those were being abandoned with the road in place until it is actually built. He stated he did not have an objection to that.

Attorney Scott stated what had been discussed with Mr. Keyser and with the County was to leave the existing access easement there and record a new one (1) that will sit until it is built.

Mr. Perez advised that the subdivision resurvey needs to be recorded, as they are acquiring the residential lot and only half of the rear lot, and this plan draws the property lines for the County so they can close. He suggested they record the plan with the road and then rerecord a new, revised plan with the street once it is done, if that works for DEES.

Mr. Daniel agreed that it should work. He clarified that the new, straightened easement would be recorded. Attorney Scott clarified that emails earlier in the day had contemplated recording the new easement now so that it is sitting. Mr. Daniel stated DEES was comfortable with that arrangement.

- D) *ID2024-213*  
**DRC NO. 23-00400046** THE FOREST APARTMENTS SITE PLAN  
**LOCATION:** 787 S. STATE ROAD 7  
**ZONING:** GATEWAY DISTRICT  
**LEGAL DESCRIPTION:** SOUTH HALF OF PARCEL "A", 441 SOUTH, LTD., II (PLAT BOOK 124, PAGE 41, B.C.R.)  
**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR REZ SE LAND, LLC

Mr. Gratz read the title of the item and shared the site plan on the screen.

Mr. Perez noted Mr. Gratz's previous notes regarding the relocation of the maintenance room and asked Annete McSwain, MSA Architects, if she had further questions or comments. Ms. McSwain advised they should shift around parking to comply with the setback for the maintenance room, and there were no issues with that update.

Mr. Perez stated he did not think the plan was doing a good enough job of showing the location of the bus shelter, because the comment keeps coming back. Mr. Gratz advised that he was just asking for a clear note to say the applicant was putting a new bus shelter in.

Mr. Perez noted that Engineering reference 55 also asked for documentation of the bus shelter. He asked if replacement of the existing bus shelter should be shown on the engineering plans as well as the site plan. Mr. Gratz advised it should basically be shown on everything.

Ms. Fonseca stated the existing bus shelter was recognized, but there was no proposed work shown. Mr. Perez advised the issue would be corrected.

Mr. Bouchard commented on Engineering reference 64 and 65, as follows:

*Wastewater – provide evaluation of LS 29 capacity (wet well capacity, flow and head) to handle additional wastewater from development. Provide a clear statement of the results of the evaluation.*

*Wastewater – provide evaluation of existing gravity line capacity to illustrate that existing gravity system will not operate under surcharged conditions. Provide a clear statement of the results of the evaluation.*

Mr. Bouchard advised that a report created by CHA based on their analysis had been provided to address all of the questions as requested. He stated it appeared evaluation of the lift station itself was also being requested, but the applicant cannot perform that analysis without permission from the Public Works Department.

Ms. Fonseca stated she believed information had been provided a couple of months ago. Mr. Bouchard confirmed that some information had been received, but additional information was

needed to perform the analysis, including confirmation of pump specs. Attorney Scott asked if the applicant should go to Public Works Director Gio Batista for the details.

Mr. Daniel commented that this question was related to utilities, and the City's ability to treat the sewage generated from 338 townhouses. He discussed the calculations which needed to be done on the gravity system, including the ability of the pump station to handle sewage at peak times. He noted there could be a domino effect with other customers accessing the system efficiently which would result in a backup.

Mr. Bouchard clarified a study of the capacity of the lift station to operate under surcharge conditions should satisfy the analysis. Mr. Daniel stated they want to make sure the gravity line that feeds the pump station is not operating on a surcharge. He advised to be acceptable, it has to continually empty so there is always a continual flow.

Mr. Bouchard restated that the applicant would analyze the pump station as it is operating and make sure the pump would operate with the additional flow provided. Mr. Daniel confirmed. Mr. Bouchard advised that an analysis could be conducted per Florida Department of Environmental Protection (FDEP) requirements and documents. Mr. Daniel stated information on size of pumps, etcetera would be available through the Utilities Department if it was not already furnished. Attorney Scott asked how long that analysis would take. Mr. Bouchard responded (inaudible).

Ms. Fonseca stated the CHA report would not address any of these issues because they do not address the lift station or its capacity. Mr. Bouchard advised the report includes the developments which feed that lift station, so they would just need to perform the analysis using that data as part of the actual lift station analysis. Ms. Fonseca confirmed that was correct. She noted they would need to look at the methodology to see how the numbers were calculated. Mr. Bouchard confirmed that FDEP guidelines would be used. Discussion continued.

Ms. Villalon stated Engineering reference 66 was similar to the previous but was referencing the old project. She advised the issue with the sewer line and the wall had been fixed. Ms. Fonseca commented that she had seen a gap in the proposed fence. Ms. Villalon clarified that it was chain link fence and asked if that was sufficient. Ms. Fonseca stated she did not recall seeing a chain link fence in the area and asked that the plan where it was located be included in the response to make it easier to locate. Ms. Villalon advised that they had relabeled the sheet and would call it out again.

Mr. Daniel stated in theory the chain link fence would be fine because it can be removed more easily than a wall, however that would be subject to Development Service Department approving a chain link fence. Mr. Gratz advised the Zoning Code requires a wall. Mr. Perez commented that this was why a wall was shown on the plan. Mr. Daniel stated this was an issue because the wall was on top of the sewer line. Mr. Perez stated a metal accordion fence could be placed if that was acceptable, but that was the only middle ground he could see.

Ms. Fonseca asked for clarification on the requirement. Mr. Gratz stated a continuous wall is required, so it would need to be designed in some way where there were panels that could be picked up and moved out of the way to service the sewer line.

Mr. Perez asked if a metal fence would be acceptable. Mr. Gratz reiterated that the Code is asking for a wall. He stated as long as it looks like a wall and acts like a wall, it would meet the Zoning Code, but it cannot be a fence. Mr. Daniel asked that the plans include how the panel would be taken out, because if staff needs to go in, they should know how to dismantle it and get access.

Mr. Bouchard pointed to Engineering reference 94, as follows:

*Show proposed water meter connections to buildings, FDC, and irrigation.*

Mr. Bouchard clarified there would be a master meter on the site and asked if the City was requesting the individual submeters.

David Scholl, Fire Marshal, left the meeting at 11:16 a.m.

Ms. Fonseca asked where the units would be metered. Mr. Perez stated each unit would have its own meter. Mr. Daniel encouraged the applicant to check the Code to ensure that was allowed. Mr. Perez clarified the submeters would be internal.

Mr. Gratz referenced Mr. Daniel's previous comments about the development being in place 100 years from now and asked that the applicant was sure there would not be issues in the future if this is ever turned into condominiums. He stated it should be designed right from the first time and only once.

Mr. Bouchard requested a meeting to review specifically the water meters to make sure everyone is in agreement. Mr. Daniel noted that Utility Billing would be a key participant in that meeting as billing needed to be ironed out.

Mr. Perez advised that a statement on the stormwater would be provided. He stated for water source, the applicant would provide a pump and use groundwater if that is allowed and it passes the testing requirements, and that would be noted on the plans, as well. Mr. Bouchard agreed to place a temporary location for the pump on the plan.

Mr. Perez stated he thought the controlled entrance signs were previously cleared up, and he may have to add a do not enter sign. Mr. Gratz asked that sign be included on the resubmittal.

Mr. Perez noted Public Works reference 91 stated Mr. Batista could not locate a plan with the specific title. He asked his team if a Public Works Plan had been submitted. Mr. Gratz advised that he believed there had been confusion in file names when switching engineers. Mr. Perez asked that Mr. Bouchard get clarification from Mr. Batista.

- E) *ID2024-214*  
**DRC NO. 23-00400047** RECONSIDERATION OF THE FOREST APARTMENTS  
SPECIAL EXCEPTION  
**LOCATION:** 787 S. STATE ROAD 7  
**ZONING:** GATEWAY DISTRICT  
**LEGAL DESCRIPTION:** SOUTH HALF OF PARCEL "A", 441 SOUTH, LTD., II (PLAT  
BOOK 124, PAGE 41, B.C.R.)  
**PETITIONER:** MATTHEW H. SCOTT, ESQ., AGENT FOR REZ SE LAND LLC.

Mr. Gratz read the title of the item.

Mr. Perez stated the applicant hears DEES loud and clear on the easement agreement and will provide the exhibits. He noted there should not be significant changes.

Mr. Gratz pointed to Engineering reference 30 asking for the "Shared Access Roadway" to be identified. He noted a gap in the illustration. Mr. Perez stated they would make sure the exhibit was corrected.

Mr. Perez noted Engineering reference 43 and commented that a letter describing the methodology and rationale for solid waste had been submitted. Mr. Gratz advised the letter had been included with the site plan but not with the special exception application. Ms. Taschereau suggested the request be removed if it was a part of the site plan. Ms. Fonseca suggested the document be uploaded so this application stands by itself. Discussion continued as to items relative to the special exception criteria.

Ms. Fonseca clarified that references 42 and 43 would be handled under the site plan, and the comments would be marked as resolved by the applicant. Mr. Gratz advised there were several comments that would be responded to in this way, including references 55 and 53.

Mr. Gratz stated at this point, outstanding items included resolution of calculations related to sewer and traffic, but he did not identify any other Code issues which would cause the plans to change and prevent it from going forward for hearing. He recommended the applicant resolve what they could any anything else could be included as conditions moving forward.

Mr. Daniel stated DEES agrees, and noted if there were issues with the calculations the applicant should reach out to staff for assistance.

Mr. Gratz advised that at this point, the ball is in the applicant's court, and they will meet with staff members as needed to have comments satisfied or left as a condition. Mr. Perez stated the goal was 30 days.

Ms. Taschereau advised Mr. Nixon had also agreed to conditional approval.



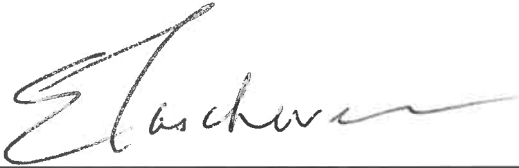
Attorney Scott clarified that Mr. Gratz was suggesting plans needed to be resubmitted addressing the details, and then staff would need to review again before placing the items on a PZB agenda. He stated there would be additional DRC review. Mr. Gratz confirmed, noting there would not be the need for an additional DRC meeting or fee.

Mr. Perez asked if it was possible to make the August PZB agenda. Ms. Taschereau advised that would depend on the submittals. Mr. Gratz suggested they ignore the calendar and get it right, and staff would accommodate as best they can. He noted there are summer breaks and published meetings which may be rescheduled.

### **GENERAL DISCUSSION**

There being no further business to discuss, the meeting was adjourned at 11:34 a.m.

Respectfully submitted,



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Elizabeth Taschereau, Director of Development Services

