

May 7, 2021

**VIA E-MAIL**

Andrew Pinney, AICP  
City of Margate  
Development Services Department, Senior Planner  
901 N.W. 66 Avenue  
Margate, FL 33063  
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Re: Development Review Committee Review ("DRC") Review #3 ("DRC Review")

Dear Mr. Pinney:

On behalf of Alliance XVI, LLC (the "Applicant"), please find the Applicant's response to DRC Review comments 4 and 8.

**COMMENT 4:** This plat application is seeking allocation of 92 TOC units and 128 Flex Units in order to allow construction a 220 multi-family dwelling units on the property. Applicants are required to demonstrate compliance with Section 9.10 of the Margate Zoning Code which provides 9 criteria that must be satisfied prior to approval of any TOC units. Applicant has not provided anything in this submittal to address these criteria.

**RESPONSE:** For the reasons set forth below, the application is compliant with the requirements of Section 9.10 of the Margate Zoning Code.

Criteria 1. That there are a sufficient number of available dwelling units to allocate within the specified area of the TOC.

- Policy 13.3 of the City of Margate Comprehensive Plan, Element 1 provides that there is a max intensity of 3,565 dwelling units within the TOC, of which 300 D.U. are permitted North of Town Center, 1,249 D.U. are permitted in Town Center, and 300 D.U. are permitted South of Town Center. The Applicant is only seeking the allocation of 92 TOC units, which is well within the allocation limitations set forth above.

Criteria 2. The proposed development shall maintain a valid site plan approval from the development review committee.

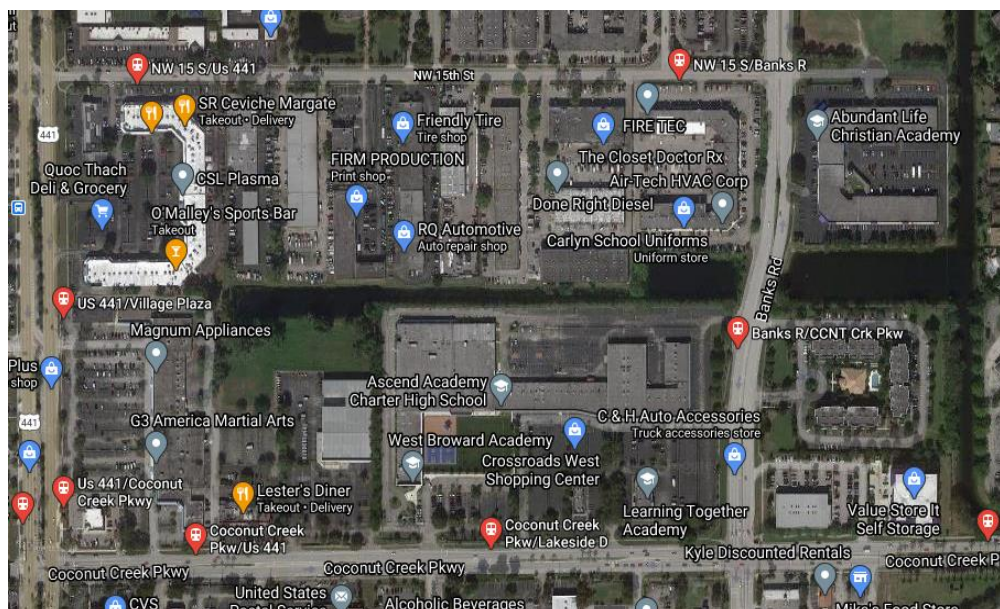
- The Applicant confirms that it is aware of this requirement and intends to proceed with this development and not letting its approved site plan expire.

Criteria 3. The proposed development shall demonstrate affordability of the dwelling units by submitting sufficient documentation that a minimum of fifteen (15) percent of the requested dwelling units shall be utilized for affordable housing. For the purposes of this policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan.

- Policy 13.3 of the City of Margate Comprehensive Plan, Element 1 provides that a total of 15% of the residential units shall be provided as affordable housing. It is the Applicant's understanding that this criteria has already been satisfied within the TOC among other existing developments.

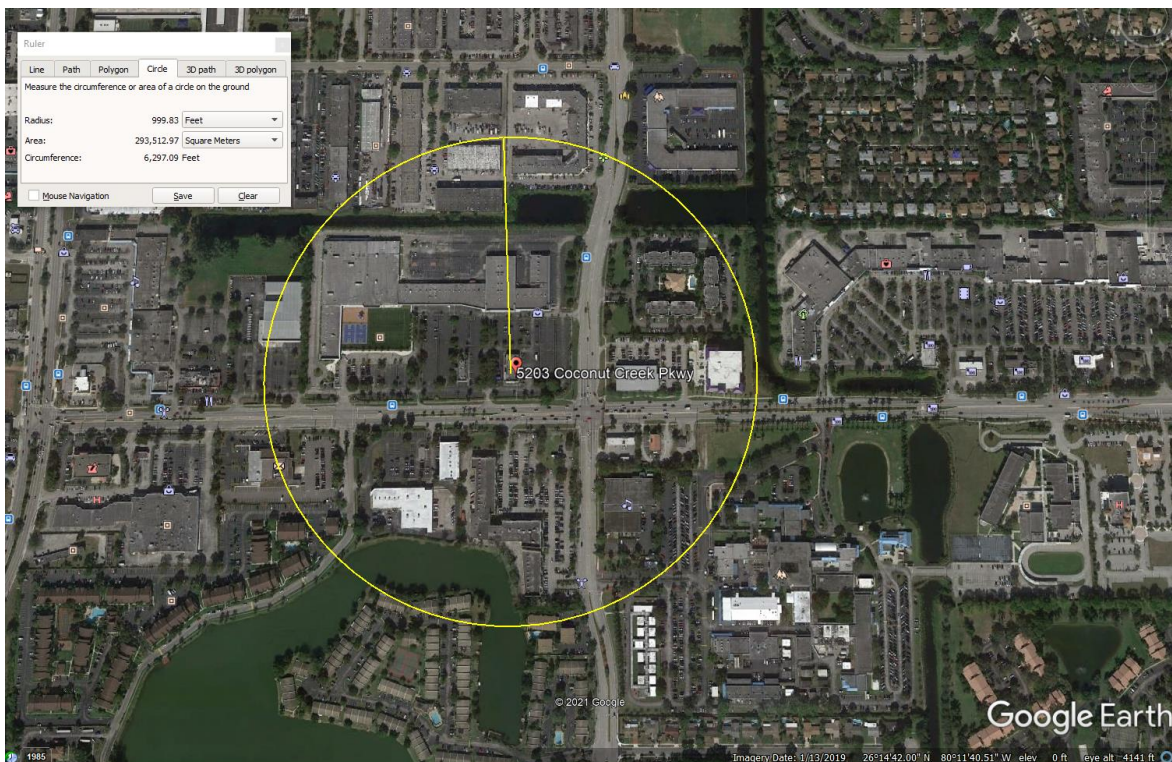
Criteria 4. The proposed development shall demonstrate a high level of connectivity and access to adjacent properties and transit stops.

- The proposed development demonstrates a high level of connectivity and access to adjacent properties and transit stops. Without limitation, as reflected on the site plan, the proposed development provides direct connectivity from the residential units to the sidewalks along Coconut Creek Parkway. Further, there is a bus stop directly adjacent to the property on the north side of Coconut Creek Parkway; there is also one along Banks Road. The proposed development includes sidewalk connectivity to these bus stops. Additionally, there are several other bus stops in close proximity to the Subject Property on Coconut Creek Parkway and Banks Road. See image below, with the bus stops noted as the red icons:



Criteria 5. The proposed development shall demonstrate the residential use as a principal component of a mixed use development, or be located within one thousand (1,000) feet of supportive commercial, office, and other nonresidential uses.

- The proposed development is located within one thousand (1,000) feet of commercial, office, and other nonresidential uses, and therefore complies with this requirement. See image below, with an approximate 1,000 foot radius noted:



Criteria 6. The proposed development shall be designed to enhance and support pedestrian travel and the use of public transportation.

- The proposed development is designed to enhance and support pedestrian travel and the use of public transportation. Without limitation, as reflected on the site plan, the proposed development provides direct connectivity from the residential units to the sidewalks along Coconut Creek Parkway. Further, there is a bus stop directly adjacent to the property on the north side of Coconut Creek Parkway; there is also one along Banks Road. The proposed development includes sidewalk connectivity to these bus stops. Additionally, there are several other bus stops in close proximity to the Subject Property on Coconut Creek Parkway and Banks Road. See image above, with the bus stops noted as the red icons. Moreover, the proposed development contains internal sidewalks that encourage connectivity within the proposed site as well as connectivity to the existing public sidewalks to provide residents with safe and accessible access to public transit.

Criteria 7. The proposed development shall demonstrate that the residential use will be both compatible and able to successfully integrate into the surrounding neighborhoods and developments. Demonstration shall be implemented through the incorporation of adequate buffers and effective site design.

- The proposed development demonstrates that the residential use will be both compatible and able to successfully integrate into the surrounding neighborhoods and developments. Without limitation, the property is located with the TOC which encourages mixed-use development and the inclusion of residential development. Further, the proposed development includes a privacy fence, landscape buffer and berm along the north side of the property per the City's request in order to buffer the residential use from the existing commercial use to the north.

Criteria 8. The proposed development shall demonstrate adequate public plazas, urban open spaces, or green spaces that are accessible to the public.

- The proposed development demonstrates adequate public plazas, urban open spaces, or green spaces that are accessible to the public. As depicted on the site plan, the proposed development includes a public plaza outside the fenced-in community per the City's request at the NW corner of Banks Road and Coconut Creek Parkway.

Criteria 9. That the developer shall begin construction of the proposed development within one (1) year of a successful petition for an allocation of dwelling units within the TOC, and that construction of the proposed development shall be completed in no more than five (5) years.

- The Applicant confirms that it is aware of this requirement.

**COMMENT 8:** This plat application is seeking allocation of 92 TOC units and 128 Flex Units in order to allow construction of 220 multi-family dwelling units on the property. Flex Units are subject to compatibility review and require City Commission approval, per Article 3 of the Broward Administrative Rules Document. Further, assignments of Flex Units are subject to compatibility review under Policy 2.10.1 of the Broward County Land Use Plan, as well as Policies 4.1 and 7.2 of the Margate Comprehensive Plan, Element I. Applicant has not provided anything in this submittal to address these rules and policies.

**RESPONSE:** For the reasons set forth below, the application is compliant with the requirements of Policy 2.10.1 of the Broward County Land Use Plan, Article 3 of the Broward Administrative Rules Document, and Policies 4.1 and 7.2 of the Margate Comprehensive Plan, Element I.

Policy 2.10.1 of the Broward County Land Use Plan:

- Policy 2.10.1 of the Broward County Land Use Plan requires a determination by the Broward County Commission that the allocation of flexibility units pursuant to the County's "Flexibility Rules" shall be compatible with adjacent land uses, and



that impact on public school facilities have been adequately considered, in the following instances:

- a. Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.
- b. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
- c. Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County Commission.

With respect to the instant request for flexibility unit allocation, the City of Margate sent the subject application to the City of Coconut Creek, which municipality is contiguous to the subject property. The City of Coconut Creek reviewed the application and has submitted its comments. With respect to the application's impact on public school facilities, please see the Preliminary School Capacity Availability Determination dated May 7, 2021 which is being sent under separate cover. None of the remaining instances are applicable to the subject property. Therefore, the application is consistent with Policy 2.10.1.

Article 3 of the Broward County Administrative Rules Document:

(A) Flexibility units, as defined in Section 2, "Definitions" of the Broward County Land Use Plan, shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map.

(B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:

1. Assignment of flexibility units shall be subject to meeting the provisions of Policy 2.10.1 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools.
- Detailed above, the City of Margate sent the subject application to the City of Coconut Creek, which municipality is contiguous to the subject property. The City of Coconut Creek reviewed the application and has submitted its comments. With respect to the application's impact on public school facilities, please see the Preliminary School Capacity Availability Determination dated May 7, 2021 which is being sent under separate cover. None of the remaining instances outlined in

Policy 2.10.1 are applicable to the subject property. Therefore, the application is consistent with Policy 2.10.1.

2. Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.
  - The Applicant is seeking the assignment of flexibility units through a (re)zoning or other official action; as such, the application is consistent with this rule.
3. Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
  - The Applicant confirms that it is aware of this local government requirement.
4. Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the “flexibility unit chart” of the certified local land use plan.
  - The Applicant is not seeking the assignment of flexibility unit from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor is it seeking that the flexibility units be reflected within the “flexibility unit chart” of the certified local land use plan.
5. The Planning Council, upon determination that a local government has failed to report assignment of flexibility units in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.
  - The Applicant confirms that it is aware of this requirement.

Policy 4.1 of the Margate Comprehensive Plan, Element 1:

Policy 4.1 provides: “Residential neighborhoods should be preserved and protected by rezoning existing districts which 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.”

- The proposed development is compatible and able to successfully integrate into the surrounding neighborhoods and developments. Without limitation, the property is located with the TOC which encourages mixed-use development and the inclusion of residential development. Further, the proposed development includes a privacy fence, landscape buffer and berm along the north side of the property

per the City's request in order to buffer the residential use from the existing commercial use to the north. Additionally, the proposed development of the subject property is consistent with Policy 4.3 of the Margate Comprehensive Plan, Element 1 which encourages increased residential density within the TOC.

Policy 7.2 of the Comprehensive Plan, Element 1:

- Policy 7.2 requires that the proposed development shall be compatible with adjacent land uses. The proposed development is compatible and able to successfully integrate into the surrounding neighborhoods and developments. Without limitation, the property is located within the TOC which encourages mixed-use development and the inclusion of residential development. Further, the proposed development includes a privacy fence, landscape buffer and berm along the north side of the property per the City's request in order to buffer the residential use from the existing commercial use to the north. Additionally, the proposed development of the subject property is consistent with Policy 4.3 of the Margate Comprehensive Plan, Element 1 which encourages increased residential density within the TOC.

Based on all of the foregoing, the application is consistent with all of the requirements set forth in DRC Review comments 4 and 8.

Very truly yours,

GREENSPOON MARDER LLP

/s/ *Elizabeth Adler*

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cc:

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