



**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**

**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

**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

**Development Services Department**

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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.

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Elizabeth Taschereau, Director of Development Services