



City Commission

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**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
VIRTUAL MEETING
<https://us02web.zoom.us/j/83524363799>
MINUTES**

Tuesday, January 25, 2022

10:00 a.m.

City of Margate
Municipal Building

PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Howard Pavillard, Office Manager, Development Services
Richard Nixon, Building Code Services Director
Curt Keyser, DEES Director
Sgt. Paul Frankenhauser, Police Department
Gio Batista, Public Works Assistant Director (via Zoom)

ALSO PRESENT:

Dennis Mele, Greenspoon Marder, Attorney for Applicant
Clifford Loutan, Sun-Tech Engineering, Engineer of Record
Erick Valderrama, Legacy Residential, Owner's Representative
Manny Liz, Legacy Residential, Owner's Representative
Eugenio Palenzuela, Palenzuela & Hevia Design Group, Inc., Architect
James Socash, JFS Design, Inc., Landscape Architect
Tomas Cabrerizo, Legacy Residential, Owner
Maurice Cayon, CD Group, Owner
George San Juan, Delta G Consulting Engineers, Inc., Site Lighting Engineer (via Zoom)
Ian Rairden, Kimley-Horn, Traffic Engineer

ABSENT:

Mark Collins, Public Works Director
David Scholl, Fire Code Official

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:02 a.m. on Tuesday, January 25, 2022, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

Development Services Department

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NEW BUSINESS

A) 1D2022-036

CONSIDERATION OF A AN 8.113-ACRE PLAT FOR THE REDEVELOPMENT OF A PORTION OF AN EXISTING SHOPPING CENTER INTO A 220-UNIT MULTIFAMILY APARTMENT COMPLEX, WITH AN ASSIGNMENT OF 92 TOC DWELLING UNITS AND 128 FLEX UNITS.

LOCATION: 5203 COCONUT CREEK PARKWAY

ZONING: TOC-C CORRIDOR

LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "CENTRAL PARK OF COMMERCE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: CLIFFORD LOUTAN, P.E., SUN-TECH ENGINEERING, INC., AGENT FOR TC MC MARGATE APARTMENTS, LLC.

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He stated staff comments were posted online and were attached to the agenda for reference. He asked if staff had any additional comments or corrections. Hearing none, he asked the applicant if they needed any clarifications or had questions regarding the comments.

Attorney Dennis Mele, Greenspoon Marder, explained he is aware the Code requires the Surface Water Management Permit from the County be in place at the time of presentation of the plat. He stated he had learned in a conversation with the City Attorney the previous week that a proposed Code amendment was in process which would allow the applicant to continue with the plat prior to recording, allowing for the City Engineer to delay signing the plat until after the Surface Water Management Permit is recorded. He stated he was hoping unless there were other issues, the item could be passed conditioned upon going to the City Commission once that Code amendment is in place.

Clifford Loutan, Sun-Tech Engineering, stated he was present to answer any questions.

Mr. Pinney confirmed the City Attorney had prepared a draft Ordinance for review and noted it had not been scheduled for reading before the City Commission yet. He stated the DRC would move forward with conditional approval unless there were objections.

Curt Keyser, DEES Director, stated he did not have any objections.

Mr. Pinney stated the DRC was providing conditional approval of the plat, subject to resolving the issues with the drainage via Ordinance or other means.

Mr. Keyser stated he did not have any objections to conditional approval but wanted to be clear of the conditions. He explained before he could sign the plat, the applicant would need to provide drainage plan approval through DEES, utility plan approval through DEES, and drainage district

approval through both Cocomar Drainage District and Broward County Surface Water Management District. He noted Certificate of Title would be fine. Continuing, Mr. Keyser stated they also need to resolve the issue with the easements, meaning that when this plat goes through, the existing easements on the property will go away, so if the plat is approved before construction begins, the City needs some sort of temporary transitional easements to allow them to maintain existing public facilities on the property until the end of construction, when any remaining public utilities on the property will become privately owned.

Mr. Loutan confirmed this had been discussed and stated there was an existing agreement in place which he would provide. He noted it would need to be modified slightly as some of the sanitary sewer was excluded on the agreement.

Mr. Keyser stated he was confident as long as the applicant was as reasonable as his engineer and attorney, there should be no problem.

Mr. Pinney confirmed the items highlighted by Mr. Keyser were the conditions of DRC approval on the plat.

- B) *1D2022-039*
CONSIDERATION OF A PLAT AMENDMENT TO CLOSE A NON-VEHICULAR
ACCESS LINE OPENING ON THE CENTRAL PARK OF COMMERCE.
LOCATION: 5203 COCONUT CREEK PARKWAY
ZONING: TOC-C CORRIDOR
LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "CENTRAL PARK OF
COMMERCE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
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PETITIONER: CLIFFORD LOUTAN, P.E., SUN-TECH ENGINEERING, INC.,
AGENT FOR TC MC MARGATE APARTMENTS, LLC.

Mr. Pinney introduced the item and asked if staff had any additional comments or corrections to the comments as published with the agenda. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Attorney Mele stated the applicant had no questions.

Mr. Pinney explained this was a more basic item and asked if the DRC members had any issues with a conditional approval of the application.

Mr. Keyser stated he had no objections and no conditions.

Mr. Pinney stated the DRC was approving the application to move forward.

C) 1D2022-040

CONSIDERATION OF AN UNDERGROUND WIRING WAIVER FOR THE DEVELOPMENT IDENTIFIED AS MARQUESA.

LOCATION: 5203 COCONUT CREEK PARKWAY

ZONING: TOC-C CORRIDOR

LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "CENTRAL PARK OF COMMERCE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: CLIFFORD LOUTAN, P.E., SUN-TECH ENGINEERING, INC., AGENT FOR TC MC MARGATE APARTMENTS, LLC.

Mr. Pinney introduced the item and asked if staff had any additional comments or corrections to the comments as published with the agenda. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Mr. Keyser stated he did not have additions to the comments as posted but did have an issue related to the cost. He noted the Code states the estimate of probable cost shall be based on estimates from the utilities. He stated the estimate received was from a private consulting firm, and he was not convinced it was sufficient. He asserted he was not sure he could certify the amounts.

Mr. Pinney noted Development Services had similar comments, and read comment six (6) for the record:

Section 31-2(d)(4)c provides, "If a waiver is granted, a dollar amount equal to the cost of placing the utilities underground, as determined by an estimate established by the relevant utilities and as agreed upon by the city, shall be required to be paid into the city's underground utility trust fund prior to the development permits being issued." The cost estimate provided with this application was not generated by the applicable utilities, but rather Peter J. Rant, PE, of RGrid Power, PLLC. The City Commission of the City of Margate is considering an ordinance which may change this requirement and others. This estimate may be deemed acceptable, pending the outcome of the proposed ordinance.

Mr. Pinney stated the Ordinance referenced was scheduled for reading before the City Commission on February 2, so the DRC could count this as a pending comment that may need to be revisited depending on the outcome of that meeting.

Attorney Mele stated historically you can't get the utility companies to respond, so you end up having to go to a professional engineer or someone with the qualifications to do the estimate for you. He asked whether the issue was that it was not done by a utility company or that the consultant had not done the estimate correctly.

Mr. Pinney noted there were comments regarding the scope considered in the estimate's cost estimate, including contemplating any poles supporting streetlights remaining in place when that exemption is not provided for within the Code. He stated the estimate mentioned a directional bore crossing Coconut Creek Parkway but did not mention crossing Banks, and at the northeast corner of the property the lines cross Banks. He asserted staff would need to make sure the consultant had captured the entire scope for the undergrounding in the estimate.

Erick Valderrama, Legacy Residential Group, stated he had confirmed with the engineer that the boring under Banks Road was included in the estimate. He noted the applicant recognizes the comments and asked the consultant to expand his letter regarding this item and communications. He asked for additional explanation on the comment regarding the poles.

Mr. Pinney stated in the cost estimate it was noted that any utility poles which also support street lights would remain in place, but Section 31-2 does not provide that kind of exemption, so the cost estimate needs to include removing the utility poles and replacing with dedicated street lights.

Mr. Keyser added that a wooden pole with a metal light on top is not the intent and is not allowed by Code. He stated moreover, he questions the total dollars are sufficient.

Attorney Mele stated he saw there were quantities and the other items normally included in that type of an estimate.

Mr. Keyser stated the first thing he sees when looking at the estimate is that it will be done by a private contractor, so they need some general conditions and bond included, and there were no line items for overhead and profit or mobilization. He explained it might be the contractor's cost, but he does not believe it would be the City's cost.

Attorney Mele agreed the applicant would confirm all of the elements included in the estimate, but he had a question on the poles. He stated the applicant would write a check and the poles would stay there, and if they were removing things, the poles would still support street lights. He asserted it seemed illogical to tell the applicant to pay to remove the poles.

Discussion continued regarding the intent for the poles. Mr. Valderrama stated if they are wood and need to be concrete poles, they would put the appropriate poles in the estimate.

Mr. Keyser explained what would be put in would be FDOT-style roadway street lighting.

Attorney Mele stated the Ordinance was about undergrounding utilities, not putting in new streetlights, and argued the request was beyond the scope.

Mr. Keyser stated he believed the scope was clear and the streetlights were identified within the Code, if he was not mistaken.

Mr. Valderrama stated he was comfortable with that. He noted the quantities were all loaded, so they included general conditions, bond, and mobilization. He agreed that could be talked about further if it needed to be broken out.

Mr. Pinney explained the process, stating the item would go before the City Commission for approval along with the plan and plat amendment, and the details could be nailed down at that time.

Attorney Mele asked if the plan and plat amendments go to the Planning & Zoning Board before going to the City Commission.

Mr. Pinney confirmed that they do, and noted the applicant had an opportunity to work with staff as this moves forward. He asked the DRC members if they were comfortable with conditional approval of the underground wiring waiver, conditioned on the comments attached and the conversation regarding revising the scope of the cost estimate for clarity and addition of items.

Mr. Keyser stated he would agree to approval conditioned upon getting a sufficient cost estimate as agreed to.

Mr. Pinney confirmed the DRC was giving conditional approval of the item.

- D) 1D2022-041
CONSIDERATION OF A SITE PLAN FOR THE REDEVELOPMENT OF AN 8.11-
ACRE PORTION OF AN EXISTING SHOPPING CENTER INTO A 220-UNIT
MULTIFAMILY APARTMENT COMPLEX, WITH AN ASSIGNMENT OF 92 TOC
DWELLING UNITS AND 128 FLEX UNITS.
LOCATION: 5203 COCONUT CREEK PARKWAY
ZONING: TOC-C CORRIDOR
LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "CENTRAL PARK OF
COMMERCE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
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PETITIONER: CLIFFORD LOUTAN, P.E., SUN-TECH ENGINEERING, INC.,
AGENT FOR TC MC MARGATE APARTMENTS, LLC.

Mr. Pinney introduced the item and asked if staff had any additional comments or corrections to the comments as published with the agenda. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Mr. Loutan stated he had worked substantially over the past month with Mr. Keyser and believed Mr. Keyser was satisfied with the responses provided. He noted there were a couple of additional questions which may require clarification. He pointed to the comments regarding the southeast corner and stated it was not a fountain, but a landscaping element. He explained unfortunately,

there are platted easements and existing easements in that corner, so the applicant was limited to what they can provide in that corner.

Mr. Pinney stated if you tie back to the replat, a lot of the platted easements are going away and the new plat was proposing an open space easement for public use and enjoyment of the open space feature, so some of those hurdles may be gone. He noted there is also the Code requirement of what to include in the open space easement like pedestrian amenities and stated he had responded to an email just before the meeting on the issue.

Mr. Loutan agreed there is an open space easement over the top of existing utility easements, but the utility easement remains, so the applicant is still limited to what they can do.

Mr. Pinney stated the nature of the email was that moving forward he believes they can come together for a Code-compliant design, maybe looking at flowers or a public art display, and they can discuss that offline to come up with some conditions to hopefully present to the Planning & Zoning Board and City Commission.

Mr. Loutan noted they had added benches, landscaping, and irrigation, and could add additional elements.

Mr. Pinney stated the site plan has a much shorter approval process timeline than the other applications. He noted the plat, plat amendment, and underground wiring waiver all require City Commission approval, and the plat and plat amendment also require County approval and recordation. He explained that has to be done and in place before staff can put the final signatures in place on the final site plan application, so there is time to work out the details between.

Mr. Pinney asked if the DRC members had any objections to conditional approval.

Mr. Keyser stated he did not have objections but would like to go over a couple of things first. He noted he was good with the Marquesa site but was concerned about the implications to the neighboring site where the school is. He stated in the plans, the only hint to what is going on with the school property is the parking exhibit. He explained he had made some comments regarding things he needed to see in the engineering process, including the potential for dams that would impact the drainage patterns from the property. Mr. Keyser stated he would let the Police Sergeant worry about the traffic impacts, but he was more concerned about landscape changes with no plan submitted. He asserted this could be dealt with at engineering permit time, but he wanted to make sure it was addressed.

Mr. Pinney stated he also had concerns with the west parcel and the changes to the directions of the drive aisles. He noted the biggest comment out of Development Services was what is left on the west parcel when the property is cut, and the east is built. He stated they need to make sure it still functions and is still safe, so there maybe some modifications on the master parking plan for the drive aisle alignment, directions, and signage.

Mr. Loutan responded that was fine, and he would work with Mr. Keyser on the west parcel. He stated there is an existing, active surface water management permit for the west parcel, and noted he would provide that to staff. He agreed the plans needed more detail as they move through the engineering process.

Mr. Keyser stated he believes in getting through Broward County Surface Water Management, there are violations to resolve. He noted he believes his drainage concerns will get resolved in the course of that process but sitting here today they are unresolved. He stated they can move the application along and he can withhold his signature on the plat until they have those done.

Mr. Keyser complimented Mr. Loutan for being excellent to work with and allaying a number of concerns evident prior to Sun-Tech's involvement with this project in advance of the meeting. He stated he was appreciative of the new engineering team. Mr. Keyser noted the conditions he had listed under Water Distribution System in the staff report and stated Mr. Loutan had satisfied conditions one (1) through five (5). He stated condition six (6) deals with the utility easement which will be needed for maintenance of the new water main on the west property, and a bill of sale will be needed for the public infrastructure, as well. He noted his comments under wastewater also addressed a required bill of sale to convey public infrastructure to become private.

Continuing, Mr. Keyser reviewed additional outstanding comments, including the need for an Aquatic and Wetland Resources License and the detailed concerns regarding drainage on the west parcel. He stated accounting on the pervious and impervious areas was also needed and pointed to comments on the cross-access easement. He noted he needs the landscape plan to clearly demonstrate the swale trees are outside of the clear zone on the roadway and advised all trees being removed, relocated, or replaced will be governed by the requirements of Section 23-20 of Margate's Code and specimen trees must be mitigated as required.

Mr. Pinney encouraged the applicant look at the advisory notes provided on page 22 of the staff report under Development Services. He stated there is no Code issue but having a dedicated gate and sidewalk that leads up to a sliding glass door does not function well, so they may want to revise. He noted there is a lot of opportunity to remove wheel stops where curbing was already provided, and other things to make a better product.

Mr. Pinney stated the DRC was granting conditional approval of the site plan.

GENERAL DISCUSSION

Mr. Pinney called for any general discussion. He recognized Mayor Arserio, Vice Mayor Caggiano, and Commissioner Ruzzano, as well as City Manager Cale Curtis, and thanked them for joining the meeting.

Mr. Valderrama thanked the Director of Development Services Elizabeth Taschereau, as well as Mr. Pinney and Mr. Keyser and the rest of the DRC for guiding them through the process. He stated he appreciated the positive comments on the design team's hard work and looks forward

to addressing them. Mr. Valderrama recognized the Mayor, Vice Mayor, and Commissioner for their participation and stated it shows they are right to build in the City of Margate.

There being no further business to discuss, the meeting was adjourned at 10:32 a.m.

Respectfully submitted,

Elizabeth Taschereau, Director of Development Services