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January 31st, 2022

City of Margate
Attn: Mr. Andrew Pinney
Senior Planner
901 NW 66th Ave., Suite C
Margate, FL 33063

**RE: Marquesa – 5203 Coconut Creek Parkway, Margate, FL.
Project No. 2022-039
Marquesa (Plat)**

Dear Mr. Pinney:

Pursuant to staff's comments dated January 25th, 2022, we hereby provide the following responses for your review and approval for the above referenced project:

Building:

No Comment

Fire:

No Comment

Public Works:

No Comment

Police:

No Comment

CRA:

No Response

Engineering:

D.E.E.S./Engineering Review:

EASEMENTS

COMMENT: 1 Identify and label all existing easements, including instrument numbers, which appear to be preliminary and will need to be finalized before plat can be approved.

~~**COMMENT: 2** Easements shown on the utility plan of the site plan application package may be abandoned once the utility design is finalized and approved. Accordingly, these should not be shown on the plat.~~

~~**COMMENT: 3** The 7' utility easement along the north boundary of the plat may be insufficient for water and sewer and is certainly insufficient if it is allowed or intended to accommodate electric, phone, cable, and/or natural gas. Please provide a 30' easement for this purpose. This comment remains unresolved.~~

1/11/22 - This comment has been sufficiently addressed by the proposal of a 10' Utility Easement along the north boundary of the site and by sufficient demonstration by the applicant that public water and sewer will not be located in this easement.

Approved.

Response: Staff's response acknowledged.

~~**COMMENT: 4** The 15' utility easement along the south and east boundaries of the plat may be insufficient for water and sewer and is certainly insufficient if it is allowed or intended to accommodate electric, phone, cable, and/or natural gas. Please provide a 30' easement for this purpose. This comment remains unresolved.~~

1/11/22 - This comment has been sufficiently addressed by sufficient demonstration by the applicant that public water and sewer will not be located within this easement.

Approved.

Response: Staff's response acknowledged.

~~**COMMENT: 5** New comment 6/10/21—There are numerous easements shown on the Marquesa Site Plan that do not appear on this proposed plat. Please make the 2 submittals consistent with each other.~~

1/11/22 - Satisfied.

Response: Staff's response acknowledged.

COMMENT: 6 1/11/22 - New comment based on current submittal. If the existing easements which contain existing public utilities or associated facilities are abandoned by the approval of this plat, then a temporary easement will need to be executed, prior to final approval and recordation of the plat, to allow the City to access and maintain the existing public utilities in the interim between the plat approval and the removal or conveyance of those utilities.

Response: Comment acknowledged and will be provided prior to final approval and recordation of the plat.

GENERAL

In accordance with 31-18(D)(1), please provide the following:

COMMENT: 7 Pavement and drainage plan approval

1/11/22 - Conceptual approval has been issued concurrent with this review, but final approval will not be issued until an Engineering Permit has been processed.

[COMMENT ONGOING: 12/8/2020]

Response: Comment acknowledged and will be provided during Engineering Permit review process.

COMMENT: 8 Utility plan approval (Water and Sewer)

1/11/22 - Conceptual approval has been issued concurrent with this review, but final approval will not be issued until an Engineering Permit has been processed.

[COMMENT ONGOING: 12/8/2020]

Response: Comment acknowledged and will be provided during Engineering Permit review process.

COMMENT: 9 Drainage district approval

1/11/22 - This item remains outstanding. The City cannot approve the final plat without applicant providing written approval from the respective drainage district(s) (Cocomar Drainage District and Broward County Surface Water Management)

[COMMENT ONGOING: 12/8/2020]

Response: Comment acknowledged and approval will be provided prior to final plat approval.

COMMENT: 10 Certificate of Title

1/11/22 - The applicant has submitted an Opinion of Title, which the City Attorney has accepted in lieu of or equivalent to the Certificate of Title. Satisfied.

Response: Staff's response acknowledged.

In accordance with 31-18(D)(3), please provide the following:

~~**COMMENT: 11** County Engineer's approval~~

~~**COMMENT: 12** Mortgagee approval~~

~~**COMMENT: 13** Certificate of the Clerk of Circuit Court~~

RE-SUBMITTAL REQUIREMENTS

~~**COMMENT: 14** Please provide a response letter for our latest comments.~~

- ~~a) Provide an overview; the response letter should begin with a summary of changes.~~
- ~~b) Respond to every point raised by the City.~~
- ~~c) Use typography to help us navigate your response.~~

1/11/22 - Satisfied.

Response: Staff's response acknowledged.

CONDITIONS OF APPROVAL

COMMENT: 14 ~~None at this time. Corrections are required.~~
1/11/22 – Satisfied.

Response: *Staff's response acknowledged.*

DEVELOPMENT SERVICES:

ADVISORY NOTE 1: This application is for a plat and is therefore subject to the requirements of Chapter 31 of the Code of the City of Margate.

Sec. 31-33. - Definitions.

Development permit means any building permit, as defined herein, subdivision resurvey or plat approval, rezoning, special exception, or other official action of the city having the effect of permitting the development or redevelopment of land.

This does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, or other building code in force and effect at the time.

Sec. 31-35. - Determinations required prior to approval of a development permit.

A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met:

- (1) *Director of development services.* The director of development services determines:
- a. That the proposed development is consistent with the Margate Comprehensive Plan.
 - b. That the proposed development is in conformity with the Margate Zoning Code.
 - c. In the case of site plans, that the proposed development is in conformity with the provisions of chapter 23 of this Code.

Sec. 31-37. - Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.

- (a) For the purpose of implementing sections 31-34, 31-35, and 31-36, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.

Response:

- (b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development. In the event that an application for a building permit is submitted which, in the opinion of the building official, provides more intensive uses than those indicated on the site plan or substantially deviates from the approved site plan, the application shall be referred to the development review committee for assessment.

Response:

Based on the above three Code sections, staff may utilize the site plan application submitted concurrently with this re-plat application for adequacy determinations described in Section 31-35 of the Code of the City of Margate.

Subject Property:

The subject property is a ~ 8.113-acre site located within an existing 29.491-acre plat. The site of the subject property was previously developed as an 18.11-acre shopping center. The subject property is bounded to the north by a canal, bounded to the east by Banks Road, and bounded to the south by Coconut Creek Parkway. The property abutting to the west is the parent parcel for this site. Remaining improvements on the parent parcel consist of a shopping center that is hosting two charter schools. The subject property is located at 5203 Coconut Creek Parkway. The subject property is located within the TOC-C Corridor zoning district and has an underlying land use designation of Transit Oriented Corridor (TOC).

History:

This plat application was submitted in conjunction with a site plan application, plat amendment application (for Central Park of Commerce), and an underground wiring waiver application. The first application received for this project was a site plan application, submitted to the City on May 11, 2017. Legal counsel has advised staff to continue to apply the Code in effect at the time of the first submittal for this project. All of the Code citations included in these comments depict the Code as it existed on May 11, 2017.

Response: *Comment acknowledged.*

ADVISORY NOTE 2: This plat application was previously reviewed by Development Review Committee (DRC) on December 8, 2020. The DRC recommended a conditional approval at that meeting and asked for certain corrections and progress to be made prior to scheduling the application for a Planning and Zoning Board meeting. Section 31-38 of the Code of the City of Margate provides that, "Any recommendation of the development review committee as to a proposed plat, subdivision resurvey, or rezoning shall be reevaluated after a period of one (1) year if final action by the city commission has not taken place on that recommendation." The City Commission has not taken final action on this application; thus, the application has been resubmitted to the DRC for reevaluation.

COMMENT 1: ~~The plat sketch depicts the mayor as Anthony Caggiano. The current mayor of the City of Margate is Arlene R. Schwartz.~~

The plat sketch depicts the mayor as Arlene R. Schwartz. The current mayor of the City of Margate is Antonio V. Arserio. This information is published and regularly updated at <https://www.margatefl.com/287/City-Commission>.
[COMMENT ONGOING: 12/8/2020]

Response: *Signature block for current Mayor has been updated on the Plat.*

COMMENT 2: This plat application is seeking allocation of 92 TOC units and 128 Flex Units in order to allow construction of a 220-unit multi-family development 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.~~

In response to criterion 3, which requires 15% of the TOC units allocated to a project be utilized for affordable housing, Applicant states an understanding that the affordable housing requirement has already been satisfied within the TOC among other existing developments. Staff intends to seek clarification of this requirement from Broward County Planning Council staff. Until clarification is received,

this comment shall remain in pending status, and Applicant should be on notice that 14 dwelling units (15% of the requested 92 TOC units) may have to be provided as affordable housing.

[COMMENT ONGOING: 12/8/2020]

Response: *Comment acknowledged.*

COMMENT 3: Section 31-19 of the Code of the City of Margate requires payment of 5% of the appraised value of the land for the Parks and Recreation Trust Fund. Applicant acknowledges this in the Concurrency Report; however, an appraisal of the property has not been submitted.

Staff cannot schedule this item for City Commission until an appraisal has been provided.

[COMMENT ONGOING: 12/8/2020]

Response: *Comment acknowledged and will be provided prior to Plat approval.*

ADVISORY NOTE 3: Section 31-18 of the Code of the City of Margate provides that a performance bond is required within (30) days of City Commission approval, for all public improvements related to this plat application, (median, sidewalks, swales, etc....).

Response: *Comment acknowledged and will be provided prior to Plat approval.*

ADVISORY NOTE 4: Consider revising the 24ft wide ingress/egress easement in the southwest corner of the plat to be consistent with proposed connection depicted on site plan.

Response: *Comment acknowledged and proposed ingress / egress easement modified on the Plat to match Site Plan.*

COMMENT 4: Staff finds the application is nearly consistent with Policy 13.16 of the Margate Comprehensive Plan, Element I. ~~The concurrency report provided with the application addresses public school concurrency requirements on page 6, and then incorrectly references Exhibit 2 for the School Capacity Availability Determination (SCAD) letter. Exhibit 2 is described as "Plat Information" on page 14; the SCAD letter is provided under Exhibit 6, which starts on page 36. The attached SCAD letter is dated July 17, 2019 and expired on January 12, 2020.~~

The attached SCAD letter is dated May 6, 2021, and notes that it is valid for 180 days.

Policy 13.16 The City shall participate in the Broward County School Board Staff Working Group, School Design Subcommittee to ensure that adequate school facilities are provided within the service area. The City and the CRA shall continue to work with the Broward County School Board staff to investigate the possibility of locating a school site within the TOC area.

[COMMENT ONGOING: 12/8/2020]

Response: *An updated SCAD letter has been requested and will be provided upon issuance.*

COMMENT 5: ~~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.~~

COMMENT 6: ~~Staff finds the application is nearly consistent with Policy 4.3 of the Margate Comprehensive Plan, Element I. The subject property has a TOC land use designation and is within the TOC-C Corridor zoning district. The site plan provided represents a residential density of roughly 27 units per acre. The site plan submitted concurrently with this plat application provides a number of paved~~

sidewalks throughout. However, a paved walkway and gate through the perimeter fence to conveniently connect Building #4 with the transit stop on Banks Road is necessary to be consistent with this policy.

Policy 4.3 Increased residential density shall be promoted within the TOC land use category, and such development shall provide pedestrian access and connectivity to transit facilities.

COMMENT 7: Staff finds the application is nearly consistent with Policy 4.5 of the Margate Comprehensive Plan, Element I. The plat application includes two ingress/egress easements to provide for controlled connectivity between the proposed residential property and adjacent non-residential development. The proposal also includes closing of existing driveway connections to both Banks Road and Coconut Creek Parkway, as well as median improvements to further control access to traffic ways and control traffic movements in a safe manner.

The applicant is introducing multifamily residential development into an existing shopping center and offers minimal setback of the remaining portion of the shopping center building. Further, parapets or architectural treatments have not been proposed to the remaining shopping center building.

Policy 4.5 Adopted land development regulations shall include provisions to encourage the implementation of innovative land planning and site design to encourage commercial areas that are large enough to be economically competitive and that are designed with controlled access to traffic ways, adequate off-street parking and circulation, attractive landscaping with an emphasis on xeriscaping techniques, and cross access with neighboring commercial parcels. Commercial developments adjacent to residential areas should be planned with generous setbacks, buffer landscaping, architectural amenities (e.g., high parapet walls to screen rooftop mechanical equipment), and traffic patterns, which minimize the impact on neighborhoods.

COMMENT 8: Staff finds the application is nearly consistent with Policy 4.8 of the Margate Comprehensive Plan, Element I. There is industrial development to the north of the proposed residential development. A canal lies in between the industrial land and the proposed residential development. All of the buildings are rectangular. A majority of the dwelling units are located on the southern half of the property. The remaining buildings are oriented such that the narrow side of the building is facing industrial development. Staff recommends including an 8ft tall vinyl fence along the northern property line to enhance the buffering between the industrial and residential properties. The recommended fence is subject to Planning and Zoning Board approval.

Policy 4.8 Industrial land uses should be buffered from residential areas by canals and lakes, setbacks, landscaping, and architectural design.

ADVISORY NOTE 5: Staff finds the application generally consistent with Policy 1.8 and Policy 5.2 of the Margate Comprehensive Plan, Element I, provided that if any concurrency deficiencies which may be found are addressed in a manner consistent with the adopted land development regulations.

COMMENT 9: Staff finds the application is nearly consistent with Policy 13.3 of the Margate Comprehensive Plan, Element I. The proposal to build a 220-unit multi-family development is contingent upon allocation of 92 TOC units and 128 Flex units. The subject property is located north of the City Center. To date, 207 TOC units have been allocated to other properties located north of the City Center. The subject property is located within Flex Zone 35. At this time, there are 93 TOC units available north of the City Center, and Flex Zone 35 has 219 units available.

The applicant is proposing a gated apartment complex, so it is not considered a mixed-use project. There are four large government offices within 1,000 feet of the project; a Social Security Administration office at 5195 Coconut Creek Parkway, a Florida Highway Safety and Motor Vehicles office located at 1135 Banks Road, a Florida Department of Business and Professional Regulation office located at 5080 Coconut Creek Parkway, and a United States Postal Service office located at 5094 Coconut Creek

~~Parkway. AT&T has a large depot at 5301 Coconut Creek Parkway, but this facility is considered more of an employment engine than a convenience amenity because only employees of AT&T are allowed at this location. There is a 7-11 convenience store with gasoline service located at 4990 Coconut Creek Parkway. And finally, a Lester's Diner restaurant is located at 4701 Coconut Creek Parkway. Of all of the above described uses, an essential supportive commercial use is a grocery store where fresh and healthy foods are readily available, but there are no grocery stores within 1,000 feet of the subject property. The nearest grocery store to the subject property appears to be a Publix store, located approximately 1,900 feet to the east.~~

Response: *Comment acknowledged.*

I trust the information provided is sufficient to meet your needs; however, should you require additional information, please feel free to contact me at this office.

Sincerely,
SUN-TECH ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Clifford R. Loutan". The signature is fluid and cursive, with a large, sweeping initial "C" and "L".

Clifford R. Loutan, P.E.
Principal