

DEPARTMENTAL COMMENT RESPONSES (REZONING)

BUILDING

1. No comments.

FIRE

1. Provide secondary means of access for emergency use.

Response: Attached is email correspondence and notes from January 13, 2021 from a preliminary meeting with the City of Margate, in which Andrew Pinney states :

“David Scholl of the Margate Fire Department indicated during the meeting that the development could have a single entrance off of Margate Blvd if certain design criteria were met, such as lane width, turn-around areas for apparatus, fire hydrant spacing, etc.”

We agree that a formal site plan application would need to demonstrate compliance with applicable fire codes. At the time of a final site plan application, the appropriate access will be provided.

PUBLIC WORKS

1. On the site plan it seems the developer is constructing over the existing drainage easement and not relocating the canals that are part of the areas canal system to control any flooding.

Response: Please see the attached proposed development plan that has been modified slightly to help clear up any misconceptions, as we agree that there are some existing drainage and flowage easements (as shown in Plat Book 78 Page 21) and existing water bodies which do not overlap this platted easement. While the proposed development plan is intended to convey a potential layout, to address any concern about the proposed density being achievable on site, it was not meant to imply that the drainage and flowage easement would be abandoned or that any existing flowage from neighboring properties through the subject site would be blocked. There may be some coordination needed at such time as a formal site plan is proposed, which will require additional discussions about advantageous ways to re-route drainage and flowage, and accomplish the storage and pre-treatment needed to achieve a drainage permit approval.

POLICE

1. No comments.

ENGINEERING

The Director of the Department of Environmental and Engineering Services (DEES), or his qualified designee, has conducted a review of the submitted documentation in accordance with Article IV, Chapter 31 of the City of Margate is Code of Ordinances and finds the following:

PREAMBLE

The applicant is requesting to change the zoning of the Margate Executive Golf Course from Recreational (S-1) to Planned Unit Development (PUD). **Note that the rezoning request has been amended to a rezoning to the R-3 District.**

The Department of Environmental and Engineering is opposed to rezoning this property for the following reasons:

1. The request to change the zoning from recreational to residential, for land that was set aside for open space and used as a golf course, contravenes the fundamental intent of the city's development standards.

Response: Please provide specific citations from the City's Code of Ordinances, or Comprehensive plan which demonstrates that the Property was set aside for open space, and how this proposal contravenes the fundamental intent of the City's development standards. The applicant is not aware of any such determination.

2. Willful reduction of open space is a violation of the City of Margate Comprehensive Plan, specifically Element IV, that governs Recreation and Open Space and which states that the "City of Margate has demographic characteristics that make the demand for recreation even higher than for the nation as a whole".

Response: Please cite the specific City of Margate Comprehensive Plan policy or element that this application violates.

3. The golf course is on lands that are used for drainage and stormwater management in the city and are integral to the continued efficient discharge of stormwater that is key to protecting all properties from flooding.

Response: Please review the attached revised analysis which seeks to explain how the project will achieve a drainage permit, with an emphasis added, along the lines of the response to comment 1 above, that no blockage of flowage is proposed. While it would be premature to refine this plan to a stage where a formal site plan application could be reviewed, additional explication has been provided regarding the general means and methods that will be used to accomplish the storage and treatment requirements of the drainage district, which may include the creation of, or modification of, existing water bodies, canals, and the preservation of drainage and flowage transmission through the subject property.

4. The subject golf course was set aside by the developer of the larger overall neighborhood, to serve as an open space feature for the development that was permitted by the city at the time.

Response: Please provide evidence that the developer of the larger overall neighborhood set aside the golf course to serve as open space, and for which development at the time of development, or into to serve as an open space feature in perpetuity.

5. This open space feature allowed a higher density development to be approved around it.

Response: Please provide evidence of this statement.

6. The applicant states that the increased density that is requested is consistent with the surrounding residential areas but fails to point out that the increased densities of the surrounding residential areas were a function of the undeveloped land that was provided as open space, vis-à-vis Margate Executive Golf Course.

Response: This proposed rezoning application is consistent with the proposed property land use change. Further, please provide evidence that the increased densities of the surrounding residential areas were a function of the undeveloped land that was provided as open space, vis-à-vis Margate Executive Golf Course.

7. The Margate Executive Golf Course is on lands that may be classified and utilized as a resource-based park. Resource based sites are centered on one or more natural feature.

Response: Please provide evidence that the Margate Executive Golf Course is classified as a resource-based park and advise what the definition of a resource-based park is so that the Applicant can appropriately respond to this comment.

A. TRAFFICWAYS

1. For road segments that are categorized as LOS F, the developer shall demonstrate how these segments will be further impacted, and further demonstrate how these impacts will be mitigated.

Response: The applicant is proposing a Land Use Plan Amendment with accompanying request for rezoning and has attached a transportation analysis as required by Broward County, such that the County review can occur following City action. In the case where there are roadway segments that currently operate at Level of Service Grade F, there is not a prohibition of any development whatsoever, which would be unreasonable. The requirement is to demonstrate that the proposed change in land use does not increase the capacity by 3% or more. In this case, with the addition of 99 trips, the addition of trips is less than 3%, or to use the term in the attached analysis, de minimis. Note that at the time of a specific site plan, an updated analysis will need to be performed. The role of the transportation analysis attached to this application is to provide a professional engineer's review

of the existing and proposed intensity, and to quantify whether the delta/change is under that 3% threshold, and this application has done so.

2. Apply new development trips on the background growth rate that is provided in Tables 10 and 12 and demonstrate what will be the anticipated LOS after the project is completed.

Response: Development trips are included in the referenced tables.

3. Illustrate how traffic ingress and egress to/from Margate Boulevard is proposed to occur. If a signalized intersection will be considered show what associated modifications will be required on Margate Boulevard.

Response: Please note that the proposed development plan is consistent with the requirements of Section 19-17 of the City Code. There are potential cross access points with neighboring properties, and there is also the opportunity to ultimately design with a single ingress/egress point on Margate Boulevard, neither of which are being defined or requested at this stage.

4. Provide details as to the number of residents expected to walk or use public transportation and illustrate associated walking distances and paths to bus stop(s).

Response: US Census Journey to Work Data indicates that approximately 7.8% of residents will walk or use public transportation to and from work.

5. Provide additional details to support how a trip count of 99 new trips was derived.

Response: The Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, was used to calculate the project's trip generation potential.

6. For trips that exceed 500, a traffic impact study shall be performed for intersection and road segments within a one-mile radius of the site perimeter.

Response: Not applicable, as the project is not anticipated to exceed 500 trips.

B. POTABLE WATER AND WASTEWATER

Potable Water

1. The submitted analysis incorrectly calculates the net change in potable water demand as 0.022 MGD. Although the request is to build 200 townhouse units, the calculations are for only 108 townhouses. Please redo calculation for a total of 200 new townhouses. **(See below for response to comments 1-4)**
2. DEES calculations suggest that the demand for potable water ought to be around 0.067 MGD and not 0.022 MGD. Redo water and sewer analysis. **(See below for response to comments 1-4)**
3. Provide an analysis of the existing 12" Asbestos Concrete (AC) distribution main that will supply the development and determine its adequacy based on the additional demand. **(See below for response to comments 1-4)**
4. The 12" AC pipe that is located on Margate Boulevard is at the end of its useful life and will need to be replaced. **(See below for response to comments 1-4)**

Response: comments 1-4 on the rezoning appear to largely refer to the land use plan analysis, please see the attached revised analysis, but also, as discussed at the DRC meeting, the proposed total potential units would be 200 units following a land use plan amendment, but the analysis for a change in land use addresses the change in density, such that the new, or increase in intensity can be demonstrated to be within the level of service capacity for water and wastewater. While we could provide a supplemental calculation for the existing development potential under the existing land use, this would not be appropriate for the land use plan analysis included with this application and would give a false indication of the increase in demand. The applicant acknowledges that there are conditions which are appropriate to review of a proposed plat and/or specific site plan, which includes drainage calculations, specific utility design, and existing facilities adjacent to the site, including an analysis of the 12" main, which may be at the end of its useful life, or may be sufficiently sized for the specific site plan that is filed for review. Timing of this analysis should coincide with the site plan, not the development plan attached as required by Section 19.17 of the City's Code, and/or plat applications consistent with Comprehensive Plan Policy 1.11

Wastewater

1. Provide Engineering analysis to demonstrate that the existing 12" VCP collection sewer main has the capacity to service the new 200-townhouse development. **(See below for response to comments 1-3)**
2. Provide Engineering analysis of the receiving lift station (L.S 24) to determine surplus capacity for the additional flows. **(See below for response to comments 1-3)**
3. If surplus capacity is unavailable, the developer shall demonstrate how sewage collection and disposal will occur. **(See below for response to comments 1-3)**

Response: Please review the attached analysis; aimed at satisfying the question of whether the wastewater treatment plant has capacity for a maximum potential additional capacity associated with the increase in residential density. The project specific site plan will need to provide additional analysis in terms of point of connection, existing conditions of infrastructure associated with the project including the sewer main, and existing lift station. This also provides the benefit of tying that analysis closer to a site plan approval and construction, at which time the conditions and assessment of facilities would need to be re-done in any case to verify existing efficiencies or lack thereof.

C. DRAINAGE

1. The lake and canal system are in an AE Flood Zone. The Base Flood Elevation (BFE) is this AE zone is 11.00 feet. **(See below for response to comments 1-6)**
2. Demonstrate that there will be no impact to filling in the existing lake and canal. **(See below for response to comments 1-6)**
3. Provide details of how the existing drainage facilities will be abandoned to allow construction. **(See below for response to comments 1-6)**
4. Demonstrate how the impacts to drainage systems that discharge into the existing lake will be managed. **(See below for response to comments 1-6)**
5. Provide a stormwater analysis to illustrate how water quality will be achieved. **(See below for response to comments 1-6)**
6. Provide a hydraulic analysis to demonstrate that filling in the lake, realigning, and rerouting the canal will not result in higher flood levels nor otherwise create negative impacts on communities upstream and downstream of the project.

Response: There is no request to block off or modify the existing flowage or drainage conveyance through the property, when a specific site plan package is prepared, we agree that existing easements and flowage need to be taken into consideration together with site layout elements that may arise during the review and hearing process discussing this land use amendment and will benefit from the same. The preparation of a specific and detailed site plan package will need to include careful consideration of the existing drainage and flowage rights, a geotechnical report on soils to establish a percolation rate, and review a project design that benefits from the community input during this land use plan process, feedback from neighbors, and a design that incorporates all the requirements from the drainage authority in terms of existing and proposed facilities and design, such that a drainage permit can be achieved.

D. FLOODPLAIN

The canal that flows through the property is in a FEMA flood Zone AE (11.00 feet). The open space that was provided is contiguous with the canal and is in a Shaded X flood zone.

Filling of the lakes and canals may change the FEMA flood zone designation and a letter of map change (LOMC) may be required based on the altered ground elevations after engineered fill is placed.

Any alteration or relocation of the canal should not increase the community's flood risk or those of any adjacent community, or any community upstream or downstream. The altered or relocated channel shall have at a minimum the carrying capacity of the original channel.

After altering a channel, the developer may be required to assume responsibility for maintaining the capacity of the modified channel in the future.

Federal, State, and local surface water management district permits may be required for any alteration or relocation activity.

Response: These comments appear to be related to floodplain general standards which will come into play at the time of permitting together with a specific site plan package and are acknowledged.

E. SOLID WASTE

The developer shall consult with the city's solid waste contractor to determine their requirements to service this development.

Please see the attached letter from Solid Waste affirming that solid waste service can be provided.

F. RECREATION

Show what recreational facilities and open space will be provided to service 200 new townhouses.

Response: While we want to emphasize that the site plan is conceptual, and a full review of applicable site development standards is not being requested, we have altered the conceptual plan to show potential areas of open space, and on-site amenities as required by Section 19.17 of the City Code.

DEVELOPMENT SERVICES

After review of the above referenced DRC application, the Development Services Department has provided the following comments and advisory notes. Comments require a written response from the applicant and correction(s) to the application. Advisory notes are provided as a statement of fact.

ADVISORY NOTE 1: This application is to rezone the subject property from S-1 to PUD and is therefore subject to the requirements of Chapter 31 of the Code of the City of Margate.

Response: The application has been amended to rezone from S-1 to R-3, without a site plan. Additionally, note that the subject property, as shown on the attached warranty deed and survey, includes a previously platted property (parcel 3 Block B of Oriole Golf and Tennis Club) together with a portion of a neighboring plat (Metes and Bounds Description of a portion of parcel 4 - Garden Patio Villas) and has not occur within one plat, or specifically platted parcels. Concurrent with a specific site plan, a plat will be required. Pursuant to Section 31-36, a change in zoning on any unplatted plan:

“shall be made with the express condition that upon platting of the property, the plat shall be subject to development review procedures outlined in this article and that the city, at the time of the rezoning, makes no explicit or implied guarantees that services or facilities are available to serve the proposed development at the time of rezoning.”

Accordingly, the maximum impact permitted under the applicable land development regulations have been assumed; and the applicant is not requesting a determination that services are available at this time.

Subject Property:

The subject property is a ~21.3-acre site located at 7870 Margate Blvd. The subject property is a 9-hole executive golf course with a peculiar zig-zag shape, such that it is relatively narrow, and juts back and forth as it weaves into and around adjacent developments. The subject property is bounded to the north by Oriole Margate VI (Residential, 4 units per acre), Margate Boulevard, and Garden Patio Villas (Residential, 7-units per acre). The subject property is bounded to the east by Garden Patio Villas (Residential, 7-units per acre) and Oriole Gardens Phase II (Residential, 17-units per acre). The subject property is bounded to the south by Oriole Gardens Phase II (Residential, 17-units per acre). The subject property is bounded to west by Oriole Margate VI (Residential, 4 units per acre) and Oriole Gardens Phase II (Residential, 17-units per acre). The subject property is located within the S-1 Recreational zoning district, has an underlying land use designation of Commercial Recreation, and within a Dashed-Line Area that is limited to an overall average residential density of 7.6 units per acre. The subject property is designated as “Recreation and Open Space” in the BrowardNext Land Use Plan.

COMMENT 1: Staff is unable to make the necessary findings due to a lack of critical information. Application is substantially delinquent in providing materials needed to prove compliance with the requirements of Article XIX of the Margate Zoning Code.

Response: This comment is no longer applicable as the rezoning application has been amended to R-3 (instead of PUD) as a rezoning request of land that is not contained with an existing plat. See response to advisory comment 1 above for additional explanation.