



## **CITY OF MARGATE**

### **DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #2**

**NOVEMBER 23, 2021**

**Meeting Location:**

*Commission Chambers*

*5790 Margate Blvd, Margate, FL, 33063*

<b>PROJECT NAME:</b>	Margate Executive Golf Course		
<b>PROJECT NUMBER:</b>	2021-482		
<b>LOCATION:</b>	7870 Margate Blvd		
<b>APPLICANT/AGENT:</b>	Hope Calhoun, Dunay, Miskel, Backman LLP and Mark Rickards, Kimley-Horn agent for Michael Fimiani, Fiminai Development Corp.		
<b>REVIEW/APPLICATION</b>	Rezoning from S-1 to R-3		
<b>DISCIPLINE</b>	<b>REVIEWER</b>	<b>EMAIL</b>	<b>TELEPHONE</b>
DRC Chairman	Elizabeth Taschereau – Director	<a href="mailto:etaschereau@margatefl.com">etaschereau@margatefl.com</a>	(954) 884-3686
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Police	Cpt. Joseph Galaska – Police Department	<a href="mailto:jgalaska@margatefl.com">jgalaska@margatefl.com</a>	(954) 935-5429
Police	Sergeant Paul Frankenhauser – Traffic	<a href="mailto:pfranken@margatefl.com">pfranken@margatefl.com</a>	(954) 972-7111

**Any questions regarding the DRC comments, please contact the appropriate department.**

**Applicant is required to provide a response to EACH DRC comment and to revise plans accordingly (*acknowledgements are not corrections*).**

**ALL corrections must be provided in ONE submittal package at the time of the submittal appointment with a DSD planner.**

**DRC comments follow.**

**NOTE: Please email city staff with names, title and companies from your team that will be in attendance at the DRC meeting and indicate if they will be attending in-person or by zoom.**

## DEPARTMENTAL COMMENTS

### BUILDING

1. The plans provided lack sufficient detail to provide comments.

### FIRE

1. Provide secondary means of access for emergency use.

### PUBLIC WORKS

1. No comments.

### 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's Code of Ordinances and finds the following:

#### PREAMBLE

The petitioner is seeking to build 149 units more than the 51 that are allowed, on land that is currently zoned as open space and referred to Margate Executive Golf Course. In essence, the petitioner is seeking a two fold amendment: first to change the land use from open space to residential and second, to increase the building density from 7.6 units per acre to 9.03.

In his response to DEES July 19<sup>th</sup> comments, the petitioner has made several inaccurate statements. For example, denial that ponds and canals will be filled in to construct the project, no request to block off or modify the existing flowage, and denial that the application is requesting a change in upstream or downstream flowage. Furthermore, in his response, the petitioner has requested to delay all the critical engineering analyses that will determine if the project is feasible from an engineering perspective. While there may be aspects of the project that can certainly be delayed, the ability to maintain a functional drainage system, supply potable water, and collect and dispose of sewage, are fundamental to the feasibility of the proposed project, and therefore DEES is requesting that these analyses be performed with this application.

Moreover, in a letter dated December 7, 2018 from Broward County Surface Water Licensing Program, the petitioner was advised to perform stormwater analyses to demonstrate that the proposed project will provide water quality treatment prior to discharging into the canal system and that the proposed project will NOT cause adverse drainage impacts upstream and downstream of the project.

The current sewer collection system was never designed to accommodate 200 residential units on the Margate Executive Golf Course. Sewage collection over the 9 square mile service area and conveyance to the treatment plant on NW 66<sup>th</sup> Avenue, is accomplished through a series of Lift Stations and forced mains.

The closest lift station to the proposed development on the old Margate Golf Course, is Lift Station (LS) #24. The petitioner is again requested to analyze LS # 24 to determine capacity and show what upgrades would be necessary (by the developer) to service the proposed project.

The Springdale Village Report was prepared by Kimely Horn and Associates (KHA), on behalf of the petitioner in support of the requested waivers. This report repeatedly and incorrectly uses the number of additional units (149), as the design criteria rather than the total number of new units, which is 200 (unbuilt units of 51 plus number of additional units 149 for a grand total of 200). Section 31-37 of the City Code

requires that the maximum impact of the proposed development shall be assessed and therefore an accurate number of total new residential units shall be used to assess the actual project's impact. DEES finds the Springdale Village Report to be illogical and therefore unacceptable.

The Traffic study that was supplied with the Springdale Village Report suggests that 7.8% of residents in the new development will choose to walk or use public transit. This percentage is based on the national average and there is no evidence that this percentage is applicable to Margate, nor that it could be used as a design parameter. Again, to examine maximum impact of the proposed development in terms of new trips generated, the petitioner is requested to ignore the theoretical use of public transit in the trip analysis.

The aforementioned analyses are deemed critical for project feasibility and the results, when they are supplied, shall be carefully reviewed by DEES to determine if the project can move forward.

#### **A. TRAFFICWAYS**

1. Provide source for the statement that "The requirement is to demonstrate that the proposed change in land use does not contribute external trips in excess of 3.0% of a failing roadway's maximum service volume.
2. The calculation to compute the new trips generated by the project (95) is incorrect; our calculations indicate that 919 new trips will be generated by the project, not 95.
3. Table 1 of the Traffic Circulation Analysis indicates that Atlantic Boulevard and Rock Island Road are operating at LOS F which exceeds the adopted LOS (D). Therefore, in accordance with the Transportation Element in the Comprehensive Plan, an impact analysis for a distance of 1.5 miles from the boundary of the development shall be performed.
4. Table 2 indicates that Atlantic Blvd. east of Riverside Dr. and Rock Island Rd North of Southgate are both operating at a LOS F
5. Provide your rationale for utilizing negative growth rates for Atlantic and Margate Boulevard, in light of the proposed 200 townhouse development.
6. The suggestion that Atlantic Boulevard will somehow change from LOS F to LOS D, albeit the addition of 200 townhouses and associated increase in residential units from 742 to 1044, is not supported with fact.
7. City staff has indicated that 742 units exist. Based on the allowed density of 7.6 units/acre, a total of 793 units could be built, if the Margate Executive Golf Course was converted. The trip increase ought to be calculated based on the total new units (302); in other words, if 1,044 units are expected then the difference from existing (742) to proposed (1,044) is 302.
8. The reported "Existing (2019) Peak Hour Conditions LOS Analysis" is dated; the petitioner shall perform traffic counts to establish the existing (baseline) conditions.
9. 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, possibly by overcapacity links.
10. 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.
11. 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.
12. 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).

13. Exhibit Q- The existing conditions inaccurately utilizes 793 units; the number of existing units as provided by city staff is 742. Resubmit this Exhibit and discuss how the net new trips will be managed.
14. Exhibit Q - Omit multi modal reduction for maximum development impact. Resubmit this Exhibit and discuss how the net new trips will be managed.

## **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.
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.
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.
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.

### **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.
2. Provide Engineering analysis of the receiving lift station (L.S 24) to determine surplus capacity to accommodate the additional flows from the 200 townhouse development.
3. If surplus capacity is unavailable, the developer shall demonstrate how sewage collection and disposal will occur, and what improvements will be required to the existing infrastructure to service the proposed 200 townhouse project.

## **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.
2. Demonstrate that there will be no impact to filling in the existing lake and canal.
3. Provide details of how the existing drainage facilities will be abandoned to allow construction.
4. Demonstrate how the impacts to drainage systems that discharge into the existing lake will be managed.
5. Provide a stormwater analysis to illustrate how water quality will be achieved.
6. Provide a hydraulic analysis to demonstrate the impact of filling in the lake, realigning and rerouting the 30-foot Flowage and Drainage Easement.
7. One objective of rerouting and realigning the Easement shall be to reduce current flood levels and create positive impacts on communities upstream and downstream of the project.

## **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.

**E. SOLID WASTE**

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

**F. PARKS AND RECREATION**

Pursuant to Section 31-19 (E) developers are required to place a sum equal to five (5) per cent of the value of the (residential) land in the city’s parks and recreation fund to satisfy parks and recreation impact fee.

In addition, show what recreational facilities and open space will be provided to service the new proposed 200 townhouse development.

**G. NOISE**

The purpose of the Noise report is unclear, as it analyses the current noise condition and makes no attempt to simulate the noise from the proposed development.

Please provide an explanation as to what is the objective of the noise study.

**H. CONTAMINATED SOIL**

Soils on a Golf Course are usually deemed to be contaminated and as a consequence, the petitioner shall take the necessary actions to remediate soils in the project area. Accordingly, the petitioner shall prepare an Environmental Report for review by DEES.

**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.

**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.~~

**ADVISORY NOTE 2:** Applicant concurrently filed an application for a land use plan amendment (LUPA) to change the land use designation of subject property from Commercial Recreation to Residential (10). If the LUPA is approved, then the requested zoning designation would be consistent with the underlying land use. If the LUPA is not approved, then the requested zoning designation would not be consistent with the underlying land use. Zoning must be consistent with underlying land use.

**COMMENT 2:** Applicant’s letter of intent, dated September 23, 2021, incorrectly indicates that application would be subject to Paragraph (a) of Section 31-36 of the Code of the City of Margate, which references unplatted land. Subject property is part of the “ORIOLE GOLF AND TENNIS CLUB SECTION TWO” plat (78-21), which was approved and recorded in 1973. The applicable provision to this application is Paragraph (b) of Section 31-36 of the Code of the City of Margate, which provides the standard for rezoning platted land, as follows:

“A change in zoning on platted land which need not be replatted prior to issuance of a building permit shall be permitted after a determination has been made by the city commission that services are available to serve the development permitted in the zoning district which is being petitioned. A determination that services are available shall be made when the city commission approves a report submitted by the development review committee which indicates the conditions contained in [section 31-35](#) of this article have been met.”

**ADVISORY NOTE 3:** Applicant candidly admits that a site plan has not been provided with this application. As such, this rezoning shall be presumed to have the maximum impact permitted under the applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan, per Section 31-37 of the Code of the City of Margate.

**COMMENT 3:** Nothing was included with the rezoning application to address the impacts of the proposed development or concurrency.

Policy 5.1.1 Prior to approving increases in density or intensity of land uses, including amendments to the Future Land Use Map and Zoning maps, approvals of plats, and issuance of development orders, there shall be a finding that existing public facilities and services are available to serve the needs of the proposed development. [BCLUP 2.14.2, 2.14.3]

**COMMENT 4:** If Applicant believes that any staff comments are not applicable, such comment response shall include the appropriate citation to current law, code in effect, etc to support such claims.