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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE HYBRID MEETING <https://us02web.zoom.us/j/87206934599> MINUTES

Tuesday, April 12, 2022

10:00 a.m.

City of Margate
Building Department

PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Christopher Gratz, AICP, Senior Planner
Howard Pavillard, Office Manager, Development Services
Arlene Davis- Walcott, AICP, Project Manager, CRA
David Scholl, Fire Code Official
Sgt. Paul Frankenhauser, Police Department (via Zoom)
Randy Daniel, DEES Assistant Director (at 10:08 a.m.)
Richard Nixon, Building Code Services Director (at 10:12 a.m.)

ALSO PRESENT:

Dennis D. Mele, Esq., LLP, Greenspoon Marder, agent for Abundant Life
Christian Centre, Inc. (via Zoom)
Joaquin Vargas, Traffic Engineer (via Zoom)
Stacy Angier, Principal, Abundant Life Christian Centre
Shane Zalonis, Greenspoon Marder (via Zoom)

ABSENT:

Curt Keyser, DEES Director
Gio Batista, Public Works Director

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, April 12, 2022, at the City of Margate Building Department, 901 NW 66th Avenue, Margate, FL 33063.

Development Services Department

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NEW BUSINESS

A) 1D2022-180

CONSIDERATION OF A SPECIAL EXCEPTION USE, TO CONVERT A CHURCH WITH PRIVATE SCHOOL TO A PRIVATE SCHOOL.

LOCATION: 1490 BANKS ROAD

ZONING: CF-1 COMMUNITY FACILITIES & M-1A INDUSTRIAL PARK

LEGAL DESCRIPTION: LOTS 1, 2, 3, 4, 5, & 6, BLOCK 2, of "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: DENNIS D. MELE, ESQ., LLP, AGENT FOR BISHOP RICHARD THOMAS, ABUNDANT LIFE CHRISTIAN CENTRE, INC.

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.

Elizabeth Taschereau, Director of Development Services, provided instructions for identification of speakers within the meeting.

Mr. Daniel joined the meeting at 10:08 a.m.

Mr. Pinney asked if staff had any additional comments or corrections. Hearing none, he asked whether the applicant had questions regarding the comments.

Stacy Angier, Principal, Abundant Life Christian Centre, introduced herself and stated Bishop Rick Thomas was unable to attend the meeting. She referenced Building Department Comment 1 and asked for clarification on what was required to create an Americans with Disabilities Act (ADA) accessible route from the building to the public sidewalk. Mr. Pinney stated the Building Department representative was running late and could circle back to the question when he arrived.

Ms. Angier pointed to Building Department Comment 2 and stated the school does not currently have students driving to the school. She noted there are students driving with their parents, but no one parking at the school. Continuing, Ms. Angier referenced the Fire Department comment and stated her understanding was that as long as Abundant Life stays in the building, they do not require sprinklers, but a new applicant taking over the building would need to address that issue.

David Scholl, Fire Code Official, explained if Abundant Life was going to change the use it would technically be a school, so the rule would apply.

Ms. Angier stated she did not believe that information was technically correct and asked Dennis Mele, Esq., LLP, to provide additional information. She asserted when Abundant Life bought the property on Royal Palm Boulevard, they did not make any major changes and as a result, most

of the Code stayed intact. She stated this was the same school already occupying the building since 1991 which had been inspected for years.

Mr. Scholl explained annual fire inspections do not get into the license or related things, because older schools under older Codes did not need to have a fire sprinkler. He stated if they are building a new school, or changing the use or renovating, it must meet the current Code. He noted he did not know how the process would go, but he was letting the applicant know this was what the current Code requires.

Ms. Angier provided additional background on the application. She stated the current plat note, as amended in 2006, shows a square footage which is currently exceeded by the school. She explained the process they had undertaken was to try to bring the plat note into compliance. Continuing, Ms. Angier stated because the church had purchased the other facility, they meet most of the time on the other property. She noted at this point in time, taking into consideration the flat roof, putting in a sprinkler system was probably cost prohibitive. She asserted if they were to sell the building to another school, that would be a new educational occupancy, but this use would be the same building.

Mr. Nixon joined the meeting at 10:12 a.m.

Attorney Mele stated the applicant was not proposing to make any physical modifications to the building or the property, only amending the plat note to reflect what has been the use for years, which is a combination church and school. He stated when the owners were getting ready to do something with the property, they noticed the plat note does not match what they are actually doing and what they have actually been doing. He noted there was not a new site plan, they were not building anything new, and were not changing anything aside from changing the note on the paper of the plat to reflect the use. He stated the applicant understands if they were building something new, there would be a list of things to deal with, but they are not building anything.

Richard Nixon, Building Code Services Director, asked whether the applicant was stating no modifications were made to the interior space when there were additional grades added to the educational facility.

Attorney Mele stated if there was, it was some time ago. He noted they are not changing anything now and asked Ms. Angier to speak to the question.

Ms. Angier responded she believed changes were made in 2006, and they went through the Building Department. She stated David Mears represented the facility for zoning changes. She stated at that time they built the alcove section and did work in the southwest corner. She noted they are now utilizing what was previously office space and meeting rooms for classrooms.

Mr. Nixon stated the problem was that if they are changing the uses of those rooms, they are also changing the occupant count of the building. He provided an example from the Florida Building Code, explaining if an office was 10 feet by 10 feet, it could be used by two (2) people, but if it

was used as a classroom, it might fit 10 people. Mr. Nixon asserted that in changing those interior spaces or uses, you are increasing the occupant load of that building.

Ms. Angier stated the spaces being used currently have been used in some context as a classroom for at least the last 10 years. She stated the rooms have been inspected by the Fire Department, and Abundant Life has not changed or built anything, and are not trying to build anything at this time. Ms. Angier added that the last change she recalls they had done was to change out the portable. She noted they had gone through the Building Department at that time and done everything they needed to do.

Mr. Nixon stated he was just trying to make sure all of these things were brought to light so as the application is going through the process, they do not come across a barrier. He provided an example that an increased occupancy load could require additional restroom facilities and other things associated with changes to the interior use of spaces. Mr. Nixon stated he did not want to get to the point where the Building Department or Fire Department is conducting a Business Tax License inspection and the inspector is asking what happened. He noted he would rather address those issues now and solve that problem at the DRC level.

Ms. Angier reiterated that at this point, the applicant is only trying to correct a plat note that should have been changed in 2006 when the school took an alcove area and added a computer lab, science lab, and classrooms. She stated those spaces are currently being used and have been inspected. She added that to her knowledge, there will not be any architectural plans. She stated at one point they were looking to expand the church and got some drawings but instead went the route of purchasing the additional property from Presbyterian.

Mr. Nixon stated it would take him 30 seconds to conduct a computer search from 2000 to 2010 to pull up all of the permits issued for the property. Ms. Angier agreed.

Mr. Scholl stated he understands the applicant is not doing any renovations and just wanted to change the paperwork. He asserted that upon approval, he believed it would be considered a new educational facility for business license inspection and would need fire sprinklers.

Ms. Angier asserted she did not believe that was correct and repeated Mr. Scholl's comment so that Attorney Mele could respond.

Attorney Mele stated it had been previously established the facility was exempt from the business tax receipt program as they had looked at the beginning of the process to see what types of inspections had been conducted over the years. He explained copies of the annual fire safety inspection had been provided with the application dating back to 2002, but there was no business tax receipt for the facility's use as they were exempt from the City Ordinance.

Elizabeth Taschereau, Director of Development Services, stated she was not sure of the year exactly, but there had been a gift store and the school as an accessory use to the church, and

both were required to have a business tax receipt. She explained the gift store had, but the school never had, even though they should have.

Ms. Taschereau stated now that it is converted from a church to a school, they will still be required to have a business tax receipt. She noted she was not certain if the payment would be waived for a private school. Mr. Pinney confirmed the fee would be waived for nonprofit organizations.

Ms. Taschereau stated a business tax receipt is required with no fee payment, and inspections are required for the business tax receipt.

Attorney Mele stated that was fine, and if an inspection was to be had, they should make the inspection. He added that he wanted the Committee to understand the Fire Department has been inspecting this property every year and has never said there was a safety problem or an occupancy problem, or any other kind of problem. He reiterated that copies of those inspection reports had been provided.

Mr. Scholl explained Fire Inspectors do not look at business tax receipts or if they are supposed to have sprinklers when they go out for an inspection, because there are older schools that are grandfathered in with the older Code and do not have to have them. He asserted when a school is upgraded or something new is done, then it is required.

Attorney Mele argued it was a school that had been there. He stated the applicant was not changing anything physically on the property.

Ms. Taschereau asked that they all get the foundation clear. She stated the building was constructed for a church, as a church. Ms. Angier asserted it had actually been constructed as a shopping center to begin with.

Ms. Taschereau stated they were talking about when the church took over, and then they had the accessory component of the school, with the square footages of each established. She noted it did not matter what year they had converted it all to a school, it was not done through the building permitting side, which would have brought to light the fact that they have the two (2) uses.

Ms. Angier stated the whole building is not converted to a school at this time. She asserted she wanted to go on the record with that comment because it was not clear at the last DRC meeting. She noted there are still church offices in the building, and they still have school there. She stated they had not had a bookstore there for years, as it was only there for a short period of time.

Ms. Taschereau confirmed that was correct and stated that was the only use the City had a business tax receipt for.

Ms. Angier stated the church facility is still there and has not been renovated. She noted if someone came in and wanted to redo the original auditorium that would be square footage, but that is still intact the way that it was and there are no plans to change it. She reiterated that the

only renovations which had been done which are being used for the school all come down to when they did the original renovations under David Mears in 2006.

Ms. Angier stated she is not an attorney so she would have to go back to them, and she hears the point and is trying to make sure they know she was not trying to be disrespectful. She stated she would never question the Committee, but because they are not making physical modifications and are still the same organization. She asserted Abundant Life Christian Academy is a DDA of Abundant Life Christian Centre, so she does not think they would be required to sprinkle. She stated she thought they needed to investigate that and asked Attorney Mele to dig deeper on the requirements because the two sides were going to continue to disagree. She asked that the Committee go back to other questions.

Ms. Angier returned to her earlier question regarding Building Department Comment 1 and asked for clarification on what was required to create an ADA accessible route from the building to the public sidewalk.

Mr. Nixon stated the route needed to be striped. He noted he was not sure if there were steps involved or where a ramp might need to be. Ms. Angier noted the locations of ramps by the security office and the parking lot of the school office that could be striped.

Mr. Nixon explained there needed to be crosswalks from the building out to the public access with the ramps included in either direction. Ms. Angier stated that would be easy to do.

Ms. Taschereau asked how many ramps there are. Mr. Nixon stated he did not know.

Ms. Angier stated there are ramps by the church office, off the school office, and by the security office, and added that she was not sure if there were any others.

Mr. Nixon noted Building Department Comment 2 and stated now that students of driving age would be coming to the school and obviously driving, he wondered if there was adequate parking and ADA parking for those students.

Ms. Angier stated she would have someone check on the ADA parking. She noted currently the school has less than 30 students in the high school and no one is driving and parking on the property, but ample parking spaces exist. She noted she could address that when they get to the topic of traffic. Ms. Angier stated they had one (1) student drive last year.

Mr. Nixon stated the number of ADA parking spaces required was a calculation based on the total number of parking spaces available at the location.

Mr. Pinney noted staff is looking at the future, and if this gets approved with all 75,000 square feet being open. He stated that while there are only 30 students right now, they needed to look at what would happen if the school was very successful and make sure the facility could handle the greatest possible impacts. He noted the applicant could bring forward a representation that none

of the students would ever drive to the school, and the City Commission could condition it, or the number of parking spaces could be broken down to determine the number of spots reserved for student drivers and for teachers.

Ms. Angier stated Public Works said they had no potential impacts at this time. She referenced the Police Department comments and stated it appeared the traffic study was the big deal. She noted the traffic study included several errors. She stated the errors should have been corrected after the last DRC meeting and apologized for the resubmittal with the same errors.

Ms. Angier stated as far as whether the traffic study was accurate, et cetera, if they are going to calculate whether they have adequate parking, number one she wondered if Sgt. Paul Frankenhauser could answer whether he had seen any problems with the school having excess traffic on Banks Road.

Sgt. Paul Frankenhauser, Police Department Traffic Unit, stated he has seen it himself and has had conversations with staff (Greg). He explained it was a two (2) way discussion, with concerns expressed about traffic from both the perspective of the school and the Police Department. He explained there are two (2) other schools across the street as well, so it is a traffic nightmare out there. He noted he sees Greg out there all the time directing traffic in and out of the parking lot. He stated there are U-turns being made there even though it is posted, and he sends traffic officers out there. He asserted this was all considering the current school population.

Continuing, Sgt. Frankenhauser noted he had discussions with Greg in the past regarding the traffic beacon lights. He stated an issue that comes up is that the school has no pedestrian traffic. He stated none of the students walk, so all students are dropped off. He asserted if the school was going to expand, that would leave him to believe there would be a lot more cars pulling into the facility than what is there currently. He noted in terms of traffic there would definitely be congestion and queuing issues, which the Police Department does not want to see. He added that since he has been supervising the Traffic Unit, he has been going around to all public and private schools in the City to eliminate the queuing on the public roadway.

Ms. Angier stated she has not seen queuing on the roadway in a long time, so she was really surprised. She asserted what they do see is a lot of speeding down Banks Road that is not really regulated. She stated she realized the Police Department could not be everywhere and shared an experience from earlier in the day as an illustration of the speed issue. Ms. Angier stated she does not disagree and is aware the schools across the street do back up, but Abundant Life does their best to keep the traffic off the street and to try to keep it flowing. She noted she had a conversation with Chief of Police Joseph Galaska at the beginning of the year when she called him and asked for help with the speeding through the area. She stated it makes it difficult to get people off the property when others are flying down the road.

Continuing, Ms. Angier explained Broward County does not want to give the school lights because they do not have much pedestrian traffic. She stated there have been years the school had four (4) or five (5) walkers, but most of the students are dropped off. She noted approximately 25

percent of students are on the property before 8 a.m., including children of staff and those in the morning care program, which opens at 7 a.m. She stated she had done an attendance today and there were about 25 children of staff and 75 others there at 8 a.m.

Ms. Angier stated that was not to say it alleviates anything, and she agrees Banks Road is a nightmare. She asserted she drives by Liberty Elementary School and sees traffic out on the street, though she does not know if the Police Department has corrected that recently. She reviewed the drop off plan, noting everyone does drop off between 8 a.m. and 8:30 with the exception of those arriving early. She outlined the Abundant Life graduated pick-up times from 2:45 to 3:45. She noted one of the comments had said they did not have enough parking during that time and stated she had taken photos this morning to illustrate that ample parking spaces are available during those times.

Sgt. Frankenhauser stated he would attest to Greg doing a great job to address traffic, pointing out he sees him out there by himself most of the time. He noted he had two (2) radar signs installed in the median to try to help. He stated he was suggesting in his comments that the school add beacons to alert drivers to the actual school zone. Continuing, Sgt. Frankenhauser explained the beacons would just be put on a pole with a flashing light indicating there is a school. He stated as far as he is aware, the County does not have any objection to the beacons but are not going to pay for them. He added that the City is not going to pay for it, so that would leave the burden on the school.

Sgt. Frankenhauser asserted the comments are looking at proposed expansion of the school, and with expansion there would be additional traffic as well as need for more parking. He referenced how other schools address the issue, noting at Liberty Elementary School there is a giant message board saying no queuing prior to 1:45 p.m., which is 15 minutes prior to school release. Sgt. Frankenhauser stated he sends traffic officers out and about during school drop off and pick up, and explained he sees the majority of problems during pick up. He explained he tells officers to move people along and let them know they can't queue on the public road. He stated it is not that there is a terrible problem, but there is a problem out there right now, and he does not want to see the problem get worse because nothing was done to alleviate it.

Ms. Angier agreed the school also does not want to see it get worse. She asserted staff would not have called the Police Department if they were not concerned about it. She pointed out Abundant Life had been in the City of Margate for over 40 years and have been good contributors to the City. She noted they want to try to make things right with the paperwork and with traffic. She stated the safe entrance and exit of the students and their families, as well as the safety of Margate residents was priority for the school. She stated they would do what was required.

Sgt. Frankenhauser stated he was confident that would happen. He pointed out he has a good relationship with Greg and talks to him frequently. He stated the beacon issue and any parking issues needed to be addressed and noted they could get together to discuss strategies on ways to improve the flow of traffic.

Ms. Angier stated she would be happy to meet and discuss what they are doing. She noted on any given day they could come out and it would be great, and on another day it could be bad. She stated she reminds her teachers daily not to be late for car line and to get those kids in, not have conferences in car line, because that is where you really end up with backup. She noted trying to make sure parents come at a consistent flow and don't come too early is also part of it. Sgt. Frankenhauser agreed.

Joaquin Vargas, Traffic Engineer, stated he would review the discrepancies in the traffic report highlighted in the DRC comments once they were sent to him. He noted he had looked at the work product and couldn't find anything he would be concerned about, so it would be helpful to review the comments.

Ms. Taschereau explained the errors were documented in the DRC comments. Mr. Vargas responded that he would take care of it.

Mr. Vargas clarified school flashers are difficult to get, and what he believed Sgt. Frankenhauser was referring to was school warning signs with a flashing beacon at the top to warn motorists arriving that there is a school in the proximity. Sgt. Frankenhauser confirmed this was correct.

Mr. Vargas stated he believed those signs could be obtained easily. He stated regarding school capacity, he wanted to share what the traffic engineers had found and why they are comfortable this was going to work fine. He noted the suggestions from Sgt. Frankenhauser on traffic circulation were welcomed, and discussed the process utilized to come to the conclusions related to school capacity. Continuing, Mr. Vargas explained during his site visit, the maximum number of cars viewed was 106, and they were projecting that was likely going to double to about 195. He asserted capacity of the school campus was twice what was estimated in his review at approximately 400 vehicles. He stated that was a combination of the circulation aisles and the parking spaces. He asserted he was confident the site could be optimized to ensure traffic does not back up onto Banks Road.

Sgt. Frankenhauser noted he was fairly confident of that, as well, but it was a matter of putting it to paper so that when someone reads it, it is understandable. Mr. Vargas agreed.

Mr. Pinney followed up on the comment that the school has capacity for over 400 vehicles. He stated staff had visited the site during one of the operational days, and there are directional signage and queuing instruments in the parking lot and drive aisle, but a number of the parking spaces were not accessible as a result. He added that if parents are queuing directly abutting those parking spaces, that also keeps the spaces from being available. Mr. Pinney explained the concern is that they are anticipating roughly double the number of parents at drop off and pick up and the site cannot adequately handle it on site.

Ms. Angier commented that drop off is a 30-minute timeframe and pick up is 90 minutes. She stated queuing spaces are usually left up all day, but they are open to removing them and putting them up approximately 15 minutes before so there are not cars there. She asserted she had taken

photos earlier in the day, and there are still ample parking spaces available. She stated Greg queues some of the vehicles on the west side of the property just so there is not the ability for a parent to back out into traffic. She noted they will look at reconfiguring the space and removing the parking spaces during the day.

Continuing, Ms. Angier stated the times they have issues with parking are during the first week of school and during large events. She explained they try to keep the kids in school and limit access because it is better not to have a lot of people on campus for security reasons and exposure. She noted there is also a parking area at the athletic field, and they open that as needed. She stated the rest of the time, she has not had an issue with parking during the day, even during the chapel service and honor roll events.

Ms. Angier stated they are open to flexing the parking if that would help. She asserted they are talking about a short period of time, and most of those parking on site are staff. She stated the school has approximately 50 staff members, a few of which are members of the same family, so there are probably 40 to 45 cars. She added that the church has limited staff on property, maybe 10, and a handful of parents utilize parking throughout the day coming and going. She argued while there will be an increase with the expansion, it would not increase exponentially.

Mr. Pinney clarified staff was not suggesting the school was short on parking, but at pick up time at the end of the day, nobody is parking, and those vehicles are in line. He stated the traffic report outlined 2,100 feet of stacking, which was estimated as space to accommodate 95 stacking vehicles when they are anticipating nearly 200. He explained that was where the concern was coming from. He noted there were also some discrepancies in the times between Ms. Angier's comments and the times included in the report.

Mr. Pinney stated he trusts Ms. Angier understands how her school operates, but the paperwork should align. He noted when Mr. Vargas observed the school, he put in his report that approximately 30 percent of the population does not attend the school campus, they participate via virtual media. Ms. Angier explained that was last year, and everyone is on campus now.

Mr. Pinney stated they are working on a report from 2021, and an update was needed. He acknowledged that while the school has a lot of parking, no one uses the parking at the beginning and end of the day, which means they are looking at roughly double the traffic the school can handle on site as the parents queue. He explained Code does not allow stacking vehicles to block parking, and all stacking is supposed to be handled on site without overflowing onto the road.

Ms. Angier stated Abundant Life would meet with Sgt. Frankenhauser to try to address the issues, and Mr. Vargas would update the traffic study. She asserted she would do everything in her power to keep her students, their families, her staff members, and the residents of Margate, and those who travel through Margate safe. She stated this was whether it was for the Fire Department, for the Building Department, or for traffic, she would do what was needed because she does not want somebody hurt and she wanted to make sure it was a safe environment. Ms. Angier stated they

wanted to do what was correct. She asserted she did not want to go against any recommendations, but they needed to get the plat note fixed and move forward.

Mr. Scholl explained he is not recommending things or making things up, these are the regulations within the Code, so the applicant's job is now to respond. He noted he had reviewed the regulations for a change of occupancy, and it is considered new. He explained if the applicant can find something that says a change of occupancy does not trigger the changes, they could include that in their response.

Mr. Pinney asked whether Mr. Scholl's reference was in terms of the Building Code.

Ms. Angier argued they are not changing occupancy; they are the same school. Mr. Scholl asked whether the intent was trying to change from a church with a school to an educational facility in the plat note.

Attorney Mele stated they are seeking to change the plat note to modify the square footage associated with the school and the church. He reiterated that they are not physically changing anything on the property. He noted Mr. Nixon had stated he would be able to verify that there were permits and inspections when the work on the building was done in 2006, and asserted if there were permits and inspections, the physical aspect of the work was done then and should not be an issue at this time. He stated all the applicant is doing is changing a piece of paper.

Mr. Scholl asked for confirmation on what the plat note was being changed to. Attorney Mele stated it is being changed to a different combination of church and school than what was on the plat note already.

Ms. Taschereau stated she believed it had gone up to 75,000 square feet of school. She asked for confirmation of the square footage of the school before and after the change.

Mr. Nixon stated in 2007, the church address (1490 Banks Road) was used instead of the school address (1494 Banks Road) for the applications, which may be part of the reason it was hard to research and may have resulted in confusion. He reviewed the permit numbers for the interior remodel of 1490 Banks Road.

Ms. Taschereau asked why it was not formally changed to the school at that point through Planning & Zoning, as there was a change of use from church to school. Mr. Nixon responded that he did not know.

Ms. Angier stated it was shared space at the time. She noted she was not sure why the changes were not made, as she had done some work with Mr. Mearns on the project but was not involved with the plans. She explained at the time they used the rooms for church and for school. Continuing, she asserted the school is a DBA of the church.

Mr. Nixon stated he was not the Building Official at the time, but all he can do is say he had found some information and would review it.

Ms. Taschereau stated it was strange the change had not been made in Planning and Zoning. She asked how much space was school at that time. Mr. Nixon noted he did not yet have enough research to answer the square footage question Ms. Taschereau had posed.

Attorney Mele stated it is not unusual to find situations, not just in Margate but in various municipalities from years back, where people were not paying attention to the plat notes. He noted that was the reason the County had changed its procedures away from special agreements for recording a plat to a process where they check everything at the time of building permit to ensure the plat notes conform. He stated they do a much more thorough job now, and he would not be surprised to see something like this from that many years ago.

Ms. Taschereau responded that she did not know about that.

Mr. Nixon stated a Certificate of Occupancy (CO) had been issued. He noted it probably had been classified as an educational facility, so there was likely a change of occupancy at that time.

Mr. Pinney asked whether it would have been the entire building, or just that one section. He stated he remembered Mr. Mears coming in with plans for a children's chapel and noted there is a Building Department record to be reviewed for a determination.

Ms. Taschereau asserted she was not clear why sprinklers would not have been required then. Mr. Scholl stated if there are permits in place, that was fine, but he was trying to put everything forward up front.

Ms. Angier provided a brief history of working with the Fire Department to ensure compliance, noting the school had called the Fire Inspector to review the requirements when the school began cooking on site and they had made changes as appropriate. She stated she did not want to have things fixed for the moment, she wanted it to be done correctly across the board.

Continuing with the DRC comments, Ms. Angier asked if there were any further questions on traffic. Mr. Pinney asserted this was the applicant's opportunity to make any corrections or comments related to the committee comments.

Ms. Angier stated it appeared to her CRA was fine and asked if that was correct. Arlene Davis-Walcott, CRA Project Manager, noted there was not much to go on, but she had no issue with the site plan she had received.

Ms. Angier referenced Engineering Comment C1 related to permits and associated documentation of drainage and asked for clarification. Randy Daniel, Assistant DEES Director, stated the comments were made during the first review, and as far as he could tell, they were not

satisfied with subsequent submittals he had reviewed. He stated those comments carried forward in his second set of comments.

Ms. Angier asked whether he was referencing the submission last fall when the DRC met. She noted she had not brought that with her and was looking at the first review provided for this meeting. She reread Engineering Comment C1 for the record, as follows:

Provide copies of the permits and associated documentation, including plans and drainage calculations, referenced in your concurrency review. Such documentation shall demonstrate that the proposed site has been approved and accepted by Cocomar Water Control District and SFWMD.

Ms. Angier asked Mr. Daniel to explain the request. Mr. Daniel explained it was just as the comment said and asked whether the drainage plan had been submitted to the Cocomar Water Control District for review and approval.

Ms. Angier responded they had not done anything on that. Attorney Mele added that they are not doing anything on the property. He asserted they are not changing any elevations, changing the parking lot, or doing anything to the drainage system, which is already in place.

Mr. Daniel asked whether there were any plans at all when the property was developed. He asked whether there was any sort of drainage plans which could show a reviewer how the drainage is being handled. Ms. Angier stated she was sure there was.

Attorney Mele stated the applicant would have done that when the site plan was originally approved, and none of that was being changed at this time. He reiterated that the only changes being made were on paper, not physically on the property. He stated they were not doing a new site plan and were not building or demolishing anything. He noted Mr. Nixon had just mentioned there was a CO on the most recent improvements, and he was not sure why they were talking about this.

Mr. Daniel responded that he understood they were not changing anything, but what was submitted did not include the information he needed for review of the drainage. Ms. Angier stated what was there was what had been done in 1991.

Mr. Daniel asked how he was meant to assess the drainage. He asked whether looking on site was the answer. He stated he had been there and looked at the drain, which didn't seem to be a problem. He noted he had seen water run off the parking lot and it looked like there were some swales that channeled the water into inlets, but he would like to see it drain into the lake on the northern side of the property.

Ms. Angier asserted the northern side is on the other side of the field. She stated everyone in Florida has drainage issues, so they have to be realistic there. She noted there is occasionally standing water on the field and if it rains hard, there is standing water and a need to clean out the

drain to utilize the parking lot. She explained there had been water not just in the parking lot, but \$1.5 million in damage to the building due to standing water following Hurricane Irma. She added that they do not have any noticeable problem with draining that is not characteristic to the rest of the City of Margate when a major storm comes through.

Mr. Daniel stated he understands what she is saying but needed to know if the plans were available for review how the drains work. Ms. Angier stated she did not know. She noted she was under the impression that both the City of Margate and Abundant Life had lost the original site plan, but she did not know.

Mr. Daniel asked for confirmation that if they had plans, those plans were lost. Ms. Angier responded that was her understanding.

Mr. Pinney asked whether it would be more pertinent to just follow up with the licensing agencies to make sure licenses were valid and active, and inspections had taken place, if the applicant is not proposing any exterior modifications. He stated the path forward may be just to make sure they are in good standing with the drainage license.

Ms. Taschereau asserted it was the applicant that should make the calls and provide that to DEES. Mr. Daniel agreed.

Ms. Angier stated she did not know if that had been done, but she would follow up.

Continuing, Ms. Angier referenced Engineering Comments D1 and D2, and stated they are using Republic for waste collection and recycling services. She discussed a transition in services which had resulted in no trash pickup on Thursdays and a full dumpster on Friday mornings. She noted they had it worked out at this point.

Ms. Angier referenced Engineering Comments D1 and noted she had asked the Facilities Director to double check for broken fixtures and correct any issues with parking lot lighting. She referenced comment D2 and asked for an explanation of the requirements for a photometric plan.

Mr. Pinney explained the photometric plan inclusions and stated his understanding was that the photometric plan was part of the site plan which was waived for this application. He stated Code does require this type of application to comply. He suggested an inspection and test might be the appropriate approach.

Ms. Angier referenced the general standards of review for all special exception use applications as outlined in Development Services Advisory Note 6. She read Comment 3:

The above comments preclude staff from making a positive finding on the first general standard of review. Further, the concerns associated with the traffic study will not allow staff to make a positive finding on general standards of review numbers two (2), six (6), and seven (7).

Continuing, she read standard of review number two (2) for the record:

(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

Ms. Angier stated she understood the verbiage was probably standard, but it bothers her that it was included. She asserted staff was saying the establishment was detrimental or endangered the public, and stated she was guessing it was because of traffic and the School Board requirements according to Code. She asked if that was correct. Mr. Pinney stated management of the traffic on the property was the big concern and noted staff did not think they were endangering the community.

Ms. Angier argued it sounded like they were saying that. She stated that comment was tough. Mr. Pinney explained it boils down to the traffic concern which had been shared by a few departments during the meeting.

Attorney Mele further explained the language was in the comments because until the traffic study was revised to address the comments, the DRC was unable to say whether the plan was satisfactory. Mr. Pinney agreed Attorney Mele captured most of the sentiment. He noted criteria one (1) and stated while they don't have Comprehensive Plan issues on this application, the Code of Ordinances also establishes the minimum acreage.

Ms. Angier argued the minimum acreage is based on a high school of 4,500 plus students or a middle school of close to 2,000, while Abundant Life is around 500 and could not go higher than 600. She stated they are close to the acreage that would be acceptable for an elementary school. Continuing, she asserted the Code was passed in 2017 when the school was already there because the City Commission did not want any more charter schools. She stated Abundant Life was there and engaged at the time.

Ms. Angier stated she hears the acreage is not compliant with Code, but she believes the facility has the square footage required for the number of students they have and tries to provide a good education to its students. She noted the school does a service to the community in serving a huge minority population. She stated many of the students are Margate residents who were not successful in public school environments. She added that she understands the concerns and Mr. Vargas will work on the traffic study. She asked staff to explain what she needed to do to move forward.

Mr. Pinney explained the options available. He stated the applicant could resubmit to the DRC and seek a favorable recommendation or could proceed with the comments as written and a negative recommendation from the DRC. He outlined the process for a special exception, stating the next steps after the DRC technical review are a hearing before the Planning & Zoning Board (P&Z) and a quasi-judicial hearing in front of the City Commission, where a final determination would be made.

Ms. Angier stated she would discuss the matter with Bishop Thomas and she or Mr. Mele would reach out to staff with a decision. She explained she had a feeling he would want to proceed and asked when the matter would go before P&Z if they chose to move forward with the denial.

Mr. Pinney asked for clarification as to whether she was asking for the timeframe if the application moved forward as-is with no changes.

Ms. Angier explained she did not want to come back to the round table again and repeat the DRC process. She stated she would ask Mr. Vargas to update the traffic study, work with Sgt. Frankenhauser regarding the queuing, and try to address the parking lot lights and drainage so they could tell P&Z which items they had addressed or are addressing.

Ms. Angier noted the dumpsters were listed in the comments and had not been discussed. She stated they had never had trouble, and she had been told putting in a concrete base would be expensive. She asked whether it was possible to work with the Facilities Director on a way to place a barrier that would satisfy staff.

Mr. Pinney stated he could provide the Code requirements but could not approve a deviation from Code. He noted he would not mind brainstorming, but it would need to be addressed by the Board of Adjustment (BOA) or as a condition of approval by the City Commission if it did not meet Code.

Ms. Taschereau added that everyone is required to do it, so staff can't just say differently. Ms. Angier stated she understood.

Mr. Pinney reviewed P&Z and City Commission meeting dates and explained the public notice requirements.

Ms. Angier stated in order to do it correctly, it would be June before the matter was heard by P&Z. She stated an earlier hearing might be tight. Mr. Pinney agreed they would be scrambling.

Ms. Angier repeated the requirements for notice. She stated the company that did the signs for the BOA appeal is who they would use. Mr. Pinney stated staff would provide a list of addresses and assist with the verbiage for the letter and signage. He further reviewed the calendar and stated there was a P&Z meeting on June 7, but the City Commission meeting would also require two (2) weeks' notice, so July 6 was realistic for that hearing.

Ms. Angier asked whether the July meeting dates would be changed for vacation. Mr. Pinney reviewed the meeting dates for the City Commission.

Ms. Taschereau asked whether both meetings could be noticed at the same time. Mr. Pinney explained the letters could be combined, but the signage would have to be updated to provide at least 14 days' notice.

Ms. Angier thanked the Board for their efforts and stated she understood their role in the process. She noted it had been costly and frustrating and they are ready to get through it.

Mr. Pinney asked the Committee whether there were objections to a recommendation of denial. Hearing none, stated because of the weight and volume of comments, the DRC would be recommending denial of the special exception at this time.

B) 1D2022-184

CONSIDERATION OF A PLAT NOTE AMENDMENT FOR ABUNDANT LIFE CHRISTIAN CENTRE, INC. TO ALLOW EXPANSION OF THE SCHOOL USE AND ELIMINATION OF THE CHURCH USE.

LOCATION: 1490 BANKS ROAD

ZONING: CF-1 COMMUNITY FACILITIES & M-1A INDUSTRIAL PARK

LEGAL DESCRIPTION: LOTS 1, 2, 3, 4, 5, & 6, BLOCK 2, of "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: DENNIS D. MELE, ESQ., LLP, AGENT FOR BISHOP RICHARD THOMAS, ABUNDANT LIFE CHRISTIAN CENTRE, INC.

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 invited the applicant to review any questions regarding the DRC comments.

Ms. Angier stated she had asked all of her questions during the first hearing.

Mr. Pinney noted that one of the things which had come up with the first review in March 2021 was that this plat note constitutes a change of use, which is why the applicant had filed a special exception. He stated the same traffic concerns exist on the special exception.

Mr. Pinney asked the Committee for any recommendations and whether there were objections to a recommendation of denial. Hearing none, he stated he had a concern with the narrative included with the application, which had mentioned a preliminary meeting with Broward County regarding counting the playground square footage. He noted the map did not make sense to him and the square footage numbers related to the school and daycare use were not consistent in the letter. He suggested that be touched up as the application moves along to iron out the inconsistencies.

Mr. Pinney stated the DRC had no problem folding minor tweaks into the application as it moves forward, but substantial changes would require committee review. Ms. Angier responded that they were going to try to fix it without triggering additional review.

Mr. Pinney stated because of the weight and volume of comments, the DRC would be recommending denial of the plat note amendment at this time.

Ms. Angier asked whether the plat note would go through the same process as the first application, moving forward with the denial. Mr. Pinney confirmed this was correct.

Mr. Daniel stated in his analysis, there was an increased potential student enrollment, but the applicant had consistently said they would not be adding any more students. He asserted as an engineer, he has a duty to assess the development based on the potential. He noted he understood the conflict that created.

Ms. Angier stated they had not necessarily said they were not going to increase students but had said they would not make renovations to the property. She noted there may be some areas where students were added. She asserted she had been told the only move was the plat note amendment and added that she understands the concerns.

Ms. Taschereau reiterated that staff must look at the highest impact.

Ms. Angier stated she understands the staff position but would still advocate for her organization to get what it can moving forward.

Mr. Pinney complimented the school on safety, noting they had been approached several times during their site visit. Discussion continued regarding safety.

GENERAL DISCUSSION

Mr. Pinney called for any general discussion. He introduced the City's new Senior Planner, Christopher Gratz.

There being no further business to discuss, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Elizabeth Taschereau, Director of Development Services