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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE

October 23, 2014

PRESENT:

Benjamin Ziskal, Director of Economic Development
Christopher Cotler, Building Official
Sam May, Director of Public Works
Kelly McAtee, Engineer
Lt. Michael Palma, Police
Dan Booker, Fire Inspector
Abe Stubbins, Engineering Inspector I
Andrew Pinney, Associate Planner
Courtney O'Neill, Associate Planner
Dan Topp, Code Compliance Officer

ALSO PRESENT:

Miriam Jimenez, Property owner

ABSENT:

Rachel Bach, CRA Assistant Director

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Benjamin Ziskal, Director of Economic Development at 10:00 AM on Thursday, October 23, 2014, in the Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, Florida 33063.

1) APPROVAL OF THE SEPTEMBER 25, 2014 DRC MINUTES

The minutes have been approved as submitted.

2) DRC NO. 10-14-01. PETITION: CONSIDERATION OF A SPECIAL EXCEPTION USE,
FOR PERMISSION TO CONVERT AN APARTMENT BUILDING TO A GROUP CARE FACILITY.

LOCATION: 603 MELALEUCA DRIVE

ZONING: R-3 MULTIPLE DWELLING DISTRICT

LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 3, OF HAMMON HEIGHTS SECTION 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: MIRYAM JIMENEZ

Miryam Jimenez stated that she has owned 603 Melaleuca Drive for about six years. She explained that when she took ownership of the building, it was in poor condition; however, she has since brought it up to a better standard but that it's getting difficult to keep it nice and keep a good clientele due to the buildings across the street. She said that she wants to convert the building to a group home facility, but depending on the City's approval, she will choose to convert it to a kids' care for 16 residents or an adult facility for a maximum of 32 residents. She noted that both options are costly to set up and that she has already spent \$5,000 on this property already. Ms. Jimenez said that people are messing up her corner property by using it as a pass-thru. She added that, with City approval for her plans, she is willing to invest the money to upgrade the landscaping and make it a nice facility.

DRC Comments:

Andrew Pinney had observed a few property maintenance issues while visiting this site:

- A dead palm tree at the NW 6th Street driveway entrance needs to be removed.
- Low hanging branches are hanging over public sidewalks; an eight foot vertical clearance is required. He recommended the petitioner use a licensed Broward County tree trimmer.
- There is an open trailer parked in the parking lot. A commercial vehicle is not permitted in a multi-family district.
- The corner of the property on Melaleuca and NW 6th Street has an unpermitted sign with the complex name that is non-conforming and must be removed. You may apply for a sign permit in the future.
- City records show that you have a state license for non-transient apartment rentals but no Local Business Tax Receipt from the City. You need to apply to the Local Business Tax Receipt Division right away.

Mr. Pinney maintained that the petitioner is asking for every available special exception and explained that she needs to narrow her scope specifically to what type of business she wants to open before she can receive an approval from the Committee or apply for a variance.

Miryam Jimenez explained that she needs to know what she's allowed to do, as far as zoning, so that she can focus on whether to have a kids' or adult group living facility.

Ben Ziskal explained the procedure to the petitioner. He said that this committee is made up of staff members who look at all of the applicable codes that govern property in the City: Zoning, City Code, Florida Building Code, Fire, Police and Engineering and Utility standards. He explained that a variance is granted by the Board of Adjustment and the ultimate decision as to whether or not the City will grant a policy decision to locate this facility is made by the City Commission. Mr. Ziskal stressed that without knowing the usage of this property, the City can't review it properly. Some of his concerns were:

- If this property were to be used by adults, they would need to know if those residents would be driving because parking would be a factor.
- If a children's facility were to occupy the property, the City would need to know about parking capacity for visitors and/or drop off and pick-up areas for school buses.
- How is the building being modified? The City needs to know what code would be applicable. A commercial kitchen renovation vs. individual apartment kitchens requires different standards and many different City departments would be involved.
- Staff needs to know whether you are opening for children or the elderly.
- We need to make sure the property meets all of the life safety issues, is properly rated for fire escape and meets current Florida Building Code.
- Outside issues such as traffic, water and wastewater service, trash service and parking should meet the City code.

Mr. Ziskal noted that the petitioner had met with Staff several times but that her request is still unclear and remains incomplete.

Miryam Jimenez said that she would like to have a facility to treat kids with problems such as mental or eating disorders and that the residents would stay for at least 90 days without leaving. She noted that there would be a doctor on staff and that the facility would provide their own transportation.

Ben Ziskal pointed out that this is the clarification that the City needed because the petitioner just described a treatment care facility, which is a medical use; not a traditional group care facility in which the children would live there year-round and go to school. He asked the petitioner what she intends to do with this facility.

Miryam Jimenez stated that she would speak to the school system about providing in-house education at the facility.

Christopher Cotler explained that the petitioner's application is premature because the Building Department is not aware of the specific occupancy of this facility; this is required in order to apply the applicable codes.

Dan Booker commented that he feels the same way as the Building Department; the codes are different for each use that the petitioner described, so he can't comment on the Fire Code at this time.

Kelly McAtee stressed that the use of this property needs to be specified in order for his department to make a determination. He informed the petitioner that the property currently has 10 ERC's for water and sewer, which are sufficient for 10 single family homes or units, and based on the number of beds she will have, a determination would be made to see if those credits would be enough. He explained that additional impact fees for water and sewer may be required and that his department could make the proper calculations when they know the specific use; different uses will require different amounts of ERC credits. Mr. McAtee told the petitioner that if she presented some different use alternatives, Engineering could show her the different options and impacts that each scenario would have.

Additionally, he noted that there are currently water meters for each unit, but the petitioner may be able to go to a single master meter with the change of use; Code doesn't favor either way and he said that decision is entirely up to her.

Abe Stubbins asked if the meters would be removed and, if so, that it should be shown on the plans. He also noted that if the building were to have sprinklers installed, a separate connection would be required and should also be shown on the plans.

Lt. Palma stated that until he gets more specifics on the petitioner's plans, he can't make a comment at this time.

Miryam Jimenez remarked that the neighborhood had gotten bad, so she had installed cameras on her property and has been cooperating with the Margate Police Department.

Ben Ziskal told Ms. Jimenez that this board wants her to be successful as a landlord; for an apartment building or as another use. He stressed that they need to know what she will be doing before the DRC can properly review the plans. He recommended that she meet with the Engineering, Fire and Building Departments; make a final business plan; and then come before the City to review it again, since there are too many questions at this point for the DRC to make a decision today. He reminded her that this board has to follow the written City codes and their requirements and that this review is based on those standards. Mr. Ziskal reiterated that she meet with all of the departments involved and then return to this board with a more defined plan.

3) DRC NO. 10-14-02 CONSIDERATION OF AN ORDINANCE TO REVISE ARTICLE III GENERAL PROVISIONS, SECTION 3.20 SHEDS, STORAGE BUILDINGS, AND TEMPORARY STORAGE STRUCTURES IN RESIDENTIAL AREAS.

Courtney O'Neill explained that on October 1, 2014 the City Commission held a workshop concerning residential sheds and their requirement to have a five foot set-back. She said that residents felt that this is too large of a setback because it places the shed in the middle of their yards. She noted that the Commission suggested reducing the set-back from five feet to 24 inches for the side and rear setback; which would still allow for maintenance of the shed without encroaching upon another property. Additionally, she said that single family residential areas are currently allowed to have one storage unit up to 144 square feet; the Commission had suggested increasing the Code to allow for two storage units totaling up to 144 square feet. She summarized that these were the main changes in the ordinance and that the rest of the changes were amendments to the wording.

DRC Comments:

Christopher Cotler asserted that the Building requirements would still be the same as far as permitting requirements, but felt that a 24 inch working clearance to a property line, which could have a fence, may not be sufficient for the proper installation of tie downs for a shed.

He acknowledged that, while it would make more room in a resident's yard, it may create installation problems in complying with the Florida Building Code.

Abe Stubbins noted that there are utilities located in the easements; sewer lines and water lines. He said that reducing the set-backs may make it even harder for the City to maintain and access those lines.

Sam May explained that if residents are accessing their sheds using a vehicle from any location other than their driveways (e.g. a side yard), that the City sidewalks are not equipped to handle the load; as they are only built four inches thick. He said that the sidewalks should be six inches thick in that case so that Public Works doesn't have to make repairs in the future. In addition, he said that if there are curbs and gutters present, then drop curbs should be installed if vehicles are driving over those curbs.

Andrew Pinney remarked that he thought a definition of a shed should be included in the zoning code in order to help enforce these regulations. He thought that language explaining exactly what a shed is and what material it can be constructed from should be used. He also had a recommendation to update the language regarding restrictions on having a shed on a street side yard; since fences are now allowed on a street side yard. He said that flexibility could be exercised where privacy fences are erected.

Sam May thought that if a homeowner has a standard pedestrian gate that a sidewalk modification is not necessary; but for a side yard vehicular access gate, a thicker sidewalk should be required.

Ben Ziskal remarked that with those comments, they can look to make revisions before going to the Planning and Zoning Board. He said that they should take Mr. May's comments into consideration when fence permits are pulled. Regarding Abe's comments, he said that his department and the individual utilities may look at granting an easement agreement for each property on an case by case basis; as not everyone has to be granted an easement agreement if it is not feasible.

4) DRC NO. 10-14-03 CONSIDERATION OF AN ORDINANCE TO REVISE ARTICLE I IN GENERAL, SECTION 23-6 DRIVEWAY LIMITATIONS, LANDSCAPING ABUTTING RIGHT-OF-WAY, VISUAL CLEARANCE.

Courtney O'Neill explained that at the same workshop some driveway issues were addressed. She said that due in large part to a new development being built in the City, multi-family two-way driveway widths should be expanded from 36 feet to 45 feet to allow adequate access for resident and visitor lanes. She also noted that residents with zero lot line properties that don't have on street parking immediately adjacent to the right-of-way had felt that they were restricted by the current Code; so within planned residential communities or PUDs, this ordinance may allow these homeowners to have a maximum cumulative driveway width total of 27 feet. She added that the prospective HOA's would have to approve any expansions.

DRC Comments:

Kelly McAtee said that Engineering liked the ability for multi-family units to have wider access for visitor and resident lanes in developments in order to avoid back-ups to the street. He suggested adding criteria to the ordinance to make the entrance driveways similar to other communities; perhaps by adding landscaping and pavement standards. He added that in PUDs and other zero lot line R-1 zoning districts, the limit is a width of 24 feet for a single driveway (not a circular driveway) and that while some of those parcels have bigger front yards with longer driveways, some have been built very close to the road and have similar parking situations. He noted that the City could be asked to come back later to remedy the difference between 24 foot and 27 foot driveways in other zoning areas that weren't given the leeway that this ordinance would provide.

Andrew Pinney agreed with Mr. McAtee's comments and added that he thought that the City should increase the maximum driveway width allowed; to include scaling, decorative features and landscaping. He thought that perhaps an exemption on the width for signalized intersections with crosswalks should be addressed; believing that the intent of limiting driveway width is to enhance pedestrian safety. He added that where new text is added for the PRC and PUD districts, instead of referencing an adjacent right-of-way, which could be public, to reference an adjacent roadway because most of these roads are private. In paragraph F, page 2, regarding set-backs for circular driveways, he believed that it would be beneficial for residents to reduce the width from 10 feet to 8 feet; which would provide for adequate landscaping and buffer relief. On page 3, in paragraph 3, where there are provisions for limiting commercial and mixed-use industrial driveways, he recommends that the City increase commercial widths to match or come close to the proposed widths for multi-family driveways.

Ben Ziskal agreed with Mr. McAtee's comments regarding the construction of medians for multi-family entrances and the concern of 24 foot driveways being inconsistent with the 27 foot driveways. He asked Mr. Pinney if he had seen requests for permits for widening driveways from 8 feet to 10 feet.

Andrew Pinney said that he has seen requests and noted that with a 25 foot set-back and a loss of 10 feet of landscaping, the parking would be right next to a house without a second relief at the building base planting. He also felt that these new regulations should be consistent with the driveway widths referenced in Section 9-12 in the TOC regulations.

Ben Ziskal stated that Staff will look at the 40 feet for commercial and industrial mixed-use, as well. He affirmed that these two ordinances today will move on to the next Planning and Zoning Board meeting.

5) General Discussion

Christopher Cotler announced that he will be leaving employment with the City effective November 13 and retire to his home in Tennessee.

There being no further business, the meeting adjourned at 10:50 AM.

Respectfully submitted,

Prepared by:
Alyson Morales

Benjamin J. Ziskal, AICP
Director of Economic Development

cc: Mayor and City Commission, City Manager, City Attorney, Associate Planners,
Petitioners, Committee Members.

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