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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE

November 26, 2014

PRESENT:

Benjamin Ziskal, Director of Economic Development
Ken Reardon, Interim Building Director
Kelly McAtee, Engineer
Kim Vazquez, CRA Project Manager
Kevin Wilson, Fire Inspector
Abe Stubbins, Engineering Inspector I
Courtney O'Neill, Associate Planner
Dan Topp, Code Compliance Officer

ALSO PRESENT:

-Refat Faris, P.E., Global Engineering
-Rod Feiner, Atty., Coker & Feiner
-Miryam Jimenez, Property owner
-Renee Radabaugh, Paragon Event
-Steve Tabor, West Central Design
Build, LLC
-John Voight, Atty., Doumar Allsworth

ABSENT:

Sam May, Director of Public Works
Lt. Michael Palma, Police
Andrew Pinney, Associate Planner, excused

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 Wednesday, November 26, 2014, in the Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, Florida 33063.

Mr. Ziskal explained that some of the items on the agenda would be heard out of order.

1) DRC NO. 11-14-01 CONSIDERATION OF AN **OUTDOOR EVENT** FOR NORTHWEST MEDICAL CENTER'S GRAND WINTER FEST

LOCATION: 2801 NORTH STATE ROAD 7

ZONING: COMMUNITY FACILITY CF-1

LEGAL DESCRIPTION: NORTHWEST CORNER OF PARCEL A OF "COLONIAL PARK," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 115, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: PARAGON EVENT

Renee Radabaugh explained that Winter Fest is an event to thank the community and to brand the ER. She said that the hospital would have an acrylic ice skating rink and a blow-up snow globe for this event. She mentioned that she had already contacted the City about hiring two police officers to work on site and one on the main street for traffic flow; adding that parking would be available across the street, in the main parking lot and on the south side of the hospital. She noted that they are only taking up the new, unopened ER space for this event and that the ice rink would be placed by the street. She confirmed that they have ordered port-o-lets and expect 300-400 people.

DRC Comments:

Ken Reardon reminded the petitioner to obtain permits for tents, if needed.

Courtney O'Neill noted that the survey is out of date and doesn't show the ER expansion on it. She added that there were two site plans submitted for the outdoor event; one shows the event area on the left side and the other shows it on the right. She asked the petitioner to clarify and resubmit the correct plan.

Abe Stubbins also commented that the survey needs to be updated. He asked where the port-o-lets would be installed and if there was construction currently taking place on the property.

Renee Radabaugh explained that she had an updated drawing, which should have been submitted for review, which shows the port-o-lets located along the roadway; in front of the ER, behind the entertainment area. She mentioned that they would draw water from the building to supply the ice rink and port-o-lets. She confirmed that there was presently ongoing construction; however, the outdoor areas would be finished before the event takes place.

Ben Ziskal confirmed that the City had received all the required documentation. He remarked that they were happy to see the ER expansion and wished the petitioner good luck.

4) DRC NO. 11-14-06 CONSIDERATION OF A **SPECIAL EXCEPTION** FOR AN INDEPENDENT LIVING FACILITY

LOCATION: 603 MELALEUCA DRIVE

ZONING: MULTIPLE DWELLING R-3

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

Ben Ziskal explained that this item is a resubmittal.

Miryam Jimenez explained that she had followed up on all past recommendations and that everything is now up to Code. She stated that if she gets approval from this committee, she could get other things done; but noted that she wasn't sure if fire sprinklers would be required.

Ben Ziskal explained that the petitioner is back before the DRC today because the use of this property was unclear when the petitioner last presented her plans and that the Committee couldn't comment at the time without further clarification.

DRC Comments:

Ken Reardon asked if there were any previous comments from the prior Building Official.

Ben Ziskal replied that since it was unclear on how the facility would operate; the Building Department was unable to make a determination on whether or not the Building Code would be met. He noted that Ms. Jimenez is now unsure if fire sprinklers are required and that the type of facility needs to be determined. He added that a kitchen proposal and further build-out information needs to be submitted.

Ken Reardon asked if this was going to be an independent living facility.

Miryam Jimenez replied that unless this Board approves the 10 foot variance to allow this facility, she cannot proceed. She's not sure about installing sprinklers and whether they would be mandatory; but she'd rather be safe and if she obtains approval, she will install them.

Ken Reardon asked if there were any planned alterations to the apartment interiors. He told the petitioner that she will need to submit plans to the Building Department and obtain the necessary permits for any alterations. He also noted that the current plans show the dwelling as "Multiple Dwelling R-3"; however, they should reflect the site going from "R-2" to "R-2" if it becomes an adult living facility.

Miryam Jimenez explained that AHCA would determine what she must modify; however, they don't want to deal with her until she knows whether or not she will gain approval from the City.

Ben Ziskal stressed to the petitioner that this is not the committee that could approve the 10 foot variance; the Board of Adjustment would hear a variance request. He reminded her that this committee, as well as the City, needs to know what she is proposing at this facility in order for it to be properly reviewed. He explained that all four uses that Ms. Jimenez brought up have different uses and requirements. He said that it now seems like she is proposing an elderly facility for residents that need medical attention or 24 hour medical care. Mr. Ziskal noted that the petitioner's application specifically says that there will be two housekeepers, one nurse practitioner and one chauffeur per eight hour shift. He explained that this committee could only review plans based on what she has submitted.

Miryam Jimenez stated that independent living doesn't necessarily mean that the residents are sick. She said that AHCA informed her that if she housed sick residents, she would then need to have a nurse on call 24 hours a day; confirming that an AHCA inspector would make that determination. She plans to have a registered nurse on call 24/7 who may prescribe medication.

Kevin Wilson claimed that there was an annual Fire inspection performed on November 12, 2014 as a multi-family apartment building use. He told the petitioner that when she decides on the new use of this facility and resubmits plans, it can be re-inspected; and at that time they will know what would be required by the Fire Code.

Courtney O'Neill noted that since their last meeting, a tree had been removed, branches cut and the trailer removed; however, a Local Business Tax Receipt (LBTR) for the business is required and she will need a variance due to the proximity of another group home.

Kelly McAtee confirmed that he had been in touch with Ms. Jimenez and had discussed that if she had a 32 adult facility, she would be in excess of the current water and sewer impact fees; but if she limited the count to 24 residents, there wouldn't be an extra charge for those impact fees. He added that if she went up to 32 residents, it would cost a little less than \$11,000 in additional fees.

Abe Stubbins asked how she would get water to a sprinkler system, if she were to install one.

Miryam Jimenez stated that she would bring everything up to Code.

Ben Ziskal acknowledged that since Ms. Jimenez has worked out all the required issues with the various departments since her last meeting, this committee has no objection for her to move forward to the Board of Adjustment. He told her to obtain a LBTR immediately, since she should have had one since October 1, 2014 for this fiscal year. He added that she should work with the various departments to obtain all necessary permits and if she will seek a variance to contact Ms. O'Neill to schedule her on the agenda for the Board of Adjustment.

5) DRC NO. 11-14-07 CONSIDERATION OF A CHANGE OF OCCUPANCY FOR YOU FIT MARGATE

LOCATION: 3115 NORTH STATE ROAD 7

ZONING: TRANSIT-ORIENTED CORRIDOR - GATEWAY (TOC-G)

LEGAL DESCRIPTION: A PORTION OF PARCEL "B," OF "MARGATE PLAZA NO. 1," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, PAGE 132, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: EQUITY ONE AND WEST CENTRAL DESIGN BUILD, LLC

Steve Tabor stated that he works for the construction company and was here in support of Equity One, who is not present. He deferred to Rod Feiner who representing Equity One, owner of the shopping center.

Rod Feiner noted that he was only present to monitor this meeting.

Steve Tabor said that since the plans were previously approved, the petitioner was only seeking a change of occupancy.

DRC Comments:

Ken Reardon wanted to confirm that all plans and permits were previously approved.

Kevin Wilson said that the Fire Department was in agreement; all plans were submitted and approved and they had no issues.

Courtney O'Neill mentioned a few areas of concern that need to be addressed:

- On the photometric plan, there are a lot of areas that fall below the minimum requirement of two-foot candles.
- The maximum ratio on the petitioner's photometric plan shows 133 to 1; the City's maximum is 10 to 1.
- The irrigation plan has issues, but there are no solutions; the plan needs to be addressed to meet the Code.

She also noted that there is sufficient parking for this expansion.

Dan Topp confirmed that were no Code violations found at this time. He said that the landscaping plan doesn't explain what is required versus what is provided and would like that to be shown on the plan. He added that the maximum sod requirements should also be shown. He noted that the plan that he is looking at shows new landscaping.

Rod Feiner replied that he didn't think that they were required to upgrade the landscaping; however, they would be installing additional landscaping.

Kelly McAtee looked at the current water consumption over the past four months and noted a big increase (four times higher since 2012) in water usage; he recommended that the petitioner check for a leak. He added that if consumption continues at that rate, it would exceed the existing water and sewer credits. He confirmed that these calculations were at the existing Youfit facility and, since no new showers are planned to be added, he doesn't expect water usage to increase.

Abe Stubbins remarked that the expansion shows no plumbing changes in the bays, but there is still an existing meter there that may be charged an availability fee. He requested that meter to be removed.

Dan Topp suggested that the petitioner clarify in the newly submitted plans that they are utilizing the old landscaping plans.

Ben Ziskal wished the petitioner good luck and remarked that it was nice to see an existing business expand.

3) DRC NO. 11-14-05 CONSIDERATION FOR **SPECIAL EXCEPTION** USE TO RE-ESTABLISH THE USE OF A VACANT GASOLINE SERVICE STATION

LOCATION: 505 N STATE ROAD 7

ZONING: TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G)

LEGAL DESCRIPTION: LOT 21 & 22 OF "HAMMON HEIGHTS," SECTION 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 34 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: ROD FEINER

Rod Feiner explained that this property was previously a gas station and had been closed for several years; because of the length of time elapsed, in order to re-open, he is required to apply for a special exception. He noted that the zoning had changed to TOC-Gateway and this use still remains allowable; however, there are now different set-backs, but that doesn't apply because they are using the existing structure. He said that they are planning interior renovations, but they will not change the outside. He added that they would update the photometrics.

Ben Ziskal gave a historical summary of this property. He explained that in 2008, the City created a new land use category called the Transit Oriented Corridor (TOC) and that this property is located in the Gateway District. He said that the intent was to foster development of a City center; expanding beyond the bounds of CRA property and tying Atlantic Boulevard and 441 into a multi-modal pattern. He added that the Gateway districts were created at the major intersections where there is lots of movement and that 99 % of businesses that want to develop at these intersections are gas stations, drive-thru restaurants, pharmacies and banks. He mentioned that the regulations for this district that were put in place to foster a two story building against the roadway are now creating a deterrent for developers who want to adjust for maximum potential; this happened at Wendy's and the developers had to develop in the existing footprint. He said that the City realizes that they need to change these regulations and he is planning to hold a workshop later in December or January to discuss these Gateway districts. Mr. Ziskal suggested that the petitioner hold off on proceeding to the City Commission because this workshop may change these regulations to offer the ultimate potential for developers.

Rod Feiner thanked Mr. Ziskal and said that he would relay this information to his client; a prospective purchaser of this property. He added that this purchase is contingent upon government approvals and that they have until December 10 to decide; they could extend the date, but it would cost them \$10,000 for each extension. He added that his client may be forced to go through with the project as it is.

DRC Comments:

Ben Ziskal stated that for now, there are no changes and that the Committee is only reviewing the existing footprint.

Ken Reardon asked if, during their due diligence, the building and canopy were in good condition.

Refat Faris confirmed that the canopy and structure are in perfect condition and that today they will be accessing the mechanical and electrical; adding that they may do some electrical rewiring.

Ken Reardon commented that the petitioner should obtain all permits necessary for the required repairs.

Courtney O'Neill had the following comments:

- For the photometrics, the maximum ratio is 10 to 1 and should be listed on the plans.
- The irrigation plan is missing. Note that there should be 100% irrigation coverage and a rain sensor is required.
- A detail for the canopy is needed; fully shielded light fixtures are required. I suggest having the canopy hang lower than the light fixtures or having them as low as the lights. We need to see the bulbs shielded.
- A dumpster enclosure detail is also required.
- One bicycle rack should be installed at the site since it is in the TOC-Gateway zoning district.

Dan Topp stressed that there is an ongoing issue with trash and debris at this property; however, it's not very visible from the street. He noted that the landscaping plan should reflect the maximum square footage of no more than 50% sod on the roadway. He said that the interior landscaping calculation should show that for every 20 square feet of parking space, there should be one shade tree and five shrubs; and for every 200 square feet of interior landscaping, there should be a maximum of 30% sod and should be shown on the plan.

Kelly McAtee asked if the car wash was going to reopen and, if so, would there be any discharge into City sewers. He asked if the car wash entry would be located on the north or south side of the building and if there would be enough stacking for cars. Additionally, he asked the petitioner to provide an original plat because the vehicle ingress and egress on the plans don't seem to match.

Rod Feiner replied that the car wash would reopen, using recycled water, and that nothing would be discharged into City sewers. He confirmed that he would look into the ingress/egress locations.

Refat Faris said that the entry for the car wash would be on 441 and there would be room for stacking.

Abe Stubbins noted that there is already existing water and sewer on the property and asked if any upgrades were planned. He wanted to know how the site would drain and asked the petitioner to show that on the plans; adding that no water should enter State Road 7 (441)

or Atlantic Boulevard. He also noted that some trees were improperly trimmed recently at this site and that in the future, they should have a licensed tree trimmer prune the trees.

Kim Vazquez noted that this property is blighted right now and that the CRA welcomes this potential use as a gas station. She added that the new property owner may wish to work with the CRA in renovating or upgrading the site. She confirmed that the CRA is looking forward to working with the Economic Development Department, as well as the City Commission, in revising some of the zoning regulations in this district in order to be more conducive with today's conditions.

Rod Feiner acknowledged Ms. Vazquez' offer and said that he would speak with the potential buyer, Petro Solutions, about working with the CRA. He noted that they would be purchasing the property for approximately 1.4 to 1.5 million dollars and that they actively operate multiple stations in South Florida.

Ben Ziskal told Mr. Feiner that he will stay in touch with him concerning the upcoming workshop and explained that he may move forward with the project "as is" without resubmitting. He said that the City would hold all of the applications for the City Commission until the zoning is resolved and that he would be able to place the item on that agenda within two to three weeks.

2) DRC NO. 11-14-03 CONSIDERATION OF A SPECIAL EXCEPTION FOR NEW CONSTRUCTION OF BB&T BRANCH BANK

LOCATION: 5700 COCONUT CREEK PARKWAY

ZONING: TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G)

LEGAL DESCRIPTION: PARCEL A OF "FARRIS MARGATE CORNER" ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 178, PAGES 171 AND 172 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: H&T CONSULTANTS, INC

John Voight explained that he was representing the owners, the Farris family, and the purchaser, BB&T. He said that this property had been vacant for some time, previously used as a gas station, and now BB&T wants to put a standard branch bank location here. He continued to explain that erecting a two story building is not economically viable for BB&T; however, their site plans call for a 3200 square foot building with three drive thrus, which is a standard package for BB&T. They would like to make it a high-end and attractive facility which would be easily accessible to the community. Mr. Voight stressed that the engineer wanted to be here for this meeting, but was caught up in holiday airplane traffic, and that he would be available for questions. He added that they would like to participate in the City's upcoming workshop.

Ben Ziskal felt that the bank would be the highest and best use at this site and feels that the City should support this project. He explained that the drive-thrus would need a special exception with City Commission approval. He recommends that BB&T eliminate the existing drive-thru across the street, so that there aren't drive-thru facilities on either side of Coconut

Creek Parkway. He added that this proposal doesn't meet the current zoning code and that they may move forward with this project with variances; or await the outcome from the upcoming workshop and then proceed.

DRC Comments:

Ken Reardon commented that approved plans and permits would be required from the Building Department.

Courtney O'Neill had the following remarks:

- Within the TOC-Gateway, the minimum height required is two enclosed floors of active use (Section 9.7 Form-Based Code Guidelines).
- Building placement is supposed to be on the build-to line, which is determined by coming in 25 feet from the curb; if there's an easement, you may push it back. The secondary set-back is the same for that.
- The frontage build-out minimum is 70 percent; courtyards and pedestrian areas may count towards that.
- An urban greenway is required along State Road 7 (25 feet, it's a corridor roadway) and Coconut Creek Parkway (20 feet, it's a regional arterial).
- The drive-thru is a special exception and two lanes maximum are allowed; however, you show three on the plans.
- The photometric plan should have a maximum ratio of 10-1.
- If the building is going to be set back and not placed on the build-to line, a pedestrian zone is required (Section 23-8, paragraph C); that's normally a buffer relief around the building that includes four feet of landscape and an eight foot sidewalk.
- In this zoning district, bicycle parking is required with one rack per 2500 square feet. You will need two racks which should be placed in a highly visible area; not blocking an ingress/egress area.

Dan Topp commented that the property looks good. Regarding landscaping, he said that the interior calculations don't include the required shrubs. He explained that native plants should encompass at least 50% of the total landscaping. He told the petitioner that guide wires are prohibited for staking trees and that the lift station should be screened from view with landscaping that is six inches above it; not just ground cover, as shown on the plan.

Kelly McAtee noted that he had spoken to the engineer on this project and that he had the following comments:

- A plat note amendment would be required; based on some of the restrictions put in place and some of the uses and dates have expired.
- The engineer needs to seal the calculations on the traffic analysis.
- On sheet C-3 of the site plan, the plat shows a 40 foot wide vehicular access point at the southern entrance that begins at the southeast corner. The existing access way extends outside of the area where vehicular access is allowed. On the existing plat, it's a right turn-in only; not in and out access. The northern access on 441 has right turn-in and out access, which meets the existing plat; however, the southeast

entrance does not. I recommend having the entrance only, as the plat currently allows, because it would make it easier to remain within the 40 foot entryway without having to totally redesign the site. The lift station may have to be moved if the entryway stays the same.

- On sheet C-5, the water service is shown as 1.5 inches coming out of the meter, but this is in conflict with one inch coming from the building.
- On sheet C-8, an inline backflow preventer shown in detail #2 needs to be deleted because there will be another backflow preventer shown on other parts of the plans that is outside of the meter box and that is the correct one according to our cross-control ordinance.
- A detail on sheet C-8 needs to be updated because it shows the wrong type of backflow preventer. The correct one is shown elsewhere on the plans.
- The lift station would be privately maintained through the bank, so we would like to receive contact information on your maintenance provider in case we would need to shut down force mains in an emergency.
- For water and sewer impact fees, there is one ERC credit on this property. Based on a 3200 feet building, 2.29 ERCs are needed; which would cost about \$4,700.00. Six water ERC's are required for water service on the one inch irrigation meter; which would cost about \$10,740.00.
- After acquiring the approvals from the various City departments, DEES could issue a permit. It's recommended that you obtain the necessary permits from FDOT as soon as possible.

Abe Stubbins noted that on sheet C-5, the lift station needs a revision to the opening so that a crew could park a vehicle and provide maintenance. He noted that there are two water connections shown; however, he recommends only one two inch connection. He added that on sheet C-4, the drainage system shows one line tying into a catch basin on Coconut Creek Parkway. He said that since that is in the Broward County right-of-way, they need to obtain approval from them.

Kim Vazquez commented that this site is currently vacant and the addition of the bank would eliminate slum and blight. She asked how many employees are anticipated. She summarized that the CRA was in support of this project and the possible zoning changes, but added that if a two-story building is erected, it may block the view of current tenants in this center.

Kelly McAtee wanted to add that on sheet C-5, there is a call out to remove the force main that's on site; however, that's already been done, so that should be removed from the sheet. Additionally, Mr. McAtee said that water service already exists; so only one new tap, not two, would be necessary. He asked that the additionally proposed service by the driveway be removed and to close the corporation so that there wouldn't be a potential water break issue in the future.

Ben Ziskal suggested that the petitioner coordinate with his office. He explained that the plat note amendment takes some time with the County and that the City can work with you during that time. He said that they may apply for a variance if they didn't want to wait for the outcome of the proposed workshop.

6) GENERAL DISCUSSION

Ben Ziskal congratulated Mr. Reardon on his appointment as Interim Building Director and wished everyone a Happy Thanksgiving.

There being no further business, the meeting adjourned at 11:12 AM.

Respectfully submitted,

Prepared by:
Alyson Morales

Benjamin J. Ziskal, AICP, CEcD
Director of Economic Development

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