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City of Margate, Florida

REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE

August 19, 2005

PRESENT:

Alecia Sirk, Acting Chair
Dan Booker, Fire Division Chief
Jack Morell, Interim Building Official
Joseph Scimeca, Code Compliance
Leo Zervas, Engineer
Abraham Stubbins, Utilities Inspector

OTHERS PRESENT:

Dennis Holste, Community Redevelopment Agency
Jack Tobin, Jack Tobin Associates
Patricia Uber, Cokesbury United Methodist Church
Pete Gallo, Consulting Engineer
Ken Carlson, Architect

ABSENT:

Emilio Esteban, Chairman
Reddy Chitepu, Engineer
Ramon Lardizabal, Engineering Inspector
Fire Marshall Bill McElligott

The regular meeting of the Development Review Committee (DRC), having been properly noticed, was called to order by Acting Chair Alecia Sirk, at 10:30 a.m. on Friday, August 19, 2005, in the Margate Water and Wastewater Administration Building at 901 NW 66 Avenue, Margate, Florida 33063.

- DRC NO. 08-05-04** PETITION: Consideration for **Change of Zoning** from M1-A (Industrial Park) to M -1 (Light Industrial).
LOCATION: 1690 – 1700 Banks Road, Margate FL
ZONING: M1-A Industrial Park District
LEGAL DESCRIPTION: Lot 2 Block 3 and Lots 7 & 8 Block 3, Central Park of Commerce; PB 119, PG 27, of the Public Records of Broward County, Florida
PETITIONER: Mr. Steven Chess LLC, President, property owner

Jack Tobin, Jack Tobin Associates, was present on behalf of the Petitioner. He explained that the request was for a zoning change from M-1A to M-1. He said that Mr. Chess owned the property for many years, and that he had a lot of difficulty obtaining tenants due to the M-1A classification. He noted that there was currently a tenant in 1690 and 1700; however, the tenant would be leaving in April or May. He said that the change of zoning would provide more flexibility when obtaining an additional tenant. He explained that the plan was to sub-divide the buildings, and that there could be a possibility of 30 to 40 employees. He noted that there was adequate parking, and that M-1 zoning already existed in the area.

Jack Morell, Interim Building Official, was concerned with changing the zoning unilaterally up and down the corridor, which was not keeping with the City's plan.

Acting Chair Alecia Sirk said that it was up to the City Commission whether or not to allow zoning up and down the corridor. She noted that the area was within an isolated Cul-de-sac; therefore, the City Commission could decide to rezone those parcels only or to expand the zoning.

Leo Zervas, Engineer, asked whether this item needed review by the Planning and Zoning (P&Z) Board, and Acting Chair Sirk agreed.

Mr. Tobin stated that he spoke with several of the City Commissioners, who did not want two large empty buildings. He felt that the City Commission understood the Petitioner's situation. He noted that there was some M-1 zoning, as well as B-3 zoning already existing in the area.

Mr. Morell mentioned accessibility issues and egress issues regarding getting to the public way. Mr. Tobin explained that the building was set up so that entry into the Cul-de-sac was necessary, which was where access to 1690 and 1700 was. He said that when the buildings were built, the City did not want driveways in front of every building on Banks Road; therefore, the Cul-de-sac was created with the ingress and egress being to the north and south of the Cul-de-sac. Mr. Morell said that the plan did not indicate the entrances to the building, and Mr. Tobin said that he would provide more detail. Mr. Tobin stated that there was parking by the loading zone, and that there was handicapped parking by the two back entrances. Mr. Tobin noted the Petitioner's awareness that if the building was sub-divided, there would be additional handicapped parking requirements.

Dennis Holste, CRA, asked who the tenant would be. Mr. Tobin explained that there were no active tenants at this time. He said that there was one tenant in both buildings who would be leaving. He reiterated the difficulty the Petitioner had obtaining tenants under the M-1A classification. Mr. Holste expressed concern with respect to adequate parking and additional traffic with large tenants, such as Progressive Insurance. Mr. Tobin said that Progressive Insurance would not be a tenant, because of the M-1A zoning; therefore, it was no longer an issue.

Acting Chair Sirk stated that as part of the consideration, the City Planner was directed by the Director of the Department of Environmental and Engineering Services (DEES) to create a list of pros and cons, which was being entered into the record. She said that one pro associated with the rezoning was that the Petitioner would have a greater pool of uses applied to the subject property in seeking new tenants. She said that the second pro was that while the M-1A was well intentioned for the health of the City, the City had many acres along Banks Road in this zoning category. She noted that In the City Planner's experience, the property owners with this zoning had struggled to conform to the restricted purpose of the district and the uses permitted. She said that the final pro was that currently all of the City's M-1 land was built out, and that a majority of those sites were occupied. Acting Chair Sirk noted some of the cons associated with the proposed rezoning, which included that switching to an M-1 zoning would allow automobile and other uses, which provided products and situations that result in an environment that can be largely industrial in appearance. She said that the aim of the M-1A was to allow light industrial uses that would be kept inside keeping the exterior of the property clean and neat. She said that another con was that M-1A zoning permitted uses that "expand the economic base in the City", primarily focusing on the manufacturing of goods and provision of services outside the City limits of Margate. She said that City's needed this type of dedicated land for the overall health of the City. She noted that it was these types of employment generating uses that support existing B-3, uses such as restaurants and cleaners. She said that the final con associated with the possible rezoning was that zoning the two parcels M-1 could be construed as spot zoning, which was a practice that was considered undesirable, because it resulted in the inappropriate use of a single

property within the context of the City. She clarified that changing the property to an M-1 zoning would allow the City's most industrial uses permissible to be across the street from the City's Sports Complex and directly north of a house of worship. She noted that there was no final recommendation provided by the City Planner; however, if the City Commission intended to consider the change favorably, all of the properties within the Cul-de-sac might be considered to be changed to M-1 in order to alleviate spot zoning.

Mr. Tobin requested a copy of the pros and cons, and he noted that he would address those issues. He noted that Mr. Chess owned the building for five years, and that his intention was to paint the building, add landscaping and redo the black top; however, he could not do that unless the zoning change was approved.

Mr. Chess explained that the people that were currently in the building requested that he rent the building; however, every time he was about to rent it there was an issue regarding the zoning. He noted that some undesirable businesses wanted to rent in his building, and that those businesses were permissible uses. He noted that Progressive Insurance was planning to spend \$1 million to use the building as an inspection station, as well as employing 25 to 30 people; however, it was not a permitted use.

Mr. Tobin noted that Mr. Chess planned to rent to tenants that would not be doing outdoor activities, and that everything would be confined to the inside of the building.

Abraham Stubbins, Utilities Inspector, understood the request for the change; however, he felt that the change would open the window for other businesses that the M-1A zoning did not allow. He expressed concern regarding the park across the street. Mr. Tobin explained that the park was used mostly at night and on the weekends; therefore, activity at 1690 and 1700 would not conflict with the Sports Complex, because the businesses would be operating during the day. Mr. Tobin said that whatever uses the City Commission, P&Z Board or Staff did not like, Mr. Chess would consider voluntarily excluding. Mr. Stubbins mentioned problems with dry cleaning businesses, and Mr. Chess said that he did not want any dry cleaning businesses.

Acting Chair Sirk noted that if at some time Mr. Chess was not the owner, whatever was on record in the Zoning Code would be allowed as a permitted use.

Joe Scimeca, Code Compliance, was also concerned with what would happen after Mr. Chess no longer owned the property. Mr. Tobin said that when Mr. Chess sold the property, a stipulation regarding what was agreed with the City could be made part of the bill of sale with the new owner. Code Officer Scimeca noted previous problems with automobile repair businesses, and Mr. Chess said that he had no intention of ruining his investment with automobile repair businesses.

Mr. Zervas said that if the building was sub-divided, additional water meters must be installed, because each business must have its own water meter. He noted that additional water and sewer impact fees might be required. Mr. Tobin said that the current intention was to get one tenant for each building; however, Mr. Chess would do whatever was required. Mr. Zervas stated that when submitting renovation plans to the Building Department, the installation of the additional water meters must be shown.

Mr. Chess asked if he could include water in the rent; therefore, he would keep one meter. Mr. Zervas said that City Code required each business to have its own water meter and its own bill.

Mr. Zervas stated that if this item was proceeding to the September 13, 2005, P&Z Board meeting, a public notice sign must be posted on the property seven days prior to the meeting. He provided the sign instructions and regulations to Mr. Chess. He said that Mr. Chess must apply to City Hall, and must pay \$150 bond. Mr. Tobin questioned whether two signs were needed, and Mr. Zervas clarified that a sign must be posted in front of each building.

2. **DRC NO. 08-05-05** PETITION: Consideration to permit an **outdoor special event (Special Exception Use)** for the Cokesbury United Methodist Church.
LOCATION: 1801 N.W. 65th Ave., Margate, FL 33063
ZONING: R-1 One – Family Dwelling District
LEGAL DESCRIPTION: A portion of Parcel “D” of the IBEC Addition, No. 4 plat as recorded in PB 49, PG 21, of the Public Records of Broward County, Florida
PETITIONER: Mr. C. J. Walter, Pastor

Patricia Uber, Representative of Cokesbury United Methodist Church, was present on behalf of the Petitioner. Ms. Uber explained that the event would be a free, three-hour block party. She said that the party would include a bounce house, rock climbing wall, dunk tank and games run by the people of the church. She stated that there was no live band, and that CDs would be played. She said that hot dogs, chips, drinks, snow cones and popcorn would be given away. She noted that there would be an outside grill, but no tents would be set up. She stated that the event would take place on September 17, 2005. She said that she obtained an application for having a Police Officer at the event.

Jack Morell, Building Official, noted that some handicapped parking spaces would be lost, due to the event; therefore, he showed Ms. Uber where temporary handicapped parking spaces needed to be added. He added that a temporary ramp was also required, as well as a permit and inspection.

Dennis Holste, Community Redevelopment Agency (CRA), questioned the parking for the event. Ms. Uber explained that the area of 65 Avenue would be closed off. She noted that there was parking in the back, and that there was a sodded area at the rear south side of the church, which would be used for parking as well. She noted that most people would be walking to the event, and that parking would be intermittent. She said that prior events were held with no parking problem.

Acting Chair Alecia Sirk stated that she and Leo Zervas, Engineer, met with a representative of the church prior to the meeting. She noted that the event was originally split into both parking lots; however, it was requested that the parking be rearranged to be in one area.

Abraham Stubbins, Utilities Inspector, asked whether the water would be handled from the building, and Ms. Uber agreed. Ms. Uber also agreed that the restrooms would be open at the church.

Joe Scimeca, Code Compliance, asked how the invitations would be provided. Ms. Uber said that the Youth Group would be walking around and hanging the invitations on door knobs with small rubber bands. She said that there would also be mailings. Code Officer Scimeca asked whether there would be loud speakers used for the concert, and Ms. Uber agreed. Code Officer Scimeca expressed concern regarding the volume level, and Ms. Uber said that the event would be held from 8:00 PM to 9:00 PM, and that it was not a concert, but a video. Code Officer Scimeca noted that it must be no louder than 60 decibals, and that no standing on the sidewalk was permitted with respect to handing out invitations.

Leo Zervas, Engineer, asked whether an operator was being used to manage the event, and Ms. Uber said that the church people and the people running the rides would be present.

Acting Chair Sirk noted that the City had been named as additional insured.

Mr. Zervas stated that this item needed City Commission approval, and that the Petitioner must apply at City Hall to be placed on the next meeting agenda. He added that a public notice must be posted on the church grounds seven days prior to the meeting date. He added that a \$150 bond must be paid at City Hall, and he provided the sign requirement information to Ms. Uber.

Fire Division Chief Dan Booker asked who was cooking, and Ms. Uber said that her husband would be cooking on a propane grill. Division Chief Booker requested that clearance and cones be provided around the grill. He added that the grill must be 10 feet away from the building as well, and that a fire extinguisher must be placed near cooking stations. He asked how many people would be attended, and Ms. Uber said that the last event had 200 to 300 people intermittently. Division Chief Booker stated that after receiving City Commission approval, the Petitioner must obtain a permit for the grill from the Fire Department.

Ms. Uber noted that a Pumpkin Sale was planned for October. Mr. Zervas questioned when the previous Pumpkin Sale was last held, and Ms. Uber said that it was in 2002 or 2003. Mr. Zervas said that if the Petitioner was approved within the past two years, review by the Development Review Committee (DRC) would not be required again; however, approval by the City Commission was still required.

Acting Chair Sirk said that she would look into the matter, and that she would inform Ms. Uber as to whether or not it would be necessary to come before the DRC again for the Pumpkin Sale.

Acting Chair Sirk stated that this item would proceed to the City Commission.

3. **DRC NO. 08-05-06** PETITION: Consideration for an **Amended Site Plan** for Banks Business Park Office/ Warehouse complex (Major Employment Center).
LOCATION: 1701-1939 Banks Road, Margate, FL 33063
ZONING: M1-A Industrial Park District
LEGAL DESCRIPTION: Part of parcel "A", MINTO Margate II, as recorded in PB 154, PG 13, of the Public Records of Broward County, Florida
PETITIONER: Mr. Thomas Speno, President, Banks Business Park, LLC

Pete Gallo, Consulting Engineer, explained that the application was for a modified Site Plan approval for Banks Business Park. He said that the project was located on the south side of Copans Road, west of Banks Road. He stated that this was the last building in the project, and that originally the building was split in half as two different buildings. He said that the buildings were combined to one building, which was why a revised Site Plan approval was requested. He said that the original application was approved for 171,000 square feet, and that it was presently down to 165,993 square feet. He noted that the change provided more parking for the office component of the project, which was previously approved as a major employment center. He said that all of the parking provided was per Code, and that all of the setbacks were in conformance with the City's requirements.

Ken Carlson, Architect, said that the same elevation scheme was being followed through. He said that there was a tilt up structure, with windows and split lines to be placed at each of the entrances of each of the tenant locations, as a port hole, and there was a metal seemed roof behind this as it connected into the building across and the front façade. He showed that the building was offset with a deeper bay, and he noted that some of the units would be multiple bays.

Fire Division Chief Dan Booker said that the tenant separation must be maintained. He said that there were problems with the meter rooms, and that a Knox Box or Florida Power and Light (FPL) keys were needed.

Leo Zervas, Engineer, asked whether the building would be condominiums, and Mr. Gallo said, "Yes". Mr. Zervas said that the water and sewer impact fees would be calculated, and that approval was required from Emilio Esteban, Director of the Department of Environmental Engineering Services (DEES). Mr. Zervas explained that the Petitioner initially paid minimum ERCs per unit, with additional ERC's being paid by the prospective buyers.

Joe Scimeca, Code Compliance, questioned the dumpster enclosures. Mr. Gallo explained that there were two dumpster enclosures, which were located in the rear of the building on the north side. He stated that there were 20 separate bays, which were continuous throughout the building, and Mr. Gallo agreed that the building was not split.

Acting Chair Alecia Sirk said that she previously met with the Petitioner, and that Phase I was actually a combination of Office and Industrial uses. She noted that one building was Industrial M-1A, another building was Office, and the third building was M-1A units. She noted that the Petitioner would be held to light industrial.

Code Officer Scimeca said that the Petitioner must make certain that two dumpster enclosures were sufficient for the whole building. Mr. Gallo said that additional dumpster enclosures could be added later if needed.

Abraham Stubbins, Utilities Inspector, asked when Phase III would begin. Mr. Gallo said that the Site Plans for sewer and water and drainage would be submitted immediately. Mr. Stubbins stated that Phase II water and sewer system had not been finalized; therefore, there was currently no fire protection. He noted that the system should not be on, because a pressure test and certification was needed. Mr. Gallo requested that the certification be done now, because the asphalt would be installed in September. Mr. Stubbins explained that it would be done when completed, and that the water must be turned on. He said that the system had not been chlorinated or certified.

Division Chief Booker said that he had a note from Fire Marshal Bill McElligott stating that the fire hydrants were okay. Mr. Stubbins said that the fire hydrants were at the location; however, they should not be on until certified. Division Chief Booker said that there was no problem with the asphalt, because everything was on a tilt.

Mr. Stubbins said that he would have the service department turn the water off.

Mr. Zervas felt that prospective buyers for Phase II and Phase III come to the Zoning Department for approval first. Mr. Gallo said that all prospective buyers were referred to the City to make certain that the uses were correct.

Acting Chair Sirk reiterated that the buyers must come to see her first, rather than proceeding to the Building Department.

Jack Morell, Interim Building Official, requested better distribution of the handicapped parking spaces. He said that they were midway in the building and around the front; however, he felt that the parking in the front should be around the corner and the one in the middle should be placed further east. Mr. Gallo noted that there was a door in that location. He said that the office warehouse space criteria indicated 1/3 designated for office; therefore, separation between office and warehouse was needed. He said that 30,000 square feet unsprinklered was permitted. Mr. Carlson agreed that the space would be broken into two with four-hour separation.

Dennis Holste, Community Redevelopment Agency (CRA), questioned what the project would look like from Banks Road and the northern element.

Tape 1, Side B

Mr. Carlson indicated the elevations on the Site Plan for Mr. Morell and Mr. Holste. He noted that Sheet A-5 was not in package. He explained that there were canopies planned over each entrance, which were the same as on the existing building.

Mr. Holste asked whether more features would be added in the north to the rear where the building was facing other property. Mr. Carlson said that he would add columns emulated with medallions, which he would bring back with elevation Sheet A-5.

Acting Chair Sirk confirmed that there was a Uniform Sign Plan, and Mr. Carlson agreed. She stated that the comments made today must be addressed in the final three Site Plans, which must be submitted to the City. She said that all elevations must be included, including those that Mr. Holste had requested, and that when all documentation was received, final review would begin.

Mr. Gallo stated that the Lighting Code changed during the course of application submittal, and that a revised Lighting Plan was prepared to meet the original Code.

Acting Chair Sirk explained that the proposal for the new Code was for one foot candle, with two foot candles after 7:00 PM, and a uniformity ratio of 10 to 1. Mr. Carlson said that he had that information. Acting Chair Sirk said that she was not certain whether the proposal would be adopted, and that the City Commission might choose to remain with the five foot candles. She said that the businesses were concerned with the cost; however, the City Commission was concerned with safety. She explained that the proposal would be going for advertisement on Wednesday, and that the first reading and second readings would take place in September.

Mr. Gallo said that he would remain with the current plan until the change went through. He said that the owner wanted to make modifications to increase the landscaping between Phases I and II. He said that there was a concern regarding the view of the back door that the warehouse and office users would be facing. He said that the plan was to modify the area by moving the island to the center and adding trees. He said that diamonds would be added to the parking in order to install more trees. He also wanted to break up the dumpsters so they would not be located in front of the door.

Mr. Stubbins agreed, and Mr. Gallo noted that the width would not change, and that the islands would be irrigated.

Acting Chair Sirk said that was okay, and that it must be included in the final Site Plan submission.

Mr. Carlson said that Phase II might also be modified if the Lighting Code were changed.

Acting Chair Sirk said that could probably be approved administratively with a letter from a Photometric Engineer.

Code Officer Scimeca asked whether there was an association set up, and Mr. Gallo agreed; however, he noted that there was no office on the property. He said that his office was currently handling association matters, as well as handling the management and upkeep of the property. He clarified that there was a Unit Owner's Association that controlled the maintenance per the City Code. He said that the City could contact his office with any problems.

4. General Discussion.

There was no discussion.

There being no further business, the meeting adjourned at 11:25 AM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Alecia Sirk".

Prepared by:
Carol DiLorenzo

Alecia Sirk, City Planner
Acting Chairman

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