

City Commission

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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE MINUTES

Tuesday, February 28, 2017 10:00 AM

City of Margate Municipal Building

PRESENT:

Ben Ziskal, AICP, CEcD, Director of Economic Development Timothy Finn, Senior Planner Andrew Pinney, Associate Planner Tom Vaughn, Building Department Chief Dan Booker, Fire Diane Colonna, CRA Executive Director Abraham Stubbins, Utilities Abidemi Ajayi (A.J.), Engineering Lt. Paul Fix, Police Department Lt. Joe Galaska, Police Department Dan Topp, Code Compliance Officer

ALSO PRESENT:

Khadija Ali Christian Cotter, Margate Community Redevelopment Agency Sean Leder, Leder Group, Inc. Benson Ellis, RLC Architects Steven Wherry, Greenspoon Marder

ABSENT:

Jeanine Athias, Engineering Michael Jones, Director of Parks and Recreation Director of Public Works

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Ben Ziskal at 10:01 AM on **Tuesday, February 28, 2017** in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON JANUARY 24, 2017.

The meeting minutes were approved as written.

2) NEW BUSINESS

Items 2C and 2H were heard prior to item 2A.

Economic Development Department

DRC NO. 02-17-04 CONSIDERATION OF AN ORDINANCE TO 2C) PROVIDE UPDATED DEFINITIONS AND REGULATIONS FOR COMMUNITY RESIDENTIAL HOMES, DETOXIFICATION FACILITIES, LONG-TERM CARE FACILITIES, AND RECOVERY RESIDENCES

PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Andrew Pinney explained that the purpose of the ordinance was to update the Zoning Code with several new definitions which would bring the City's regulations into compliance with the State's statutory requirements for assisted living facilities which would now be called community residential homes. He said there were two types of community residential homes, based on the facility's capacity. The term "group care facility" would be stricken he said; other new terms that were being added were "detoxification" and "detoxification facility." He said the major change the ordinance brought forth was procedural. He said that once the ordinance passed, the Development Review Committee (DRC) would not need to review community residential homes per Florida Statute 419, as long as the community residential home was not within 1,000 feet of an existing community residential home. He said the community residential home would be considered a residential use, as long as it was not within 1,000 feet of an existing residential home. He said 'recovery residence' was being added and would be treated like a community residential home. He said there would be some other revisions to ensure the process was consistent across the Zoning Code and the City Code of Ordinances.

DRC Comments:

Tom Vaughn had no comments.

Diane Colonna had no comments.

Dan Topp had no comments.

Abidemi Ajayi had no comments.

Lt. Joe Galaska had no comments.

Lt. Paul Fix had no comments.

Chief Dan Booker had no comments.

Abraham Stubbins had no comments.

Tim Finn had no comments.

Ben Ziskal said that once the ordinance passed, though assisted living facilities and group homes would no longer need to appear before the DRC, Zoning would need to sign a form that went to whichever licensing agency that oversaw the home to show that it was in compliance with the 1,000-foot distance requirement. He said Zoning would notify the Fire Department and the Department of Environmental and Engineering of any new applications for community

residential homes coming into the City in case a fire sprinkler or other improvements for life or safety were needed.

Mr. Ziskal said the ordinance would move on to the Planning and Zoning Board at the April meeting and then on to the City Commission.

2H) DRC NO. 02-17-09 CONSIDERATION OF A PLAT AMENDMENT FOR THE MARGATE **COVERED SPORTS FIELD**

LOCATION: 1675 BANKS ROAD

ZONING: INDUSTRIAL PARK M-1A DISTRICT

LEGAL DESCRIPTION: LOT 1 OF HAIG & DUKE PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 175, PAGE 131, OF THE PUBLIC RECORDS OF

BROWARD COUNTY, FLORIDA.

PETITIONER: Cotter Christian, Margate Community Residential Agency (CRA)

Cotter Christian, Margate CRA, advised that the CRA proposed to build a covered sports field on the subject property. He explained that the property was under an existing plat that had been set up for 24,800 square feet of industrial use. He said that the plat had been recorded, impact fees were paid, agreements were entered into with the County, and it was ready for an industrial building. He said to change it to accommodate a sports field would require the modification of three notes on the plat. He said the first note restricted the use for the plat to 24,800 square feet of industrial use. He said the CRA proposed modifying the use to restrict the use to City Park/recreational uses. He said the second and third notes had to do with concurrency requirements and stipulated that the building permit and infrastructure required for the project be built by a date certain which was five years from the date of the plat's approval in December, 2009. He said the CRA wished to renew it by going through the County process again. He said the infrastructure improvements for the plat all related to an access that had been proposed for the property. He explained that there was a non-vehicular access line that ran the length of the property except for 50 feet on the southern end which was where the access point was planned. He said, due to the common use that was currently occurring with this parcel, the CRA was proposing to share access off of N.W. 17th Street with the park. He said that proposal was included in the site plan that was previously presented to the Development Review Committee (DRC). He said they proposed the amendment of the three plat notes and the modification of the non-vehicular access line by eliminating the existing one and proposing a new one that extended the entire length of the property, thereby getting rid of the turn lane requirements associated with that opening. Mr. Christian explained that the process would require approval by the City Commission and then it would go to the County which could take a few months.

DRC Comments:

Tom Vaughn had no comments.

Diane Colonna had no comments.

<u>Dan Topp</u> had no comments.

Andrew Pinney had no comments.

Abidemi Ajayi had no comments.

Lt. Joe Galaska had no comments.

Lt. Paul Fix had no comments.

<u>Chief Dan Booker</u> had no comments.

Abraham Stubbins had no comments.

<u>Tim Finn</u> had no comments.

<u>Ben Ziskal</u> explained the process which was that plat notes required DRC and City Commission approvals; however, changes to the sketch also required Planning and Zoning Board approval.

Mr. Christian asked about the public hearing sign requirements. Mr. Ziskal said signs would need to be posted for both meetings and City staff would provide direction on the required verbiage.

2A) **DRC NO. 02-17-01** CONSIDERATION OF AN APPLICATION FOR A COMMUNITY RESIDENTIAL HOME

LOCATION: 521 N.W. 70TH WAY, MARGATE, FL 33063

ZONING: R-1C ONE-FAMILY DWELLING

LEGAL DESCRIPTION: ORIOLE-MARGATE, SECTION 3, LOT 5, BLK Q, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 74, PAGE 45 OF THE PUBLIC

RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: KHADIJA ALI

<u>Khadija Ali</u> said they proposed opening an assisted living family home for zero to six residents maximum at the subject address. She said they would take care of people who did not have family to care for them.

DRC Comments:

Tom Vaughn had no comments.

Diane Colonna had no comments.

Dan Topp had no comments.

<u>Andrew Pinney</u> asked whether they planned to use the garage for vehicle storage. Ms. Ali responded in the affirmative.

<u>Abidemi Ajayi</u> said that an engineering permit would be needed if fire sprinklers were required by the Fire Department. He said the impact fees would be approximately \$4,000. Ms. Ali said she aware of such. Mr. Pinney advised that Zoning had verified that there were no other existing homes within 1,000 feet of this home which made this an eligible property.

Lt. Joe Galaska had no comments.

Lt. Paul Fix had no comments.

Chief Dan Booker commented that a fire alarm and fire sprinklers were required as was noted in their application.

Abraham Stubbins commented that there was a large tree uplifting the sidewalk that needed to be removed as it was hazardous. He said it was located in the City's right-of-way which was the homeowner's responsibility to maintain.

Tim Finn had no comments.

Ben Ziskal had no further comments. He asked that she work out the tree, fire alarm and fire sprinkler requirements with the appropriate departments.

2B) DRC NO. 02-17-02 CONSIDERATION OF A REZONING FOR FELLOWSHIP LIVING FACILITIES, INC.

LOCATION: 451, 461 & 471 BANKS ROAD

ZONING: COMMUNITY FACILITIES (CF-1) DISTRICT

LEGAL DESCRIPTION: A PORTION OF PARCEL A & B, BLOCK 1, LOTS 7 & 8, OF "LAKEWOOD GARDENS" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 78 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Andrew Pinney explained that the request was to rezone properties back from the CF-1 District to R-3. He said the use of the property for the past ten years had been for sober living facilities. He said the property owner had been working with the City and a compromise was reached whereby the property would be rezoned back to residential (R-3) so that the residential character of Banks Road would not be lost. He said the occupancy level at the Fellowship Living facilities would be vested at the current levels.

DRC Comments:

Tom Vaughn had no comments.

Diane Colonna had no comments.

Dan Topp had no comments.

Abidemi Ajayi had no comments.

Lt. Joe Galaska had no comments.

Lt. Paul Fix had no comments.

Chief Dan Booker had no comments.

Abraham Stubbins had no comments.

Tim Finn had no comments.

Ben Ziskal reiterated that this was a City initiated rezoning and the intent was to preserve the residential nature of the neighborhood. He said in the event that section of the properties were ever sold, there were many different uses that were allowable under the CF-1 zoning designation. He said it was in the City's best interest to maintain the residential nature and by rezoning that section back to residential would ensure that it remained a residential neighborhood long term.

Mr. Ziskal said this item would move to the Planning and Zoning Board in April and then on to the City Commission for final approval.

DRC NO. 02-17-05 CONSIDERATION OF AN AMENDED SITE PLAT FOR A DRIVE THRU 2D) DANDEE DONUTS AND ATM

LOCATION: 3103 NORTH STATE ROAD 7

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

LEGAL DESCRIPTION: MARGATE PLAZA NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 132, PAGE 50 OF THE PUBLIC RECORDS OF BROWARD

COUNTY, FLORIDA

PETITIONER: STEVEN WHERRY, ESQ., GREENSPOON MARDER

While waiting for Steven Wherry's arrival, Sean Leder, property owner, provided a brief introduction of the item. He showed the site plan on the Monopad and explained the location of the various elements, i.e., a Wells Fargo drive-through ATM, a Dandee Donuts shop and drivethrough, and a retailer Blossman Gas and Appliance. He said the intent was to remodel and modernize the outside of the building and put in some new signage and landscaping.

Ben Ziskal suggested a five-minute recess while waiting for Mr. Wherry's expected arrival at 10:30 a.m.

The meeting resumed at 10:34 a.m., without Mr. Wherry yet in attendance. Mr. Ziskal explained that this item and the next three items were all interrelated. He noted that this item was the site plan review and the next three would be the special exceptions for the individual components, i.e., the drive through for Dandee Donuts; the Wells Fargo ATM, and the outdoor storage of the propane tank for Blossman Gas.

DRC Comments:

Tom Vaughn said that their plans and permit applications would be needed when the propane tank was going to be installed, as well as for any other improvements.

Diane Colonna commented that the landscaping in the right-of-way was fairly sparse and it would nice to have some additional landscaping particularly in the area adjacent to the drivethru window. She said she understood it might involve the Florida Department of Transportation (FDOT) but it would nice to see some additional landscaping in the right-of-way on the east side.

<u>Dan Topp</u> asked that they show the percentage of native plants on the landscape calculations table.

<u>Andrew Pinney</u> explained that when the application for the site plan was submitted, two variance applications were also submitted. One was for the landscape buffer that was being diminished to accommodate the drive-through circulation for Dandee Donuts; the other was for the menu board for Dandee Donuts to have it visible from the right-of-way.

He said there were some issues with the proposed vehicle stacking they were showing on the site plan. He said they had the correct amount at four vehicles per drive-through; however Section 33.11 of the Zoning Code stated that the reservoir spaces should not block parking stalls, drive aisles, driveways, or pedestrian ways. He said the in the Dandee Donuts application, they had a vehicle overlaid on the brick paver sidewalk that led out to the patio and the fourth vehicle in line was out in the drive aisle. For the ATM, he said the plan showed that they had two vehicle spaces out of the way but the other two were directly in front of parking spaces. He said the plan would need to be reconfigured to accommodate the stacking.

Benson Ellis, RLC Architects, asked for clarification on the parking spaces with issues. Mr. Ellis said the site had one-way circulation and that theoretically the cars could still circulate through without being blocked. Mr. Pinney said the circulation concerned him by having it one-way on one side and two-way on the other side, especially for the vehicles on the southern edge of the parking lot. Mr. Leder said they planned to put in signs for employee parking in the spots by the ATM which should minimize possible conflicts. Mr. Pinney said he understood his point; however, the Zoning Code did not make any distinctions between general and staff parking.

Mr. Pinney provided a few other comments:

- -pointed out that the detail sheet for the dumpster enclosure showed that the pad had a four-inch slab but it was missing a note that indicated that it was reinforced concrete as required by the Code.
- -advised that the Code required that the fine amount on the handicapped parking signs be displayed in 2-inch tall numbers
- -advised that the maximum width for a monument sign was eight feet and their plans showed 15-feet
- -Code required at least 100-feet spacing from any existing monument sign; they need to show the spacing on the plan
- -asked them to provide the detail on the proposed aluminum fence around the outdoor propane tank
- -pointed out an inconsistency between the site plan and the floor plan with regards to a door on the western side of the propane store
- -on the landscaping plan, he asked them to look at the categories of trees that they were using as per Section 23.23
- -advised that there was a 3:1 ratio that should be used when substituting palm trees for shade trees. He said 35 percent was the maximum amount of palms that could be planted to cover the tree requirement

-advised that sod was limited to no more than 30 percent for interior parking and other perimeter areas, and no more than 50 percent sod for the right-of-way. He asked that they show the percentages on the plans.

Abidemi Ajayi provided the following comments:

- -asked if the plat restrictions had been checked to ensure that ATM use was allowed -asked about the possibility of getting an easement or an agreement with the adjacent property because the current set-up for the Dandee Donuts drive-through does not seem to work well. He noted that if there were four cars in the drive-through and something went wrong, there was no way for the cars to get out. He suggested a cross access agreement to open up the back area to create a bypass lane. Mr. Leder responded and said he had spent almost a year trying to find a way to accomplish that and it was not going to happen. Mr. Ajayi asked if they considered making it one way where the cars would come in on the west entrance and go around. He pointed it out on the site plan. Mr. Pinney explained that it would be reversing the one-way on the northern road. Mr. Ajayi noted that it would help with the stacking issue and he pointed out the proposed traffic flow on the site plan.
- -advised that they did not meet the section of the Code that required reservoir spaces -asked that they add a stop bar at the exit of the ATM location. Mr. Ellis pointed out that it was there but it had some information overlapping it.
- -asked the purpose of keeping the concrete pad at the entrance of the building. He suggested replacing it with pavers.
- -suggested they consider joining the walkway at the west entrance with the sidewalk located on the northwest side. He pointed out the location on the site plan.
- -asked that the curves on the site plan be shown clearly.
- -advised that the propane tank would require traffic rated bollards around it
- -advised that impact fees would apply
- -suggested they revise the curvature at the loading zone area because it seemed too steep for cars to pass by.
- Lt. Joe Galaska commented that escape lanes seemed to be a new trend.
- Lt. Paul Fix had no comment.

Chief Dan Booker had no comment.

<u>Abraham Stubbins</u> stated that a ten-foot separation was needed between the grease trap and the existing water meter at the fenced area on the west end of the building. He also advised that the water meter could not be located inside the fenced-in area.

Tim Finn had no comments.

Ben Ziskal commented that he had had several meetings with the applicant in the past. He said the plan they presented a year ago worked great but they were not able to obtain the cross access agreements needed from the adjacent property owners. He said they were trying to do the best they could on the site considering the site constraints with which they had to work. He said making the traffic circulation one-way for the entire parking area would be a better design. He said he had a concern about the area that was two-way traffic that dead-ended into one-way of oncoming traffic, specifically the area on the south end of the property heading east.

Making the entire circulation one-way would solve a lot of problems including stacking and maneuverability he said. He said he thought the drive-through would be very successful and while the City's Code only required four stacking lanes, every other drive-through in the City far exceeded that number. He said that having the one-way all around would provide the bypass lanes for cars to get around those that are waiting for the drive-through. He said he agreed with the notion of having a bypass lane to get out of the drive-through but he said he did not know whether it could be done feasibly.

Steven Wherry, joined the meeting and asked if the suggestion was for a counter-clockwise flow. Mr. Ziskal used the Monopad to demonstrate the circulation flow on the site plan and explained how the traffic would enter and go right and then head to the southern part of the property and circle south and then east. He said individuals going to the drive through would go north, those accessing the ATM would already be in the flow, and those going to the propane store would need to make the circle to get to the parking at the northwest part of the parking lot. He pointed out on the site plan the conflict that existed with the current proposed traffic pattern, noting how the one-way circulation would eliminate the conflict.

Mr. Ellis asked about the possibility of taking the traffic in the opposite direction. Mr. Ziskal said the ATM would need to be relocated. Mr. Ellis said there would be an issue with the menu board. Mr. Leder pointed out another possible option. Discussed ensued at the Monopad for a few minutes about the various options and the effect each had on the operations and the traffic circulation. Mr. Ziskal said that Engineering would need to look at the striping that would be needed to ensure there were clear zones and the exit from the drive-through was not blocked. Mr. Leder proposed another option at the Mondopad. Mr. Ziskal asked that they look at it both ways to determine which made the most logistical sense.

Mr. Pinney commented that the shopping plaza had a long history with FDOT with them taking away the driveways for the Sample Road flyover. He said this property was in the southernmost part of that shopping plaza. He asked if there was any opportunity to look into a right out only at the top of that drive through curvature taking traffic onto State Road 7 instead of looping it back into the parking lot. Mr. Leder asked if anyone knew what FDOT's future plans were for the large right-of-way area. Mr. Wherry said they would talk to FDOT. Mr. Ziskal agreed it was worth having a conversation with them even though it was fairly close to the intersection on Northwest 31st Street.

Mr. Ziskal said if the only modifications were changing the striping from two-way to one-way and the plan did not substantially change, i.e., ATM not being moved, buildings were not being relocated or the major components of the parking or sidewalks, then they could make the revisions and circle them back as final site plans and they would not have to come back to the DRC. If they did make major substantial changes such as a reconfiguration of the drive-through, or the movement of parking spaces and the ATM, then they would need to come back for further review. He said he was leaving it up to their design team to see how to make it work. Relocating the menu board would be considered minor and could be handled administratively he said.

2E) **DRC NO. 02-17-06** CONSIDERATION OF A SPECIAL EXCEPTION USE FOR NEW CONSTRUCTION OF A DRIVE-THRU DANDEE DONUTS **LOCATION**: 3103 NORTH STATE ROAD 7

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

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

PETITIONER: STEVEN WHERRY, ESQ., GREENSPOON MARDER

<u>Ben Ziskal</u> explained that this item was specifically for the special exception for the drivethrough of Dandee Donuts. He said a full presentation would not be required as the entire site plan was just reviewed. He asked the committee and the petitioner for any comments they might have that were specific to this request.

<u>Andrew Pinney</u> commented that it appeared the Development Review Committee was in favor of it given the many solutions that were discussed to try to make it workable. He said there were no objections to the use.

There were no other comments from the petitioner or the Committee members.

Mr. Ziskal added that as far as compliance with the City's Comprehensive Plan and its redevelopment plan, the plan that was submitted one year ago would have been preferred with the drive-through on the west side instead of being adjacent to State Road 7. He said the challenges that the applicant had were understandable. He said he agreed with Ms. Colonna's comments about the sparseness of landscaping along State Road 7 and he said increased landscaping was encouraged to minimize the visual effect of a drive-through facility near State Road 7.

Mr. Ziskal advised that special exceptions required approval by the City Commission. Recognizing that they would be seeking some variances, he said the soonest the item could appear before the Board of Adjustment was April 4, 2017, and it would be scheduled for the City Commission thereafter.

2F) **DRC NO. 02-17-07** CONSIDERATION OF A SPECIAL EXCEPTION USE FOR THE DEVELOPMENT OF A STANDALONE DRIVE-THRU ONLY AUTOMATED TELLER MACHINE (ATM)

LOCATION: 3103 NORTH STATE ROAD 7

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

LEGAL DESCRIPTION: MARGATE PLAZA NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED INPLAT BOOK 132, PAGE 50, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: STEVEN WHERRY, ESQ., GREENSPOON MARDER

<u>Ben Ziskal</u> advised that the site plan for this project had been reviewed earlier in the meeting. He asked if the Development Review Committee (DRC) or petitioner had any specific comments about the ATM component.

There were no comments made by the DRC members or the petitioner.

Mr. Ziskal advised that the City's Comprehensive Plan and CRA redevelopment plan looked to minimize automobile uses such a drive-through facility especially when there was not a brick and mortar component as in the case of this ATM. As with the previous item, he reiterated his request for additional landscaping to minimize the visual impacts of the auto use along Northwest 31st Street. He said Staff had no objection to it since it was being incorporated as an accessory to another retail and commercial space, other than visually screening it to the best of their ability. He said this item would follow the same time line as the previous one for approvals.

2G) **DRC NO. 02-17-08** CONSIDERATION OF A SPECIAL EXCEPTION USE FOR OUTSIDE SERVICE FOR THE NEW BLOSSMAN GAS LOCATION

LOCATION: 3103 NORTH STATE ROAD 7

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

LEGAL DESCRIPTION: MARGATE PLAZA NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED INPLAT BOOK 132, PAGE 50, OF THE PUBLIC RECORDS OF BROWARD

COUNTY, FLORIDA.

PETITIONER: STEVEN WHERRY, ESQ., GREESPOON MARDER

Ben Ziskal commented that there was a door from inside the building that went out to the fenced in patio area, and then a gate in the fence that led to the sidewalk in the rear. From an operational standpoint, he asked whether customers that would come for a tank refill would park in the loading zone and then walk along the sidewalk to the gate or if they would park in the front and enter the store and then get their refill and walk around the edge. He asked how it would work functionally.

<u>Sean Leder</u> said the loading zone was not for customer parking. He said the customers would park in front of the building and walk inside and someone would help them to fill the tank. Ben reiterated his understanding that the customer would not walk back through the store with the propane.

Mr. Ziskal said the Zoning Code required outdoor sales, service, stock or display to be considered as special exceptions. He said he understood it was an accessory to the overall business and technically it required a special exception. He said Staff had no objection to this special exception and he recommended approval.

<u>Andrew Pinney</u> advised that there were specific dimension requirements for loading zones in Article 33 of the Zoning Code and some adjustments to the striping might be needed on the final site plan. Mr. Leder said the primary reason the load zone was put in was to help Dandee Donuts with food deliveries. He said the zone was located outside the parking aisles of the shopping center and they coordinated the location with Penn Dutch and the shopping center representative.

Mr. Ziskal asked if anyone had any comments; no comments were made. He advised that this item would follow the same process for going before the City Commission in late April or early May for approval.

Date:

3) **GENERAL DISCUSSION**

There was no discussion.

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

Respectfully submitted, Prepared by: Rita Rodi

Benjamin Ziskal, AICP, CEcD Director, Economic Development Department