

New Urban Communities

May 4, 2017

Mr. Cotter Christian
Margate CRA
5790 Margate Boulevard
Margate, FL 33063

Dear Cotter:

We are in receipt of the staff comments dated provided to us on April 10, 2017.
Following (in blue) is our written response to these comments:

Background

The Margate CRA and New Urban Communities LLC entered into a Development Agreement for the Margate City Center project, effective July 19, 2016. Pursuant to the original Critical Path schedule contained within the Agreement, New Urban was to submit their site plan application to the City and CRA by March 16, 2017. This date was later extended to August 7, 2017 by the CRA Board, through a Second Amendment to the Agreement. New Urban submitted the site plan package on the original deadline date, March 16th.

The Critical Path provides sixty (60) days for the CRA to review and act on the site plan. Section 5.3 of the Agreement states that that the Developer is to submit to the CRA the proposed Site Plan, preliminary civil engineering, design elements, etc. It states further that "The CRA shall approve the foregoing if they are substantially consistent with the Pre-Development Plan attached hereto as Exhibit B."

The Pre-Development Plan is not at the level of detail as a site plan submission, and it was understood at the time that the Agreement was drafted and approved that the actual Site Plan may contain some deviations. In order to allow for some flexibility in the design, Paragraph 5.5 of the Agreement identified elements that would be considered a significant or "Material Change" to the approved plan. That section states as follows: ".....a **'Material Change'** to the Site Plan means and refers to a requested change, alteration or modification that (i) increases or decreases the total number of residential uses by greater than five percent (5%), (ii) changes the composition of Units (number of bedrooms) by greater than ten percent (10%), decreases the amount of square footage in the Commercial Component by greater than five (5%), (iii) eliminates any improvement constituting the Civic and Community Component, or, in the aggregate with all other changes, alterations and modifications decreases the square footage of open space, building size, landscaped area or any

other common areas by five percent (5%) or more, (iv) decreases the height of any building to below 20' or increases the height of any building above 60', (v) deletes any amenities, (vi) significantly modifies traffic circulation on the site as determined by the CRA Executive Director and/or (vii) significantly alters the Architectural Scheme from that previously approved by the CRA, as determined by the CRA Executive Director."

CRA staff has conducted a preliminary review of the Site Plan for the purposes of determining its consistency with the Pre-development Plan (PDP) and the terms of the Development Agreement, and to identify any changes that would be classified as Material under the previously cited section. The comments herein are not intended to address Site Plan compliance with City Code and requirements of other Governmental Authorities, which shall occur through separate review by the applicable agencies, including, but not limited, to the City of Margate staff.

The CRA staff comments and questions are noted on the set of plans on file at the CRA office and have been reviewed with the Developer. Many of the notes are relatively minor comments or are requests for clarification, so in the interest of efficiency, they are not listed again herein. The more significant comments are provided below.

General Comments

1. Clarification is needed regarding the building types shown on the Site Plan and the bedroom mix for each building type. Each building on the Site Plan should be labeled by the corresponding typical building floor plans (Building "A", "B", "C", etc.) as shown on the architectural drawings. Based on our preliminary review, the proposed bedroom mix as indicated by the typical floor plans and the Site Plan is not consistent with the tabular summary provided on sheet SP 11. The Developer should address this inconsistency, which could constitute a Material Change if not resolved.

Response:

We have labeled each building on the site plan with the typical building type. The proposed bedroom mix has been corrected and now corresponds to the tabular summary provided on sheet SP 11. A slight reduction in the unit count was necessary in order to address some of your comments. You will note that some of the building floor plans, notably Building Types D and F, have been modified slightly.

2. The PDP included a public green space entitled “Green with Art (Public)” fronting SR 7 in the northern portion of Phase 2. This space has been replaced with a private pool and cabana or clubhouse for apartment residents. This constitutes a Material Change under the Agreement.

Response:

We have removed the private pool and cabana from this area and designated this area as a Green with Art (public) to coincide with the PDP.

3. Internal circulation has been somewhat modified within the project, with access from streets to parking lots moved to accommodate some building reconfiguration. The most notable example of this occurs in Phase 3, adjacent to the Park Drive Properties (which may be added to the Project at the CRA’s option under paragraph 6.12 of the Agreement). The PDP requires that the Developer would extend NW 9th Court over the Park Drive Properties, connecting Park Drive to Margate Boulevard. As currently configured, the Site Plan would not allow for the construction of this roadway. This classifies as a Material Change.

Response:

The proposed site plan provides for connectivity with NW 9th Court through the project in Phase 2. We have revised the road configuration in the vicinity of buildings no. 27, 28, 31, and 36 to provide for a future road connection to Park Drive in the event that the CRA adds the Park Drive properties to our Phase 3 acquisition. The revisions to the site plan create a configuration substantially consistent with what is shown on the PDP, connecting NW/NE 9th Court all the way through Phases 2 and 3.

Site Plan Comments

1. The Phase I Site Plan (Sheets SP 3,4,5) shows the existing edge of water in the canal outside of the 40’ recorded drainage easement and within areas to be developed. The Site Plan and Engineering drawings indicate that the proposed edge of water is to be relocated “by CRA” to within the easement and also shows a proposed sea wall, “by CRA.” Although the CRA is required to construct a boat launch and “canal walk” as a part of the Civic and Community Component, there is no contractual obligation for the CRA to

relocate the existing edge of water or construct a sea wall as indicated by the Site Plan.

Response:

Plans have been revised to show the proposed relocation of the canal edge of water up to the drainage easement by installing a seawall or other acceptable edge treatment adjacent to the developer's parcel only and to be installed by the developer. The CRA will be responsible for relocating the edge of water adjacent to the CRA parcel if it so desires or leaving the canal bank in its present condition. We agree the CRA remains obligated to construct the Canal Walk and boat launch.

2. Developer should confirm that setbacks from SR 7 are consistent with potential improvements as discussed with Broward MPO.

Response:

All buildings along SR 7 are set back 25' from the curb as required by City Code. In conversations with the MPO attended by City and CRA staff, there is no intention expressed by the MPO to move the curb further to the east or west. In fact, their strong preference was to leave the curb in its present location. The building setbacks along SR 7 are therefore consistent with potential future improvements to the SR 7.

3. New public streets should be clearly labeled within the City Center.

Response:

All new public streets are now labeled. The new public streets are:

- the Park Drive extension through Phase 1,
- the extension of NW 9th Court between through Phases 2 and 3 and
- a new unnamed street running south of and parallel to Margate Boulevard between SR 7 and City Hall, which provides for a future connection to NW 58th Avenue.
- Margate Blvd. extension through Phase 1.

4. (SP 3) Paved area north of building #5 was shown as open space on the PDP.

Response:

In the PDP, there were two 24 units buildings in this location. The revised plan shows a 36 unit building and surface parking. If the City/CRA would prefer, we can revert back to the original plan, which would add 12 units.

5. Indicate on Site Plan the location of rental office(s) serving the apartments.

Response:

A tentative location of a rental office is shown in the ground floor of building no. 9 (SP4). This location is subject to change.

6. Label and describe any structures for clubhouses, cabanas and other apartment amenities. These will also be subject to future architectural review if elevations cannot be provided at this time.

Response:

These private community structures are now labeled. Elevations will be provided once the site plan is finalized and exact configurations and dimensions of the private sites on which they are to be built are determined. Note all the Type D buildings have a large unprogrammed area on the ground floor. Type D buildings are found in all three phases.

7. Consideration should be given to service vehicle access to community center (SP 3 & 4).

Response:

The Community Center/Amphitheater site has approximately 470 LF of frontage on Park Drive extended, a public street, which should provide adequate access. There are a number of parallel parking spaces in the Park Drive ROW which can also be time restricted for loading if necessary. Since

this site will remain in CRA ownership, the City/CRA maintains design flexibility and can adjust the location of buildings within the Community Center/Amphitheater site as necessary.

8. Specify acreage and dimensions for phase 1 Civic sites (community center, amphitheater and Town Square).

Response:

The CRA site contains 1.55 acres. Area and dimensions have been added to the plans (SP4).

9. Future parking garage by CRA should be noted on plan (SP 4 & 5). Building 11 appears to be designed to abut a future parking garage. This may not be the case for buildings 10, 12 & 13.

Response:

The potential outside boundary of the parking garage is dashed. This provides space between the garage and buildings. The final design is the responsibility of the City/CRA.

10. Why is commercial square footage different for buildings 8 (8,800 sf) and 12 (10,000 sf)? (SP4)

Response:

The areas of these buildings have been revised to match.

11. Angled parking throughout Site Plan (SP 4,5,7,8 & 9) is inconsistent with PDP and generally not desirable. The angled parking at the entrance to Phase 1 appears to widen the required paved area, thereby reducing the width of the Town Square.

Response:

Angled parking is permitted by code and is intended to increase the amount of parking in areas where the site configuration makes it the best

way to maximize the number of parking spaces in a given area. We disagree that angle parking is generally undesirable. It is widely used in cities and suburbs throughout South Florida and beyond. Angled parking has many benefits including narrower drive aisles (less pavement), improved ease of parking and staggering of car doors so the possibility of colliding simultaneously opening doors is reduced. We have, however, eliminated many angle parking spaces, changing them to 90 degree or parallel parking spaces.

12. Small parking lot between buildings 12 & 13 is inconsistent with PDP and appears to result in the reduction of the size of commercial building # 13. (SP 4&5)

Response:

The parking lot was intended to provide additional and more visible parking for the commercial uses in buildings 12 and 13. The amount of commercial provided is consistent with the requirements of the Development Agreement. The plan has been revised to remove the parking lot to demonstrate consistency with PDP at the request of the CRA.

13. Explain the 1,000 sf mezzanine in building 13. Is there a typical floor plan and elevation for this building? (SP 5)

Response:

The Mezzanine has been removed.

14. There is a reduction in the number of townhouse units from the PDP (SP 5).

Response:

The Reduction in the number of townhomes was done to improve the design flexibility and increase the potential footprint for the future parking garage to be constructed by the CRA.

15. Site Plan shows one curb cut between buildings 16 & 17 vs. two on PDP (SP 6). See comment #3 under General comments.

Response:

This change was necessitated by site geometry, TOC streetscape requirements and anticipated FDOT objections to the number of curb cuts in Phase 2 north of Margate Boulevard.

16. (SP 7) Circulation modified from PDP – reduced access to extension of NW 9th Ct. from building 22 parking and Margate Blvd. See comment #3 under General comments.

Response:

The goal in this section of the site was to mirror building mass on each side of future NW 9th Ct. on the north of Margate Boulevard. Since only one building is located in the area bounded by Margate Blvd on the south and NW 9th Ct on the east, the access to NW 9th Ct is inconsequential.

17. Gated access proposed in multiple locations, inconsistent with PDP (SP 9).

Response:

All gates have been removed for consistency with PDP. We believe the gates make the residential more marketable by improving perceptions of safety and security. This issue can be revisited at a later date, but for now we have deleted them.

18. PDP showed that hotel had some SR 7 frontage that has been reduced/eliminated on Site Plan (SP 10).

Response:

The current plan has an actual hotel footprint, whereas the PDP did not. The reduced frontage allows for some green space at the NW corner of SR 7 and Merrill Road, which serves as a gateway to the City Center.

19. Parking provided exceeds required parking under TOC-CC code, however, concerns have been expressed over whether parking is adequate, particularly the 1 space/residential unit (SP 11). Due to the amount of residential relative to other uses, the full benefits of shared parking envisioned by the TOC code may not be achievable.

Response:

The Parking provided meets code without even applying the allowed sharing factor of 1.4 in the TOC code. We are in transitional era in suburbia where such technology based alternatives to the automobile such as Uber, Lyft and self driving cars are still in their early stages. The TOC code recognizes that SR 7 is a designated transit corridor with frequent service. The goal of the TOC code is to provide an alternative to the low-density auto dependent suburban development pattern found throughout much of western Broward County. Consistent with the principles of the TOC code, the proposed plan seeks to provide choice for those persons and looking for a less auto dependent lifestyle. Keep in mind the commercial provides built in shared parking, because those spaces will be available to residents and their guests when vacant, and vice versa. If market preferences remain static, and the TOC code proves to be too far ahead of its time, there are many opportunities to adjust the plan to provide additional parking if necessary in phases 2 and 3.

Architectural Comments

1. Building elevations and typical floor plans have not been provided for several building types, including buildings 13, 18, 20, 29, 30 and 32.

Response:

Building 13 has been revised to a Type F. Elevations and typical floor plans for buildings 18, 20, 29, 30 and 32 are have been added to the plans.

2. In general, the project architecture is consistent with a market-level apartment complex comparable to other new projects in Margate and surrounding area. The architecture is generally compatible within the City Center.

No response required.

3. The use of arcades (rather than awnings) should be increased for the ground floor retail frontage in mixed use buildings.

Response:

This comment will be taken under advisement and discussed with tenants. Many tenants vehemently oppose arcades as they feel it obstructs visibility into their shop fronts from the street and reduces opportunities for signage. Arcades also increase cost and therefore rents.

4. More architectural detail, including specifications and material samples will be subject to further CRA review and approval at the Construction Documents stage.

No response required.

5. Further architectural diversity among buildings and phases is desirable.

Response:

We agree and evidence will be provided in the Construction Documents stage.

6. Smaller residential buildings in the PDP have been merged into proposed “L-Shape” buildings (Buildings 6,21,22,27 and 28). This results in an increase in building mass (or the perception thereof) as compared to the PDP.

Response:

Variation in building heights is a proven and effective strategy that will create a more interesting and diverse building pattern and a more impressive entry to Phases 2 and 3 off Margate Boulevard. Building height and mass complies with the Development Agreement.

Irrigation Comments:

1. Coordinate and provide irrigation service to Civic and Community Component sites.

Response:

This is not required in the Development Agreement. The simplest and most economical way to irrigate the Civic and Community Component sites is by creating a separate system that draws from the canal, which the City and CRA may elect to do at their discretion.

Photometric Plan Comments:

1. Developer should investigate using specialty fixtures and poles. Developer indicated willingness to match City’s lighting in City Center area.

Response:

The proposed lighting fixtures meet code.

Refer to marked up plans for comments related to minor items such as misspellings, math errors, formatting issues and other comments.

Mr. Cotter Christian
Margate CRA, May 4, 2017

Response:

Identified errors have been corrected.

Recommendation

It is recommended that consideration of the Site Plan should be continued until the CRA Board meeting on May 10, 2016 to allow Developer to respond to all comments by CRA staff. This falls within the 60 day window for CRA review.

Thank you for the opportunity to submit this response, *which clearly demonstrates the submitted plan as revised is substantially consistent with the PDP.*

Sincerely,

NEW URBAN COMMUNITIES

Timothy L. Hernandez
Principal

Kevin E. Rickard
Principal

C: Carlos Ballbe, PE
Michael Moskowitz