



**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
MINUTES**

Tuesday, September 26, 2017

10:00 AM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Anthony N. Caggiano

Lesla Peerman

Joanne Simone

Interim City Manager

Samuel A. May

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Reddy Chitepu, Acting Director of Economic Development/Director of DEES

Andrew Pinney, Associate Planner

Andy Dietz, Associate Planner

Richard Nixon, Building Department (arrived 10:22 a.m.)

Kevin Wilson, Fire Inspector

Dan Topp, Community Development Inspector

Michael Jones, Director, Parks and Recreation

Abidemi Ajayi (A.J.), Engineer

Kim Vazquez, Project Manager, Margate Community Redevelopment Agency

ALSO PRESENT:

Michael Shooster, 777 Properties, Inc.

Christian Pena, CPZ Architects, Inc.

Michael Cox, All Florida Contracting Services

ABSENT:

Ronald Eyma, Assistant Director of DEES

Abraham Stubbins, Utilities Inspector

Jeanine Athias, Engineer

Director of Public Works

Lt. Joe Galaska, Police Department

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Reddy Chitepu at 10:00 AM on **Tuesday, September 26, 2017**, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

- 1A) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON AUGUST 22, 2017.

The minutes for the August 22, 2017 meeting were approved as written.

- 2) **NEW BUSINESS**

ID 2017-577

Economic Development Department

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2A) **DRC NO. 09-17-01** CONSIDERATION OF A SITE PLAN FOR THE INSTALLATION OF A GENERATOR

LOCATION: 441 SOUTH STATE ROAD 7

ZONING: TRANSIT ORIENTED CORRIDOR-CORRIDOR (TOC-C)

LEGAL DESCRIPTION: A PORTION OF TRACT "A", "APPLEGREEN" SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: MICHAEL SHOOSTER, 777 PROPERTIES, INC.

Michael Shooster, explained that he planned to install a generator behind the 441 Building for the expansion of their call center services. He said the generator would be buffered from all residents, it would be quiet, and it was designed to handle up to Category Five storms.

DRC Comments:

Kevin Wilson had no comment.

Dan Topp had no comment.

Andy Dietz provided the following comments:

-Advised that Section 23.9 of the Code required a screening hedge around it that was at least six inches above the height of the structure and within ten feet of the generator.

-Advised that due to the item being a site plan amendment, there was a hedge screening requirement for the property that fronted S.W. 4th Street, similar to what existed along the State Road 7 frontage. He noted that this was a separate requirement from the hedge for the generator.

-Requested the setbacks, the height of the structure, and the height of the fencing buffer be shown on the plans.

Mr. Shooster said they would comply with all the City's requests for buffering; however, he explained that there was a show-and-tell element to it. He said being able to show new clients their disaster recovery features was important.

Michael Jones had no comment.

Abidemi Ajayi had no comment.

Andrew Pinney explained that the screening requirement applied to the views from the right-of-way and that a full encapsulation was not required, noting that they had a building screening it from State Road 7 and a hedge to the rear. He said it was primarily on the northern side that would require the hedge. Mr. Dietz referenced the site plan displayed on the Mondopad and noted that it was the area that fronted the right-of-way on S.W. 4th Street between the parking lot and the sidewalk. He added that there was also a two foot setback from the sidewalk.

Reddy Chitepu said the application was approved subject to the comments from the Development Review Committee. He advised that three final site plans would be required prior to permitting.

ID 2017-586

- 2B) **DRC NO. 09-17-02** CONSIDERATION OF A SITE PLAN AMENDMENT FOR THE INSTALLATION OF A FUEL TANK AT NORTHWEST MEDICAL CENTER
LOCATION: 2801 NORTH STATE ROAD 7
ZONING: COMMUNITY FACILITIES (CF-1)
LEGAL DESCRIPTION: COLONIAL PARK, PARCEL "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
PETITIONER: ALL FLORIDA CONTRACTING SERVICES

Michael Cox, All Florida Contracting Services, said they proposed to install a 4,000 gallon fuel tank that would be used for emergency purposes to dispense fuel into vehicles. He said it was a split tank: 2,000 gallons diesel; 2,000 gallons gas. He said it was a Convault UL2085 tank that was two-hour fire rated, ballistic proof, and encased in concrete.

Reddy Chitepu asked whether the traffic circulation during times of emergency had been reviewed. Mr. Cox responded that there was an opening on the northwest side of the facility near the parking garage that was a thru-way and provided easy access.

DRC Comments:

Kevin Wilson commented that the fuel tank did not meet the building distance requirements. He said the fueling area should not also be used as part of a regular traffic pattern. Mr. Cox responded that it met the offset requirements of being five feet from the building based on what he read in the National Fire Protection Association (NFPA). Mr. Wilson asked him to provide verification. He also gave Mr. Cox a list of the comments provided by the Building Department

Dan Topp commented that there were a number of dumpsters out in the open and that they needed to be behind gated enclosures. Mr. Cox responded that he did not have anything to do with the dumpsters. Mr. Topp explained that his role was to point out any code violations on the property. Mr. Cox said he would pass along the comments.

Andy Dietz provided the following comments:

-Stated that it appeared that trees were being removed on the landscaping plans and he asked that they show the species being removed and their replacements; he advised that a tree removal permit would be needed. Mr. Cox responded that they were not planning to remove any trees and he pointed out the location of the fuel tank on the plans. Mr. Dietz asked that they modify L1.00 to show current site conditions.

-In reference to site circulation, he asked to see an illustration of how they planned to provide stacking for the filling station or how they anticipated it would be used in an emergency situation. He said Code required three stacking spaces, each 10 feet wide by 20 feet long, for each pump. Mr. Cox asked for a clarification on stacking. Mr. Cox said there were two pumps, one diesel and one gas that were part of the same tank. He said they were located on the tank and did not have a dispenser like in a fueling station; he said the pumps came off the tank and went straight to the vehicle. Reddy Chitepu asked whether two vehicles could be fueled at the same time. Mr. Cox said he believed they would fuel one vehicle at a time. Mr. Chitepu explained that under the stacking requirement, two additional spaces would be needed behind

the car that was being fueled, and it needed to be reflected on the plans. Mr. Cox asked if they would need to select a new location if it were part of the roadway. Mr. Chitepu referenced the Fire Department's comments which stated that the driveway could not be part of the fueling area. Andrew Pinney advised that Section 33.11 of the Zoning Code stipulated that the main drive aisle could not be blocked by the stacking. Mr. Chitepu asked whether there was any provision in the Code for emergency usage. Mr. Pinney said he would double check the Code. Mr. Chitepu said it was recognized that this was not a regular gas station use and that it was only going to be used in case of emergencies. He said staff would see if there was any way it could be allowed, but he asked Mr. Cox to see if there was a way for them to create some type of detour for the fueling so that the roadway would not be used as the fueling area.

Michael Jones asked whether it would be possible for them to submit a temporary detour MOT (Method of Transportation) that could be used for emergencies. Mr. Chitepu responded that it could be considered if it were the only option available. He said some of it had to be designated as an emergency use and then maybe it could be looked at, but unfortunately there was nothing in the Code that allowed for it. He said staff would look into it from the Code side and it might be that it would need to go before the Board of Adjustment as a variance request. He said if it was determined by the hospital that a temporary detour could not be created, the variance process could be explored. He said the City would look at it if it could be shown how the detour would be done during an emergency. Mr. Cox said he would meet with the hospital to see if there was another possible location.

Abidemi Ajayi asked what their plan would be in the case a spill happened. Mr. Cox responded that it was a double walled tank, UL2085, ballistic proof with a two-hour fire rating. He said the tank had an inner sensor that would emit a signal should a leak occur between the two steel tanks. He said it all the other features that existed at a regular gas station including an anti-siphon valve on it when dispensing fuel, as well as an emergency shut-off.

Andrew Pinney had no further comments.

Reddy Chitepu asked Mr. Cox to review the comments given that day. He told Mr. Cox to submit new drawings if they were able to find another location and, if there were no major changes, sign-off would be given on the application, subject to the comments given. Prior to submitting three final site plans, he suggested that Mr. Cox submit one set to Andrew Pinney first to review to see if sign-off could be given.

ID 2017-604

2C) **DRC NO. 09-17-03** CONSIDERATION OF A SITE PLAN FOR DAVID PARK

LOCATION: 6199 N.W. 10TH STREET

ZONING: R-1 ONE FAMILY DWELLING

LEGAL DESCRIPTION: A PORTION OF BLOCK 6 PARK, "MARGATE THIRD ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Christian Pena, CPZ Architects, Inc., 4316 West Broward Boulevard, explained that this was the second phase of the project with the first phase being a new children's playground. He referenced the site plan and renderings on the Mondopad. He said this phase included ten parking spaces to serve the playground, a new metal pavilion with a metal roof that would include six benches, and a prefabricated bathroom for men and women separately, with a

service area in the back to service the plumbing. He said it would be a prefabricated concrete structure with a metal roof. He said the pavilion color would match the other canvas awnings on the property. He said they would also install new landscaping around the pavilion, on the edge of the parking, and on each side of the restroom. He said they would also put in new irrigation and fix the current irrigation. He said they would modify the existing handicap spaces by moving them slightly and they would widen the concrete ramp-up for deliveries. He said there would also be some new sidewalks added. He commented that the phase one playground had been completed.

DRC Comments:

Richard Nixon had no comments.

Kevin Wilson had no comments.

Dan Topp asked that they include a landscape requirements chart which showed the percentage of native and non-natives. He said there was a requirement of 20 square feet of interior landscaping for each parking space which he said should be included in the chart as well as on the plan. Mr. Topp handed him a copy of the applicable section of the Code.

Andy Dietz provided the following comments:

-Advised that much of their design occurred within the right-of-way, primarily with the parking along N.W. 62th Avenue. He said the current design of the angled parking would have people backing out into the right-of-way although it was designed as if it were on private property. He asked that they modify the design to push it back into the property and eliminate the condition. He said there was a good amount of open space north of the property that could be a possible alternative location for parking. He gave Mr. Pena a copy of Table P [(Section 33.2 (B))], and referenced Section 23-6A(6) of the Zoning Code.

-Asked for a clear illustration of the 25-foot site triangle that existed at the entrance/exit of the parking driveways with respect to its location relative to the right-of-way as well as to any landscaping, particularly if they relocated the parking. He said the design of the driveways along N.W. 62 Avenue were really wide with the southern driveway shown at 46 feet and northernmost at 49 feet. He said Code limited the width to 40 feet for two-way driveways and 14 feet for one-way driveways. Mr. Pena asked if a variance would be needed.

Michael Jones said a variance was an option. He said Parks and Recreation's recommendation was to not move the parking lot closer to the structure where the children were playing. He said they would seek a variance through the Board of Adjustment if necessary. He said the driveway entrance could be narrowed. He said another option they considered was to come off the existing parking lot but it would result in the loss of two paid parking spaces. He said that parking would also serve as an overflow into the community centers where there was currently limited parking for the private rentals they had for the community. Mr. Jones said the plan before them showed the best location for parking currently, so they would gladly go before the Board of Adjustment for a variance.

Abidemi Ajayi advised that Broward County approval would be needed as well as a stormwater license, noting that they would not be required to use the Health Department since they were only providing water service. He said a striping plan would also be required which included stop bars and stop signs at the exits. He referenced sheet C-4, and asked the reason they planned to

install an additional meter. Mr. Pena responded that it was something the civil engineer (inaudible). Mr. Ajayi asked the basis for the finished floor for the restroom, noting that it was lower than the two exits in the building. Mr. Pena said he believed it was based on the 100-year flood elevation. Mr. Ajayi asked that he have that information verified.

Andrew Pinney commented that they might want to explore other angles of the parking, such as a more narrow design, if moving the parking lot inward toward the playground was not an option.

Reddy Chitepu commented that if the design for the driveways in and out of the parking lot did not allow for it to be narrowed down to 14 feet, they may want to include it as part of the variance request. Mr. Pinney clarified that the 14-foot width requirement was measured at the property line versus at the widest point.

Mr. Jones asked if R-1 was the current zoning for the subject property because he said he recalled there was going to be a comprehensive rezoning of all city parks. Mr. Pinney said the rezoning's to make the Land Use Map consistent with the Zoning map were a work in progress. He said he believed the R-1 zoning district permitted community facilities such as the one being discussed.

Mr. Chitepu asked Mr. Pena to verify whether they could use the existing water meter by tying off to the line going into the building rather than installing an extra meter as it was not foreseen there would much use of the restroom. He asked them to make sure the sewer connection was going through the covered walkway and that there would be room to access the area and put in the machinery needed to do the work. He suggested they have civil engineering look at it.

Mr. Chitepu said the item was being approved subject to the comments herein and subject to getting approval from the Board of Adjustment for the variance. He said they would be able to go for permitting once approval was received from the Board of Adjustment and sign-off had been received on the three final site plans.

ID 2017-606

2D) **DRC NO. 09-17-04** CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 31- PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; ARTICLE 1. – IN GENERAL, ADDING NEW SECTION SEC. 31-4 PUBLIC ART REQUIREMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Andrew Pinney said the ordinance was prepared by the City Attorney's office and was modeled off an ordinance in Coral Springs. He explained that the ordinance would require all development and substantial remodeling to provide public art as part of the project or to pay into a public art fund from which the City could dispense funds to provide public art.

Reddy Chitepu commented that the ordinance would require a small procedural change in the permit processing which he said he would address with the Building Director. He said if the City Commission approved the ordinance, fees would be charged to all development in the City.

There were no comments from the Development Review Committee members. Mr. Chitepu advised that the item was approved to move forward to Planning and Zoning and then on to the City Commission.

ID 2017-607

- 2E) **DRC NO. 09-17-05** CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 31 – PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS, ARTICLE 1. – IN GENERAL, SECTION 31-2 UNDERGROUND WIRING REQUIRED; EXCEPTION AND ADDING NEW SECTION SEC. 31-3 UNDERGROUND UTILITY TRUST FUND – ESTABLISHED; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
PETITIONER: CITY OF MARGATE

Andrew Pinney said the ordinance was prepared by the City Attorney's office and was modeled after an ordinance in Coconut Creek. He said the ordinance would require new development or redevelopment to either bury overhead power lines or pay an equivalent amount of money to have the section buried.

Mr. Pinney expressed concern that the definition of "substantially redevelop or reconstruct" included a modification to an approved site plan. He commented that if this ordinance were already in effect, it would have applied to all three of the site plans on that were on that day's agenda. He said the threshold might need to be looked at even though it was the same threshold that Coconut Creek used, noting it would be a policy decision to be made by the City Commission. Mr. Pinney commented that there was an exception in the ordinance whereby overhead lines of 27,000 volts or higher would be exempt from the requirements.

Reddy Chitepu commented that the other requirement in the ordinance that would apply would be for development projects that came through with substantial improvements, the definition of which was similar to that in the Florida Building Code which he said was for 50 percent of the cost. He said Mr. Pinney mentioned the other item in the requirement which applied to any site plan amendment was an issue to be brought up to the City Commission to see if they would be willing to accept only the 50 percent requirement rather than the site plan amendment.

DRC Comments:

There were no comments from the Development Review Committee members. Mr. Chitepu advised that the item was approved to move forward to Planning and Zoning and then on to the City Commission.

ID 2017-608

- 2F) **DRC NO. 09-17-06** CONSIDERATION OF AN ORDINANCE TO REQUIRE SPECIAL EXCEPTION USE APPROVAL OF ANY NEW MASSAGE SPAS, MASSAGE PARLORS, AND SIMILAR MASSAGE SERVICE TYPE BUSINESSES WITHIN THE CITY OF MARGATE
PETITIONER: CITY OF MARGATE

Andrew Pinney advised that the City of Margate was currently under a moratorium which was in effect until November, 2017, for any new massage services. He said a Workshop was held in August, 2017, with the City Commission and they indicated that they wanted tighter scrutiny over this type of use due to their unique operational characteristics and problems in the past.

He said the ordinance would give the City Commission final say on any new massage service type businesses. He said the ordinance separated massage services from personal care services so that any new businesses offering massage services must go through the special exception process which required approval by the City Commission.

DRC Comments:

Richard Nixon asked if chiropractic offices were included in the ordinance. Mr. Pinney said it would apply only if they offered massage services. He said medical chiropractic care was a different situation and it would fall under a medical office classification. Mr. Chitepu asked if there was anything in the definition that separated it from the medical chiropractic procedures that could be added. Mr. Pinney said language could be added to separate it if it were part of an office with a chiropractic license, physical therapy, or sports rehabilitation.

Mr. Chitepu said the change would be made and the item would move forward to Planning and Zoning and then on to the City Commission.

ID 2017-609

2G) **DRC NO. 09-17-07** CONSIDERATION OF AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OF ANY NEW SELF-STORAGE USES WITHIN THE CITY OF MARGATE
PETITIONER: CITY OF MARGATE

Andrew Pinney advised that the City of Margate was currently under a moratorium for any new self-service storage developments. He said the City Commission advised at the Workshop held on August 23, 2017 that there was a perceived saturation of the use within the City and they did not want any new self-service storage developments approved. He said this ordinance would strike that use from the City Code and recycle Section 3.19 in the Zoning Code to maintain certain use and operational limitations that were typically applied to previously approved developments and serve as a reference for staff to look back on the existing legally non-conforming self-service developments in the City.

DRC Comments:

There were no comments from the Development Review Committee members. Reddy Chitepu advised that the item was approved to move forward to Planning and Zoning and then on to the City Commission.

ID 2017-613

2H) **DRC NO. 09-17-08** CONSIDERATION OF AN ORDINANCE TO AMEND THE S-1 RECREATIONAL ZONING DISTRICT
PETITIONER: CITY OF MARGATE

Andrew Pinney said the ordinance revised a significant portion of the S-1 zoning district. He said the current use of "municipal parks and playgrounds" would be expanded to "municipal structures intended to provide for the health, safety, and welfare of the community" to include other public services, fire stations, police stations, and city offices. He said it also provided exceptions for municipal structures for setbacks and an increased height limitation. He stated that the proposed ordinance also amended Section 27.4 whereby minor permits in the S-1 district would no longer be required to go before the Development Review Committee (DRC).

Reddy Chitepu explained that this ordinance would correct the situation where the City currently had a fire station located on property that was not zoned to its proper use, and allow the City to move forward with its new fire station project.

DRC Comments:

There were no comments from the Development Review Committee. Mr. Chitepu said the item would move forward to Planning and Zoning and then on to the City Commission.

3) **GENERAL DISCUSSION**

Reddy Chitepu announced that Andrew Pinney had been promoted to Senior Planner effective September 5, 2017. He said Andrew would take more lead on the research and planning side while Andy Dietz and Dan Topp would focus on the zoning aspects of the department.

There being no further business, the meeting adjourned at 10:43 AM.

Respectfully submitted,

Prepared by: Rita Rodi

Reddy Chitepu
Acting Director, Economic Development Department
Director, DEES

Date: _____