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

Tuesday, January 9, 2018

10:00 AM

City of Margate
Municipal Building

PRESENT:

Reddy Chitepu, Acting Director of Economic Development/Director of DEES
Andrew Pinney, Senior Planner
Richard Nixon, Director, Building Department
Kevin Wilson, Fire Inspector
Dan Topp, Community Development Inspector
Abidemi Ajayi (A.J.), Engineer, DEES
Lt. Paul Fix, Police Department

ALSO PRESENT:

Abbas Zackria, AP, Walters Zackria Associates, agent for Broward County Board of County Commissioners
Linda Briggs Thompson, Environmental Program Manager, Broward County Parks
Earl Shaddix, Senior Project Manager, Power Secure

ABSENT:

Lt. Joe Galaska, Police Department
Ronald Eyma, Assistant Director of DEES
Jeanine Athias, Engineer
Abraham Stubbins, Utilities Inspector
Michael Jones, Director, Parks and Recreation
Director of Public Works
Margate Community Redevelopment Agency

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed was called to order by Reddy Chitepu at 10:03 AM on Tuesday, January 9, 2018, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

ID 2017-789

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

The minutes for the October 24, 2017 meeting were approved with two minor changes: Mr. Andrew Pinney, Senior Planner, requested a change on the attendance role call to update his title, as well as on page 2, bullet point # 3, which shows the text illumination requirement, he requests a change to state "size limitation restriction".

Economic Development Department

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2) **NEW BUSINESS**

ID 2017-801

- 2A) **DRC NO. 01-18-01** CONSIDERATION OF A SITE PLAN FOR THE
HERMAN AND DOROTHY SHOOSTER PRESERVE
LOCATION: SOUTHWEST 7TH COURT AND SOUTHWEST 64TH TERRACE

ZONING: CONSERVATION (CON)

LEGAL DESCRIPTION: "THE FOREST", PORTION OF PARCEL "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, PAGE 16; SUB OF SECTION 1-49-41, PORTION OF PARCEL "C", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 21, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: MURIEL THOMPSON, WALTERS ZACKRIA ASSOCIATES, AGENT FOR BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS.

Abbas Zackria, gave a presentation to explain the nature area project which is owned by Broward County. He said a presentation had been given to the City of North Lauderdale in regards to the parking, which is located in the right-of-way. Mr. Zackria stated the project involved installation of a pump and taking water from the drainage canal to rehydrate the existing wetland and to expand that wetland to supply a year-long water source. He said that the next step is to provide public visit and access the site. The site will need pathways and picnic tables as well as an elevated boardwalk and a lookout area over the wetland area. He explained that vehicle access would be along 64th in the City of North Lauderdale from the gate to access the walkway and there will be access from the pedestrian gate that goes over to the other Shooster site, which would be the extent of the development.

Mr. Chitepu mentioned a previous discussion to create a parking lot on the east side of the property that connected from State Road 7, in which he was unsure if the parking shown will be sufficient for the usage. Mr. Zackria responded about a previous plan to develop the property and provide access into the park. Development for that has not moved forward, so the County is interested in opening up this side to have available for the public. They wanted to provide parking spaces without relying on the Shooster Development. This will provide a permanent solution for access to the nature area, for the public from a public right-of-way.

Mr. Pinney spoke in regards to the Shooster's putting together a parking lot plan which was incomplete at submission. He mentioned that as soon as they do have a complete application they will proceed with a parking lot on the east side of the parcel.

Mr. Zackria stated that the Shooster plan will be on private property, whereas this plan will provide permanent access from a public right-of-way to the public park.

DRC Comments:

Richard Nixon had no comment

Kevin Wilson had no comment

Dan Topp had no comment

Andrew Pinney questioned if the site would flood on a regular basis. Mr. Zackria responded that last year they installed a pump with floats that regulates the water level in the wetlands. Mr. Pinney mentioned his concern for mosquito mitigation and/or mosquito control in this area. Ms. Linda Briggs Thompson addressed this question stating that this site has a flashy wetland, meaning that it gets water and then it dries out. When a project like this is done where they bring in water keeping it at a saturated point one of the best results of this is Gambusia, which is the mosquitofish. Gambusia will help reduce the mosquito population as opposed to what you had before. As long as the pump is working and everything is saturated you can keep the mosquitofish, which is one of the best ways to reduce mosquitos. Mr. Pinney asked if the County will stock the mosquitofish once the wetland is established. Ms. Briggs Thompson responded that the County will monitor it and if they are not getting mosquitofish in there then they will contemplate it, but most likely the wetlands will get the fish in the near future if they are not already there.

Mr. Pinney asked to include another bike rack toward the eastern pedestrian entrance for when the other parking lot is developed. He also asked if there will be additional amenities, such as informational kiosks. Mr. Zackria, answered that it is not part of this project but thinks the County will add these features as the park develops.

Mr. Pinney explained that the City of North Lauderdale will be the permitting agency for the parking spaces on SW 64th Terrace.

Paul Fix asked that since half of the project is in North Lauderdale, which is serviced by Broward Sheriff's Office, will the Sheriff's Office be patrolling the entire site. Mr. Zackria stated that the actual parcel is in the City of Margate, the only portion that is in North Lauderdale are the parking spaces. He said as far as enforcement, Broward County has security that will be monitoring once a day or once every couple of days, if there are any issues the Margate Police Department will be called, and any parking issues will be handled by the Sheriff's Office.

Lt. Fix asked if the pedestrian gate will be locked at night. Mr. Zackria stated that initially everything will remain open, but if there are any issues they will contemplate locking the park at night.

Lt. Fix questioned the hours of the park, will they be dawn to dusk? Mr. Zackria answered "yes".

Abidemi Ajayi questioned the plan with existing utilities. Mr. Zackria responded that the existing utilities will remain in place, with no plans to remove or disturb them. He then mentioned one concern he had while walking the wetland, he noticed a sewer smell. His concern is that there may be a leak in the existing system, and this will be something that will be investigated a little bit more.

Mr. Ajayi said that the current 8-inch water line will need to be capped and abandoned, to include the sewer line, which will also need to be capped and abandoned permanently. Mr. Zackria asked to confirm that this was on the east property line. Mr. Ajayi answered "yes". Mr. Chitepu said that this will need to be looked into as to how this is laid out to make sure that the water lines are looped properly, and to not have dead ends where the lines will be isolated. He

also mentioned that the City of Margate may have already capped the sewer lines, this will need to be reviewed to make certain that those are isolated.

Mr. Ajayi, mentioned the pump station has an open permit which will need to be closed out. Mr. Zackria stated that the work has been completed but will look into closing the permit.

Mr. Ajayi, noted that the North Lauderdale parking lot drains into Margate and may cause an issue later on, this will need to be discussed further. Mr. Zackria, agreed and mentioned the existing right-of-way, which they will be curbing with a catch basin and gutter, to capture the area for the parking allowing it to make its way to the wetland area. Mr. Chitepu, questioned if North Lauderdale will be handling the maintenance of the parking in the right-of-way, asking if they will be responsible for the line coming into the swale. Mr. Zackria stated that they will have a discussion between the County and North Lauderdale in regards to the maintenance. He explained that typically County staff will be maintaining that pipe, and said that they will put something formal together. Mr. Chitepu questioned if there was a storm water license for this project. Mr. Zackria answered that they have submitted to EPD and it is in process. Mr. Chitepu explained that the storm water license will need to be approved.

Mr. Chitepu said that these are some good comments from the committee which will need to be addressed and submitted with 3 sets of plans. Once the plans are signed off, it can go to permitting.

Mr. Zackria mentioned the only other issue that needs to be resolved along with the bike rack is with capping the existing utilities, and would like to set up a meeting to discuss this issue. Mr. Chitepu agreed to this request.

2B) **DRC NO. 01-18-02** CONSIDERATION OF A SITE PLAN FOR THE INSTALLATION OF A GENERATOR AT WALMART #5325

LOCATION: 5555 WEST ATLANTIC BOULEVARD

ZONING: TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC)

LEGAL DESCRIPTION: "MARGATE REALTY NO. 1," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, PAGE 42, AND "LAKEWOOD COMMERCIAL SUB," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: PATRICK EARLEY, AGENT FOR WALMART

Earl Shaddix gave a brief overview of the system to be installed, which he states will be an optional stand-by system for the entire Walmart facility, it will not be life-safety, but will back up the entire facility. He then gave the specs of the system, and stated that the intent of this is to bring an added benefit to the Walmart customer from a protection stand-point, and for the local communities to have a place during times of storm or extended power outage.

DRC Comments:

Richard Nixon stated that on the plans the generator and the sub-base fuel tank were 20 feet from the property lines. Mr. Shaddix responded "yes". Mr. Nixon questioned the placement of

the generator in the parking lot where there is existing parking. Mr. Shaddix responded that there are currently 5 parking spaces that will need to be taken up to make this facility work. He said this layout will require them to take those 5 parking spaces and that they will still be 20 feet from the property.

Mr. Nixon mentioned that they will need to get both an electrical and mechanical permit through the Building Department.

Kevin Wilson had no comment

Dan Topp commented that there are 3 dumpsters that are not in enclosures, that are labeled organic, as well as 4 trailers (from tractor trailers) and 2 cargo containers that are currently stored behind Walmart. He stated that these are considered outside storage which are prohibited in the City of Margate.

Andrew Pinney wanted to clarify on Mr. Topp's comment, saying that the application that is being reviewed today is an amended site plan, and in the city code it states that when you file an amended site plan the city has to verify that the property has all the proper dumpster enclosures. He stated that Mr. Topp found 3 behind the property, and that those will need to be removed or enclosures will need to be built. He said that the tractor trailers and the storage containers will have to go because those are not allowed. Mr. Pinney has no objection to Walmart using the 5 parking spaces because there is more than enough parking by code. He asked that since the generator is a back-up generator will it only be running during time of power outages. Mr. Shaddix replied that the generator will run if called on by FPL for an overall system demand. Mr. Pinney stated that if it does run during a non-emergency situation, it will have to abide by the city's noise code. He stated that he will follow up with Mr. Shaddix to give him the code.

Mr. Shaddix asked for clarification in regards to Mechanical, and what was to be permitted. Mr. Nixon, responded that it will be needed for the installation of the fuel tank, because an electrical contractor is not licensed to install fuel tanks in the State of Florida.

Mr. Pinney informed them that this location will not be required to have a screening hedge, because there is no exposure to the right-of-way.

Paul Fix asked if the double wall tank was rated for any impact. Mr. Shaddix responded "yes" and he stated that it will have bollards.

Abidemi Ajayi mentioned the pad that will be going around a manhole of a sewer line and suggests that they to superimpose this on the utilities plan submitted to make sure that this is not in conflict with any water or sewer. Mr. Shaddix showed another drawing which shows that they are west of the manhole. Mr. Ajayi stated that the entire area has both drainage and water lines.

Mr. Chitepu said that there are some minor comments which will need to be addressed and resubmitted with 3 signed and sealed site plans to the Planning and Zoning Department. Once the plans are signed off, it can then go to permitting.

2C) **DRC NO. 01-18-03** CONSIDERATION OF AN ORDINANCE TO BAN MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES
PETITIONER: CITY OF MARGATE

Andrew Pinney provided background and a timeline on the item. In November, 2016, he said Florida voters approved an Amendment to the Constitution to allow medical marijuana in Florida. In the summer of 2017, the Florida Legislature passed a Senate bill that provided regulation for the medical marijuana dispensaries and growers. He said that part of the Senate bill included preemption to local governments which gave them the option to either ban medical marijuana dispensaries in their city or, if they chose to allow them, they had to allow them under the same rights and restrictions as a typical pharmacy. After several workshops with the City Commission and discussions at City Commission meetings, a Special City Commission meeting was held on December 12, 2017, where a resolution was passed that banned dispensaries in the City of Margate. He said the ordinance included language that states that there would be no other process, i.e., variance or special exception, to allow them. He said if the commission were to change its mind, the only way to bring dispensaries into the City would be to rescind the ordinance.

DRC Comments:

There were no comments made by any of the committee members.

Reddy Chitepu advised that the ordinance would move forward to the Planning and Zoning Board and the City Commission.

3) **GENERAL DISCUSSION**

There were no comments.

There being no further business, the meeting was adjourned at 10:33 a.m.

Respectfully submitted,

Prepared by: Melissa M. Miller

Reddy Chitepu
Acting Director, Economic Development Department
Director, DEES