



City Commission

Mayor Arlene R. Schwartz
Vice Mayor Anthony N. Caggiano
Lesa Peerman
Tommy Ruzzano
Joanne Simone

City Manager

Samuel A. May

Interim City Attorney

Goren, Cherof,
Doody & Ezrol, P.A.

City Clerk

Joseph J. Kavanagh

REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE MINUTES

Tuesday, November 13, 2018

10:00 AM

City of Margate
Municipal Building

PRESENT:

Robert Massarelli, Director of Development Services
Andrew Pinney, Senior Planner
Richard Nixon, Director, Building Department
Lt. Ashley McCarthy, Police Department
Abidemi Ajayi (A.J.), Engineer, DEES
Diana Scarpetta, CRA Project Specialist
Dan Booker, Fire Chief
Dan Topp, Community Development Inspector
Alberto Torres-Soto, Senior Engineer, DEES

ALSO PRESENT:

Pedro Stiassni, Engineer, DEES
Imtiaz Ahmed, P.E., President, Atlantic Engineering Services
Darren Vega, C.O.O., GI of Margate, LLC

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed was called to order by Robert Massarelli at 10:12 AM on Tuesday, November 13, 2018, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) APPROVAL OF MINUTES

ID 2018-208

- 1A) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON AUGUST 14, 2018.

Minutes for the August 14, 2018 were approved as written.

2) NEW BUSINESS

ID 2018-570

- 2A) **DRC NO. 11-18-01** RECONSIDERATION OF A REPLAT OF 8.113 TO CONVERT A PORTION OF A SHOPPING CENTER TO 220 UNIT APARTMENT COMPLEX
LOCATION: 5203 COCONUT CREEK PARKWAY
ZONING: TOC-C CORRIDOR

Development Services Department

901 NW 66th Avenue, Margate, FL 33063 • Phone: (954) 979-6213
www.margatefl.com • dsd@margatefl.com

LEGAL DESCRIPTION: A PORTION OF PARCEL "A" OF "CENTRAL PARK OF COMMERCE", ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 119, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: ANTONIO QUEVEDO OF HSQ GROUP, INC. FOR ROBERT CAMBO OF ALLIANCE XVI, LLC

Tony Quevedo with HSQ introduced himself to the board and explained that this is now the third submittal of this project in front of DRC. He explained that this is the redevelopment of the existing portion of a shopping center located at the Northwest corner of Banks Road and Coconut Creek Parkway. He stated that this current submittal addresses the comments from both the County and the City.

Mr. Massarelli asked Mr. Quevedo to give a summary of the County's comments. Mr. Quevedo responded that the County requested them to address the entrance at the northeast corner of the property. He stated that according to the site plan that was originally submitted, it showed the main access off the existing fifty (50) foot access in the northeast corner of the property. He went on to say that they provided an access point to the existing school therefore moving the main access point off of Coconut Creek Parkway, and created an exit only.

Mr. Massarelli asked if the new plat goes through an existing building, at the western plat line. Mr. Quevedo responded that a portion of the building will be demolished, clarifying that it is around forty (40) to fifty (50) feet remaining. Discussion ensued.

Mr. Massarelli asked if the main access is being dictated by the county? Mr. Quevedo responded "no", stating that based on the number of units and the existing turn lane it just made sense to have it at the western most limits of the property. Mr. Massarelli asked if by plat will this be designated as the access point? Mr. Quevedo responded "yes". Mr. Massarelli stated that this will now violate City Code about distance between driveways.

Mr. Andrew Pinney, Senior Planner clarified that per the City Landscape Code Section 23-6 which requires at least a two-hundred (200) foot separation between the driveways. He also said that the TOC Code requires that when a property is redeveloped that the access points are closed off through the main road and properties are accessed through the rear alleyway connection. Mr. Quevedo responded that this has never been a comment in the past, and has done everything that staff has asked of us, he said that he is willing to address the access points.

Mr. Massarelli asked why is there no utility easement on the west property line. Mr. Quevedo responded that there are no water and sewer utility then stated that one has not been requested. Mr. Massarelli asked staff if the City requires utility easements on all the property lines? Mr. Abidemi Ajayi, Senior Engineer responded that it depends on where the water mains are located; stating that when the city installs a new water main, this is when a utility easement is required. He clarified that if a new water loop around the property is installed then it will require a water and sewer easement.

DRC Comments:

Andrew Pinney made the following comments:

- Notate on the fifteen (15) foot utility easement along Coconut Creek Parkway as a utility and roadway/sidewalk on the easement.
- Notate the connectivity on the plat of the two (2) vehicular access points into the next property.
- Correct concurrency report to state the correct acreage of the property.
- Correct the ownership information to reflect the current owner on the plat.
- Exhibit 1 needs to be updated with current property owner information.

Mr. Pinney further explained the process with the re-plat, which will be reviewed by the Planning and Zoning Board as well as City Commission. He stated that once the resolution has been approved this will be the letter which is given to the County for the re-plat.

Alberto Torres made the following comments:

- Concurrency report needs to reflect the correct value of the water surface elevation of the canal.
- The existing (West Broward) permit from Broward County for the surface water management license has a notification of potential enforcement issued by the County on July 27, 2018. This will need to be resolved.
- Keep the easements that show both the water and sewer that will remain on site.
- Traffic study which is from 2013 needs to reflect the 2017 Florida Traffic Online data.
- Require correspondence from the City of Coconut Creek as previously requested.

Robert Massarelli stated that with no objections from the board the comments from this project will need to be responded to by the petitioner. He stated that once they are received the item can be placed on a Planning and Zoning meeting agenda.

ID 2018-573

2B) **DRC NO. 11-18-02** RECONSIDERATION OF A SITE PLAN FOR MARQUESA TO DEVELOP 8.113 ACRES OF A SHOPPING CENTER TO 220 UNIT APARTMENT COMPLEX
LOCATION: 5203 COCONUT CREEK PARKWAY
ZONING: TOC-C CORRIDOR
LEGAL DESCRIPTION: A PORTION OF PARCEL "A" OF "CENTRAL PARK OF COMMERCE", ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 119, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: ANTONIO QUEVEDO OF HSQ GROUP, INC. FOR ROBERT CAMBO OF ALLIANCE XVI, LLC

Mr. Robert Massarelli, Director of Development Services stated that his concern with this project is that it is not consistent with the City's Comprehensive Plan and the Zoning Code. Mr. Antonio Quevedo responded that this is not the direction that he has been told from the beginning. Mr. Massarelli said that it is important the he states all his concerns while relying on the rest of the committee to give guidance on how to proceed.

Mr. Massarelli explained that the TOC in the Comprehensive Plan Land Use Designation, is to encourage mixed-use development. He stated that by putting a fence around this project the intent of mixed use is not met. In addition, there is no connectivity to the adjacent commercial and surrounding areas. He said that the TOC is very clear on

moving the building frontage to the street, and having the connectivity to the street, public transit and sidewalks. He explained that on Coconut Creek Parkway the building is toward the street, however there is a fence to block it which has no connectivity between the buildings and the street. The buildings along the west side of the property are against the property line but has no connectivity between the building and the commercial area. He stated that the project does not meet the intent and/or desires of the TOC. Mr. Massarelli said that a way to correct this is to eliminate the fence and the wall. Mr. Quevedo responded to this saying that at the direction of city staff his client was told he had to do this.

Mr. Massarelli said the intent can be accomplished but with a different layout.

DRC Comments:

Richard Nixon stated that his comments from the last time has not been addressed in regards to handicap parking for the amenities. Mr. Quevedo responded that handicap spaces were provided for at the clubhouse. Mr. Nixon mentioned the other common areas. Mr. Quevedo stated that they meet the handicap requirements per the ADA code, stating that there is a minimum amount of handicap spaces that are required. Mr. Nixon stated that the amenities are supposed to be accounted for, such as the trash compactor, tot lot and dog park. Mr. Quevedo said that they will look into that and convert some of those into handicap spaces.

Dan Booker commented that most of the previous concerns from have been addressed. He then added that on the site plan the fire department connections (FDC) need to be within fifty (50) feet on the hydrants, explaining that in a few locations the hydrant is across the roadway from the FDC. He requested that they are placed on the same side of the street as the hydrant. Mr. Booker commented on the satellite imagery of the new entrance on Coconut Creek Parkway, saying that an emergency vehicle would not be able to make a U-turn on Banks Road to get into that entrance. Mr. Quevedo responded that he will go to the County to ask for a curb cut for fire access.

Dan Topp made the following landscape comments, as well as gave a copy to the petitioner:

- Include percentage of natives in the landscape calculation chart per 23-5(A)(1) of the Margate code of ordinances.
- Indicate on the landscape calculation chart the 6 shrubs and 1 category 2 tree required for each unit per 23-11(B).
- Indicate on the landscape calculation chart the required interior landscaping within vehicular areas per 23-8. Trees were included but not shrubs and ground covers.
- Verify that the ten (10) foot landscape strip required along Coconut Creek Parkway and Banks Road includes at least fifty (50) percent ground cover in areas that do not have trees or shrubs. Include these requirements on the landscape calculation chart.
- An Urban Greenway is required along Coconut Creek Parkway and Banks Road with an eight (8) foot planting strip and amenities including benches, public seating, waste receptacles, and bike racks are required per 23-6(B)(2). Include these requirements on the landscape calculation chart.
- A twenty (20) foot sidewalk is required along Coconut Creek Parkway and Banks Road per 9.7(O)(2) of the Margate zoning code.
- Minimum interior landscape dimension is 7'-0" per 23-8 (A). Some islands appear to be narrower than that.

Andrew Pinney commented on the recent amendment to the TOC Land Development regulations which were adopted in September of 2018, via Ordinance 2018-1500.645. He explained that this ordinance made the following changes from the site layout to the parking requirement, open space calculations, including changing the classification of TOC residential from permitted use to a special exception use. Mr. Pinney stated that based on the advice from the City Attorney and because the application dates back to 2017, the code from 2017 will apply to this project. Clarifying that the residential will be looked at as a permitted use as well as the old parking requirements, which means all the requirements from the old code will need to be satisfied. Mr. Pinney stated that the gate on Coconut Creek Parkway will need to show vehicle stacking. He mentioned the driveway on Coconut Creek Parkway asking to show the distance to the next driveway over. He asked if the mail delivery will be a centralized kiosk or will it be building by building? Mr. Quevedo responded that the mail kiosk will be incorporated into the clubhouse. Mr. Pinney commented on the sidewalks to the buildings and connections to the public sidewalks, he mentioned building two (2) and asked to provide a more direct route to assist the residents in navigating the property a little better. He then mentioned the site plan, explaining that historically the City waits for the plat to be approved and recorded prior to sign off on final site plan, stating that it will affect the timing of this approval. Mr. Quevedo asked for clarification on the site plan. Mr. Pinney responded that the site plan is staff level only. Mr. Quevedo then asked if they could work on these changes and still proceed forward with the plat. Mr. Pinney answered "yes".

Mr. Pinney wanted to ask that upon approval of the project that the amenities are complete prior to Certificate of Occupancy of the buildings. Mr. Quevedo responded that this can be a condition of site plan approval.

Abidemi Ajayi asked the following questions of the petitioner. He asked the purpose of abandoning the water main on Banks Road? Mr. Quevedo responded that it is based on where it falls, saying that it falls close to the green ways and the planting, and under the sidewalk. Mr. Ajayi then asked about the line that is parallel to Coconut Creek Parkway, wanting to know why that line is being removed. Mr. Quevedo responded that with the comments that were received today this may now be brought in internally. Mr. Ajayi stated that this may need to be re-evaluated again, he would prefer not to abandon any water lines. Mr. Quevedo responded that they will take a look at it and if they can leave it, they will.

Mr. Ajayi stated that impact fees will apply for all the buildings and the pool.

Mr. Andrew Pinney wanted to add an additional comment: He stated that there are two access points into the charter school property to the west and asked the petitioner if it was their intent to share parking and access to those sites? Mr. Quevedo responded "no", clarifying that according to the traffic calculations, there is enough parking to meet code. Mr. Pinney asked to notate that information on the final site plan.

Alberto Torres made the following comments:

- Need to close out the surface water management license.
- Need to correct calculations, currently shows use of Flatwoods instead of depressional soils.
- Show all elevations around the property lines, showing the cross-sections and swales.
- Need fourteen (14) yards per week for recycling. Will need to be shown on the layout.

Diana Scarpetta had no comment.

Ashley McCarthy had no comment.

Robert Massarelli told the petitioner that he is willing to meet with him to discuss concerns and see how they can be worked out to move forward. Mr. Quevedo agreed stating that he will begin to address the comments and will schedule a meeting with staff.

ID 2018-594

- 2C) **DRC NO. 11-18-03** CONSIDERATION OF A SITE PLAN FOR THE NEW CONSTRUCTION OF A 2,137 SQUARE FOOT POPEYE'S CHICKEN RESTAURANT

LOCATION: 830 SOUTH STATE ROAD 7

ZONING: TOC-C

LEGAL DESCRIPTION: A PORTION OF TRACT "B", SERINO PARK SECTION 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: DARREN VEGA, C.O.O., GI OF MARGATE, LLC

Darren Vega, introduced himself to the board, stating that he is asking for consideration of a new Popeye's Louisiana Kitchen in the City of Margate.

DRC Comments:

Richard Nixon commented on the walk-in cooler, which is currently located outside of the building, making sure that zoning was aware and asking that the cooler be UL Listed.

Dan Booker, has no comment

Dan Topp, had the following comments in regards to the landscaping:

- Please provide a landscape calculation chart that includes the following: interior landscaping, trees and shrubs that are inside the property.
 - Spacing of Category 2 trees at a number of locations needs to be adjusted, requirements are 18-feet apart.
 - Landscape requirements along each frontage need to be addressed.
- Mr. Topp suggested a meeting with the landscape architect to go over these comments in more detail.

Andrew Pinney, had the following comments:

- Site Plan is showing an exterior door on the west side of the dining room with no landing or sidewalk connection.
- The City of Margate's Landscape Code identifies a pedestrian zone which consists of a four (4) foot foundation planting with an eight (8) foot walk on the sides of building for pedestrian/customer use. This amenity must be provided on the east, south, and up to the drive-through window on the west side of the building's current layout.
- Parking calculations are incorrect. Margate requires one (1) parking space for every 30 square-feet in rooms for customer service. The dining area currently shows eight-hundred and ninety-five (895) square-feet, which will then require 30 parking spaces.
- Bike rack is required by code; location must be highly visible.
- Five (5) foot sidewalk on east side of building which leads out to double-drive through lanes does not offer connectivity, will need to address to offer connectivity.
- Clarify on Site Plan curb lane divider symbol.
- South side of building sidewalk will need to connect sidewalk to SW 8th Court.

- Delineate vehicle reservoir areas for the drive through.
- NW corner parking area encroaches into State Road 7 right of way landscape buffer, will need to have at least ten (10) feet of landscaping.
- Landscape Plan using same symbol for different trees, will need to correct.
- Sidewalk enlargement on State Road 7 no longer allowed additions, will need to replace with a continuous pour.
- Address the following on the landscape table: calculation for interior landscaping, TOC street trees, identify category 1 and 2 trees, maximum sod percentage calculation.
- Show rain switch location on irrigation plan.

Andrew then asked Mr. Vega what the proposed hours of operation will be? Mr. Vega answered that Popeye's will open at 10:00 a.m. and close at midnight, he clarified that the drive through will close at midnight and the lobby will close either 10:00 and 11:00 p.m. Mr. Pinney stated that with those operating hours Popeye's will require a photometric plan at light level two (2), which requires a minimum of 2.0-foot candle, this will need to be addressed on the plan.

Mr. Pinney continued with the following comments:

- Walk-in freezer which will be located outside the restaurant, will need to be addressed with a special exception.
- Building elevation shows outdoor speakers, asked for clarification on what the speakers were for. Mr. Vega answered that they are for music.
- Signage shown on site is conceptual only, additional details will need to be submitted and will be required as a separate permit from the buildout.
- Code allows one drive through menu sign per establishment, plan shows a double drive through layout therefore a sign waiver will need to be approved by the Board of Adjustment.
- Traffic Study will need to show a level of service analysis, will also need to correct the driveway location.
- Underground wiring waiver will need to be provided by a State Licensed Professional Engineer qualified with respect to utility issues, Mr. Pinney asked for the Engineer of record to explain his qualifications with utility issues. Mr. Imtiaz Ahmed, P.E., President of Atlantic Engineering Services addressed Mr. Pinney's question with the following response. He stated that he has done several projects within the State of Florida, and has encountered these kinds of issues. He stated that he has done extensive research for this project and this is how he came up with this letter. Mr. Pinney asked if the projects involved underground with existing transmission lines? Mr. Ahmed answered "no", clarifying that he has only done one undergrounding project during his experience, stating that is was of similar scope.

Mr. Pinney continued his comments stating that this property (830 S. State Road 7) is part of the Nuvo Storage planned commercial development; in which the code requires that the exterior colors, façade, windows, roof, and architectural treatments and features and building materials of all structures shall be compatible and complimentary with the character of the surrounding area. Mr. Pinney said that the Popeye's Restaurant stands out on his own and asked the owner to respond to this. Mr. Vega responded that if they need to change the colors he would have to get approval from Popeye's, however he does not believe that it stands out. Mr. Pinney asked if there were any other architectural features that carry over from Nuvo to this building. Mr. Vega stated that he is unsure and that he may be able to get Popeye's to change some color schemes.

Abidemi Ajayi made the following comments:

- Revise the plans to show what water improvements are currently proposed and what has been completed by Nuvo.
- Impact fees will apply; fees are based on the number of seats in the restaurant.
- On drainage plans remove drainage pipes and catch basin.

Alberto Torres-Soto made the following comments:

- Grading plan needs to be revised, currently effecting the right-of-way on the east side of property.
- Need to clarify man-holes versus catch basins on plan.
- Drainage calculations need to be revised and updated.
- Recommends meeting with Broward County.
- Execute with FDOT sidewalk easements.
- Easement for water meter required.

Diana Scarpetta discussed the CRA Business Incentive Grant for new businesses which is a matching grant up to \$25,000.00. She stated that she will be glad to give the information if there is an interest in applying.

Alberto Torres-Soto had an additional comment for the petitioner in regards to how the entrance and exit will work, mentioning the alley which is a one-way only. Mr. Vega stated that the alley is blocked off with petitions. Mr. Ahmed responded that they are not changing anything with the access, clarifying that they are using the same site plan. Mr. Torres asked if they are modifying, in which Mr. Vega responded "no".

Ashley McCarthy had no comment.

Robert Massarelli commented on the dumpsters, stating he would like a diagram showing how the trucks will line up to them. Mr. Vega responded that the dumpsters were already built by Nuvo, and is a part of the site plan. Mr. Massarelli asked if the stop-bar is existing? Mr. Vega said no. Mr. Massarelli asked for clarifications on the stop-bar as well as the elevation of the access point, and how it will be transitioned. Mr. Massarelli then discussed the parking along the eastern most point of property, asking to show the two-way flow for traffic along the parking area. He then addressed the issue with the two drive-ups, stating that the sidewalk appears to provide access to the customers who are parked on the northern-most side and to the dumpsters. He would recommend a striped-pedestrian access with signs stating "do not block" for safe access through that area. He also requested to show stacking at order boxes. Mr. Massarelli stated the location of the building is in violation of Policy 13.11 of the Comprehensive Plan, where the building shall front the street with a zero or minimum set-back as required per the land development regulations. In addition, streets both internally to and adjacent to the TOC shall be designed to discourage isolation and provide connectivity. Mr. Vega stated that he had thought the code was changed on the set-back of the street? Mr. Massarelli clarified that the Comprehensive Plan governs, stating that the building is currently isolated from the roadway. He said that the pedestrian sidewalk coming from the road needs to be addressed showing striping to show how to

get across as well as a stop sign or yield sign. He went on to say that with the double exit, his concern is with the site triangle of the northern lane and the vehicle parked in the first parking space, there is no visibility to see oncoming traffic. Suggesting that the double exit can be eliminated and making it a single exit. Mr. Massarelli mentioned the comment on the architecture being consistent with the other project, telling the petitioner that this is something that will have to be done and to refer to the color palette to comply. He stated that a variance can be requested, however a hardship would have to be explained.

Mr. Massarelli then stated that there are still many items that need to be addressed and that his recommendation is to make those changes and to resubmit for approval at a future DRC meeting.

ID 2018-597

- 2D) **DRC NO. 11-18-03** CONSIDERATION OF A SPECIAL EXCEPTION FOR THE NEW CONSTRUCTION OF A 2,137 SQUARE FOOT POPEYE'S CHICKEN RESTAURANT WITH A DOUBLE DRIVE-THROUGH
LOCATION: 830 SOUTH STATE ROAD 7
ZONING: TOC-C
LEGAL DESCRIPTION: A PORTION OF TRACT "B", SERINO PARK SECTION 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: DARREN VEGA, C.O.O., GI OF MARGATE, LLC

DRC Comments:

Mr. Pinney commented that this application is specific to the use of a drive-through. He discussed compatibility, mentioning the single family homes that are to the east of the property. He stated that his concern is with the pitch of the menu board in which those homes may get a lot of noise from both the speakers and the traffic. Mr. Vega stated that the speakers point to the north as well as volume and decibel levels which can be adjusted. Mr. Pinney said that his concern is the fact that there is no substantial buffer between the property and the houses. Mr. Pinney continued with the following comments, referring to Policy 13.5 which states that drive-through facilities are discourage unless designed in a manner to encourage pedestrian and transit usage or strategically located interior to the TOC, preserving the street scape and consistent with the adopted State Road 7 Master Plan. He said that his concern is with consistency within that policy. Mr. Vega answered that they only have a single drive-through lane, this is just a flow-through lane, it is a double order taker for traffic flow, stating that it is a "Y". Mr. Pinney asked how the "Y" is designed to encourage pedestrian and transit usage. Mr. Vega answered that 75 % of the business is done through the drive-through, it is to help the flow of the traffic while speeding the flow up. Mr. Vega asked if staff had a recommendation for this. Mr. Pinney stated that he would recommend a redesign of the site with that layout. Mr. Pinney went on to discuss Policy 13.11 which states design features shall be required that promote and enhances pedestrian mobility, including connectivity to transit stops and stations. He referenced the five (5) sidewalk that dumps into a twenty-four (24) foot wide double lane which will need to be addressed and redesigned. He went on to discuss Policy 13.12 which refers to the internal pedestrian and transit amenities, stating that this will need to be addressed and incorporated when laying out the site. Mr. Pinney asked to provide a new justification statement, along with a copy of the market study; as well as to provide an analysis as to how the level of service is met with this development.

Diana Scarpetta had no comment

Abidemi Ajayi had no comment

Ashley McCarthy had no comment.

Robert Massarelli commented that he is in agreement with Mr. Pinney in regards to the Comprehensive Plan, stating that this will be a major part of the staff report for consistency with the plan. He recommends that the plans be revised and resubmitted along with a new justification statement, prior to sending this to the Board of Adjustment.

3) **GENERAL DISCUSSION**

No comments from the board.

There being no further business, the meeting was adjourned at 11:53 AM

Respectfully submitted,

Prepared by Melissa M. Miller

Robert Massarelli
Director of Development Services

Date: _____