



INTEROFFICE MEMORANDUM FROM THE DEVELOPMENT SERVICES DEPARTMENT

TO: City of Margate Planning and Zoning Board

FROM: Robert Massarelli, AICP, Director of Development Services

DATE: May 7, 2019

RE: Commercial Redevelopment Approval Process

Introduction

At the May 1, 2019 City Commission meeting, the City Commission directed the Planning and Zoning Board to review the approval process for commercial redevelopment projects and to make recommendations to the City Commission as to what changes, if any, should be made to improve the process.

Background

The direction from the City Commission is in response to a request by Mr. Armand Daiguillon. Mr. Daiguillon is proposing a new movie theater to be called Paradigm Cinemas in Margate and has expressed frustration regarding the review and approval process that he is required to do in order to open a theater. He has proposed several code changes to address his concerns (attached).

Staff's Review

Margate is essentially built out. The old approach of the Comprehensive Plan and City Codes, based on greenfield development, is no longer applicable to Margate. That is why we are calling the rewrite of the Comprehensive Plan, Margate 2.0. The focus of the plan is on redevelopment.

As the staff works on the Comprehensive Plan and looking ahead to rewriting the City Code, we are researching how to deal with the redevelopment of existing built up properties, rather than working from a blank slate. The proposed Paradigm Cinemas is a prime example of this issue. If this project was included in a proposed shopping center, the parking requirements, drop-off and pick-up zones, landscape, lighting, dumpster location and enclosure, and many other factors would be considered as part of the whole. However, what we have is a proposal to incorporate a

new and different use into an existing shopping center. This is nothing new, the staff deals with this situation at least once a week, if not more frequently. Due to the nature of his proposal, we are looking at an increase in the project's impacts. We are trying to figure out how to get 10 pounds of sugar into a 5-pound bag.

It is important to remember, that under the redevelopment scenario, which the City is now under, each shopping center site is unique. This includes where buildings, utilities, driveways, irrigation lines, and easements are located. What works on one site may not work on another. A totally new way of reviewing and approving changes to site plans needs to be considered.

Current Process

On average, there are approximately 206 new business in Margate each year. All sites with a new Local Business Tax Receipts (LBTR) for new businesses are required to be reviewed and inspected. The inspection could include the Building (multiple inspectors), Fire, Health, and Development Services Departments. In some cases, new businesses are required to go through this review prior to apply for the LBTR. The level of detail that is required will vary from project to project.

During the review process not all businesses are approved. Some are denied because they are not a permitted use in the area. Others may fail due to building code issues. There are times when an applicant is not aware of all the improvements that may be required due to code requirements and decide not to proceed due to the unanticipated cost.

It is important to understand the difference between a "change of use" and a "change of occupancy". A "change of use" is when one changes the business from one use as defined by the Zoning Code to another. It is a zoning issue. An occupancy classification is a Florida Building Code term and with very broad definitions. The Florida Occupancy Classification is attached.

When there is a change of use, parking may become an issue. The code requires all building permits provide a plan for parking.

The code requires when there is a change in occupancy, a plan for landscape and irrigation and a photogrammetric plan shall be provided to the Development Review Committee. In addition, dumpster enclosures shall be brought up to code.

While it is not specifically stated in the code, it appears that these requirements are intended to bring the site plans up to the current code over time. Without such a provision, site plans would not be required to meet new standards.

Since 1991, there has been an average of 5 change of occupancy applications processed each year by the city. While we do not know how many businesses have decided not to go through this process, it has not been a barrier to many.

Possible Approach

Conceptually, at this time, the staff is considering an approach where a set of performance standards are established. These would address topics such as lighting (for public safety), xeriscape landscaping (environmental enhancement), parking (to avoid nuisances), traffic circulation including drop-off and pick-up (for public safety), dumpster enclosures (for public health), and sustainability. Rather than setting minimum standards, a proposal would be scored for each of the performance standards and a minimum average score would be required for the project to be approved. Under such a system, the City would set the priority items it wants addressed in redevelopment and the applicant would have the flexibility on how they meet the required average score.

Going Forward

Some of the questions which need to be answered in moving forward include:

- As shopping centers are being redeveloped, what does the City want to accomplish? Bringing the center up to date to the current code? Just focusing on certain aspects? If so, which ones? Before proceeding with any other item, it is important that the intent is clearly articulated.
- Who should the applicant be, the property owner? The tenant? Both?
- In regards to parking, should adequate parking for each tenant be provided? Or should an overall parking standard for retail shopping centers, which is less than what is required for each individually, be used? A trend in parking management is the elimination of parking minimums and let the property manager decide what parking is needed for their tenants. (See “The High Cost of Free Parking” and “Parking and the City” or other work done by Donald Shoup.) Is that something to be considered?
- If there is not adequate parking within a shopping center for the existing and proposed use, is share parking ok? Only within the shopping center parking lot or can it include parking lots within x number of feet?
- How will share rides (Uber and Lyft) impact parking demand? How will they impact the need for drop-off and pick-up needs?

- Related to parking is the requirement for loading zones. The Code currently requires each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning establishment or similar use to have a loading zone. The number of loading zones depend on the size of the business in square feet. Should a shopping center have the ability to have shared loading zones? Where should a loading zone be located?

Summary

Due to the extremely limited time to prepare this memo (less than a few hours), there are many other issues that need to be considered in this evaluation. Usually, the staff will prepare a PowerPoint presentation to explain in more detail what the issues are and to provide real live examples of those issues.

It is recommended that the Planning and Zoning Board start a discussion regarding commercial redevelopment and what the City wants to accomplish during the redevelopment process. The staff will work on providing more information regarding the technical aspects of redevelopment for the Board to consider in future meetings.