



INTEROFFICE MEMORANDUM FROM THE DEVELOPMENT SERVICES DEPARTMENT

TO: City of Margate Planning and Zoning Board

FROM: Robert Massarelli, AICP, Director of Development Services

DATE: July 16, 2019

RE: Commercial Redevelopment Approval Process

Introduction

At the May 1, 2019 City Commission meeting, the City Commission directed the Planning and Zoning Board (Board) to review the approval process for commercial redevelopment projects and make recommendations to the City Commission as to what changes, if any, should be made to improve the process. The Board on May 7, 2019 recommended that the City Commission make revisions to the change of occupancy requirements a priority and then address the procedures. The City Commission accepted that recommendation and directed the Board accordingly. The Board considered this item at their June 3rd meeting. As a result of that meeting the staff has prepared a proposed statement of intent and four alternative ways to proceed.

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 proposed several code changes to address his concerns (attachment 1).

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 The old approach of the Comprehensive Plan and City Codes, based on greenfield development, is no longer applicable to Margate.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 (Attachment 2). It is a zoning issue. An occupancy classification is a Florida Building Code term and with very broad definitions. (Attachment 3)

When there is a change of use, parking may become an issue. The Off-street Parking section of the code list parking requirements for different uses. (Attachment 4) The City's 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. Attachment 5 is a summary of when various sections of the code were last revised.

Since 1991, there has been an average of 5 change of occupancy applications processed 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 Approaches

The staff has identified 4 possible ways to proceed. These are summarized in Attachment 6. The second column is the current condition.

Parking is a major issue and often is the most difficult to address when there is a change in parking category. The third column alternative switches the trigger from change of occupancy to change in parking category. Since a parking plan is required with all building permits, this alternative is more consistent with that requirement. Nothing else changes.

The second alternative (column four) modifies the existing procedure that only when the latest approved site plan is inconsistent with the code, is a revised photogrammetric, landscape and irrigation, and parking plan required.

The third alternative is a merger of the first two – when there is a change in parking category, the site plan needs to be updated if the current plan is inconsistent.

The problem with the three alternatives is that it limits flexibility in dealing with parking. A growing trend nationally is the elimination of minimum parking requirements. Often corporate or financing requirements establish parking requirements for a specific business. By eliminating minimum parking standards, the free market decides how parking is provided. There will still need to be standards for issues such as handicapped parking, passenger drop-off and pick-up, customer pick-up, pick-up and delivery service, autonomous vehicles, electric vehicles charging stations, loading zones, etc. A justification for the proposed parking field will be required but flexibility is provided to the property owner.