



## STAFF REPORT DEVELOPMENT SERVICES DEPARTMENT

**Project Name:** Marquesa Apartments

**Applicant:** Alliance XVI, LLC / TC MC Margate Apartments, LLC

**Project Location:** 5203 Coconut Creek Pkwy

**Application Type:** Plat with assignment of 128 flex units and 92 TOC dwelling units

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### **I. RECOMMENDATION:**

APPROVE WITH CONDITIONS

### **II. EXECUTIVE SUMMARY:**

Applicant is requesting permission to replat and redevelop 8.113 acres of an existing shopping center to a 220-unit apartment complex. Chapter 31 of the Margate Code of Ordinances require the property to be replatted. As part of the replat application, applicant is requesting assignment of 128 flex units. Chapter 31 of the Margate Code of Ordinances requires a recommendation by the Development Review Committee, consideration by the Planning and Zoning Board, with final approval to be determined by the City Commission. If approved, the application will also be reviewed and recorded by Broward County. Staff recommends a conditional approval of this application because it is generally consistent with the Comprehensive Plan and Code of Ordinances. The recommended conditions are as follows:

1. The application is subject to the findings of the Development Review Committee.
2. Provide capacity analysis of wastewater collection system, make upgrades if necessary.
3. Provide a paved connection and gate opening in the perimeter fence from Building #4 to the transit stop on Banks Road.
4. Submit a site plan application for the remaining area of the parent parcel.
5. Provide Banks Roads median improvement as depicted in this staff report.
6. Resolve Broward Surface Water License violation.
7. Resolve alternative water storage issue with Cocomar Water Control District.
8. Demonstrate consent from all Utilities prior to easement vacation.
9. Modify Non-Vehicular Access Line on Parcel A of Central Park of Commerce plat to resolve driveway spacing conflict.
10. Provide an 8ft tall masonry wall designed for a Sound Transmission Class (STC) of at least 52, installed along the north property line, and outside of the canal maintenance easement that runs along the same property line.
11. Provide improvements recommended by the City of Coconut Creek (separate document).
12. Enter into a written agreement with the City in order to coordinate and control the construction of all public facility improvements related to the project.

### **III. ANALYSIS:**

#### **1) Description.**

This portion of the staff report provides a detailed description of the subject property, areas immediately surrounding the subject property, and the application.

The subject property is the eastern 8.113 acres of the West Broward Academy/Ascend Academy property (F/K/A Saveology Plaza, F/K/A Coco Centre, F/K/A Shoppes of Coconut Creek PKWY, F/K/A Mega Mart, and F/K/A Shoppes of Central Park). This property is located at the northwestern corner of Coconut Creek Parkway and Banks Road, at 5203 Coconut Creek Parkway. To the north is a canal that divides the subject property from an existing industrial development. To the east in Banks Road with a Social Security Administration office and an income restricted apartment for senior citizens. To the south is Paramount Plaza which hosts a Florida Highway Safety and Motor Vehicles office, SunEd Charter School, and other tenants. To the west will be the reminder of the parent parcel which hosts two charter schools, Ascend Academy and West Broward Academy. The photo below highlights the subject property.





The subject property has a land use designation of Transit Oriented Corridor (TOC).



The subject property is located within the TOC-C Corridor zoning district.





The subject property is located within the Margate Community Redevelopment Agency boundary.

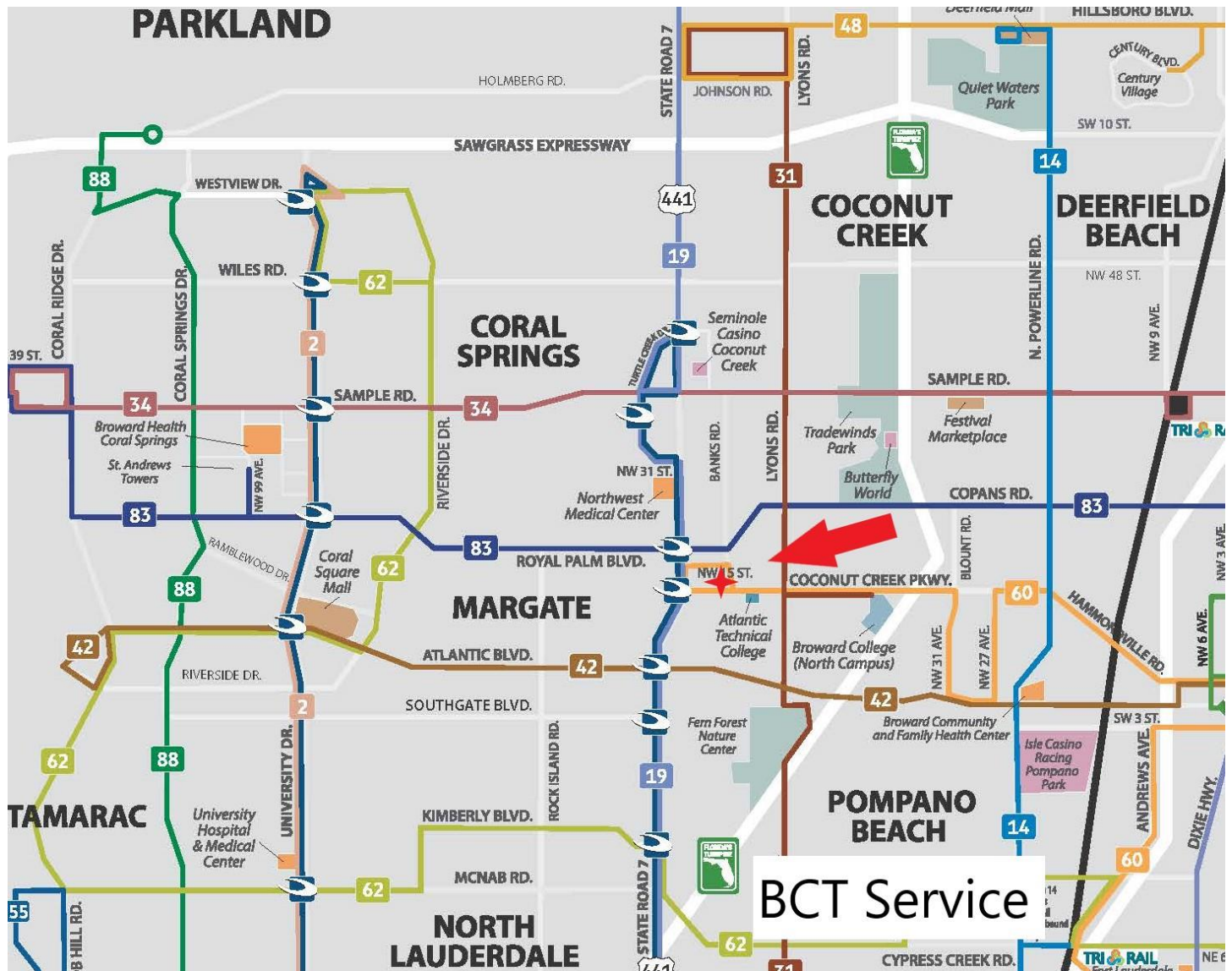


The parent parcel for this new plat is Parcel A of the Central Park of Commerce plat, as recorded in Plat Book 119, page 27, of the public records of Broward County, Florida. The remaining parent parcel will be left with roughly 10 acres if this plat application is approved, and will serve as host to two charter schools that presently exist on the property.





The subject property is directly served by Broward County Transit Route 60 and currently has transit stops on both Coconut Creek Parkway and Banks Road.



The applicant has submitted a site plan, replat application, and plat amendment to the Development Review Committee (DRC). The following is a timeline of those applications:

First submittal to DRC – May 11, 2017

DRC meeting June 13, 2017 – Site plan application considered

DRC meeting March 13, 2018 – Site plan reconsidered and plat considered

DRC meeting November 13, 2018 – Site plan reconsidered and plat recommended to proceed to Planning & Zoning Board

DRC meeting March 26, 2019 – Site plan application approval

DRC meeting May 28, 2019 – Plat amendment application (NVAL modification for Central Park of Commerce) tabled

DRC meeting June 11, 2019 – Plat amendment application (NVAL modification for Central Park of Commerce) recommended to proceed to Planning & Zoning Board

Initial issues with the site plan application focused primarily on entitlements. The applicant was requesting permission to build 220 mid-rise apartment dwelling units on a property that was previously developed as a commercial shopping center. If approved, the applicant will be demolishing 63,361 square feet of the shopping center in order to accommodate the new development. The property is included in the Transit Oriented Corridor (TOC) land use, and was rezoned by the City in 2012 to TOC-C Corridor via Ordinance RZ-2-2012. The TOC land use and TOC-C Corridor zoning district allow residential uses or commercial uses or both uses, referred to as mixed use. The TOC land use category was approved with a finite number of dwelling units that may be built within it, and further controlled the distribution of those units, such that a maximum of 300 dwelling units could be built north of the City Center. The subject property is located north of the City Center. At the time the applicant began this process 207 TOC units had already been allocated north of the City Center, leaving only 93 TOC dwelling units available.

The applicant struggled to develop a strategy to acquire the necessary entitlements on the property for an apartment complex of the size. Initially, this was going to be a phased project, with 92 TOC dwelling units used for the first phase, while approvals for later phases were pursued. Eventually, the applicant settled on requesting a combination of 92 TOC units and 128 flex units in order to achieve the desired residential density for the project. City staff confirmed with Broward Planning Council staff that the flex units could be assigned through the platting process, provided the assignment of those flex units was expressly provided on a resolution approving the plat.

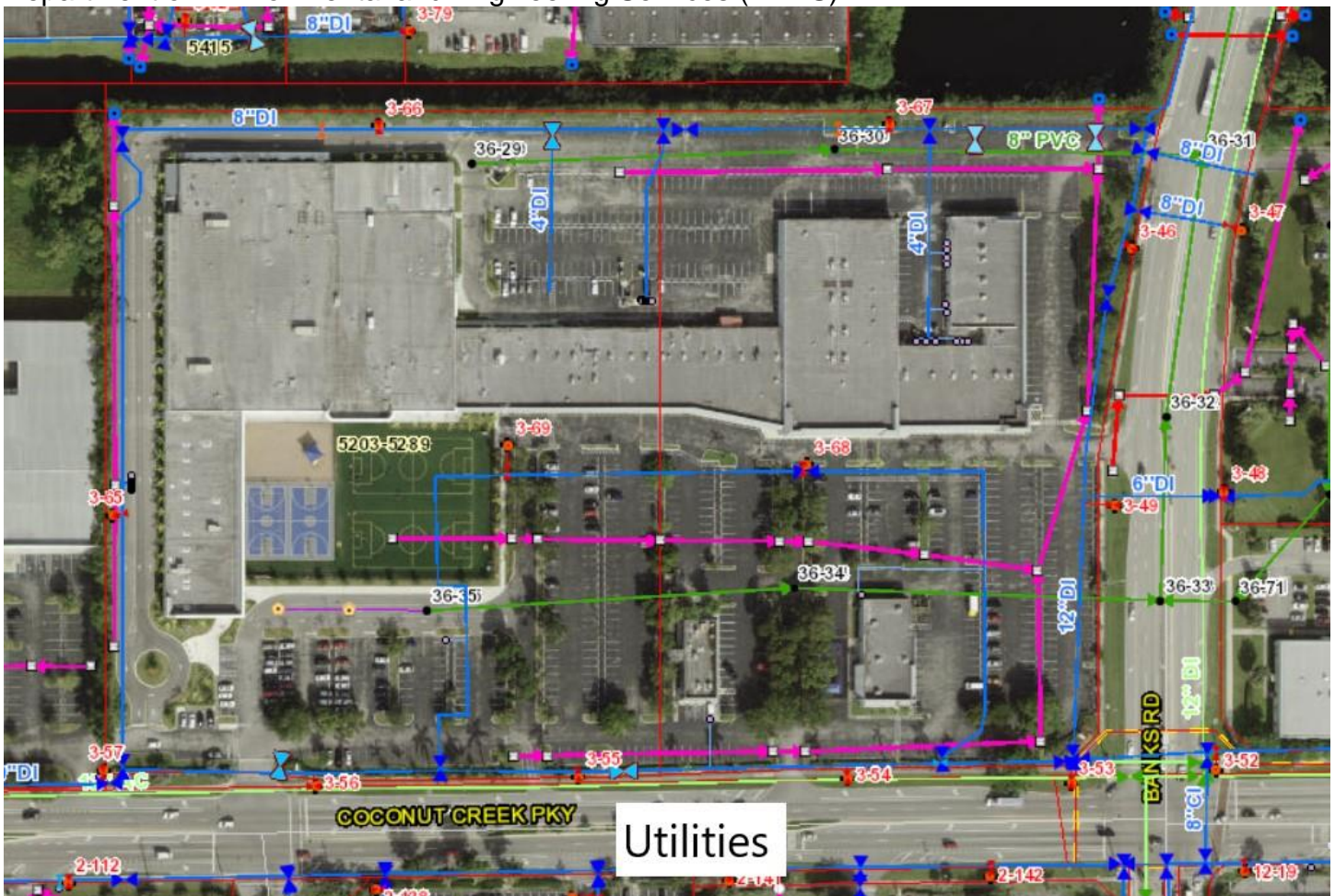
There were a number of technical issues discussed at the March 13, 2018 DRC meeting, such as requests for more information in the supporting documents, inconsistencies between the site plan and plat, a lack of platted restrictions that were not carried over to the new plat, and a lack of utility easements on the plat. The inconsistencies on the acreage was related to whether or not the developer would include one of the freestanding buildings in the redevelopment. That inconsistency has been addressed, and the project is moving forward as 8.113 acres. The initial plat application showed the

size of the property to be 7.54 acres, but the site plan application reviewed on the same day showed a larger 8.113 acres, which is the size currently described in the applications.

The parent parcel of this plat application was previously platted with a number of utility easements that were not carried over onto the new plat. The rationale for vacating the easements was that the new development would relocate water/sewer utility. Further complicating the issue is there were no new easements shown on the plat for the new water/sewer utility lines after the relocation. The rationale for not providing utility easements on the new Marquesa plat, is that the engineer of record is concerned that unknown field conditions may arise during construction, which may cause the water/sewer utility line to be located somewhere other than originally planned, and to accommodate the possible new/unknown location of the utility line would result in amending the new plat to vacate the utility easement, while dedicating a new easement by separate instrument for the possible new/unknown location for the utility line. The challenge in accommodating this vacation was ensuring that the City had a legal right to access the property and maintain the existing utility lines that are presently located on private property, within those easements which will be vacated with this plat. The Department of Environmental and Engineering Services agreed to allow the applicant to vacate the underlying platted utility easements (previously established on the Central Park of Commerce plat) by requiring the applicant to dedicate new utility easements by separate instrument. These easements by separate instrument must be accepted by the City Commission and recorded prior to the Marquesa plat (if approved) being recorded. Further, when the water/sewer lines have been relocated, these easements by separate instrument will be vacated, and new easements for the new utility line locations must be accepted by the City Commission and recorded. The following map shows the locations of existing utilities lines on the property.



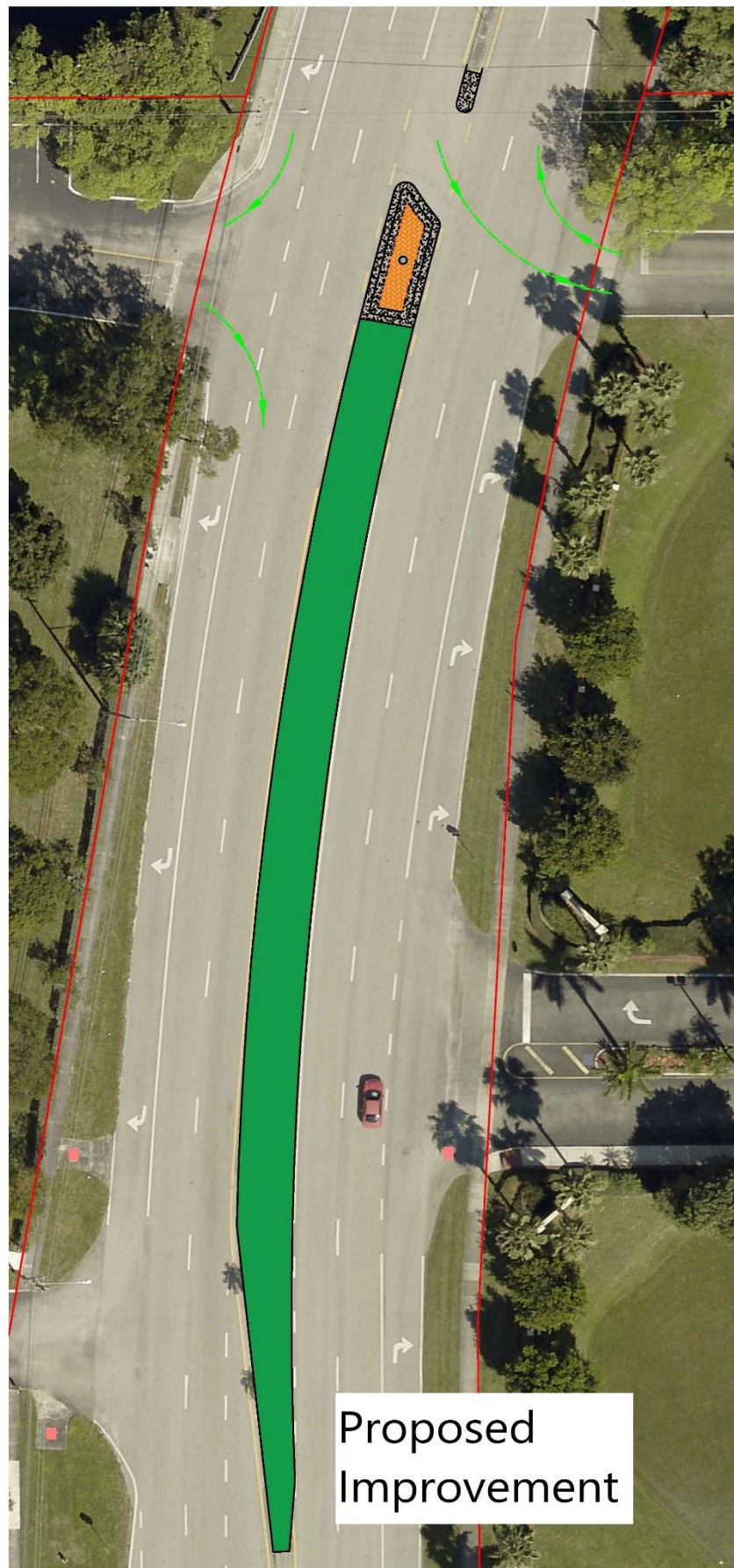
The picture below shows existing utilities on the property, with locations verified by the City's Department of Environmental and Engineering Services (DEES).



Throughout the process, the applicant was combative or unresponsive to a number of comments from staff. Going as far back as the first DRC meeting for the plat on March 13, 2018, staff requested restrictions at the driveway openings of Marquesa for right turns only. This restriction is present on the Central Park of Commerce plat, and provides for a safe and orderly flow of traffic on Margate's roadways. The applicant initially denied the request based on the fact that Banks Road presently had an open median with turn lanes. Further, the applicant would not accept the fact the Banks Road was a locally maintained roadway. It was not until an August 28, 2019 meeting with staff that the applicant acknowledge that Banks Road was under the jurisdictional authority of the City. Subsequent to that meeting, the applicant provided a conceptual median improvement, to which staff returned a modified concept. An email from the applicant's engineer received on October 8, 2019 confirmed acceptance of the conceptual design.









An interlocal agreement between the School Board of Broward County, Broward County, and the cities of Coconut Creek, Cooper City, Coral Springs, Dania Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderdale-By-The-Sea, Lauderdale Lakes, Lauderhill, Margate, Miramar, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Pembroke Pines, Plantation, Pompano Beach, Southwest Ranches, Sunrise, Tamarac, West Park, Weston, and Wilton Manor requires any type of application which has the potential to approve residential development to undergo capacity analysis by the School Board. The applicant has provided a number of School Capacity Adequacy Determination (SCAD) letters from the School Board of Broward County, however, the duration of this platting process has presented a challenge to maintain a letter that has not expired. A SCAD letter expires after six months from the date it was issued. This plat application has been under city review since March 13, 2018. Due to the lengthy response times by the applicant, the SCAD letter is continually expiring and renewing during this process. The most recent SCAD letter will expire January 12, 2020.

Engineering staff has been asking for an analysis on the existing lift station that serves this area of the City. Staff provided as-built drawings of the lift station to the applicant's engineering via email on September 4, 2019, but **no analysis has been provided as to whether it can support the proposed redevelopment.** The applicant is requesting historic run-times of the lift station in order to determine if upgrades are required, however, every measure of level-of-service includes an analysis based on scale and intensity of uses.

Throughout this application for plat and the related site plan, there have been a number of upper level staff changes within the City of Margate. With each staff turnover brings a new breadth of experience and training into the reviewer's role, but also requires an investment of time to learn requirements specific to Margate and the responsibilities of the position. During this timeframe the Department of Environmental and Engineering Services (DEES) has cycled through four directors (Reddy Chitepu, Ron Eyma, Richard Nixon, and Kenneth Griffin) and is currently utilizing interim director Curt Keyser while the City searches for a full time replacement. The Development Services Department has cycled through an acting director (Reddy Chitepu) and now has Robert Massarelli as director. Unfortunately, this staff turnover has resulted in some confusion for the applicant during the review process. Interpretations change, continuity of review is compromised, accountability suffers, and staff familiarity with the project history suffers.

## **2) Compliance.**

This portion of the staff report provides a detailed analysis as to whether the application is in compliance with applicable codes.

Section 31-34 of the Margate Code of Ordinances requires that the Development Review Committee, as to all proposed plats, shall make a statement to the Planning & Zoning Board assessing the adequacy of the proposal as to all city ordinances. The statements of adequacy of any proposed subdivision shall be considered by both the Planning and Zoning Board and the City Commission.

Specific platting requirements and procedures are provided in Section 31-18 of the Margate Code of Ordinances. Below is the process for Preliminary Plats, as described in Section 31-18.

*(2) Processing.*

(a) A subdivider seeking approval of a subdivision plat shall transmit nine (9) copies of the preliminary plat to the board. Copies of the plat shall then be referred by the board, to the city engineer, utility department and any drainage district in which the plat may lie and the area planning board and any municipality adjacent to the proposed plat.

(1) The city engineer shall examine and check the preliminary plat for general engineering and drainage requirements, and conformity to the over-all city trafficways plan.

(2) The utility department shall check against known utility facilities and easements, or such new ones as may be required.

(3) The drainage district shall check to make sure all drainage needs are fulfilled, and that no trafficway proposed on the plat interferes with present drainage facilities, or those planned for the future.

(4) The Broward County planning and zoning board shall assign correct street numbers to the preliminary plat.

(5) The city planning and zoning board shall check lot sizes to assure conformity with minimum standards set forth by the zoning requirements, and shall coordinate the recommendations of the several agencies above mentioned.

(6) The area planning board of the county shall submit a certificate with its approval or disapproval with appropriate comments and recommendations.

(7) The city building department shall assign street addresses to the lots.

The plat application has been distributed to all required parties at this stage in the process. DEES asked for the utility easements to be platted, but has settled for easement dedication by separate instrument. DEES staff did not request any additional roadway dedications, however, the plat is showing a seven-foot-wide roadway dedication along the southern property line, for Coconut Creek Parkway, and a 12-foot-wide right-of-way dedication for the first 67 feet from the north property line, for Banks Road. Additionally, there are two four-foot-wide by seven-foot-long bus shelter easements, one for each abutting roadway. There are no new roadways being dedicated, so there are no new street names/numbers to be assigned. The minimum lot size in the TOC-C Corridor zoning district is 10,000 square feet; the proposed plat is well over the minimum size requirement at 8.113 acres. The application is scheduled before the Margate Planning and Zoning Board on November 5, 2019. This plat is a single contiguous parcel, addresses for the buildings have not yet been assigned.

The entire intersection of Banks Road and Coconut Creek Parkway is located within the City of Coconut Creek municipal boundary. This intersection abuts the subject property, so this application was provided to them for review. Coconut Creek generated a number of comments and recommended conditions of approval. A copy of these comments and recommendations have been provided with the application materials. The Coconut Creek recommendations for the plat are as follows:

- 1) Developer to provide stamped asphalt crosswalks on the north, west, and south sides of the Banks Road/Coconut Creek Parkway intersection for consistency with the "Education Corridor" design standards.
- 2) Developer to provide new curb cut ramps and ADA compliant pedestrian activation devices with LED countdown signal.
- 3) Developer to replace span wire traffic signals with mast arm supports for traffic signals.
- 4) Developer to provide Broward County Transit bus rider shelters on Banks Road and Coconut Creek Parkway and accept responsibility for perpetual maintenance of the shelters.
- 5) Projected turning movement shall be analyzed by the Traffic Engineer. Specifically, the Banks Road driveway may require restrictions to be limited to right in/right out and modification to the existing median on Banks Road may be required. An incident analysis of the reported crashes at this driveway shall be completed.
- 6) The intersection of Banks Road and Coconut Creek Parkway ranks in the top ten of top vehicular incident locations within the City of Coconut Creek. An incident analysis of the reported crashes at this intersection shall be completed. Restricting E/B Coconut Creek Parkway at Banks Road vehicular U-turn movement may be required, based on the analysis.

The above are recommendations only, based on a courtesy review by the City of Coconut Creek staff. If the Planning and Zoning Board or City Commission would like include the above as conditions of approval, then those conditions must be included in the motion to approve/resolution.

This section also requires that the application is shared with any drainage district in which the plat may lie. Staff shared this application with both the Cocomar Water Control District and the Broward Engineering and Permitting Division (Surface Water Licensing). Cocomar staff acknowledged the 20ft canal maintenance easement running along the north property line and noted that, #1 "When the 'Marquesa' property is developed, an alternative for the storage in the canal must be provided; and #2 "No beautification or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed. **Broward staff responded that the applicant would need to apply directly to their agency in order to be able to generate comments, and that the site is currently out of compliance and under violation.** The status of this drainage license has been an ongoing comment from Margate staff since the first review of the plat on March 13, 2018, but still has not been corrected.

Below are the requirements for a Preliminary Plat, as described in Section 31-18.

*(3) Requirements.*

- (a) The preliminary plat shall be at a scale of not more than one hundred (100) feet to the inch, provided that a scale of two hundred (200) feet to the inch may be used for large areas.
- (b) The preliminary plat shall show or be accompanied by the following information:



- (1) Proposed subdivision name or identifying title which shall not duplicate nor closely approximate the name of any other subdivision in the county except in cases where the subdivision is an added section to a former subdivision or where it is a re-plat of a portion or all of a former subdivision.
- (2) Location sketch with section.
- (3) North arrow, scale and date.
- (4) Name of the owner of the property or his authorized agent.
- (5) Name of the registered engineer or surveyor responsible for the plat.
- (6) Locations and names of adjacent subdivisions.
- (7) Subdivision boundaries with angles and distances. Boundaries must be clearly marked with heavy line.
- (8) All existing watercourses, canals, and bodies of water.
- (9) All existing streets and alleys on or adjacent to the tract, including name and right-of-way width.
- (10) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established, where known to the engineer or surveyor.
- (11) Location and width of all proposed streets, alleys, right-of-way easements; proposed lot lines with dimensions, playgrounds, public areas, and parcels of land proposed or reserved for public use.

The Marquesa plat satisfies most of these design requirements. **There are known utility easements which have not been included on this plat sketch.** The applicant is requesting to vacate easements that were dedicated in the Central Park of Commerce. This plat includes vacating language in the dedication section which reads, "IT IS AN EXPRESS PURPOSE OF THIS PLAT TO VACATE THE UTILITY EASEMENTS THAT WERE DEDICATED BY THE UNDERLYING PLAT." In addition to those platted easements, there are other easements that have been dedicated by separate instrument which are not shown.

Below is the plat with features and elements highlighted in order to vividly show how the preliminary plat requirements of Section 31-18 of the Margate Code of Ordinances have been addressed.

PREPARED BY:  
**HSQ GROUP, INC.**  
Engineers - Planners - Surveyors  
1501 Yamato Road, Suite 105  
Boca Raton, Florida 33432 - (561) 985-1222  
CAROLINE - LINDA

**HSQ** Date  
OCTOBER 2019

#### LEGAL DESCRIPTION

A PORTION OF PARCEL "A", CENTRAL PARK OF COMMERCE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 87°04'10" EAST, ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 66.67 FEET TO THE POINT OF BEGINNING; THENCE COURSE NORTH 87°04'10" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 345.80 FEET (345.80 FEET FOR PLAT) TO THE NORTHEAST CORNER OF SAID PARCEL "A"; AND A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT AT WHICH A RADIUS LINE BEARS SOUTH 70°07'10" EAST, THENCE ALONG THE EAST AND SOUTH LINES OF SAID PARCEL "A" THE FOLLOWING SIX (6) COURSES: SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 95°55'55"; A DISTANCE OF 142.38 FEET (CENTRAL ANGLE OF 87°04'10" AND A DISTANCE OF 179.31 FEET FOR PLAT) TO A POINT OF TANGENCY; THENCE SOUTH 87°04'10" WEST, A DISTANCE OF 205.11 FEET (SOUTH 87°04'10" WEST, A DISTANCE OF 205.11 FEET FOR PLAT); THENCE SOUTH 87°04'10" EAST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 44°15'54" WEST, A DISTANCE OF 40.13 FEET; THENCE SOUTH 89°04'10" WEST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 87°04'10" WEST, A DISTANCE OF 144.48 FEET; THENCE NORTH 0°12'24" WEST, A DISTANCE OF 756.30 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF MARGATE, BROWARD COUNTY, FLORIDA, AND CONTAIN 8.113 ACRES, MORE OR LESS.

#### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT TO MC MARGATE APARTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LANDS DESCRIBED AND SHOWN HEREON IN THIS PLAT, HAS CAUSED SAID LANDS TO BE PLATTED AS SHOWN HEREON, SAID PLAT TO BE KNOWN AS "MARQUESA".

1. THE RIGHT-OF-WAY AS SHOWN HEREON IS HEREBY DEDICATED TO THE PUBLIC FOR PROPER PURPOSES.
2. THE 8.113 ACRES SHOWN HEREON IS SHOWN HEREON AND SHOWN HEREON DEDICATED TO THE PUBLIC FOR PROPER PURPOSES.
3. THE CIVIL, SANITARIAN, EASEMENT AS SHOWN HEREON IS HEREBY DEDICATED TO THE CITY OF MARGATE FOR PROPER PURPOSES.
4. THE IMPROVEMENTS EASEMENT AS SHOWN HEREON IS HEREBY DEDICATED TO THE OWNERS, LESSEES, AND GUESTS OF THE ADJACENT PARCEL FOR ACCESS AND EGRESS TO AND FROM SAID PARCEL.
5. THE OPEN SPACE EASEMENT AS SHOWN HEREON IS HEREBY DEDICATED TO THE PUBLIC FOR ACCESS PURPOSES. ANY IMPROVEMENTS WITHIN THIS EASEMENT ARE THE MAINTENANCE RESPONSIBILITY OF THE PROPERTY OWNER.

IT IS AN EXPRESS PURPOSE OF THIS PLAT TO VACATE THE UTILITY EASEMENTS "A" HERE DEDICATED BY THE U.S. DEPARTMENT OF THE ARMY.

IN WITNESS WHEREOF, TO MC MARGATE APARTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY MAURICE CAYON, ITS MANAGER, THIS DAY OF \_\_\_\_\_, 2019.

WITNESS: \_\_\_\_\_ TO MC MARGATE APARTMENTS, LLC  
PRINT NAME: \_\_\_\_\_ A FLORIDA LIMITED LIABILITY COMPANY  
BY: \_\_\_\_\_ MAURICE CAYON  
WITNESS: \_\_\_\_\_ MANAGER  
PRINT NAME: \_\_\_\_\_

#### ACKNOWLEDGEMENT

STATE OF FLORIDA } ss  
COUNTY OF BROWARD }

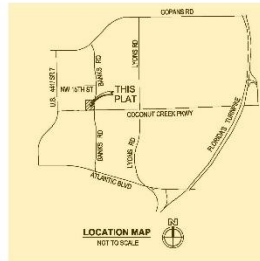
I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, MAURICE CAYON, AS MANAGER OF TO MC MARGATE APARTMENTS, LLC, (WHO IS PERSONALLY KNOWN TO ME OR) WHO PRODUCED \_\_\_\_\_ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED ON BEHALF OF THE CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

MY COMMISSION EXPIRES \_\_\_\_\_ NAME: \_\_\_\_\_  
(PRINT NAME)  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION NO. \_\_\_\_\_

## MARQUESA Unique Name

A REPLAT OF A PORTION OF PARCEL "A", CENTRAL PARK OF COMMERCE (P.B. 119, PG. 27)  
IN SECTION 30, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF MARGATE, BROWARD COUNTY, FLORIDA



### Location Sketch

#### CITY COMMISSION:

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED AND ACCEPTED FOR RECORD BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, IN AND BY RESOLUTION DULY ADOPTED BY THE SAID CITY COMMISSION THIS DAY OF \_\_\_\_\_, 2019.

NO BUILDING PERMITS SHALL BE ISSUED FOR THE CONSTRUCTION, EXPANSION, AND/OR COMPLETION OF ANY BUILDING WITHIN THE PLAT UNLESS SUCH THAT ALL THE OFFICIALS PROVIDERS THIS MUNICIPALITY WITH THE WRITTEN CONFORMANCE FROM BROWARD COUNTY THAT ALL APPLICABLE CONFORMANCE REQUIREMENTS HAVE BEEN PAID OR ARE NOT DUE.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
ANTHONY N. CAGLIANO JOSEPH J. KANNANATH  
MAYOR CITY CLERK  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

#### CITY ENGINEER'S SIGNATURE:

THIS IS TO CERTIFY THAT THIS PLAT IS HEREBY APPROVED AND ACCEPTED BY THE CITY OF MARGATE, BROWARD COUNTY, FLORIDA, THIS DAY OF \_\_\_\_\_, 2019.

BY: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
CITY ENGINEER

#### CITY PLANNING AND ZONING BOARD:

THIS IS TO CERTIFY THAT THE CITY PLANNING AND ZONING BOARD OF MARGATE, FLORIDA, HAS APPROVED AND ACCEPTED THIS PLAT THIS DAY OF \_\_\_\_\_, 2019.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
CHAIRPERSON

#### BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL APPROVED THIS PLAT SUBJECT TO ITS COMPLIANCE WITH REGARD TO THE DEDICATION OF RIGHTS OF WAY FOR TRAVELERS THIS DAY OF \_\_\_\_\_, 2019.

BY: \_\_\_\_\_  
CHAIRPERSON

BY: \_\_\_\_\_  
EXECUTIVE DIRECTOR OR DESIGNEE

#### BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION

THIS PLAT HAS BEEN REVIEWED AND FOUND TO CONFORM WITH THE BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION STANDARDS.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_ BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
SECTIONAL PROFESSIONAL ENGINEER PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION NO. 10280 REGISTRATION NO. 10430

#### BROWARD COUNTY FINANCE AND ADMINISTRATION SERVICES DEPARTMENT, COUNTY RECORDS DIVISION-MINUTES SECTION

THIS IS TO CERTIFY THAT THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, THIS DAY OF \_\_\_\_\_, 2019.

BY: \_\_\_\_\_  
MAYOR, COUNTY COMMISSION

#### BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD THIS DAY OF \_\_\_\_\_, 2019.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
DIRECTOR/DESIGNEE

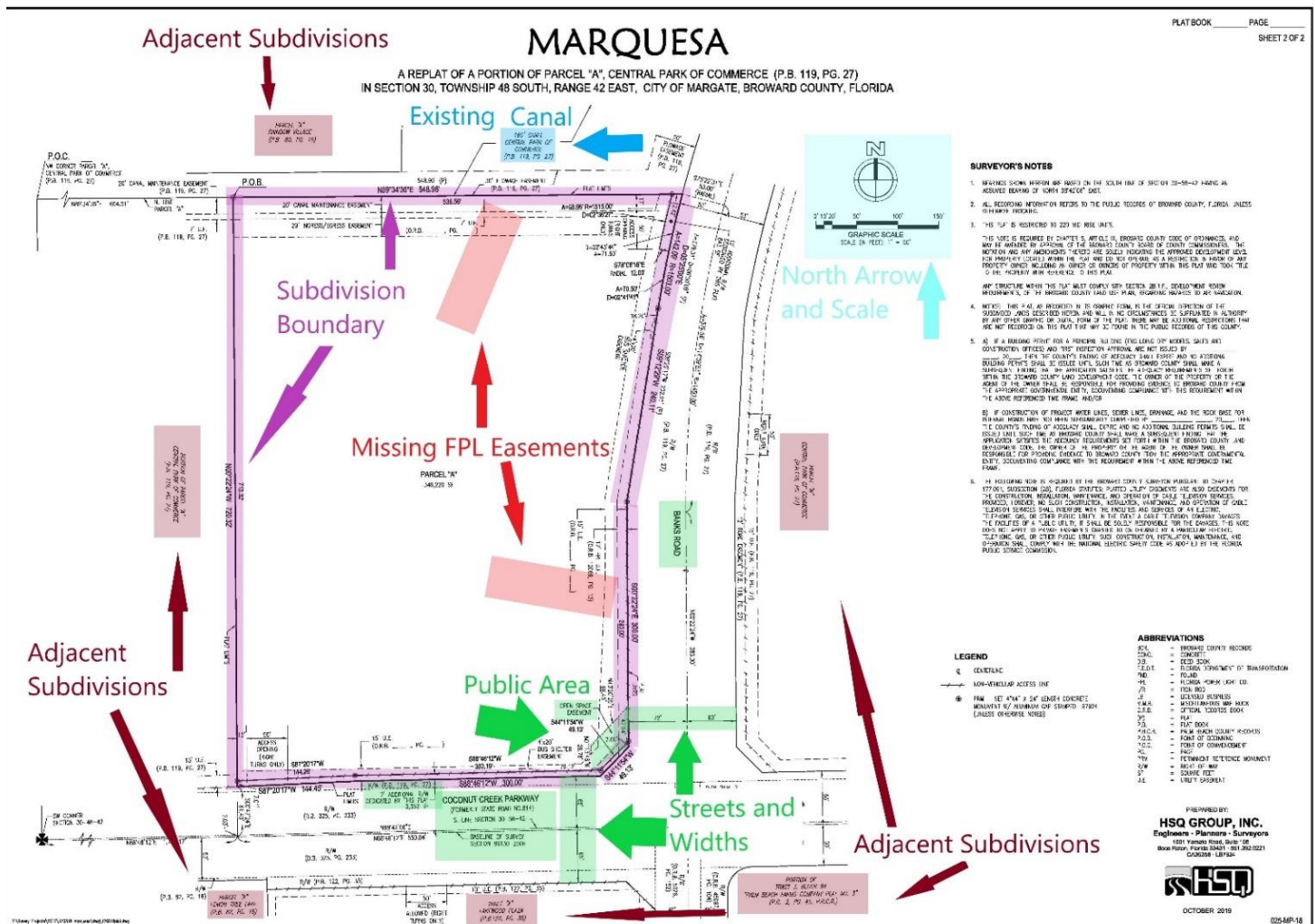
#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED AND PLATTED UNDER MY SUPERVISION AND THAT THE SURVEY DATA SHOWN CONFORMS TO THE APPLICABLE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THE PROVISIONS OF CHAPTER 161, FLORIDA ADMINISTRATION CODE, AS REQUIRED TO COMPLY WITH THE BROWARD COUNTY LAND DEVELOPMENT CODE. THE PERMANENT SURVEYING RECORDS (PERS) WILL BE IN ACCORDANCE WITH SECTION 177.001 OF SAID CHAPTER 177, ON THIS DAY OF \_\_\_\_\_, 2019.

DONNA S. WELT DATE: \_\_\_\_\_  
PROFESSIONAL SURVEYOR AND MAPPER NO. 10430  
STATE OF FLORIDA  
1001 YAMATO ROAD, SUITE 105  
BOCA RATON, FL 33431  
CERTIFICATE OF AUTHORIZATION NO. 107824

### Surveyor

TO MC MARGATE APARTMENTS, LLC	COUNTY COMMISSION	COUNTY ENGINEER	COUNTY SURVEYOR	CITY COMMISSION	CITY ENGINEER	SURVEYOR



Section 31-19 of the Margate Code of Ordinances provides design standards for subdivision. Most of this section is full of specifications for street, lots, and blocks. As this plat is not dedicating any new streets for public and will remain as a single parcel, this does not apply. Paragraph (E) of this section establishes a mechanism for achieving the City's park Level of Service. This paragraph is copied below.

(E) *Parks and recreational areas.* Any plat shall contain a park or recreational area deeded or dedicated to the City of Margate consisting of such quantity of land as represents a minimum of five (5) per cent of the residential area to be platted, except that where there is an overall subdivision to be developed consisting of several individually smaller platted areas, then the deeded or dedicated area shall be five (5) per cent of the entire subdivision and need not be five (5) per cent of the individual plats filed. This paragraph shall be construed with preference to the five (5) per cent of the overall subdivision as deeded or dedicated property rather than five (5) per cent of an individual plat. Where the area to be platted is less than sixty (60) acres, the developer shall place a sum equal to five (5) per cent of the value of the land in the city's parks and recreation fund to be held in escrow and used by the city for the purposes mentioned in subsection (4) below. Said five (5) per cent of the value of the land may be paid into the recreation trust fund at the time of plat approval or incrementally as approved by the city manager at the time building permits are issued for the construction of the units within the approved plat. The aforementioned value shall be the current appraised value of the land subdivided without improvements and shall be determined jointly by the city commission and the subdivider. If the city commission and the subdivider cannot agree on a land value, then the land value shall be established by appraisal. The city commission shall appoint a professional land appraiser, the subdivider shall appoint a professional



land appraiser and these two (2) shall appoint a third. The three (3) appraisers shall then determine the value of the property for the purposes of these provisions. The fees for the appraiser shall be divided equally between the city and the developer or subdivider.

It shall be discretionary with the city commission whether or not to accept a dedication of land pursuant to this subsection where said land is encumbered by utility easements of any type.

(1) In lieu of the dedication of land area as described in paragraph (E) above, the city commission may, in its discretion, accept a cash donation to the parks and recreation fund of the city to be used only for parks and recreational purposes an amount equal to the five (5) per cent figure referred to in paragraph (E); in the event the city commission and the subdivider cannot agree on the land value then the donation amount shall be determined as hereinabove provided for by arbitration.

(2) All real property donated shall be utilized for parks and recreation sites or facilities unless the following is found:

(a) The real property donated is found to be unsuitable for a park or recreation site; or

(b) A present park or recreation facility capable of being expanded for utilization by the citizens of a new development, subdivision or project is in such close proximity to the real property that it would provide a duplication of services.

(3) In the event that either (a) or (b) [of paragraph (E)(2)] is met, the city shall have the right to sell to the highest bidder the real property donated pursuant to the recreation donation, and all monies received by the city for said sale shall be deposited in the City of Margate Parks and Recreation Trust Fund.

(4) All monies utilized in the parks and recreation trust fund shall be utilized only for the acquisition and development of new parks and recreation facilities or the expansion and addition to older parks and recreation facilities so as to allow their utilization for new residents of the city. In addition to the foregoing, money received from all telecommunication tower rentals may be utilized for improvements, enhancements or other necessary expenses for parks and recreation purposes.

The subject property is less than 60 acres in area, therefore the Code requires a monetary contribution into the City's parks and recreation fund equal to five percent of the value of the land. The developer has acknowledged this requirement in Section 2, paragraph C of the concurrency report.

Section 31-42(c) of the Margate Code of Ordinances applies to this application due to the approval date of the underlying plat. The parent parcel for this replat is Parcel A, of the Central Park of Commerce plat. Central Park of Commerce was platted in 1983 by David J. Mears, and was recorded in Plat Book 119, page 27 of the public records of Broward County, Florida.

### **Sec. 31-42. - Development subject to adequacy determination.**

(a) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land except that specified in subsection (c) below, shall be subject to an adequacy determination unless a site plan has been approved prior to December 1, 1989 and development activity has occurred within the plat or replat area.

(b) All development of previously improved lands shall be subject to an adequacy determination for the additional trips that equal the difference between the trips to be generated by the development specified in the proposed note on the plat and one hundred ten (110) per cent of the trips generated by any existing development. Existing development shall be construed to include previous development demolished no earlier than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.

(c) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for those additional trips that equal the difference between the previous plat and the replat; or the previous note and the proposed amendment to the note; or the development approved by the county commission at the time of plat approval and the proposed note to be placed on the plat.

(d) Except as exempted above, all plats approved after October 1, 1989 by the Broward County Commission and all development permits approved after December 1, 1989 by the City of Margate must undergo adequacy determinations to meet concurrency.

(e) Land suitable for residential development pursuant to applicable land development regulations shall be designed to provide for the educational needs of the future residents of the developed area and shall be in compliance with subsection 5-182(m) of the Broward County Land Development Code.

This section of code requires an adequacy determination, “for those additional trips that equal the difference between the previous plat and the replat.” The traffic study provided in the Concurrency Report prepared by Thomas A. Hall, Inc. indicates that the existing development on the parent parcel generates 6,539 trips per day, and that by replacing 63,361 square feet of the existing development with 220 mid-rise apartments, the daily trip generation is anticipated to drop to 6,051 trips per day. This shows a reduction of 488 trips per day. Section 31-42 is focused on additional trips placed on the road network, of which there are none if this project is approved.

Paragraph (e) of this same section describes concurrency requirements for educational facilities, which are addressed through the City’s participation in the Third Amended and Restated Interlocal Agreement for Public School Facility Planning. The demonstration of compliance for this requirement is the School Capacity Adequacy Determination (SCAD) letter from the School Board of Broward County, which has been provided by the applicant, and is included the Concurrency Report.

As has been described earlier in this report, the subject property currently hosts a substantial existing commercial development. The analysis for the adequacy determination relied heavily on the vested rights and impacts of that existing development. Section 31-43 of the Margate Code of Ordinances provides a process for granting those vested rights to the new development.

### **Sec. 31-43. - Vested rights.**

The City of Margate recognizes that certain property owners or developers may have a claim to a vested right to complete a development notwithstanding that such development would otherwise be required to undergo an adequacy determination pursuant to [section 31-42](#) above. If a property owner or developer makes such a claim of vested rights to the city, the following procedure shall apply:

- (1) The property owner's or the developer's request for a vested rights determination shall be submitted to the development review committee. Such request shall be accompanied by a description of the parcel of land for which the vested rights determination is sought and an explanation of the basis for the vested rights claim.
- (2) The request for a vested rights determination shall be forwarded to the office of the city attorney and city manager for review. The city attorney and city manager shall review the vested rights claim and make a written recommendation to the city commission as to whether the vested rights claim should be granted, denied or granted with conditions.
- (3) Following issuance of the city attorney's written recommendation, the city commission shall schedule the vested rights claim on its agenda for consideration. The city commission shall take action on the vested rights claim to grant the claim, deny the claim or grant the claim with conditions. Such action shall be in the form of a resolution.

The concurrency report provided with this application includes detailed information of the existing and proposed developments for such a determination. Staff considers a vested rights determination to be a part of this plat application. The applicant is proposing to demolish 63,361 square feet of the existing commercial development in order to build 220 mid-rise apartments. This trade-off of development influences the review of traffic impacts and the impact fee calculations for water, sewer, police, and fire. If the vested rights determination is granted to the project, then there will be no need for an action plan, as the traffic study provided indicates a reduction in daily trip generation. Sections 31-44 and 31-45 of the Margate Code of Ordinances have been omitted from this report because they are not applicable.

#### **Sec. 31-47. - Concurrency monitoring system.**

- (a) The director of environmental and engineering services, through his duties and authority of chairman of the development review committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Margate Comprehensive Plan.
- (b) Applications for all development permits shall be submitted to the development review committee. Processing shall be in accordance with regularly scheduled meetings of the development review committee, planning and zoning board and city commission.
- (c) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developer's agreement for those concurrency matters within the authority of the City of Margate. Applications for development approval shall be chronologically logged to determine rights to available capacity.
- (d) The effective time limit for site plans shall be one (1) year. An extension of one (1) year may be issued by administrative approval. At each annual renewal of public performance bonds, the City of Margate shall make a determination if the bonds shall be drawn upon for construction. Building and engineering permits shall have a concurrency time limit of one hundred eighty (180) days as long as construction and inspections continue.
- (e) Development permits shall be processed to the fullest degree possible. If adequacy determinations of a project show unacceptable levels of service in any one (1) of the necessary public facility or service standards, the project shall be tabled during final action of the development permit approval. If capacity conditions change at some time in the future, concurrency shall be rechecked to verify compliance with adopted levels of service. If compliance is found the development shall be rescheduled for final action.



While the adequacy determination showed a reduction in trip generation for this project, the Code requirements for concurrency monitoring present an issue for the application. Paragraph (e) of Section 31-47 of the Margate Code of Ordinances provides that if an adequacy determination shows unacceptable levels of service in any of the necessary public facilities or service standards, “the project shall be tabled during final action of the development permit approval.” The Traffic study provided identifies a number of deficiencies, both at the current 2017 level and a future 2040 projection. The segment of State Road 7 north of Atlantic Boulevard is currently operating at Level of Service (LOS) F; the adopted LOS standard for this roadway is LOS D, per Section 31-48 of the Margate Code of Ordinances. The traffic study provided includes a LOS projection to year 2040 which shows Coconut Creek Parkway will operate at LOS F during peak hour; the adopted LOS standard for this roadway is LOS D, per Section 31-48 of the Margate Code of Ordinances. **The provisions of Section 31-47 of the Margate Code of Ordinances require the City Commission to table this item until capacity conditions improve, however it is the staff’s opinion, based on the provided traffic study and the proposed roadway improvements, that the approval of this project will improve capacity conditions.**

Staff relied on legal advice provided by interim city attorney Jim Cherof in 2018 for the processing and review of this application. That advice was to apply the code that was in effect at the time of the first application submittal for this project. As indicated in the timeline provided in the description section of this staff report, the first DRC meeting for this project was a site plan review conducted by the Margate Development Review Committee on June 13, 2017. The application was received for this meeting on May 11, 2017. At that time, assignment of Transit Oriented Corridor (TOC) dwelling units was an administrative function, subject to the criteria of Section 9.10 of the Margate Zoning Code. Subsequent to the initial application submittal for this project, the City amended this section through Ordinance 2018-1500.645, adopted on September 5, 2018, which reclassified residential uses as a special exception so that only the City Commission had authority to approve the use.

At the time the first application was filed, TOC dwelling units were assigned administratively, through the site plan process. This report provides an analysis of the TOC dwelling unit allocation criteria for informational purposes because the plat has a note restriction referencing 220 mid-rise apartments. Below is a copy of Section 9.10 of the Margate Zoning Code as it existed prior to the adoption of Ordinance 2018-1500.645.

#### **Sec. 9.10. – Allocation of dwelling units.**

(A) Within the TOC land use designation, the city has a bank of one-thousand eight-hundred forty-nine (1,849) dwelling units to allocate. Of the one thousand eight hundred forty nine (1,849), one thousand two hundred forty nine shall be utilized within the city center, three hundred (300) units shall be utilized north of the city center, and three hundred (300) units shall be utilized south of the city center. The city planner shall maintain an inventory of available dwelling units to be used within the TOC. TOC dwelling units shall be allocated on a “first-come, first served” basis; however, before any dwelling units may be allocated to a development or redevelopment site, the following criteria must be satisfied:

1. That there are a sufficient number of available dwelling units to allocate within the specified area of the TOC.

2. The proposed development shall maintain a valid site plan approval from the development review committee.
3. The proposed development shall demonstrate affordability of the dwelling units by submitting sufficient document that a minimum of fifteen (15) per cent of the requested dwelling units shall be utilized for affordable housing. For the purposes of this policy, the term “affordable housing” shall include the meaning as defined by the Broward County Land Use Plan.
4. The proposed development shall demonstrate a high level of connectivity and access to adjacent properties and transit stops.
5. The proposed development shall demonstrate the residential use as a principal component of a mixed use development, or be located within one thousand (1,000) feet of supportive commercial, office, and other nonresidential uses.
6. The proposed development shall be designed to enhance and support pedestrian travel and the use of public transportation.
7. The proposed development shall demonstrate that the residential use will be both compatible and able to successfully integrate into the surrounding neighborhoods and developments. Demonstration shall be implemented through the incorporation of adequate buffers and effective site design.
8. The proposed development shall demonstrate adequate public plazas, urban open spaces, or green space that are accessible to the public.
9. That the developer shall begin construction of the proposed development within one (1) year of a successful petition for an allocation of dwelling units within the TOC, and that construction of the proposed development shall be completed in no less than five (5) years.

The applicant provided a narrative to address these criteria. The narrative provides three basic, non-specific responses to the above nine criteria, and incorrectly identifies Banks Road as an arterial road. The 2010 Federal Functional Classification and Urban Area Boundaries Map identifies Banks Road as a major collector.

The first criterion is that there are a sufficient number of TOC dwelling units available for the project. This project is located north of the City Center. The area north of the city-center is limited to a maximum of 300 TOC dwelling units. Prior to the submittal of this application, 207 TOC dwelling units had already allocated to two other projects, leaving 93 TOC units available in this part of the City. The applicant is requesting to build a 220-unit mid-rise apartment complex. The request consists of an allocation of 92 TOC dwelling units and 128 flex units. There are a sufficient number of TOC units available to allocate 92 to this project.

The second criterion is that the applicant shall maintain a valid site plan approval. The most recent DRC review of the site plan took place on March 26, 2019. At this meeting, staff recommended a conditional approval. Section 31-38 of the Margate Code of Ordinances provides that an applicant shall have one year from the date of DRC recommendation of approval to obtain final site plan approval and have a permit issued to vest the approval. This section also provides for a one-time extension of site

plan approval for one year. If a building permit is not issued within that time frame, then the site plan will be considered expired. An expired site plan would cause the revocation of these TOC dwelling units and the applicant would have to wait one-year before applying for TOC units again.

The third criterion requires 15% of the TOC units to be priced as affordable housing, however, due to House Bill 7103 from the 2019 Florida Legislative Session, the City is now required to incentivize the developer to off-set the cost of building affordable housing. The City does not currently have a vehicle to provide such incentives, so it cannot require affordable housing.

The fourth and sixth criteria are that the proposed development shall demonstrate a high level of connectivity and access to adjacent properties and transit stops, and support pedestrian travel and use of public transportation. This plat is dedicating two bus shelter easements that are 4ft wide and 20ft long. The applicant provided a site plan as an exhibit to the plat application. The site plan shows a number of internal walks, but the development is a gated apartment complex. Gating the development hinders connectivity to the adjacent property, and only allows resident access between the two properties. Any guests or visitors of the property would have to enter through the main vehicle gate on Coconut Creek Parkway. Staff recommends an additional

The fifth criterion is that the residential units are to be a principal use in a mixed use project, or that there are supportive commercial and other non-residential uses within 1,000 feet of the project. This is a gated apartment complex, so it is not considered a mixed use project. There are four large government offices within 1,000 feet of the project; a Social Security Administration office at 5195 Coconut Creek Parkway, a Florida Highway Safety and Motor Vehicles office located at 1135 Banks Road, a Florida Department of Business and Professional Regulation office located at 5080 Coconut Creek Parkway, and a United States Postal Service office located at 5094 Coconut Creek Parkway. AT&T has a large depot at 5301 Coconut Creek Parkway, but this facility is considered more of an employment engine than a convenience amenity because only employees of AT&T are allowed at this location. There is a 7-11 convenience store with gasoline service located at 4990 Coconut Creek Parkway. And finally a Lester's Diner restaurant is located at 4701 Coconut Creek Parkway. Of all of the above described uses, an essential supportive commercial use is a grocery store where fresh and healthy foods are readily available, but there are no grocery stores within 1,000 feet of the subject property.

The seventh criterion addresses compatibility of the proposed residential use. The TOC land use category allows all uses permitted, but speaks to appropriate buffers and separations for incompatible uses. Directly to the north of the subject property is a canal with industrial development on the other side of the canal. Staff has concerns over the proximity of this project to the industrial complex. Section 3.14(20) of the Margate Zoning Code authorizes the Planning and Zoning Board and allows the use the Board's discretion to "require fences and walls for screening purposes of a height, location and type as may be necessary on new subdivisions and resubdivisions of existing ones." **In order to alleviate compatibility concerns, staff recommends that the Planning and Zoning Board exercise the authority granted by Section 3.14 of the Margate Zoning Code and require an 8ft tall masonry wall designed for a Sound Transmission Class (STC) of at least 52, installed along the north property line, and outside of the canal maintenance easement that runs along the same property line.** A relocation of an existing water pipe would have to occur in order to accommodate this condition.



The eighth criterion is that the project provides adequate open spaces and plazas, accessible to the public. This has been addressed as there is an open space easement located in the southeast corner of the property, dedicated to the public for access purposes. The site plan provided with the application shows this area improved with decorative pavement and benches.

The ninth criterion provides a timeline, which the applicant has agreed to in the provided narrative.

The Margate Code of Ordinances and the Margate Zoning Code are silent on the allocation and approval of flex units. The Margate Comprehensive Plan provides a definition of “Flexibility Zone” and provides that “Special Residential Facilities” are subject when applicable, to the Special Residential provisions and allocation of reserve units, flexibility units or “bonus” sleeping rooms as contained in the “Administrative Rules Document” of the Broward County Planning Council. Section 3.2 of the Broward County Administrative Rules Document provides the following guidelines for flex units:

### **3.2 FLEXIBILITY UNITS**

- (A) Flexibility units, as defined in Section 2, “Definitions” of the Broward County Land Use Plan, shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government’s certified future land use map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as “Reserve Units” which were equal to two percent (2%) of the total number of dwelling units permitted by the local government’s certified future land use plan map.
- (B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:
  - 1) Assignment of flexibility units shall be subject to meeting the provisions of Policy 2.10.1 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
  - 2) Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.
  - 3) Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
  - 4) Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the “flexibility unit chart” of the certified local land use plan.
  - 5) The Planning Council, upon determination that a local government has failed to report assignment of flexibility unit in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.

### **Policy 2.10.1 (Broward County Land Use Plan)**

Local government utilization of the Broward County Land Use Plan “Flexibility Rules” shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impact on public school facilities have been adequately considered, in the following instances:

- a. Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.
- b. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
- c. Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County Commission.
- Additional rules and procedures for the processing of County Commission compatibility reviews shall be included in the Planning Council’s administrative rules.
- Allocations of “Flexibility Units” and “Redevelopment Units” shall be subject to the following restriction: Within areas east of the Intracoastal Waterway in no instance shall allocations of “Flexibility Units” or “Redevelopment Units” result in a residential density greater than twenty-five (25) dwelling units per gross acre for the residentially designated parcel or portion of a non-residentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less

The subject property is not located east of the Intracoastal Waterway, and has no impact on beach access. The application was shared with the City of Coconut Creek staff. The results of that “courtesy review” have been included with the application. There was no objection to allocation of flex units, but several technical comments related to the site design and provided traffic study, as well as a number of recommended conditions of approval. The subject property is not considered or identified as “Environmentally Sensitive Land” by Broward County.

### **3) Consistency.**

This portion of the staff report provides a detailed analysis of whether the application is consistent with the Comprehensive Plan, and as well as comparable prior decisions and interpretations.

#### **Element 1 – Land Use**

Policy 1 .2 The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The city’s zoning regulations shall not exceed the uses enumerated, but may be more restrictive.

##### **a) Residential**

- a. Dwelling units and clearly subordinate accessory structures subject to the limitations upon density expressed by the Future Land Use Map and as explained in Part 7.
- b. Parks, golf courses and other outdoor recreational facilities. Recreational, civic, or other cultural buildings ancillary to primary outdoor recreational use of the site.
- c. Community facilities designed to serve the residential area such as public

schools, houses of worship, local governmental administration, police and fire stations, libraries and civic centers.

d. Public utilities, including water, and wastewater treatment plants, pumping stations, and electric transmission facilities.

e. Special Residential Facilities Category (1) and (2) as defined in the “Definitions” subsection of the Plan Implementation Requirements of the City of Margate Comprehensive Plan.

f. Recreational vehicle park sites in the R-10 through R-14 residential density ranges. The maximum number of recreational vehicle park sites permitted is equal to the maximum number of dwelling units designated for that parcel on the City’s Future Land Use Map.

b) Commercial

1. Neighborhood, community, and regional retail uses.
2. Office and business uses.
3. Commercial uses, including wholesale, storage, light fabricating and warehousing.
4. Hotels, motels, and other tourist accommodations.
5. Parks, recreation, and commercial recreation uses.
6. Community facilities.

c) Office Park

1. Administrative, business, and professional offices.
2. Banking and financial institutions.
3. Medical and dental laboratories, research labs.
4. Restaurants and personal services which are accessory to a primary office use.
5. Community facilities.
6. Parks and recreation facilities.

d) Industrial

1. Industrial uses.
2. Heavy commercial uses including new and used automobile, truck, motorcycle, boat and trailer display, sales, and service; newspaper, magazine, and printing plants; bakeries, carpentry and other trade shops; ice houses; chemical sales, and repair shops.
3. Scientific and industrial applied research and/or educational facilities; medical or dental labs.
4. Offices.
5. Recreation and open space, and commercial recreation uses, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
6. Community facilities, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
7. Ancillary commercial uses within buildings devoted to primary industrial uses.

e) Commercial Recreation

1. Outdoor and indoor recreation facilities including, but not limited to, golf courses,



tennis clubs, and marinas.

2. Accessory facilities that are an integral part of and supportive to the primary recreation facility (excluding residential uses).

3. Hotels, which are ancillary to the primary recreation use

f) Parks and Recreation

1. Public parks.

2. Outdoor cultural, educational and civic facilities, including, but not limited to: animal exhibits, habitats, band shells and outdoor classrooms.

3. Boat ramps and docks.

4. Active recreational uses, including, but not limited to: tennis courts, playgrounds, swimming pools, athletic fields and courts, and bikeways.

5. Concessions only when accessory to the above uses. Examples of such concessions are refreshment stands, souvenir shops and rental facilities.

g) Open Space

1. Open water areas.

2. Maintained open land areas.

3. Parking lots that serve an abutting primary use.

h) Conservation

1. Storm water retention areas.

2. Natural preserves.

i) Community Facilities

1. Educational facilities

2. Special Residential Facilities Categories (1), (2), and (3) as defined in the “Definitions” subsection of the Plan Implementation Requirements section of the City of Margate Comprehensive Plan.

3. Governmental administration, police and fire stations, libraries, and civic centers.

4. Churches, synagogues, and other similar congregations of other religious denominations and parochial schools.

j) Utilities

1. Utilities such as water and wastewater treatment plants, pumping stations, electric power plants and substations, solid waste disposal and transfer stations.

2. Other uses determined to be ancillary to the primary uses described in (1).

3. Recreation and open space uses.

4. Communication facilities.

k) Transit Oriented Corridor

1. All uses listed in a-j above.

2. Existing and proposed residential development shall be designed to be integrated into the existing neighborhoods created through the implementation of the TOC. Compatibility and appropriate transitional design elements will be reviewed at time of site plan review, consistent with the land development regulations adopted to implement the TOC land use category

This application is somewhat consistent with Policy 1.2. It is a proposed residential redevelopment that is designed to be integrated into the existing neighborhood, which is permitted and consistent with this policy. There are several controlled access points with the existing non-residential development on the parent parcel of this plat. The residential portion will be fenced, and vehicle access is controlled through gates. **However, adequate buffering has not been provided for the adjacent industrial development to the north.**

Policy 4.2 Developments with a density in excess of 25 units per acre should only be permitted if they are designed around a permanent open space and/or recreational feature or along a major roadway and within a one-quarter mile radius of a transit facility.

The subject property is designed at a density of 27.1 units per acre. It is consistent with Policy 4.2 because it is located at the intersection of a Major Collector road (Banks Road) and a Minor Arterial (Coconut Creek Parkway). Both street frontages have transit stops, and the plat will dedicate a 4ft wide x 20ft long bus shelter easement on each roadway.

Policy 4.3 Increased residential density shall be promoted within the TOC land use category, and such development shall provide pedestrian access and connectivity to transit facilities.

Approving this plat with allocation of Flex Units is consistent with Policy 4.3, which calls for increasing residential density within the TOC land use category. The site plan provided with this application shows an on-site sidewalk network. The plat will dedicate a 4ft wide x 20ft long bus shelter easement on abutting each roadway.

Policy 4.5 Adopted land development regulations shall include provisions to encourage the implementation of innovative land planning and site design to encourage commercial areas that are large enough to be economically competitive and that are designed with controlled access to traffic-ways, adequate off-street parking and circulation, attractive landscaping with an emphasis on xeriscaping techniques, and cross access with neighboring commercial parcels. Commercial developments adjacent to residential areas should be planned with generous setbacks, buffer landscaping, architectural amenities (e.g. high parapet walls to screen rooftop mechanical equipment), and traffic patterns, which minimize the impact on neighborhoods.

**The site plan for the remaining area of the parent parcel must be updated as a result of this project. Staff intends to ensure compliance with this policy during that site plan review.**

Policy 4.18 In order to assess the development potential and public facilities impact of a site, the following maximum intensity standards shall be applicable for non-residential land use categories:

- a. Transit Oriented Corridor – The mix of land uses within the TOC shall not exceed the maximum intensities provided in Policy 13.2 of this element, as indicated below.

Commercial 4,454,894 sq. ft.  
Office 1,371,159 sq. ft.  
Industrial 1,830,884 sq. ft.  
Residential 3,565 d.u.  
Hotel 555 rooms

b. Commercial – One hundred (100) foot height maximum and fifty percent (50%) lot coverage maximum.

c. Office Park – One hundred (100) foot height maximum and fifty percent (50%) lot coverage maximum.

d. Industrial– Sixty (60) foot height maximum and fifty percent (50%) lot coverage maximum.

e. Community Facilities – Sixty (60) foot height maximum and fifty percent (50%) lot coverage maximum.

f. Commercial Recreation – Thirty five (35) foot height maximum.

The application is consistent with policy 4.18 because the development will not exceed the maximum intensity established by this policy.

Policy 5.2 Issuance of any development permit shall only be permitted upon finding that:

a. The proposed development is consistent with the Future Land Use Map and the permitted uses of Policy 1.2 of this Element.

b. That potable water is available to serve the needs of the proposed development.

c. That wastewater treatment and disposal service is available to serve the needs of the proposed development.

d. That fire protection is adequate to serve the needs of the proposed development.

e. That police protection is adequate to serve the needs of the proposed development.

f. That floor elevations are at or above the minimum prescribed by the National Flood Insurance Program.

g. That the traffic generated by, the proposed development will be safely and efficiently, handled by the regional transportation network and local streets.



- h. That a surface water management system meeting or exceeding the design criteria of the South Florida Water Management District is provided by the proposed development.
- i. That, adequate areas for local parks and recreation have been provided to meet the needs of the proposed development.
- j. That the proposed development is consistent with the design criteria specified in Policy 2.6 and elsewhere in the land development regulations of the City of Margate.

Section 31-33 of the Margate Code of Ordinances includes plats in the definition of a “development permit.” The application is generally consistent with Policy 5.2. The proposed development is substantially consistent with the permitted uses described in Policy 1.2.

The Department of Environmental and Engineering Services did not raise any issues of potable water capacity at the DRC meetings, **however, this department has made several requests for an analysis of the existing lift station which has not yet been resolved.** Police Department and Fire Department representatives had no comments related to public facility capacity during the DRC reviews of this application. The finished floor elevations will be confirmed during the building permit process. The traffic study provided by the applicant indicates a reduction of 488 daily trips if this project is approved. Due to the size of this development, the applicant will pay into the City’s parks fund in order to satisfy the park requirement.

**The plat application was reviewed by the Broward County Cocomar Water Control District, which referenced the canal that runs along the north property line and stated that “when the ‘Marquesa’ property is developed, an alternative for the storage in the canal must be provided.”** This matter needs to be resolved between the applicant and the Cocomar Water Control District.

Policy 2.6 no longer exists in the Comprehensive Plan.

Policy 5.3 The City shall work with the appropriate state, county, and local regulatory agencies to maximize their input into development decisions and mitigate potential adverse impacts of future development and redevelopment activities.

The City has coordinated the review of this application with the City of Coconut Creek and Broward County. State agency review is not required for a plat.

Objective 6 Land use and economic incentives will be implemented which will revitalize blighted areas identified within the Plan.

The subject property is located within the Community Redevelopment Agency (CRA) boundary. The CRA was formed to redevelop blighted areas. This application is requesting the allocation of 92 TOC dwelling units and 128 Flex units. If approved, the allocation of those units is the incentive to redevelop the property.

Policy 7.2 All proposed development, shall be compatible with adjacent land uses.

This proposed redevelopment has commercial abutting to the west and industrial abutting to the north. These uses are traditionally buffered and separated.

Policy 9.1 Prior to approval of increases in density or intensity of land uses, there shall be a finding that existing public facilities and services are available to serve the needs of the proposed development.

The accompanying concurrency report describes the status of existing public facilities and describes the proposed improvements, **with exception to a sanitary sewer lift station presently serves the development. DEES staff has made multiple requests for a capacity analysis, but the applicant has not provided such.**

Objective 11 Discourage urban sprawl and encourage a separation of urban and rural land uses by directing new development into areas where necessary regional and community facilities and services exist.

This development does not constitute urban sprawl. It is a residential development of 27 units per acre located in a commercial area serviced by mass transit.

Policy 11.2 The City's concurrency management system will ensure that the necessary facilities and services are available concurrent with the impacts of development. The City of Margate will conduct its concurrency review for local facilities at the time of plat approval. The City of Margate shall review all City plats and continue to participate in the countywide development review committee plat review and approval process. The City and County plat approval process will require that necessary regional and local facilities and services be available concurrent with the impacts of development through any of the following situations:

- The necessary facilities are in place at the time a plat approval is issued, or a plat approval is issued subject to the condition that the necessary facilities will be in place when the impacts of the development occur.
- The necessary facilities are under construction at the time a plat approval is issued.
- The necessary facilities are the subject of a binding contract executed for the construction of those necessary facilities at the time a plat approval is issued.
- The necessary facilities have been included in the Broward County or City of Margate annual budget at the time a plat approval is issued although the facilities are not yet the subject of a binding contract for their construction. The City of Margate shall make a determination that it will not remove the budgetary provision for the necessary facilities from the budget.

Minimal improvements are required to service this development, however, **staff still has not**

**received a capacity analysis for an existing lift station.** The developer has been asked to make some roadway improvements. **These improvements have not been added into the City of Margate's annual budget.**

Policy 13.2 Within the TOC land use category, the following mix of uses shall be included within the designated land. Office, Industrial and Residential uses shall be the principal uses. In addition, the maximum intensity allowed within the TOC is as indicated below:

	<b>Existing Built</b>	<b>TOC Need</b>	<b>TOC Max. Intensity</b>
Commercial:	4,104,894 sq. ft.	350,000 sq. ft.q	4,454,894 sq. ft.
Office	521,159 sq. ft.	850,000 sq. ft.	1,371,159 sq. ft.
Industrial	1,330,884 sq. ft.	500,000 sq. ft	1,830,884 sq. ft.
Residential:	1,716 d.u.	3,000 d.u.	3,565 d.u.
Hotel:	55 rooms	500 rooms	555 rooms
Rec & Open	35 acres	NA	NA

Residential is the principal use of this redevelopment, and falls within the above described limitations of development intensity.

Policy 13.3 Residential use is required as a principal component within a Transit Oriented Corridor. The location of residential uses shall be incorporated into a mixed use project or mixed use building with the location of residential uses consistent with those identified within the SR7/441 Corridor Master Plan. Exclusively residential buildings, not part of an overall mixed use project, shall be discouraged unless supporting commercial and office is within 1000' linear feet. The TOC through implementing regulations or agreements shall ensure that an appropriate balance of residential and non-residential uses occur in a manner to support each other.

No more than 1,849 additional residential dwelling units shall be permitted within the SR7/441 TOC during the planning horizon of 2015. However, in the event that additional residential dwelling units are requested before the 2015 planning horizon, the City Commission will hear such request and determine if additional units are necessary to further the SR7/441 Corridor Master Plan. In no case, shall development proceed before the necessary concurrency requirements have been addressed.

A total of 15% of the residential units shall be provided as affordable housing. Affordable housing shall be encouraged as bonus density consistent with Broward County Planning Council Administrative Rules Document, Article 8. The City shall create a mechanism to ensure that affordable housing, required as part of this land use category shall remain affordable in the future. The intent of the affordable housing is to ensure that those affordable units are integrated into a development proposal and not easily identified by location or design within the overall community. The City will work with the CRA to develop programs to develop a land trust, streamlined permitting, programs to work with major employers and agencies to construct workforce housing units as part of the master redevelopment plan, and other programs and policies that will promote the affordability of housing units. The land development regulations will be



developed in a manner that encourages new residential development within the TOC to be allowed on reduced lot sizes, reduced parking ratios, zero lot lines, clustering, and vertical integration of residential units with non-residential units.

Residential density shall be distributed along the corridor consistent with the SR7/441 Corridor Master Plan. Residential densities shall be provided for as follows:

<b>Location</b>	<b>Units</b>
North of Town Center	300 D.U.
Town Center	1,249 D.U.
South of Town Center	300 D.U.

Nothing in this policy shall limit the ability to address future redevelopment needs in the planning horizon post 2015 or to expand existing public water and wastewater facilities. Total residential and non-residential development may be limited by available water supply and wastewater treatment. The amount of development permitted within the TOC has been calibrated to match existing water and wastewater capacities and reflects a projected capacity of the existing public water and wastewater facilities. No more than 1,849 additional residential units shall be permitted unless it can be demonstrated that sufficient wastewater and water supply is available or necessary upgrades are incorporated into the Capital Improvements Program and Element.

Residential is the principal use of this redevelopment, and falls within the above described limitations of development intensity. In addition to the allocation of 92 TOC dwelling units, the applicant has requested an allocation of 128 flex units, which is consistent with the post 2015 planning horizon referenced above.

This is a gated apartment complex, so it is not considered a mixed use project. There are four large government offices within 1,000 feet of the project; a Social Security Administration office at 5195 Coconut Creek Parkway, a Florida Highway Safety and Motor Vehicles office located at 1135 Banks Road, a Florida Department of Business and Professional Regulation office located at 5080 Coconut Creek Parkway, and a United States Postal Service office located at 5094 Coconut Creek Parkway. AT&T has a large depot at 5301 Coconut Creek Parkway, but this facility is considered more of an employment engine than a convenience amenity because only employees of AT&T are allowed at this location. There is a 7-11 convenience store with gasoline service located at 4990 Coconut Creek Parkway. And finally a Lester's Diner restaurant is located at 4701 Coconut Creek Parkway. Of all of the above described uses, an essential supportive commercial use is a grocery store where fresh and healthy foods are readily available, but there are no grocery stores within 1,000 feet of the subject property.

Policy 13.4 The designation of land to transit oriented corridor and the increase in residential density is part of a planned growth management strategy to stimulate pedestrian oriented live and work places in connection with planned public transit investment.

Residential is the principal use of this redevelopment, and the plat shows two new bus shelter easement dedications.

Policy 13.6 The redevelopment and development within the TOC shall ensure that all parcels of land have sidewalk connects leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the TOC land use category. Street connections and sidewalk locations shall, at a minimum, be consistent with the SR7/441 Corridor Master Plan.

The site plan exhibit shows a pedestrian network connecting buildings to recreational opportunities and mass transit.

Policy 13.8 The City shall continue to provide for an inner city community shuttle bus within the TOC to provide mobility to and from the SR 7 Corridor. Development within the TOC is encouraged to provide amenities to support transit stops and riders.

The plat shows two bus shelter easements and a pedestrian network to connect those shelters to the residential buildings.

Policy 13.9 Existing and proposed residential development shall be designed to be integrated into the existing neighborhoods created through the implementation of the TOC. Compatibility and appropriate transitional design elements will be reviewed at time of site plan review, consistent with the land development regulations adopted to implement the TOC land use category. Such regulations and review shall ensure that existing industrial uses will not become incompatible with new development and that new development shall provide buffers and site design in light of the existing land uses and continue to protect areas that may be located within a wellfield protection zone. Single-family detached dwellings units may be permitted as part of an overall residential mixed-use project consistent with the adopted land development regulations.

**The site plan, which was provided as an exhibit to the plat, shows minimal buffers between the onsite residential and the existing adjacent industrial to the north.** The site plan shows the apartment complex will be fenced. The adjacent commercial development to the west currently hosts two charter schools, which may allow for onsite trip capture if students or faculty of the schools happen to reside in the apartment complex.

Policy 13.11 Consistent with the intent of a TOC land use category, design features shall be required that promotes and enhance pedestrian mobility, including connectivity to transit stops and stations. Such design elements shall include, but not be limited to the following:

- Integrated transit stops with shelter, or station (within the TOC area).
- Pedestrian and bicycle paths ranging in width from 5 to 30 feet (5 feet shall be the minimum consistent with ADA requirements) shall be required that minimize conflicts with motorized traffic and are adequately landscaped, shaded and provide opportunities for shelter from the elements.
- Buildings shall front the street with zero or minimal setbacks, as required per the land development regulations adopted to implement the TOC land use category.
- Vehicle parking strategies shall be adopted that encourage and support transit usage (such as parking that does not front the street, shared parking, parking

structures, maximum allowable parking, and/or reduced parking ratios). The City shall provide, as part of the street master plan for on-street parking, and investigate opportunities for public/private partnerships for structured parking and other mechanisms for reducing vehicle parking requirements.

- Streets, both internal to and adjacent to the TOC shall be designed to discourage isolation and provide connectivity.

This application includes an onsite pedestrian network as well as improvements to the public sidewalks and roadways. This application also includes the dedication of two bus shelter easements for future improvements.

Policy 13.12 The City shall require, as part of the development review process and consistent with the design of the SR7/441 Corridor Master Plan, internal pedestrian and transit amenities to promote alternative modes of transportation. These amenities shall include, but not be limited to: seating benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, and bicycle parking. Additional amenities incorporated into the street pattern shall include, but not be limited to: clocks, fountains, sculptures, drinking fountains, banners, flags and food and refreshment vendor areas. All such required amenities shall be reviewed as part of the land development review process and shall be consistent with the land development regulation adopted to implement the TOC land use category.

This application includes an onsite pedestrian network as well as improvements to the public sidewalks and roadways. This application also includes the dedication of two bus shelter easements for future improvements.

Policy 13.14 Recognizing the goal of the TOC land use category is to promote transit usage and other methods of reducing single-occupancy vehicles upon overcapacity roadways, any required transportation impact analysis shall consider the modal shift provided through the provision of transit and transit oriented design. In addition, the transportation impact analysis shall consider the effects of internal capture as applicable to transit oriented mixed use projects.

This application includes an onsite pedestrian network with bicycle parking facilities as well as improvements to the public sidewalks and roadways. This application also includes the dedication of two bus shelter easements for future improvements. The adjacent commercial development to the west currently hosts two charter schools, which may allow for onsite trip capture if students or faculty of the schools happen to reside in the apartment complex.

Policy 13.15 The City will continue to coordinate with the Utilities Department to ensure that adequate water and wastewater facilities are available for all future development.

The Department of Environmental and Engineering Services has been involved throughout the review process.

Policy 13.16 The City shall participate in the Broward County School Board Staff Working Group, School Design Subcommittee to ensure that adequate school facilities

are provided within the service area. The City and the CRA shall continue to work with the Broward County School Board staff to investigate the possibility of locating a school site within the TOC area.

The School Board of Broward County has issued a School Capacity Adequacy Determination (SCAD) letter for this project. At 8.113 acres, there is insufficient acreage to locate a new public school campus.

Policy 13.18 The implementation of the TOC shall ensure coordination with redevelopment plans of the CRA.

This property is located within the CRA boundary. The CRA has been afforded opportunity to participate in the DRC process, and has been supportive of the application.

## **Element 2 - Transportation**

Policy 1.1.2: Prior to plat approval, the City shall evaluate the transportation facilities and services necessary to meet the level of service standards established within the Margate Comprehensive Plan and will be available concurrent with the impacts of the development consistent with Rule 9J-5.0055(3)(c) F.A.C. and the concurrency management policies included within this element and plan.

Policy 1.1.3: The City shall enforce its land development codes and regulations to ensure that all new development in Margate meets the level of service standards established within the Comprehensive Plan.

City staff evaluated existing transportation facilities and services. Some roadway links do not meet minimum level of service standards today, and there are some roadway links projected to fall below the minimum level of service standards, but the traffic study included with the application indicated a reduction in trip generation of 488 trips per day. Rule 9J-5 of the Florida Administrative Code was repealed in 2011.

Policy 1.1.5: The City will collect applicable roadway impact fees for properties platted prior to March 20, 1979, using Broward County's TRIPS Model, or as otherwise provided by law, to improve existing and future roadways.

Broward County continues to collect roadway impact fees.

Policy 2.2.1: The City of Margate adopted in 1994 and since then maintains a concurrency management system that



assures substantial conformity with both the Margate and Broward Comprehensive Plans when assessing all development activities. Further, a development order may be issued within an impacted roadway exceeds its adopted LOS standard only if one or more of the following mitigation measures apply:

1. The proposed development does not place any trips on, or create any, overcapacity links within the impact area. The impact area consists of all property within the impact distance of the boundary of the proposed development site, where the impact distance is defined below:

Proposed Use:	Impact Distance (miles):
Church	1
Commercial, less than 200,000 square feet GFA	1
Commercial, between 200,000 & 1 million square feet GFA	2
Commercial, greater than 1 million square feet GFA	3
Commercial Recreation	1
Community Facility	1
Day Care	1
Hotel	1
Industrial/Warehouse	2
Office	2
Park (local)	1
Park (regional)	2
Regional Cultural/Tourism Facility	3

Residential	1.5
School	1

Proposed development with mixed use will be assigned the impact distance from the above table that is closest to the weighted average of impact distances of the individual uses in the proposed development, with the weights based on trips generated. Traffic studies submitted by an applicant shall be considered in reaching this decision.

2. The proposed development places trips on, or creates, overcapacity links within the impact area, but one of the following conditions applies:

a. There is an approved action plan to accommodate the traffic impact of the development; or

b. The necessary improvements to provide the applicable level of service are either under construction or are the subject of an executed contract for the immediate implementation of the improvements at the time the permit is issued; or

c. The necessary improvements to provide the applicable level of service have been included for the first two (2) years of the adopted municipal, state or county schedule of transportation improvements and the applicable government entity makes a determination that a binding contract for the implementation of said improvements will be executed no later than the final day of the second fiscal year of the original schedule; provided, however, that for an improvement to a FIHS facility, inclusion in the third year of the adopted state program may also be acceptable; or

d. The necessary improvements for the applicable LOS are provided for in an enforceable development agreement and will be available prior to certificates of occupancy that require those facilities. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, Florida Statutes; or

e. The development permit will be issued in accordance with, and as authorized by, an approved Florida Quality Development (FQD) or Development of Regional Impact (DRI) development order which development order was either issued prior to the adoption of the 1989 Broward County Comprehensive Plan or was issued after being reviewed for concurrency; or

f. The proposed development is found to have vested rights with regard to any affected road segment in accordance with the provisions of Chapter 163, Part II, Florida Statutes, or a common law vested rights determination made as to that road segment in accordance with Section 5-181(1) of this Article. The proposed development must meet concurrency for any road segment for which a vested rights determination has not been made; or

g. The proposed development would promote public transportation. Specifically, the proposed development is either:

i. A public transit capital facility, including transit terminals, lines, shelters and stations; or

ii. An office building or office project that includes fixed-rail or transit terminals as part of the building

h. The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent with F.S. §163.3180(5), and that the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. §163.3180.

The Margate development review and approval process will ensure that necessary facilities and services will be available concurrent with the impacts of development consistent with F.S. §163.3180 through any of the following situations. Development Action includes any land use change, site plan approval,

building permit, zoning permit, subdivision approval, rezoning, special exception, variance, or any other official action of the City Commission or other appropriate City official or agency.

(a) The necessary transportation facilities are in place at the time a Development Action is approved by the City Commission or other appropriate City officials or the Development Action is approved subject to the condition that the necessary transportation facilities will be in place concurrent with the impacts of the development;

(b) The necessary transportation facilities are under construction at the time a Development Action is approved by the City Commission, or other appropriate City officials.

(c) The necessary transportation facilities are the subject of a binding contract executed for the construction of those necessary transportation facilities at the time a Development Action is approved by the City Commission, or other appropriate City officials. been included in the Municipal, County or State annual budget at the time a Development Action is approved by the City Commission, or other appropriate City officials although the facilities are not yet the subject of a binding contract for their construction; and/or,

(e) At the time a Development Action is approved by the City Commission, or other appropriate City officials, the City is able to assure that the necessary transportation facilities will be in place within a reasonable period of time consistent with F.S. §163.3180 At a minimum, the necessary transportation facilities are to be included within a financially feasible Capital Improvements Element or an alternative implementation plan which is determined by the State Land Planning Agency to be in compliance with F.S. §163.3180 and supported by all necessary implementing land development regulations and a concurrency monitoring system.

(f) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent with F.S. §163.3180(5), and that the proportionate-share



contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. §163.3180.

Although some roadway links fall below minimum adopted level of service standards, the traffic study provided shows that this redevelopment site will provide a reduction in trip generation of 488 trips per day. Therefore, no additional trips will be placed on an overcapacity link, and the City may issue a development order.

Policy 3.2.3: At the time of plat or site plan approval, developers shall be required to construct and/or resurface adjacent bikeways/walkways in accordance with the most recent City Commission adopted Master Bikeway/Walkway Plan.

The City Commission has not yet adopted a Master Bikeway/Walkway Plan, however, consistent with current TOC land development regulations, the developer will be widening existing sidewalks and providing a landscape buffer between those sidewalks and the travel lanes of the adjacent roadways.

Policy 3.2.7: At the time of the plat approval, the City will continue to require dedication of right-of-way consistent with Broward County Trafficway Plans for wide curb lanes to accommodate bicycles and provide parallel sidewalks as part of arterial roadway construction projects.

The plat is dedicating an additional seven feet to the Coconut Creek Parkway, and an additional 12 feet to a portion of Banks Road.

Policy 6.1.1: For the purpose of issuing development orders and permits, the adopted public transit level of service shall be the same as the service provider, Broward County, a fixed-route transit service to at least 70 percent of all residences and employment locations during peak hour.

The proposed development consists of 220 mid-rise apartments located on a minor arterial roadway and major collector roadway with existing mass transit service. The plat is dedicating two bus shelter easements. This policy is supportive of the development because it is providing additional residences on existing transit lines.

Objective 6.3.0: The City shall ensure adequate rights-of-way are available to meet Margate's future mass transit and transportation needs.  
Measure - amount of property reserved for transportation including mass transit.

The plat is dedicating an additional seven feet to the Coconut Creek Parkway, and an additional 12 feet to a portion of Banks Road. The plat is dedicating two bus shelter easements.

Policy 6.5.2 The City shall increase the public transit mode split through strategies such as appropriate transit route planning, decreasing peak-hour headways, improving accessibility of public transit facilities, and through promotion of public transit.

The site plan exhibit included with this plat application shows an on-site pedestrian network which connects residential buildings to mass transit service, as well as the provision of bicycle parking facilities.

Policy 10.1.1: The City shall maintain its highest intensities of land use along major transportation routes and encourage the clustering of parking areas near major routes and transit stops. The City does not contain any designated public transportation corridors, however, the City will participate in providing data to the County and for FDOT and coordinate parking strategies and alternatives to utilizing the FIHS by local traffic.

This property is located on the Education Corridor, which is designed to connect residents with education facilities, via access of public facilities. The corridor includes pedestrian amenities, such as improved crossings, dedicated pedestrian crossings, landscape buffers between sidewalks and adjacent travel lanes, and the provision of bus shelters.

### **Element 3 – Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater, and Aquifer Recharge**

Policy 1.1.1 The LOS standards for the City's potable water facilities of 335 gallons per day (gpd) per equivalent residential connection (ERC) for capacity, and 3,000 gallons per minute (gpm) with a residual pressure of 20 pounds per square inch (psi) for storage and distribution configuration, are adopted and are currently utilized to assess adequacy of service. All other LOS standards utilized by the Florida Department of Environmental Protection (FDEP) and Broward County Health Department pertaining to potable water shall be adopted and utilized to assess adequacy of the services provided. These levels of service shall be used to determine adequacy at the time of plat and/or site plan approval.

The Department of Environmental and Engineering Services (DEES) did not raise a concern about potable water supply for this project during the Development Review Committee (DRC) process.

Policy 1.2.1 Require engineering plans and specifications prior to any system addition or alteration.

The site plan related to this plat application includes a number of distribution system alterations which will be permitted by DEES and will include the required engineering plans and specifications.

Policy 1.2.3 Require fire hydrants to be installed within the project and/or the adjoining right-of-way with any expansion or alteration of the water distribution system.

The utility plan exhibit depicts fire hydrants and fire department connections to be installed.

Policy 1.2.4 Require easements for all mains and service connections up to the meter box.

Easements have not been provided on the plat. The applicant is insisting on providing easements by separate instrument.

Policy 1.5.1 The development review process shall enable the City to assure those areas served by the City's water treatment plant receive adequate potable water services consistent with the level of service standards established. This process, which is currently in effect, requires availability of adequate potable water service prior to the issuance of a development permit in accordance with the City of Margate land development regulations.

The Department of Environmental and Engineering Services (DEES) did not raise a concern about potable water supply for this project during the Development Review Committee (DRC) process.

Objective 2.1 Future developments should be responsible for bearing the proportionate cost of the expansion and/or construction of wastewater treatment and collection facilities required for their use.

Minimal improvements are required to service this development, however, **staff still has not received a capacity analysis for an existing lift station. This has been an ongoing staff comment since the March 13, 2018 DRC meeting.**

Policy 2.1.1 Require connection to sanitary sewer collection system serviced by the City of Margate Wastewater Treatment Plan for all development and redevelopment within the service area.

This redevelopment will be connected to the sanitary sewer collection system serviced by the City of Margate.

Policy 2.2.2 The level of service standard for the City's Sanitary facilities of 335 gallons per day (gpd) per equivalent residential connections (ERC's) shall be maintained to assess adequacy of service; all other levels of service standards utilized by the Broward County Water Resources Division pertaining to Sanitary sewer facilities shall be adopted and utilized to assess adequacy of service as follows:

Type of Structure	Specific Condition	Per unit in Gallons per day
Assembly Halls	(a) per seat	2
Barber and beauty shops	(a) per dry service chair	100
	(b) per wet service chair	200
Bar and cocktail lounges (No food service)	(a) per seat 20	
Bowling alleys	(a) per lane (no food operation)	100

Camper or RV trailer park	(a) per space	150	
Car wash	(a) automatic type		3500
	(b) automatic type (recycled water)	350	
	(c) hand wash	1750	
Churches	(a) per sanctuary seat	3	
Dance halls	(a) per person	2	
Dentist offices:	(a) per dentist	250	
	(b) plus per wet service chair	200	
Doctor offices:	(a) per physician		250
	(b) plus per square foot of office space		0.20
Drive-in theater	(a) per car space	5	
Fire station	(a) per bed		100
Health spa	(a) per square foot (does not include food service)		0.35
Hospitals and nursing homes	(a) per bed space (does not include public food service areas and offices)		210
Institutions	(a) per person (including resident staff)		100
Kennels	(a) per animal space	30	
	(b) per veterinarian		250
Laundries	(a) per coin-operated machine		400
	(b) per commercial not coin-operated machine		650
Office Building	(a) per square foot of floor space		0.20
Parks, public with comfort stations	(a) per visitor	10	
Pet grooming parlors	(a) per wash basin (does not include retail sales)		200
Recreation/pool buildings	(a) per person (300 gallon minimum)	2	
Residences	(a) Single family, detached each	300	
	(b) Multiple family per dwelling unit	250	
	(c) Motel/hotel units, per bedroom	150	
	(d) Bedroom additions to single family residence		150
	(e) Mobil homes, each		300
Restaurants	(a) open 24 hours, per seat including bar		50
	(b) open less than 24 hours, per seat including bar		30
	(c) open less than 24 hours, with drive-through window, per seat including bar		35
	(d) drive-ins, per space		50
	(e) carry out food service only per square feet	100	50
Schools:			



Elementary/Middle	(a) per pupil per day	10
	(b) add for shower/pupil	5
	(c) add for cafeteria/pupil	5
High School	(a) per pupil per day	15
	(b) add for shower/pupil	5
	(c) add for cafeteria/pupil	5
Boarding School	(a) per pupil	100
Service stations and auto repair shops	(a) per water closet	250
	(b) plus per service bay	100
Shopping centers and retail shops	(a) per square foot of floor space (does not include food service or laundry)	0.10
	(a) per seat	5
Theaters and auditoriums	(a) per seat	5
Warehouse, mini-storage, with resident manager	(a) per square foot of floor space	0.01
	(b) plus residence	250
Warehouses	(a) per square foot of floor space	0.10

Minimal improvements are required to service this development, however, **staff still has not received a capacity analysis for an existing lift station. This has been an ongoing staff comment since the March 13, 2018 DRC meeting.**

Policy 2.3.1 Require engineering plans and specifications prior to any system addition or alteration.

Engineering plans and specifications will be confirmed during the engineering permitting process.

Policy 2.4.1 Maintain current land development regulations prohibiting development that requires on-site septic systems and localized package treatment plants - thus discouraging urban sprawl.

This project will not utilize on-site septic systems.

Objective 3.1 Require all new developments to meet the standards of the South Florida Water Management District for quantity and quality of stormwater runoff.

This project is required to meet the South Florida Water Management District and Cocomar Water Control standards for quantity and quality of stormwater runoff.

Policy 3.1.2 New developments and redevelopments shall be responsible for the granting of rights-of-way and construction of storm drainage and flood protection required for their use.

This plat application is dedicating a 20 feet wide canal maintenance easement along the northern property line. Further, Broward County staff reviewed the application for compliance with standards

established for the Cocomar Water Control District. In this review, staff described the the 20ft canal maintenance easement running along the north property line and noted that, #1 “When the ‘Marquesa’ property is developed, an alternative for the storage in the canal must be provided; and #2 “No beautification or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed.

Policy 3.1.3 The banks of all canals, lakes, and retention areas not containing sea walls shall be graded so that they are stable, free of Brazilian Pepper, and easily maintained. This will be accomplished through the site plan review and permitting process.

Policy 3.1 .5 The first floor elevation of all structures within the City of Margate shall be at or above the base flood elevation established by the Federal Flood Insurance Rate Map.

This will be accomplished through the site plan review and permitting process.

#### **Element 4 – Recreation and Open Space**

Policy 1.6 The level of service standard for local parks of 3.00 acres per 1,000 populations shall be adopted and utilized to assess adequacy of service.

Policy 4.1 In reviewing and approving developments, the Development Review Committee shall ensure that public access is provided to parks and recreation sites.

Due to the acreage of this project, a park dedication of land is not required. The applicant will make a monetary contribution into the City’s Park Fund. There is a small public open space dedication in the Southeast corner of the parcel in order to satisfy the TOC open space requirements.

#### **Element 5 – Capital Improvements**

Policy 2.1 Prior to the issuance of any development permit, there shall be a finding that:

- a The proposed development is consistent with the Future Land Use Map and the permitted uses of Policy 1.2 of the Future Land Use Element.
- b That potable water is available to serve the needs of the proposed development.
- c That wastewater treatment and disposal service is available to serve the needs of the proposed development.
- d That fire protection is adequate to serve the needs of the proposed development.
- e That police protection is adequate to serve the needs of the proposed development.
- f That floor elevations are at or above the minimum prescribed by the National Flood Insurance Program.

g That the traffic generated, by the proposed development will be safely and efficiently handled by the regional transportation network and local streets.

h That a surface water management system meeting or exceeding the design criteria of the South Florida Water Management District is provided by the proposed development.

i That adequate, areas for local parks and recreation have been provided to meet the needs of the proposed development.

j That the proposed development is consistent with the design criteria specified elsewhere in the land development regulations of the City of Margate.

k That adequate capacity exists in all impacted public schools for projects containing residential dwelling units.

Section 31-33 of the Margate Code of Ordinances includes plats in the definition of a “development permit.” The application is generally consistent with Policy 2.1. The proposed development is substantially consistent with the permitted uses described in Policy 1.2. The Department of Environmental and Engineering Services did not raise any issues of capacity at the DRC meetings, **however, this department has made several requests for an analysis of the existing lift station which has not yet been resolved.** Police Department and Fire Department representatives had no comments related to public facility capacity during the DRC reviews of this application. The finished floor elevations will be confirmed during the building permit process. The traffic study provided by the applicant indicates a reduction of 488 daily trips if this project is approved. **The plat application was reviewed by the Broward County Cocomar Water Control District, which referenced the canal that runs along the north property line and stated that “when the ‘Marquesa’ property is developed, an alternative for the storage in the canal must be provided.”** This issue must be resolved between the applicant and the Cocomar Water Control District. Due to the size of this development, the applicant will pay into the City’s parks fund in order to satisfy the park requirement. Policy 2.6 no longer exists in the Comprehensive Plan. The site plan exhibit provided with this plat application is consistent with the Transit Oriented Corridor (TOC) form-based code in effect at the time of the first application submittal.

Policy 2.2 The City shall work with the appropriate state, county, and local regulatory agencies to maximize their input into development decisions and mitigate potential adverse impacts of future development and redevelopment activities.

The City has coordinated the review of this application with the City of Coconut Creek and Broward County. State agency review is not required for a plat.

Objective 3 The Capital Improvement Element shall monitor the extent to which future development will bear a proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted levels of service.

Staff has asked the developer to make some median improvements in Banks Road. These improvements have not been formalized via written agreement nor adoption into the Capital Improvements Element.

Policy 3.1 Impact fees, developer dedications, connection charges and contributions in aid to construction

shall continue to be required in an amount equal to the cost of the infrastructure required to serve the development.

Impacted fees are calculated by the Department of Environmental and Engineering Services and collected by the Building Department prior to issuance of permit. In addition to impact fees, the developer will be making utility distribution modifications, and may have to improve an existing lift station, but **the applicant has not yet provided a capacity analysis for the lift station.**

Policy 5.4 The City's concurrency management system will ensure that the necessary facilities and services are available concurrent with the impacts of development. The City of Margate will conduct its concurrency review prior to issuance of a development order. The City will require that necessary regional and local facilities and services be available concurrent with the impacts of development through any of the following situations:

- ☐ The necessary facilities are in place at the time the development order is issued, or the development order is issued subject to the condition that the necessary facilities will be in place when the impacts of the development occur.
- ☐ The necessary facilities are under construction at the time the development order is issued.
- ☐ The necessary facilities are the subject of a binding contract executed for the construction of those necessary facilities at the time the development order is issued.

The necessary facilities have been included in the 5-year schedule of capital improvement at the time the development order is issued although the facilities are not yet the subject of a binding contract for their construction. The City of Margate shall make a determination that it will not remove the budgetary provision for the necessary facilities from the budget.

- ☐ The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent with F.S. 163.3180(5), and that the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. 163.3180.
- ☐ The applicant enters into binding agreement to pay for or construct its proportionate share of the school facilities necessary to serve the proposed development pursuant to Objective 1.3.0 of the Public Schools Facilities Element, or adequate school facilities will be in place or under actual construction within 3 years after approval of final plat, site plan or functional equivalent.

The application is subject to a concurrency review. Staff has asked for minor roadway improvements on Banks Road. An ongoing comment going back to March 13, 2018 is that **staff still has not received a capacity analysis for an existing lift station.** These improvements will be subject to an agreement between the applicant and the City to link the timing of those improvements with the construction of the project.

Objective 6. The City, in collaboration with Broward County, the School Board, and non-exempt municipalities shall ensure that public school facilities are available for current and future students consistent with available financial resources and the adopted level of service.



Policy 6.2 The Level of Service standard shall be the higher of 110% gross capacity (including relocatables) or 110% permanent Florida Inventory of School Housing (FISH) capacity for the purpose of establishing uniform, districtwide level-of-service standards for public schools, as outlined in the adopted Third Amended Interlocal Agreement.

The City participates in the Third Amended and Restated Interlocal Agreement for Public School Facility Planning. The demonstration of compliance for this requirement is the School Capacity Adequacy Determination (SCAD) letter from the School Board of Broward County, which has been provided by the applicant, and is included the Concurrency Report.

### **Element 6 - Housing**

*Goal To achieve a housing supply that offers a range of residential unit styles and prices for homeowners and renters of all household income levels.*

Objective 1 To insure adequate community infrastructure and essential services to meet the need of new housing development.

Policy 1.1 The capacity of existing infrastructure and essential services should be examined and future improvements planned, through the Capital Improvements Element of the Comprehensive Plan, in order to meet anticipated needs of future housing development.

The application is subject to a concurrency review. Staff has asked for minor roadway improvements on Banks Road. An ongoing comment going back to March 13, 2018 is that **staff still has not received a capacity analysis for an existing lift station.** These improvements will be subject to an agreement between the applicant and the City to link the timing of those improvements with the construction of the project.

Policy 1.3 Mixed use development should be encouraged in the Transit Oriented Corridor, including residential units to facilitate development with access to multiple modes of transportation.

Although this is not a mixed use project, it is a new residential development within the TOC, the plat is dedicating two new bus shelter easements, and the site plan exhibit provide an on-site pedestrian network with bicycle parking facilities.

Policy 1.4 Impact fees and development agreements should be used as a means of funding the required infrastructure for housing in the City.

Impacted fees are calculated by the Department of Environmental and Engineering Services and collected by the Building Department prior to issuance of permit. In addition to impact fees, the developer will be making utility distribution modifications, and may have to improve an existing lift station, but **the applicant has not yet provided a capacity analysis for the lift station.**

Objective 2 To facilitate production of adequate and affordable housing for the existing population and anticipated population growth, including very-low, low and moderate income families and first time home buyers.

This development is expected to provide housing for moderate income families.

Policy 2.3 The construction of affordable housing should continue to be encouraged through subdivision and zoning regulation provisions that allow small –lot subdivision and zero-lot line development of residential property, as well as permitting residential dwelling units in mixed use developments within the Transit Oriented Corridor.

Policy 2.4 Fifteen percent of all dwelling units within the Transit Oriented Corridor shall be provided as affordable housing per policy 13.3 of Element I – Future Land Use, of this Comprehensive Plan.

**Due to House Bill 7103 from the 2019 Florida Legislative Session, the City is now required to incentivize the developer to off-set the cost of building affordable housing. The City does not currently have a vehicle to provide such incentives, so it cannot require affordable housing.**

Objective 3 To insure that new housing in Margate will be compatible with the desired community character as set forth on the Future Land Use Map.

Policy 3.2 The City's planning, zoning and building officials should continue to work with developers from the inception of a housing development to insure its consistency with the Future Land Use Map.

**Staff has been working with the applicant since inception, but has compatibility concerns with the adjacent commercial development to the west and industrial development to the north.**

Staff is recommending a conditional approval subject to site improvements on the remaining parent parcel to the west, and buffering of the industrial development to the north.

Policy 3.3 New housing proposals should be carefully examined to insure their compatibility with existing natural resources.

This project is a redevelopment of an existing commercial development with no known natural resources on or adjacent to the subject property.

*Goal To assure that all citizens have decent, safe and sanitary housing in neighborhood environments that are attractive, secure and free from urban blight.*

Objective 6 To maintain the integrity and quality of existing residential neighborhoods and protect future residential areas from blighting influences, through residential conservation activities.

Policy 6.4 Future residential areas should be buffered from the adverse visual and noise and other impacts of incompatible nonresidential activities. The need for buffering should be identified through site plan review and approval procedures established as part of the City's revised land development regulations. This policy shall be implemented consistent with the requirements of Section 163.3202(1), Florida Statutes governing land development regulations.

**This development lacks adequate buffering between the adjacent industrial development to the north.**

Policy 10.2 The City shall promote new housing projects which contain compact building design principles, mixed use, medium to high densities, promote pedestrian activity and support multi-modal

transportation options.

This project is a medium-high density at 27 units per acre. The onsite pedestrian network and open space feature at the south east corner of Banks Road and Coconut Creek Parkway promote pedestrian activity. The paved connections to transit stops, bicycle parking facilities, and bus shelter dedications support multi-modal transportation options.

Policy 10.4 The City shall encourage developers to comply with green certification standards found within Florida Green Building Coalition, US Green Building Council Leadership in Energy and Environmental Design (LEED) or other acceptable environmental, and commercial building standards, which generally include the following:

1. Community/Neighborhood - use of compact building design; energy efficient street lighting; energy efficient automobiles/transit.
2. Lot Choice – priority use of small properties in urban areas; use of “brownfield” lands that can be cleaned; use of lands close to sewer and power lines, mass transit, or green space.
3. Site Choice – re-create or preserve wildlife habitat or shelter, replant or donate vegetation, use cleared material for mulch or landscaping or stabilizing soil and reuse topsoil.
4. Water Efficiency/Conservation – use of very efficient clothes washers, low-flow toilets or waterless urinals; use of reclaimed water; innovative irrigation or drought tolerant plants; use of rain gardens, bioswales and cisterns.
5. Energy Efficiency/Conservation – use of light-colored exterior walls; buildings shaded on the east and west by trees; properly sized air conditioners; use of ceiling fans; energy efficient appliances and indoor lighting; efficient well-pumping; use of alternate electrical grids, and/or use of wind/solar/natural gas energy.
6. Materials – use of building materials with recycled content; eco-friendly insulation; lumber from sustainable sources; or locally produced materials.
7. Health – use of a detached garage; carbon monoxide alarm; central dehumidification systems; energy efficient bathroom exhaust fans with timer; humidistat whole house filtration.

At a density of 27 units per acre, the project utilizes compact building design. This project is located within the CRA boundary, which is also a designated “brownfield.” There is no known wildlife habitat that will be affected by this project. The Florida Building Code requires energy and water efficient fixtures and appliances, and the Margate Landscaping Code requires water efficient design with drought tolerate plant materials.

### **Element 7 – Conservation**

Policy 3.1 All development activities shall be required to meet the standards of the SFWMD for quantity and quality of storm water runoff.

This project is required to meet the South Florida Water Management District and Cocomar Water Control standards for quantity and quality of stormwater runoff.

Policy 4.2 Require the preservation and integration of existing trees into new development and redevelopment by continuing to implement the Tree Preservation ordinance.

The Margate Department of Environmental and Engineering Services continues to implement the

Tree Preservation Ordinance through the site plan and permitting processes. Any trees removed during the construction of this project will be mitigated.

Policy 4.6 The City shall continue to implement landscaping regulations which address the use of xeritypic landscaping requiring minimal water, fertilizers, and pesticides.

The Margate Landscaping Code implement “Florida Friendly” landscape practices which require water efficient design with drought tolerate plant materials, and water quality measures such as restricting.

### **Element 8 – Intergovernmental Coordination**

#### **Policy 3.1**

The City shall continue to utilize the established site plan and plat approval procedures to assess the impacts of proposed development on land uses, public facilities and natural resources.

City staff has utilized the established procedures for this application.

#### **Policy 3.2**

All development permits issued by the City shall be consistent with permits issued by the South Florida Water Management District, DPEP, U.S. Army Corps and Cocomar Water Control District for said development.

DEES reviews development permits for consistency with permits issued by the above listed agencies during the site plan and permitting processes.

#### **Policy 3.4**

Continue to notify all utility companies of proposed abandonments and obtain comments prior to approval.

This plat includes vacating language in the dedication section which reads, “IT IS AN EXPRESS PURPOSE OF THIS PLAT TO VACATE THE UTILITY EASEMENTS THAT WERE DEDICATED BY THE UNDERLYING PLAT.” **City staff has requested that the applicant provide written consent from each utility for those vacation prior to final approval of the plat. Staff has not yet received the requested documentation of consent.**

#### **Policy 4.2**

The City’s Development Review Committee shall continue to obtain comments from the Broward County School Board regarding proposed plats, and land use plan amendments related to the availability of school facilities. [9J-5(3)(c)12].

The School Board of Broward County has reviewed the application, issued a School Capacity Adequacy Determination (SCAD), and has been invited to participate the in November 5, 2019 Planning & Zoning Board meeting. Rule RJ-5 was repealed in 2011.

### **Element 9 – Public School Facilities**

**Policy 1.2.6.** The City shall not approve a residential plat or site plan or functional equivalent until the School Board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the City's Land Development Code and the ILA.

**Policy 1.2.8.** The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the School Board and adopted within the City's Land Development Code. The student generation rates shall be reviewed and updated at least every 3 years.

**Policy 1.2.9.** The public school concurrency approval for residential plats shall expire if development within the plat does not commence within 5 years following the date of City Commission approval.

**Policy 1.3.1.** A residential development's proportionate share mitigation value shall be determined by multiplying the number of additional student stations needed to mitigate the impact of the proposed development on schools within the affected CSA(s) not meeting the adopted LOS standards by the State cost per student station for each school type plus a land impact cost share, if applicable. Pursuant to Section 163.3180(13)(e)(2), F.S., the applicant's proportionate share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

**Policy 1.3.2.** Proportionate share mitigation shall enhance the capacity of the schools (or provide for the construction of new schools) serving the proposed residential development. Proportionate share mitigation shall equate to at least one permanent classroom, which may be funded by one or more residential developments, or other identified funding sources. Mitigation that results in the need for school site(s) shall primarily be the dedication of land.

Proportionate share mitigation shall include the following options, as further defined and subject to, procedures and requirements in the ILA:

1. Purchase or dedication of needed elementary, middle or high school sites.
2. Construction of capacity improvements identified in years four (4) or five (5) of the DEFP including advancement of such improvements into the first three years of the DEFP.
3. Construction of previously unplanned schools, classroom additions, modular classrooms or similar facilities. Such facility capacity shall be included in the first three years of the DEFP.
4. Construction of the needed capacity at one or more charter schools.
5. Other mitigation options approved by the School Board on a case by case basis contingent upon a School Board finding that the option mitigates the impact of the proposed development.

**Policy 1.3.3.** Mitigation shall be assured by a legally binding agreement between the School Board, the applicant and the City executed prior to the issuance of the final subdivision plat or the final site plan approval (or functional equivalent). The School Board must commit in the agreement to placing the improvement required for mitigation in the first three years of the DEFP.

**Policy 2.1.8.** The City shall share and coordinate information with the School Board and Broward County through the municipal platting, Development Review Committee, and school siting processes and procedures identified in the ILA to ensure the location, phasing, and development of public school facilities, including additions to existing facilities is coordinated with the provision of necessary public facilities.

An interlocal agreement between the School Board of Broward County, Broward County, and the cities of Coconut Creek, Cooper City, Coral Springs, Dania Beach, Fort Lauderdale, Hallandale Beach,



Hollywood, Lauderdale-By-The-Sea, Lauderdale Lakes, Lauderhill, Margate, Miramar, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Pembroke Pines, Plantation, Pompano Beach, Southwest Ranches, Sunrise, Tamarac, West Park, Weston, and Wilton Manor requires any type of application which has the potential to approve residential development to undergo capacity analysis by the School Board. The applicant has provided a number of School Capacity Adequacy Determination (SCAD) letters from the School Board of Broward County. The most recent SCAD letter will expire January 12, 2020. The School Board of Broward County has been invited to participate the in November 5, 2019 Planning & Zoning Board meeting.

4) **Compatibility.** Evaluate the project's compatibility with adjacent properties, such as: use, height, scale, parking/loading/garbage facilities, hours of operation, noise, etc. Are those factors 'in character' with the surrounding area? Explain.)

This portion of the staff report evaluates the compatibility of the application.

Compatibility concerns have been raised through this staff report. The subject property was originally developed for commercial uses. This development consists of carving out 8.113 acres of a commercial development to be redeveloped into a 220-unit mid-rise apartment complex. The remainder of the existing commercially developed parent parcel will be separated from the apartments by a fence and vehicle gate. The existing commercial building is proposed to be left in very close proximity to the new residential development.

The subjected property is adjacent to an existing industrial complex to the north. A canal divides the two, and the residential development is fenced. There is a significant opportunity for noise, light, dust, and vibrations from lawful industrial activities to negatively impact the proposed residential development.

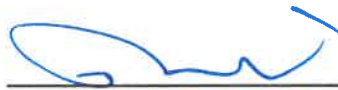
Staff finds that the project would preserve quality of life for future residents of the apartment complex if it was buffered from the adjacent uses.

As indicated in the description, the subject property has been known by many names over its history in the City. This indicates that it has generally struggled to maintain healthy occupancy levels. Nearby shopping centers share a similar struggle. Staff finds that permitting new residences close to these aging commercial centers has an opportunity to stimulate an economic revitalization. Food service and convenience merchants would realize the most immediate benefit as those would have a larger and closer customer base.

#### **IV. RATIONALE:**

The Planning and Zoning Board and City Commission should consider approving this application for re-plat with allocation of flex units because the project is located within the Transit Oriented Corridor (TOC), where the Margate Comprehensive Plan identifies residential as a principal use of the TOC. The project should alleviate roadway conditions and has the potential to provide an economic boost to local commercial uses. If adequate buffers and provided with the project, improvements recommended by the City of Coconut Creek are executed, and the concurrency analysis is completed and implemented, this project has the potential to be a successful addition to the City.

As it stands now, the buffering and separation of uses is insufficient. The applicant has not completed the concurrency review. If these issues are not satisfactorily addressed, then the Planning and Zoning Board and City Commission should deny the project.



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Robert Massarelli, AICP  
Director of Economic Development Services