
From: Teal, Kyle B. <kyle.teal@bipc.com>
Sent: Thursday, September 17, 2020 9:14 AM
To: Alexia Howald; Miryam Jimenez
Cc: Elizabeth Taschereau; Andrew Pinney; Teal, Kyle B.
Subject: RE: Rezoning Submittal for Margate Care for Heroes

Good morning, Ms. Howald.

Yes, please consolidate all documents we've submitted related to the rezoning application. Thank you.

Regards,

Kyle

Kyle B. Teal, Esq.
Buchanan Ingersoll & Rooney PC
305 347 5912 (o)
305 766 4580 (m)

From: Alexia Howald <ahowald@margatefl.com>
Sent: Wednesday, September 16, 2020 11:10 AM
To: Teal, Kyle B. <kyle.teal@bipc.com>; Miryam Jimenez <miryamjimenez@vaqualityoflife.com>
Cc: Elizabeth Taschereau <ETaschereau@margatefl.com>; Andrew Pinney <apinney@margatefl.com>
Subject: Rezoning Submittal for Margate Care for Heroes

[This Email Originated From ahowald@margatefl.com Which Is External To The Firm]

Hello Mr. Teal and Ms. Jimenez,

On **June 17, 2020**, the first submittal for the rezoning application was received electronically via email from Mr. Teal with the following items:

1. Application forms for Rezoning
2. Justification Statement
3. Survey (not signed/sealed)
4. Hand delivered payment (checks in the amount of \$1,500, \$250, and \$150)

On **August 26, 2020**, I sent an email asking for paper originals and the following DRC requested supplemental information:

1. Applicant is seeking CF-1 zoning designation in order to allow "medical rights" of an I-2 building. Section 31-35 of the Code of the City of Margate describes determinations required prior to approving a development permit. Section 31-37 of the Code of the City of Margate provides that a development permit is presumed to have maximum impact.
 - a. Clarify statement of proposed use of property. Clarify whether condition 1 or 2 under the I-2 occupancy that they are applying. FBC 308.4
 - b. Include detailed floor plan showing use and occupant load in each room, approved by AHCA with application.
 - c. Provide documentation from AHCA stating maximum number of beds permitted at this facility.
2. Provide traffic impact statement signed and sealed by a traffic engineer, per Section 31-35 of the Code of the City of Margate.

3 paper sets of back up material (1 original + 2 copies) and 1 compact disc in pdf format must be submitted with 1 original application cover sheet to the Development Services Department at least 30 days prior to DRC meeting.

On **September 11, 2020**, Mr. Teal sent via email the following electronic documents requested by DRC addressing the August 26 email:

1. Traffic Statement
2. Business Plan
3. (1) Permit Tracking Sheet for permit #15-1248 dated 4/26/16
4. (1) Certificate of Occupancy Checklist for Permit #15-1248
5. Applicant is seeking CF-1 zoning designation in order to allow "medical rights" of an I-2 building. Section 31-35 of the Code of the City of Margate describes determinations required prior to approving a development permit. Section 31-37 of the Code of the City of Margate provides that a development permit is presumed to have maximum impact.
 - a. Clarify statement of proposed use of property. Clarify whether condition 1 or 2 under the I-2 occupancy that they are applying. FBC 308.4 **(Applicant provided a statement via email on September 11, 2020)**
 - b. Include detailed floor plan showing use and occupant load in each room, approved by AHCA with application. **(Applicant provided a statement in lieu of requested plans via email on September 11, 2020)**
 - c. Provide documentation from AHCA stating maximum number of beds permitted at this facility. **(Applicant provided a statement in lieu of requested information via email on September 11, 2020)**

3 paper sets of back up material (1 original + 2 copies) and 1 compact disc in pdf format must be submitted with 1 original application cover sheet to the Development Services Department at least 30 days prior to DRC meeting. **(Applicant provided a statement via email on September 11, 2020)**

On **September 15, 2020**, the submittal of 3 paper sets for the rezoning application was received with the following items (1-5):

1. Application forms for rezoning
2. Justification Statement
3. Survey (signed but not sealed)
4. Business Plan
5. Traffic Statement
6. (1) compact disc in pdf format for the rezoning application was received with the following items:
 - a. Application forms for Rezoning
 - b. Justification Statement

The compact disc in pdf format was received on 9/15/20 and did not include the survey, business plan, and the traffic statement as required. Am I to presume that the survey, business plan, and the traffic statement previously submitted as indicated above are to be incorporated with the 9/15/20 CD submittal?

Additionally, two documents from your email on 9/11/20, the Permit Tracking Sheet and the CO Checklist, were not included in the 3 paper sets or CD submittal. Are those two documents to be included as part of the submittal?

Please confirm if I am to consolidate all documents for distribution.

Thank you.

Regards,
Alexia Howald
Associate Planner
Development Services
City of Margate
901 NW 66th Ave.
Margate, FL 33063
ahowald@margatefl.com
954-884-3685 direct



Please Note: The City of Margate is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. All e-mail messages sent and received are captured by our server and retained as public records.

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From: [Andrew Pinney](#)
To: [Teal, Kyle B.](#)
Cc: [Elizabeth Taschereau](#); [CityAtty](#); [Miryam Jimenez](#); [Alexia Howald](#)
Date: Monday, September 14, 2020 11:34:58 AM
Attachments: [image006.png](#)

Mr. Teal,

Please coordinate submission of the back-up for this application with Alexia Howald. I've copied her on this email. If you can bring in the required documentation by 4 p.m. tomorrow, 9/15/2020, the rezoning can be scheduled for October 13, 2020.

Andrew Pinney, AICP

Senior Planner
City of Margate, Development Services Dept.
901 NW 66th Ave.
Margate, FL 33063
apinney@margatefl.com
954-884-3684



MARGATE Census logo3



From: Teal, Kyle B. [mailto:kyle.teal@bipc.com]
Sent: Friday, September 11, 2020 6:05 PM
To: Andrew Pinney <apinney@margatefl.com>
Cc: Elizabeth Taschereau <ETaschereau@margatefl.com>; CityAtty <cityatty@margatefl.com>; Miryam Jimenez <miryamjimenez@vaqualityoflife.com>; Teal, Kyle B. <kyle.teal@bipc.com>
Subject: RE: Rezoning Application

Mr. Pinney,

Thank you for your email. Assuming that the DRC requested the information, please find below the clarifications to be provided to the DRC members for the intended use of the property. Also refer to the Business Plan (attached again) for more specific information on the use. Find the explanation to Alexia's email in red text below.

1. Completed DRC Application form. **Already provided**
2. Application fee (This has been provided) **Agreed.**
3. Justification statement for re-zoning **Already provided**
4. Large 24" x 36" Survey of subject property (no less than 5 years old). **We tendered these documents months ago in paper form and the City rejected them. Instead, we provided them in electronic form, as the City directed. We will tender the paper copies once again in light of your most recent instruction. To whom should we deliver them and when?**
5. Applicant is seeking CF-1 zoning designation in order to allow "medical rights" of an I-2 building. Section 31-35 of the Code of the City of Margate describes determinations required prior to approving a development permit. Section 31-37 of the Code of the City of Margate provides that a development permit is presumed to

have maximum impact.

a. Clarify statement of proposed use of property. Clarify whether condition 1 or 2 under the I-2 occupancy that they are applying. FBC 308.4

See business plan. Again, the building has already been constructed in accordance with I-2 standards under the FBC. The City signed off on the plans, the certificate of occupancy checklist and the certificate of occupancy for an I-2 compliant facility. The property was constructed in 2016; therefore, the FBC 2014 5th Edition was used which is fully compatible with the FBC 2017 Edition. The only difference is that FBC 2014 5th Edition did not separate Condition 1 and Condition 2. Both Conditions are together. Therefore, the building was constructed to meet both conditions.

However, because in the 2017 FBC 308.4 Condition 1 does not expressly permit Substance Use Disorder Treatment, which will be a part of the facility treatment in the event the rezoning is permitted, one could speculate (as you are) that the use will meet Condition 2. However, Condition 2 includes Hospital Use, including surgery, which the 603 Melaleuca facility will never provide for many reasons regarding land use and practical considerations. Thus, because MCH will never operate a hospital – whether CF-1 or not – hospital use cannot be applied to analyze maximum impact for traffic or parking requirements because a hospital will not be permitted to operate on the property and the applicant is not proposing to operate a hospital. The City has admitted that rehab facilities are not the same as hospitals.

Margate’s zoning code provides the following allowable uses in CF-1 (assuming land use compatibility) – Houses of worship, schools, hospitals, detoxification facilities, long-term care facilities (not including correctional, mental institutions, or veterinary hospitals), municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, and parking.

Of course, some of those land uses probably wouldn’t be compatible at this particular property, such as hospitals or schools. But long term care facilities and/detox facilities are certainly compatible.

As you are aware, MCH has never submitted an application to operate a hospital. Nevertheless, the City has denied MCH any use of its property whatsoever. It has denied various applications for residential facilities that would offer incidental medical care and services. All applications submitted have been consistent with R-3 zoning designation standards and yet have inexplicably been denied.

b. Include detailed floor plan showing use and occupant load in each room, approved by AHCA with application.

The license required from AHCA does not require the occupant load in each room. The application is to be done online and needs to have the Zoning Letter to be completed prior to submitting. Please see below the list of Supporting Documents to be provided with the application. The program narratives can be found in the business plan for the services to be provided (attached again). Accreditation is done approximately 90 days after the facility is licensed and operational.

Supporting Documents (Application Type: All, unless otherwise specified)

- General and Professional Liability Insurance (Application Types: I, Renewal ,CHOW, and C)
- Fire Safety Inspection Report (Application Types: I, Renewal and CHOW)
- Department of Health Septic System or Water Supply Evaluation Report (Application Types: I and CHOW)
- Department of Health Sanitation Report (Application Types: All)
- Documentation from local government proving compliance with local zoning requirements (Application Types: I, C and CHOW)
- Program Narrative (Application Types: I and CHOW)
- Accreditation report (if applicable)
- Property Occupancy; examples Lease, Mortgage, and/or Transfer Agreement (if applicable)
- Health Care Licensing Application Addendum, AHCA Form 3110-1024
- Required disclosures related to actions taken by Medicare, Medicaid or CLIA, if applicable (Application Types: I, R & CHOW)
- Approved repayment plan, if applicable (Application Types: I, R & CHOW)

c. Provide documentation from AHCA stating maximum number of beds permitted at this facility.

The number of beds permitted is not a specific requirement from AHCA, but the number of beds that the facility is applying for is irrelevant to the extent the license payment is calculated by the number of beds. FBC 2014 5th Edition and FBC 2017 have the same 60 sf per bed requirement. The number of beds was approved by Broward County when they received the order of commencement with the plans for an 18 room Rehabilitation Facility. It was then accepted by Margate Building Department when they approve the change of occupancy from a 10 residential apparent building to the I-2 Occupancy with Building Permit number 15-00001248. Attached.

6. Provide traffic impact statement signed and sealed by a traffic engineer, per Section 31-35 of the Code of the City of Margate.

See attached report from Thomas Hall also submitted in support of MCH's reasonable accommodation request.

3 papers sets of back up material (1 original + 2 copies) and 1 compact disc in pdf format must be submitted with 1 original application cover sheet to the Development Services Department at least 30 days prior to DRC meeting.

We tendered these documents months ago in paper form and the City rejected them. We provided them in electronic form, as the City directed. We will tender the paper copies once again in light of your most recent instruction. To whom should we deliver them and when?

Regards,

Kyle B. Teal, Esq.
Buchanan Ingersoll & Rooney PC
305 347 5912 (o)
305 766 4580 (m)

From: Andrew Pinney <apinney@margatefl.com>
Sent: Thursday, September 10, 2020 2:04 PM
To: Teal, Kyle B. <kyle.teal@bipc.com>
Cc: Elizabeth Taschereau <ETaschereau@margatefl.com>; CityAtty <cityatty@margatefl.com>
Subject: FW: Rezoning Application

Mr. Teal,

The reason that Development Services (DSD) sent the request for additional information is because DSD is the department charged with coordinating the DRC meetings. DSD staff sent out this request for information on behalf of other DRC members. In essence, DSD was acting as a liaison between the applicant and committee. The DRC members requested the information in order to determine if services are available to serve the development permitted in the requested CF-1 zoning district. In order to make that determination, DRC members asked for a clarification of the intended use of the property.

You wrote in your email that you are not clear on what is being requested, so I've copied Alexia's email below. Understanding that AHCA cannot issue approval without local government approval, the DRC members are requesting any information that has been submitted to AHCA and/or DCF related to the subject property, and the results of any type of preliminary review of the AHCA and/or DCF application(s). If nothing has been submitted to date, then please submit a preliminary application of your intended use to AHCA and DCF and provide the City with a copy of that application and the results of both entities' preliminary review.

Please coordinate with Alexia Howald to deliver the requested hard copies and confirm whether the requested information will be provided with that delivery. Once submitted, we will schedule the item for a DRC meeting.

"From: Alexia Howald <ahowald@margatefl.com<mailto:ahowald@margatefl.com>>
Sent: Wednesday, August 26, 2020 4:47 PM
To: Teal, Kyle B. <kyle.teal@bjpc.com<mailto:kyle.teal@bjpc.com>>
Cc: Elizabeth Taschereau
<ETaschereau@margatefl.com<mailto:ETaschereau@margatefl.com>>
Subject: Rezoning Application

[This Email Originated From ahowald@margatefl.com<mailto:ahowald@margatefl.com> Which Is External To The Firm]

Hello Mr. Teal,

The City has recently re-activated the Development Review Committee (DRC) and it is now accepting paper applications and scheduling meetings. Applicants who wish to proceed to a formal DRC review must submit a complete application consisting of three paper sets and one electronic version in pdf format. The application submission will be considered incomplete without all of the following required material:

1. Completed DRC Application form
 2. Application fee (This has been provided)
 3. Justification statement for re-zoning
 4. Large 24" x 36" Survey of subject property (no less than 5 years old)
 5. Applicant is seeking CF-1 zoning designation in order to allow "medical rights" of an I-2 building. Section 31-35 of the Code of the City of Margate describes determinations required prior to approving a development permit. Section 31-37 of the Code of the City of Margate provides that a development permit is presumed to have maximum impact.
 - a. Clarify statement of proposed use of property. Clarify whether condition 1 or 2 under the I-2 occupancy that they are applying. FBC 308.4
 - b. Include detailed floor plan showing use and occupant load in each room, approved by AHCA with application.
 - c. Provide documentation from AHCA stating maximum number of beds permitted at this facility.
 6. Provide traffic impact statement signed and sealed by a traffic engineer, per Section 31-35 of the Code of the City of Margate.
- 3 papers sets of back up material (1 original + 2 copies) and 1 compact disc in pdf format must be submitted with 1 original application cover sheet to the Development Services Department at least 30 days prior to DRC meeting.

Thank you.

Regards,
Alexia Howald
Associate Planner
Development Services
City of Margate
901 NW 66th Ave.
Margate, FL 33063
ahowald@margatefl.com<<mailto:ahowald@margatefl.com>>
954-884-3685 direct"

Andrew Pinney, AICP

Senior Planner
City of Margate, Development Services Dept.
901 NW 66th Ave.
Margate, FL 33063
apinney@margatefl.com
954-884-3684



MARGATE Census logo3



From: Teal, Kyle B. [<mailto:kyle.teal@bipc.com>]

Sent: Friday, September 4, 2020 10:31 AM

To: Andrew Pinney <apinney@margatefl.com>; Elizabeth Taschereau <ETaschereau@margatefl.com>

Cc: Miryam Jimenez <miryamjimenez@vaqualityoflife.com>; Alexia Howald <ahowald@margatefl.com>;
CityAtty <cityatty@margatefl.com>; McDonald, Angela <angela.mcdonald@bipc.com>; Teal, Kyle B.
<kyle.teal@bipc.com>

Subject: RE: Rezoning Application

Mr. Pinney,

Regarding the rezoning application (not our separate reasonable accommodation request), as I've noted before, we'll jump through any reasonable hoops, including a DRC meeting. But building permits are for applicants who intend to build something. I don't understand why we are expected to request a development permit. You quoted Section 31-33 of the code, which is applicable, but if you read the entire sentence, it makes it very clear that we have no need for a development permit (your highlights are in yellow; mine are in red):

Sec. 31-33. - Definitions

Development permit means any building permit, as defined herein, subdivision resurvey or plat approval, rezoning, special exception, or other official action of the city having the

effect of permitting the development or redevelopment of land.

Again, we are not developing or redeveloping land. The mention of a rezoning in the code provision is attached to that qualifying condition that the requested action have the effect of permitting development or redevelopment. An applicant can certainly submit for a rezoning without submitting a concurrent application for a development permit.

But as you and Mr. Nixon know better than most, we've already built our facility to I-2 standards under the FBC. Your signature approved it on behalf of the P&Z dept. See CO checklist attached. This checklist shows that the building was constructed as a medical building, even though it is the city's position that, because it is zoned R-3, it can't provide medical services therein (particularly detox). We agree in light of the Court order, except that we know we are allowed currently provide incidental medical care and services, as the Court also expressly ruled. Hence, the rezoning application – we are trying to make our zoning designation consistent with the already constructed facility and to permitted to provide medical services (incidental or otherwise) in that medical facility.

Even assuming that FBC standards for I-2 buildings have changed dramatically since 2017 (they haven't), we don't even need to construct an I-2 compliant facility to change our zoning to CF-1. If we didn't already have one built, we could seek to change our zoning to open a medical facility in the future. For example, where there is a showing of zoning compatibility, applicants can change the zoning of their *vacant* property, which I've done so that clients have more marketable property in the event they decide they want to sell (e.g., residential to commercial). I am curious – why do we suddenly need to submit all of this information regarding the building (which you already have) when the City hasn't required it with any other applicants? See Rick Riccardi's attached change of zoning application which was approved by the City.

As long as it's recognized that our application was submitted in June, we can provide certain supplemental info but please clarify exactly what you are asking for. I'm not exactly clear on what it is you need – we have the paper copies and we're happy to deliver those if the City will finally accept them. We tried to do that before. We can provide another copy of the business plan and Cathy Claud can answer any questions regarding the operational characteristics. The business plan will include all of the relevant licensure info. You know we can't get AHCA approval because the City hasn't allowed it, so I don't know what that request is about.

I know you disagree on this, but we're not even requesting a new use – our current business plan falls within the 2015 definition of a group care facility and has virtually the same characteristics of an ALF. And we have retained our rights as a group care facility from the 2015 code – a federal judge and the city's attorney agreed on this point.

In any case, we are expecting your recommendation to deny our change of zoning. Given your history with this property, I don't think there is anything we could possibly submit to you that would result in a favorable recommendation. We're not operating under any illusion that our application will be treated fairly and objectively at this point in time. So, please give us your inevitable recommendation for denial and kindly put us on an agenda. Thanks.

Regards,

Kyle

Kyle B. Teal, Esq.
Buchanan Ingersoll & Rooney PC
305 347 5912 (o)
305 766 4580 (m)

From: Andrew Pinney <apinney@margatefl.com>

Sent: Thursday, September 3, 2020 5:36 PM

To: Teal, Kyle B. <kyle.teal@bipc.com>; Elizabeth Taschereau <ETaschereau@margatefl.com>

Cc: Miryam Jimenez <miryamjimenez@vaqualityoflife.com>; Alexia Howald <ahowald@margatefl.com>; CityAtty <cityatty@margatefl.com>

Subject: RE: Rezoning Application

Mr. Teal,

As provided in my email below, the information requested by the DRC, described in Alexia's email sent on 8/26/2020, is required by Sections 31-35 and 31-36 of the Code of the City of Margate. Please confirm that you will not be providing the required information and we will proceed accordingly.

Andrew Pinney, AICP

Senior Planner
City of Margate, Development Services Dept.
901 NW 66th Ave.
Margate, FL 33063
apinney@margatefl.com
954-884-3684



MARGATE Census logo3



From: Teal, Kyle B. [<mailto:kyle.teal@bipc.com>]

Sent: Wednesday, September 2, 2020 6:26 PM

To: Elizabeth Taschereau <ETaschereau@margatefl.com>

Cc: Miryam Jimenez <miryamjimenez@vaqualityoflife.com>; Andrew Pinney <apinney@margatefl.com>; Alexia Howald <ahowald@margatefl.com>; CityAtty <cityatty@margatefl.com>

Subject: Re: Rezoning Application

Nope. Nice try but I have the emails accepting our electronic application. You know this. That's all we need. It was accepted and the City has sat on it all summer. Pinney's letter — though erroneous — was sent before the city accepted our electronic application. I look forward to hearing when we'll finally make an agenda. Please advise.

Sent from my iPhone

On Sep 2, 2020, at 6:19 PM, Elizabeth Taschereau <ETaschereau@margatefl.com> wrote:

Mr. Teal,

Immediately following are Andrew Pinney's responses to the emails recently received by you and Ms. Jimenez. There is no need for me to reiterate any information.

Thank you for your time.

Elizabeth "Liz" Taschereau

Director of Development Services
O: 954-884-3686 | C: 954-218-9798
etaschereau@margatefl.com
City of Margate
901 NW 66th Avenue
Margate, FL 33063
www.margatefl.com

From: Andrew Pinney
Sent: Wednesday, September 2, 2020 5:28 PM
To: Elizabeth Taschereau <ETaschereau@margatefl.com>
Cc: Richard Nixon <rnixon@margatefl.com>; Alexia Howald <ahowald@margatefl.com>;
Subject: RE: Rezoning Application

Liz,

I understand that you would like to respond to questions and statements issued by the property owner and legal counsel for 603 Melaleuca Drive in reference to a rezoning application for same.

To address Mr. Teal's and Ms. Jimenez's comments:

Prior to the time the rezoning application was submitted, Mr. Teal was informed in writing that the City's boards were closed as part of the Essential Operations Plan that was enacted in response to the covid pandemic, thus the City was not accepting applications. Please see attached correspondence. My understanding is that the applicant handed an application to staff working in a different department and asked that person to deliver it to this department. As only electronic copies had been obtained to date from all other applicants, the paper copies were returned. Subsequently, an electronic copy was requested and received. Ms. Howald did send an email stating that the application was accepted. At no time did this department give any indication that the application was "complete." This occurred while I was out of the office on annual leave. To the applicant's benefit, this department took possession of the application and began coordinating with other departments for a completeness check of the materials. As a result of the coordinated interdepartmental reviews, additional information was requested, which is supported by City Code.

In order to move the application forward, please ask Mr. Teal to submit original paper versions of the documents previously submitted, plus two paper copies. In addition to the three sets of the initial documentation submitted for this application, please include three paper sets and one electronic (in pdf format on a CD) of the supplemental information that was requested on 8/26/2020.

After being informed by staff that a DRC review is required for the rezoning application, Mr. Teal continues to assert that a DRC review is not necessary for this rezoning application and that a development permit is not necessary for this rezoning application. Please understand that a rezoning application is an application for a development permit, and the Code of the City of Margate requires the Development Review Committee to review and make statements to both the Planning and Zoning Board and City Commission before a rezoning application can be approved. Please see applicable code language and citations, below.

Sec. 31-33. - Definitions

Development permit means any building permit, as defined herein, subdivision resurvey or plat approval, rezoning, special exception, or other official action of the city having the effect of permitting the development or redevelopment of land.

This does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, or other building code

in force and effect at the time.

Sec. 31-34. - Development review committee.

The development review committee, as to all proposed plats, subdivision resurveys, land use plan amendments, and rezonings, shall make a statement to the planning and zoning board assessing the adequacy of the proposal as to all city ordinances. The statements assessing the adequacy of any proposed subdivision or rezoning shall be considered by both the planning and zoning board and the city commission.

Sec. 31-36. - Determinations required prior to a change in zoning.

(2) A change in zoning on platted land which need not be replatted prior to issuance of a building permit shall be permitted after a determination has been made by the city commission that services are available to serve the development permitted in the zoning district which is being petitioned. A determination that services are available shall be made when the city commission approves a report submitted by the development review committee which indicates the conditions contained in section 31-35<https://library.municode.com/fl/margate/codes/code_of_ordinances?nodeId=PTIICOOR_CH31PLSUOTLAUSRE_ARTIIDERE_S31-35DEREPRAPDEPE> of this article have been met.

A request for information related to proposed AHCA licensing, which is necessary, was made in order to clarify the intended use of the property. As provided above, Section 31-36(b)(2) of the Code of the City of Margate it is required that the conditions in Section 31-35 of the Code of the City of Margate be met before there can be a change in zoning on platted land. Many of the adequacy determinations require specific details, which is why the AHCA licensing additional information was requested. The change in requested zoning envisions that a different development will be operated than that which was previously approved and the proposed development must be reviewed as having the presumed maximum impact allowed under the new zoning and comprehensive plan. Although AHCA may not approve a license for a facility without local zoning approval, the facts of the AHCA application submitted or to be submitted are material to the development review. Thus, the information requested must be provided for the DRC review to move forward.

I consulted with the Building Official for clarification on the request for information regarding the I-2 occupancy. The certificate of occupancy was issued for 603 Melaleuca Drive in 2017 for “a group care facility only,” however the business never opened. Now a new use is being requested. The new use constitutes a change of occupancy and is subject to the code in effect. A building permit will be required to demonstrate the existing building is in conformance with the current requirements of the Florida Building Code in order to issue a new certificate of occupancy without restriction.

Andrew Pinney, AICP
Senior Planner
City of Margate, Development Services Dept.
901 NW 66th Ave.
Margate, FL 33063
apinney@margatefl.com<<mailto:apinney@margatefl.com>>
954-884-3684
<image004.jpg>
<image003.jpg>

From: Elizabeth Taschereau

Sent: Wednesday, August 26, 2020 7:57 PM

To: Andrew Pinney <apinney@margatefl.com<<mailto:apinney@margatefl.com>>>

Subject: Re: Rezoning Application

Let's all discuss together tomorrow so she may learn communication importance.

Elizabeth "Liz" Taschereau

954-218-9798

Director Development Services Dept.

Sent from my iPhone

On Aug 26, 2020, at 7:03 PM, Andrew Pinney

<apinney@margatefl.com<<mailto:apinney@margatefl.com>>> wrote:

I only asked her to send the additional information requested by DEES and Building, however, we will need the paper back-up to move forward.

Andrew Pinney, AICP

Senior Planner

City of Margate, Development Services Dept.

901 NW 66th Ave.

Margate, FL 33063

apinney@margatefl.com<<mailto:apinney@margatefl.com>>

954-884-3684

<image001.jpg>

<image004.jpg>

From: Elizabeth Taschereau

Sent: Wednesday, August 26, 2020 5:23 PM

To: Andrew Pinney <apinney@margatefl.com<<mailto:apinney@margatefl.com>>>

Subject: Fwd: Rezoning Application

Was this the message she was supposed to send

Elizabeth "Liz" Taschereau

954-218-9798

Director Development Services Dept.

Sent from my iPhone

Begin forwarded message:

From: "Teal, Kyle B." <kyle.teal@bipc.com<<mailto:kyle.teal@bipc.com>>>

Date: August 26, 2020 at 5:13:02 PM EDT

To: Alexia Howald <ahowald@margatefl.com<<mailto:ahowald@margatefl.com>>>

Cc: Elizabeth Taschereau <ETaschereau@margatefl.com<<mailto:ETaschereau@margatefl.com>>>, Miryam Jimenez

<miryamjimenez@vaqualityoflife.com<<mailto:miryamjimenez@vaqualityoflife.com>>>

Subject: RE: Rezoning Application

Ms. Howald,

We submitted our application electronically on June 2nd. We were told that the City accepted the electronic application. Are these supplemental requests from the City or is it the City's position now that it has not yet received our rezoning application? We had three paper copies of everything done and we tried to deliver them but we were told that this wasn't necessary and that the electronic submission was sufficient. Please advise whether this has changed.

· We completed the DRC form. However, please note that we do not need a development permit because

the construction of the medical facility has already been completed in accordance with City approved permits. Is it still necessary to go before the DRC and request a development permit we have no use for?

· The Justification Statement has been provided.

· We can provide the supplemental info the City is now requesting, including the traffic report, except for the requests that require AHCA approval. My understanding is that AHCA will not approve anything until the City provides us with the letter approving the proposed use. That's why we've been requesting the City's permission. So, the AHCA requests are impossible to fulfill without the City's permission.

Please advise. Thank you.

Regards,

Kyle

Kyle B. Teal, Esq.
Buchanan Ingersoll & Rooney PC
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From: Alexia Howald <ahowald@margatefl.com<<mailto:ahowald@margatefl.com>>>
Sent: Wednesday, August 26, 2020 4:47 PM
To: Teal, Kyle B. <kyle.teal@bipc.com<<mailto:kyle.teal@bipc.com>>>
Cc: Elizabeth Taschereau <ETaschereau@margatefl.com<<mailto:ETaschereau@margatefl.com>>>
Subject: Rezoning Application

[This Email Originated From ahowald@margatefl.com<<mailto:ahowald@margatefl.com>> Which Is External To The Firm]

Hello Mr. Teal,

The City has recently re-activated the Development Review Committee (DRC) and it is now accepting paper applications and scheduling meetings. Applicants who wish to proceed to a formal DRC review must submit a complete application consisting of three paper sets and one electronic version in pdf format. The application submission will be considered incomplete without all of the following required material:

1. Completed DRC Application form
2. Application fee (This has been provided)
3. Justification statement for re-zoning
4. Large 24" x 36" Survey of subject property (no less than 5 years old)
5. Applicant is seeking CF-1 zoning designation in order to allow "medical rights" of an I-2 building. Section 31-35 of the Code of the City of Margate describes determinations required prior to approving a development permit. Section 31-37 of the Code of the City of Margate provides that a development permit is presumed to have maximum impact.
 - a. Clarify statement of proposed use of property. Clarify whether condition 1 or 2 under the I-2 occupancy that they are applying. FBC 308.4

b. Include detailed floor plan showing use and occupant load in each room, approved by AHCA with application.

c. Provide documentation from AHCA stating maximum number of beds permitted at this facility.

6. Provide traffic impact statement signed and sealed by a traffic engineer, per Section 31-35 of the Code of the City of Margate.

3 papers sets of back up material (1 original + 2 copies) and 1 compact disc in pdf format must be submitted with 1 original application cover sheet to the Development Services Department at least 30 days prior to DRC meeting.

Thank you.

Regards,
Alexia Howald
Associate Planner
Development Services
City of Margate
901 NW 66th Ave.
Margate, FL 33063
ahowald@margatefl.com<<mailto:ahowald@margatefl.com>>
954-884-3685 direct

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