



City Commission

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REGULAR MEETING OF THE PLANNING AND ZONING BOARD HYBRID VIRTUAL MEETING <https://us02web.zoom.us/j/83597197579> MINUTES

Tuesday, June 1, 2021

7:00 p.m.

City of Margate

City Commission Chambers at City Hall

PRESENT:

Richard Zucchini, Chair
Robert Reiner, Vice Chair
Juli Van Der Meulen, Secretary
Todd Angier, Board Member
Gail DeAngelis, Board Member

ALSO PRESENT:

Janette M. Smith, City Attorney
Andrea Amigo, Roberts, Bedard, & Tuzzio, PLLC – Outside counsel
Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Alexia Howald, Associate Planner
Curt Keyser, P.E., DEES Director
Randy L. Daniel, P.E., PMP, CFM, Assistant DEES Director
Carleen Steadman, Board Clerk
Kyle B. Teal, Esq., Buchanan Ingersoll & Rooney PC, Agent for Margate Cares for Heroes, LLC
Tom Hall, Thomas A. Hall, Inc.
Wes Blackman, AICP, Planner, CWB Associates,
Rafael Rivera, Vice President, Quality of Life Corp.
Miryam Jimenez, President, Quality of Life Corp.

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:08 p.m. on Tuesday, June 1, 2021, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063. Air Force Staff Sergeant Rachel D. Richter, daughter of Ms. DeAngelis, led the Pledge of Allegiance.

Development Services Department

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1) **NEW BUSINESS**

A) *ID2021-195*

CONSIDERATION OF A REZONING FROM ONE-FAMILY (R-1) AND MULTIPLE DWELLING (R-3) DISTRICT TO COMMUNITY FACILITY (CF-1) ZONING DISTRICT.

LOCATION: 603 MELALEUCA DRIVE, MARGATE, FL 33063

ZONING: ONE-FAMILY (R-1) AND MULTIPLE DWELLING (R-3) DISTRICT

LEGAL DESCRIPTION: LOTS 1, 2, AND 3, BLOCK 3, HAMMON HEIGHTS SECTION 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: ATTORNEY KYLE TEAL, AGENT FOR MARGATE CARE FOR HEROES, LLC.

Mr. Zucchini recused himself due to his past vocal support of the project. He stepped away from the dais at 7:12 p.m. and Mr. Reiner took over as Chair. Form 8B is attached to the minutes.

Janette M. Smith, City Attorney, introduced the item and read the Rules of Procedure outlined the order of the hearing. She noted the hearing was not Quasi-Judicial but was a public hearing. Ms. Smith asked the Board members to identify any ex-parte communication or visits to the site.

Ms. DeAngelis stated she had seen applicant on social media and twice visited the facility.

Ms. Van Der Meulen stated she had not spoken to Ms. Jimenez in over a year. She noted she was originally planning to recuse herself from voting but after several conversations with legal counsel she was informed she was not able to do so.

City Attorney Smith confirmed that Ms. Van Der Meulen had requested to abstain, but there was no business interest or conflict of interest. Ms. Smith added that Ms. Van Der Meulen had not been advocating for the project or for the rezoning itself, and for that reason Ms. Smith advised participation, as the law requires a vote unless there is a reason to abstain.

Mr. Reiner stated the project had been around a few years and that he had some minor interactions on social media regarding the project, but not the rezoning.

City Attorney Smith noted that a *PowerPoint* presentation and additional materials had been received from the applicant earlier in the day. She stated they were printed for the Board but not reviewed by staff. The Board agreed by consensus to allow the materials into the presentation.

Applicant Presentation

Kyle B. Teal, Esq., Agent for Margate Cares for Heroes, LLC, presented the application for a Rezoning and provided a brief background. The applicant's presentation is attached to the

minutes. He noted the group care facility had been vacant since its construction in 2017, and explained the goal was to open as a veterans' care facility. Mr. Teal introduced the consultants, planner Wes Blackman and traffic planner Tom Hall.

Mr. Blackman shared a *PowerPoint* presentation. He stated the applicant understood the community's concern regarding other uses allowable within CF-1 zoning and shared an affidavit/covenant to restrict the use of the property to long-term care facilities such as assisted living facility, skilled nursing facilities, and/or physical rehabilitation. He noted the document could be amended but would follow the land in case of sale.

Mr. Blackman continued to provide a history of the item, explaining staff had recommended approval of a variance request to build the facility on December 11, 2014. He stated at that time, it was a use permitted within the R-3 multi-family zoning district. Continuing, he shared Resolution 15-010, a Resolution of the City Commission, approving with conditions a Special Exception Use to permit a group care facility on the property subject to the findings of the Development Review Committee (DRC). Mr. Blackman reviewed the findings of the DRC at that time, as follows:

- a. The use is compatible with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.
- b. There are no substantial detrimental effects of the proposal on property values in the neighborhood.
- c. There are no substantial detrimental effects with the use on living or working conditions in the neighborhood.
- d. There is adequate ingress and egress to the development, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and reuse (sic) collection, and access in the case of fire, catastrophe, or emergency.
- e. There is adequate off-street parking in relation to buildings, and adequate internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.
- f. There is acceptable orientation, location, size, and features of buildings, and appearance and harmony of the buildings with nearby development and land uses.
- g. There is sufficiency of setbacks, buffers, and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the development and to control adverse effects of site generated noise, lights, fumes, and other nuisances.
- h. There is adequate stormwater management with attention to the necessity of on-site retention to alleviate flooding and ground water pollution without compromising the aesthetics and maintainability of landscaping.
- i. There is adequate landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of berming along street perimeters.
- j. There is compliance with the applicable goals, objectives, and policies of the Margate Comprehensive Plan.

Mr. Blackman showed an affidavit signed by the applicant on July 13, 2015, stipulating the use as a group care facility. He reviewed the services to be available, explaining these services were allowable in the CF-1 district and not permissible in other districts, including:

- State-of-the-art nursing care available 24 hours a day
- Wound care management
- Pain management
- Consultation services
- Rehabilitation services
- Pharmaceutical services
- Wheelchair-accessible transportation
- Hospice care
- Multilingual staff
- On-site X-rays
- IV medication

Mr. Blackman stated these are the types of services required by returning veterans. He shared definitions from the business plan submitted in 2015, Change of Occupancy Permits filed through the City of Margate in April 2016 during the construction of the project, and the Certificate of Occupancy issued on March 30, 2017. Continuing, Mr. Blackman shared the site plan, dated October 19, 2015. He stated the plan was as the building sits today, with the exception of the western lot, which was purchased in 2019. He reviewed the City of Margate Fire Department Assessment, which showed the building as a nursing home measuring 8,885 square feet and called for an assessment totaling \$6,130.65 per year for 2017 through 2021.

Continuing, Mr. Blackman stated the application for this rezoning had been submitted in May 2020, and the applicant had undergone a parallel process with a July 21, 2020, Public Hearing for a Reasonable Accommodation Request and an October 13, 2020 DRC Meeting regarding the Rezoning Request. He noted both were denied, and the applicant was encouraged to seek rezoning. He reviewed the City of Margate Code Article XI. Community Facility CF-1 District:

Section 11.2 – Purpose of district.

The community facility district is intended to provide for the orderly development of those educational, cultural, religious, health care, recreational, and governmental facilities required to meet the needs of the community in which they are located.

Mr. Blackman noted “long-term care facilities” was listed as a permitted use in Section 11.3 and reviewed the language of Section 31-36(b)(2) of the City Code:

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

(b)(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 of this article have been met.

Mr. Blackman reviewed the DRC memorandum dated October 13, 2020, noting it was included in the backup materials for this meeting. He stated the 18-page memorandum was presented to the applicant on the date of the DRC meeting as dated, and not given in advance to allow preparation time for a response. He explained the function of the DRC and discussed the individual comments from the memorandum.

In response to a comment included from the Fire Department showing a fire alarm, sprinkler, and backup generator were required, Mr. Blackman shared a letter dated May 30, 2021 from James Philip Drago, Registered Architect, stating the application did not require a generator. Mr. Blackman discussed the availability of potable water service for the proposed development, along with wastewater treatment and disposal services. He noted the requirement to address traffic impacts of the project, and stated Tom Hall was present to share a report. He stated Mr. Hall had worked with City staff since October to refine the study to meet requirements. Mr. Blackman discussed Section 31-37(b) of the City Code, noting the use of the words “if” and “may” instead of “shall”:

Section 31-37 – Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.

(b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of development. In the event that an application for a building permit is submitted which, in the opinion of the building official, provides more intensive uses than those indicated on the site plan or substantially deviates from the site plan, the application shall be referred to the Development Review Committee for assessment.

Tom Hall reviewed the traffic analysis for the project, including the associated definitions and history of the drafts created. He stated the trip generation analysis utilized data the Institute of Traffic Engineers, but City staff had objected to the methodology and assumptions, so revisions had been required. Mr. Hall explained the traffic statement before the Board was the fourth iteration of the statement.

Mr. Hall showed tables explaining the projected daily trip generation for the site, including morning and evening peak hour trip generation by employees. He stated the increase between the current use and proposed use was projected at an average of five (5) trips per 24-hour period, with an additional 11 trips in the peak hour.

Mr. Blackman returned to his presentation. He discussed outstanding staff comments and the applicant’s responses, including water management, public sidewalks, and the water distribution system. Mr. Blackman stated the applicant agrees to pay all water connection and impact fees based on the number of beds at the facility.

Mr. Blackman reviewed the map of boundary survey to explain the applicant's response to the Development Services comment on setbacks included in the DRC report. He discussed parking, sidewalks, landscaping, and vehicle gates. He highlighted that in Development Services comment seven (7), it was noted that the Board of Adjustments granted variance BA-12-2015 on April 7, 2015 which allowed the property owner to install vehicle gates without the required vehicle reservoir areas and a later comment referenced variance BA-13-2015, which allowed a fence to be installed in the front yard. Continuing to review the comments in the DRC report, Mr. Blackman responded to Development Services comment 13 by stating that in 2015, the City Commission had found the plan consistent with the Comprehensive Plan. In response to comment 14, he stated the applicant would agree to a covenant of the City's liking which excluded hospitals.

Chair Reiner called for a recess at 8:12 p.m.

Chair Reiner called the meeting back to order at 8:22 p.m.

Staff Presentation

Andrew Pinney, Senior Planner, presented the rezoning applicant on behalf of staff. The staff presentation is attached to the minutes. He opened with an explanation of the subject parcel, including the zoning categories of the surrounding properties, photos of the property, and the survey. He explained that lots one (1) and two (2) of the subject property were zoned R-3, and lot one (1), which was acquired in 2019 to become part of the site, was zoned R-1. He noted the neighboring properties were all zoned residential.

Mr. Pinney reviewed the permitted uses for R-1, One (1) Family Dwelling District, including:

- Single-family dwelling
- Recreational buildings/facilities/playgrounds (City)
- Recreational/social centers
- Church/synagogue/religious institution
- Water/sewer plants and utility infrastructure
- Accessory uses
- Home occupation
- Commercial Residential Home, Type 1
- Recovery Residence

Mr. Pinney explained that Commercial Residential Home, Type 1 referred to homes of six (6) or fewer residents as licensed by various State agencies. He discussed the definition and limits on Recovery Residences. Mr. Pinney reviewed the permitted uses for R-3, Multiple Dwelling District, including:

- Single-family dwelling
- Two-family dwelling
- Multiple family dwelling (7-16 units per acre)

- Recreational buildings/facilities/playgrounds (City)
- Recreational/social centers
- Church/synagogue/religious institution
- Water/sewer plants and utility infrastructure
- Accessory uses
- Home occupation
- Commercial Residential Home, Type 1 or 2
- Recovery Residence

Mr. Pinney explained a Commercial Residential Home, Type 2 services seven (7) to 14 clients. He reviewed the permitted uses for CF-1 Community Facility District, including:

- Uses By Right
 - House of worship and school on the same lot
 - Hospitals, detoxification facilities, and long-term care facilities
 - Municipal buildings, fire stations, playgrounds, etc.
 - Accessory uses
- Special Exception Uses
 - Public or private elementary, middle, or high school
 - Public or private postsecondary education facility

Mr. Pinney outlined the definitions of Use by Right and Special Exception Use. He explained during the original build-out, the property being discussed was built under the Institutional-2 (I-2) occupancy group, a category of the Florida Building Code (as in place in 2014) which governs uses to include foster care facilities, detoxification facilities, hospitals, nursing homes, and psychiatric hospitals. Continuing, Mr. Pinney reviewed the rezoning application. He stated under the question on the application asking for a description of the proposal, the applicant had written:

Change of zoning to CF-1 to allow Medical Rights in a 1-2 Building. This property was converted from a 10-unit apartment building to a Long Term Care Facility. Permit 15-00001248 4/26/16, CO 3/30/2017.

Mr. Pinney discussed the City of Margate's rezoning process, as identified in Chapter 31 of the City Code. He explained the steps, including review by the DRC, Planning and Zoning Board, and City Commission. Mr. Pinney reviewed the language of Section 31-36(b)(2) of the City Code:

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

(b)(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 of this article have been met.

Section 31-35 – Determinations required prior to approval of a development permit.

“A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met.”

Section 31-37 – Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.

- *“For the purpose of implementing sections 31-34, 31-35, and 31-36, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.”*
- *“If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development.”*

Mr. Pinney explained these sections provided a road map for staff to follow in determining whether to recommend a rezoning application for approval. He clarified comments made by the applicant, explaining the site plan submittal was not received by the DRC. He stated as such, staff was looking at the application as having the maximum impact permitted. Mr. Pinney reviewed the DRC findings from the October 13, 2020 meeting, including:

- DEES unable to make specific findings pertaining to surface water and traffic
- Developmental Services found several nonconformities with Code and inconsistencies with the Comprehensive Plan
- Fire Department required specific improvements
- Building Official required building permit for current I-2 requirements
- DRC recommended denial

Mr. Pinney stated as of today, there had been a fourth traffic statement submitted, but the findings did not address the maximum impact, which was an ongoing point of contention. He argued the consultant had broken it down to focus on per hour, but really the findings were nearly four (4) times the number of trips per day. Mr. Pinney noted the DRC findings were included in the backup, and staff members were present to respond to any questions. He explained staff recommended denial of the application.

Andrea Amigo, Roberts, Bedard, & Tuzzio, PLLC, outside counsel, added additional clarification. She explained the issues raised by the applicant during their discussion of 2015 were in reference to a prior application for Special Exception use. She stated those issues were already litigated in this matter in 2017, which were for an independent living facility. Ms. Amigo explained the Board was hearing a new application at this time for rezoning.

Board Discussion

Mr. Angier stated Mr. Blackman had referenced the DRC comments included in Resolution 15-010, specifically line G, setbacks, buffers, and general amenities, showing they were all sufficient

at that time, but in the 2020 DRC report they were shown as not adequate. He noted the same was true for line J, compliance with the Comprehensive Plan. He asked staff to explain the change, if the building and property were previously in compliance.

Mr. Pinney responded that in 2015 the applicant had submitted a different application, which resulted in a different process. He stated at that time there was no site plan review, as it was a Special Exception for a residential group care facility which was being considered. He added that this application was opening the door to all uses of CF-1, so following that process.

Mr. Angier clarified that the project met the set of standards required of the original application but did not meet the different set of standards for this application. He stated the assertion by the applicant's agent that the application being in compliance then should mean it was in compliance now did not work due to the difference in situations. Mr. Angier stated a comment was made that there would be no impact on property values. He asked who makes that determination.

Mr. Pinney explained the comment had been made by Mr. Blackman in reference to the 2015 review of the Special Exception application. He reiterated that it was a different application and a different set of criteria.

Mr. Angier expressed concern that even if allowed within residential districts, when someone buys a home, they are not signing up to have a group home as a neighbor. He asserted there would be times when a prospective buyer might be turned off by the neighboring facility and noted he did not believe anyone could say there would be no impact on property values. He stated he would like to know how the residents feel about the facility in their neighborhood.

Mr. Angier stated the site plan showed 22 parking spaces. He asked Mr. Pinney to comment on whether the assumptions regarding how many of the 49 employees would be on site at any given time were reasonable.

Mr. Pinney explained staff was bound by the Code. He read the provision for parking most directly related, for convalescent homes and nursing homes, which would require one (1) parking space for each five beds and one (1) parking space for each employee.

Mr. Angier addressed the traffic issue, noting that thanks to the continued efforts of Randy Daniel, Assistant DEES Director, the fourth iteration of the traffic study seemed to be an improvement.

Randy Daniel, Assistant DEES Director, explained the applicant had responded to some of his comments, but there were comments outstanding. He discussed the maximum impact of CF-1 development on the property and stated in his opinion it had still not been addressed in the traffic analysis. He stated his concern was that a four (4) story building could be built on the lot and a hospital was consistent with CF-1 zoning, for example.

Mr. Angier stated that he understood staff was looking at the worst-case scenario and the applicant was looking at it from the standpoint of their current plans. He stated Mr. Blackman had suggested an affidavit restricting the use and asked if that was a possibility.

Mr. Hall responded that the analysis did not include analysis of a four (4) story building was because the client had stated they were preparing a covenant which would limit the building size to what is currently in place. He noted if there were not covenant, Mr. Daniel would be right.

Mr. Angier asked if the covenant had been presented in writing.

Mr. Hall stated the covenant had been proposed as a condition of approval.

Mr. Teal pointed the Board to page three (3) of his *PowerPoint* presentation for proposed wording of the covenant, and stated the applicant was open to revisions by staff.

Ms. Amigo responded that the issue with this restrictive covenant, which Mr. Angier pointed out was not something that had been signed or approved, was that it could conflict with the Americans with Disabilities Act (ADA) or the Fair Housing Act.

Mr. Teal argued a different position was taken in court, and stated a voluntary covenant signed by the applicant would be enforceable. He added that he had case law to share with the City Attorney and noted that the covenant was not targeting any specific type of patient or protected group but was focused on excluded use.

Ms. Amigo stated that she would disagree with Mr. Teal's interpretation. She asserted that disallowing a particular use like a hospital could potentially run afoul of the ADA if a subsequent property owner wanted to maintain a different use.

Mr. Angier expressed concern that the issues brought up at the October 2020 DRC were not addressed until this meeting. He stated his personal opinion was that there had been time to put together rebuttals and come back with some sort of written compromise. Mr. Angier stated that he did not think the applicant was taking their responsibilities to work with City staff seriously. He commented on the backup generator discussion, and stated it was his understanding that they were required in nursing homes following issues with a hurricane.

Curt Keyser, DEES Director, stated the covenant had not been presented prior to this meeting, so staff had not had a chance to review or consider. He noted that in a cursory review, it appeared as though the proposed covenant would run with the land if the building were ever sold but would not kick in if the building remained the property of the applicant.

City Attorney Smith stated she and Mr. Teal had had multiple conversations about the covenant, as well as reviewing the case law submitted and speaking with several land use attorneys on the issue. She asserted the enforcement of such a covenant would be very difficult, in addition to potential Federal concerns.

Discussion continued regarding the covenant's language and enforceability.

Mr. Teal argued the applicant agreed the applicant also did not think a four (4) story private hospital belonged on the land, and stated they were willing to work on the language. He stated efforts had been made to try to find common ground with the City. He addressed the generator requirement and asked Mr. Hall and Mr. Blackman to respond to issues raised during the staff presentation.

David Scholl, Fire Code Official, explained the generator comment. He stated it was a Broward County requirement adopted January 9, 2020. He explained the Uniform Generator Code from the Fire Code and read the language for the record.

Mr. Teal stated that what he thought was being missed in the discussion was that any sort of use, even if the rezoning were to be granted, would require administrative approval. He explained if it did not comply at that time, the use would not be approved. Mr. Teal stated the property was located near a major artery in the City and asked that Mr. Blackman respond to zoning concerns.

Mr. Blackman pointed out the future land use for area, explaining the broad swath of the area was transit oriented. He stated it was a broad mixed-use designation with a time horizon of perhaps 20 years. He argued the area's use was in flux and the project was transitional. Mr. Blackman stated the neighboring land was zoned R-3 and there was a well-established institutional use across the street, so he would disagree with staff on the compatibility. Continuing, Mr. Blackman stated setbacks increase an additional five (5) feet above the second floor, so along with additional needs for parking, the space self-regulates in terms of the sort of uses that would find the property appropriate for development. He asserted a hospital or other institutional use would also require a lot of back office, utility, elevators, and storage.

Mr. Blackman addressed the discussion related to the generator, stating the applicant's team had thought it might be an environmental issue with the neighborhood. He noted they were willing to comply but had offered the alternative as a way to be a better neighbor.

Ms. DeAngelis stated her interpretation was different from that of Mr. Angier. She asserted she was in favor of rezoning the property and noted the location one (1) block from Atlantic Boulevard and one (1) block from State Road 7 lends itself to change the property to CF-1. Ms. DeAngelis stated she had read the documentation and thought it was somewhat confrontational. She said she believed a compromise could be reached to placate both staff and the applicant.

Ms. DeAngelis asserted that she would like to see the project move forward and be productive. She stated she did not see the traffic as an issue, the sidewalk was insignificant as there were no other sidewalks in the area, and she did not believe the trips per day for the type of facility. She stated that maximizing the property with four (4) stories might be an issue in 20 years, but the applicant had put in time and money while demonstrating good faith regarding the property. She added the property was nice looking and added to the neighborhood.

Ms. Van Der Meulen stated she was considering what she would think if it was moving into her neighborhood and said the term medical services was an issue because according to the ADA,

medical services could not be further clarified. She explained that she came from a military family and was all for helping veterans but would not be for taking medical services and putting them into a residential neighborhood. She stated she thought it would set a precedent for all South Florida if they took a residential neighborhood and put in medical services. Ms Van Der Meulen acknowledged the applicant had spent money, blood, sweat, and tears to try to help and do something for people, but she was not clear it was good for the area.

Mr. Reiner stated he thought there was a misconception regarding the difference between a recovery home and a home care facility. He agreed with what Ms. Van Der Meulen regarding the money that had gone into the facility, and stated it was beautiful. He asserted that after spending millions of dollars to create a home care facility, it would make no business sense to convert it to a recovery home. Mr. Reiner stated the applicant was in the business of helping veterans and from what he was hearing, was also willing to be accommodating. He asked if there would be any lifesaving equipment in the facility that would run off of electric.

Mr. Teal responded his understanding was that there would not be that type of equipment, as it was not an acute facility. He stated the facility was a hybrid between residential and medical and would not provide the intensity of care of a hospital.

Mr. Reiner asked if there would be monitoring systems and computer systems which needed to work off electric to maintain records.

Mr. Teal stated that was not the particular business plan, as counseling and medication would be more the type of care provided rather than life-supporting equipment or anything of that nature. He added that his understanding of the County regulation was that it was applicable to nursing homes, but if the City thought of it that way, the applicant would be collaborative.

Mr. Reiner stated he thought the applicant had been more than accommodating and shown they really wanted to work with the City to do this project.

Mr. Blackman asked that the City zoning map be shown for discussion. He pointed to the CF-1 zoning district throughout the City and stated it was typically surrounded by R-1 zoning, so this was not an unusual circumstance. Mr. Blackman noted he had not done a deep dive into all of the areas, but it was not unheard of for CF-1 to coexist with single-family residential.

City Attorney Smith asked for clarification on the definition of subacute as referenced in the application and presentation.

Mr. Teal responded that he was not a medical professional, but his understanding was that a subacute patient was between acute and chronic, able to care for themselves while staying in treatment facility for PTSD treatment. He noted the treatment would include residency for up to 90 days. He explained differences between this type of supportive facility and a hospital or medical care facility.

City Attorney Smith read a definition of subacute from the internet, noting it included therapy of less than three (3) hours per day. She asked if the applicant would agree with the definition.

Mr. Teal stated he would agree with the characterization, that it was for less frequent and less intense forms of services.

Mr. Reiner opened a public hearing on the item.

Elsa Sanchez, 6930 NW 15th Street, stated she had been following the project for a long time, but there were a few items she was still concerned with. She asserted there had been so many changes over time that she did not trust the applicant's future plans for the location. She noted the name Margate Cares for Heroes sounded beautiful and warm and poetic, but the residents in the area needed assurances on who would be served. She stated she agreed there was a need but thought it should be done in the proper area.

Alexia Howald, Associate Planner, reviewed the instructions for providing public comment virtually.

Guy Drab, 5120 SW 158th Avenue, Miramar, stated he was a 1970 West Point Graduate and former Airborne Ranger in the Army, Chaplain, and Pastor, shared his experience working with suicide intervention programs and PTSD. He stated he knew there was a lot of concern from neighbors as to the type of people who would be in their communities, but this was an opportunity for Margate to go beyond "thank you for your service." He encouraged the Board to take advantage of the opportunity.

Lauren Beracha, 6950 NW 14th Place, explained that she had family members that were veterans, including a nephew with PTSD who ended up killing himself. She noted despite her vested interest, the residents pay Margate's staff and counsel to make recommendations, and their expert opinions should be followed. She added that the applicant spending a lot of money was not Margate's problem. She stated the facility was needed, but not in the back yard of residential neighborhoods.

Mr. Teal noted that Rafael Rivera, Vice President, Quality of Life Corporation, had wanted to provide public comment. Mr. Rivera no longer appeared on the call and was unable to speak.

Lisa Martz, 1015 Spanish River Road, Boca Raton, spoke as a representative of Amen Clinics. She explained the functional brain scan service that would be offered to all residents in the facility in order to offer effective and accurate treatment. She stated she understood the stereotypes and not wanting it in your neighborhood, but there were all kinds of things in a neighborhood that would be more disruptive.

Bill Bush, 6761 NW 20th Street, stated that in 2017 his family had looked at a house near this facility, and had done research on the property values in the area. He asserted the project had changed multiple times and the applicant was about business, not people.

Jerry Horta, 8964 New Hope Court, Royal Palm Beach, stated he was calling to try to open the hearts of the staff and Board regarding this issue. He discussed the need for veterans' services in the community, and stated the location was perfect to create a comfortable environment. He asked the Board to consider approval and asserted that whatever business was planned for the location, it had always been about helping people.

Roxana Casines, 3141 Portofino Point, Coconut Creek, explained she was a real estate consultant and had worked with similar companies in the past. She stated there would be many residents in Margate who would be happy to have a facility that offered the types of services proposed in the community.

Mr. Reiner closed the public hearing.

Mr. Angier stated there was no one there who was anti-helping veterans. He said what bothered him about some of the comments was that if he did not vote for this, then he was anti-veteran. He asserted his vote was going to be no because the applicant had not gone through the process properly for this zoning to be changed. He added that he was not voting against veterans, he was voting against people who had not worked the process the way they were supposed to.

Mr. Angier stated there was a good reason staff had voted to deny, because so many of the things in the plan did not line up the way they are supposed to in order to have the zoning change.

Ms. DeAngelis asked counsel if it would be appropriate to vote to table the matter, as she felt the Board did not have enough information to move forward, especially with the information which had been presented at the last moment. She stated she thought this was a project that should be considered for approval but wanted time to review the packet.

City Attorney Smith asked Mr. Teal to comment on the timeline of the project. She advised the motion to table would go to the City Commission, who would make the final decision in a Quasi-Judicial hearing on the matter.

Mr. Teal stated they would rather have the item tabled than have a recommendation of denial. He noted that if there was additional qualification or information needed, the applicant wanted to provide it.

Ms. Van Der Meulen asked if the Board could get more information about the patient that would be coming into the facility. She stated she had heard during testimony they do not leave the facility and asked why that would be.

Discussion ensued regarding the voluntary nature of the facility.

Mr. Reiner stated he heard Mr. Angier's argument that the application should be properly done and then presented to the Board, but suggested approval with conditions to meet, within reason, the City's recommendations in order to proceed.

Mr. Pinney asked that if the Board moved forward with conditions, they be specific about what the conditions were. He stated some of the issues, such as the buffers, would require redevelopment of the property. He used the example of setbacks on the north property line, noting moving from the 15-foot setback to the required 40-foot would mean cutting 25 feet off the building.

Mr. Rivera responded to Ms. Van Der Meulen's previous question. He stated this would be a counseling facility, not a facility that would be taking people in from the court system. He noted he had been opening centers like this throughout the country, utilizing evidence-based practices to treat veterans and first responders. He noted there may be couples coming to work through issues, and active-duty personnel on referral from military installations. Mr. Rivera stated at the end of the day the issue was a lack of psychological treatment for people with PTSD and the number of people coming back with needs.

Ms. Van Der Meulen stated she understood the applicant had made a large investment in the property and noted what she did not understand was why the money was spent to build the facility before it was approved.

Mr. Reiner argued the construction had been approved.

Ms. Van Der Meulen responded that an assisted living facility was approved, but the medical facility they were looking at was not. She reiterated that she did not understand why all that money was spent.

Mr. Teal provided a brief history of the project and stated the applicant's permits were originally approved by the City of Margate for an assisted living facility. He asserted the applicant's position was that also included a skilled nursing facility, but the City had a different position on that. Mr. Teal explained the permits were approved for I-2 facility, which means it was medical in nature and could provide medical services at a high nature. He stated the City Code was subsequently changed in 2017, which eliminated the category under which the approval was granted, group care facility, and made a number of other subsequent changes which limited uses for R3 zoned properties.

Continuing, Mr. Teal explained the building was renovated and constructed under the old Code, but under today's Code that could only be accomplished if the applicant had gotten a change in zoning to CF1 first. He stated the request at this time was to update the zoning designation to match the physical structure which had been constructed.

Elizabeth Taschereau, Director of Development Services reminded the Board that as an advisory body, the next step for the application would be the City Commission.

Mr. Reiner passed the gavel to Ms. Van Der Meulen to make a motion to approve the application with special conditions. City Attorney Smith and Mr. Pinney assisted in clarifying the language of the motion. The motion died for lack of a second.

Mr. Reiner asked what accommodations the City was willing to make. He stated there was the setbacks, landscaping, sidewalks, generator, restrictions to the number of floors, and parking. He asserted that with each item that came up, the applicant was willing to make accommodations.

Mr. Pinney stated that adjusting the setbacks, the parking, and buffer wall would be practically redeveloping the site, so he wanted to make clear what was being requested.

Mr. Angier stated he understood setbacks were going to be impossible. He noted his concern was that there were several things staff has asked for within the report which had not been done. He stated as Mr. Reiner had said, the applicant had expressed a willingness to meet certain requirements but had not done so yet.

Mr. Pinney responded that he was not sure negotiation was appropriate at a staff level. He explained the report created by the DRC was to identify the deficiencies in the property.

Ms. Taschereau added that each department had provided their list of recommendations during the DRC process.

Mr. Angier clarified staff had recommended denial based on a set of circumstances they had outlined in the report. He stated the things which qualified the applicant for denial needed to be addressed so staff could get to the point where they recommended approval.

Ms. Taschereau stated staff would not be able to do that.

Mr. Angier responded that by staff standards, this project could never be approved.

Ms. Taschereau stated staff had recommended denial. She noted that based on everything they had heard from staff and the applicant, the Board would have to make their best choice.

Mr. Angier asked how the Board could come up with a plan to help the applicant move forward.

Mr. Pinney explained it was a zoning issue.

Mr. Angier noted the setbacks were the first issue. He stated it was impossible to move a building one (1) way or another and asked if the option was to go to the Board of Adjustments and ask for a variance on the setback. Mr. Angier suggested staff and the applicant sit down and come to a compromise, such as on the parking. He stated there had to be some flexibility. He asserted everyone knew all 49 employees were not going to be on site at the same time, so there had to be a commonsense answer.

Ms. Taschereau stated based on the facts staff had given the Board, which were based on their interpretation of the zoning, Codes, and use, the Board had to make a decision for what they believe to be the right thing. She explained now that the Board had heard the staff

recommendation and the applicant's side, the Board's position was to act as an advisory panel to the City Commission.

Chair Reiner called for a recess at 10:38 p.m.

Chair Reiner called the meeting back to order at 10:46 p.m.

Mr. Reiner passed the gavel to Ms. Van Der Meulen to make a motion.

Mr. Reiner made the following motion, seconded by Ms. DeAngelis:

MOTION: TO APPROVE THE ZONING CHANGE

ROLL CALL: Mr. Angier – Yes, Ms. DeAngelis – Yes; Mr. Reiner – Yes, Ms. Van Der Meulen – No. The motion passed with a 3-1 vote. Mr. Zucchini did not vote.

GENERAL DISCUSSION

Mr. Teal thanked the Board for their time and for voting for a much-needed step forward.

Mr. Zucchini congratulated the Board for the consideration they had given the issue. He stated he was proud of the way they had handled it.

Mr. Angier stated he was a little disappointed with the way the discussion had gone. He said he felt like the applicant had not done what they were supposed to with the City, and he did not like an answer that there was nothing that could be done. He stated they had to find a way, and he was very frustrated with what had taken place.

Mr. Angier added that he was happy to be back on the Board and looked forward to the discussions. He stated he had questions regarding the May meeting being canceled without input from the Chair, and noted he felt that was wrong. He outlined the process which had taken place during his tenure as Chair when there was no business before the Board, where it was ultimately the decision of the Chair.

Ms. DeAngelis stated she was glad an agreement had been made tonight, and noted she thought it was a positive project for the area. She stated based on the location and the surrounding properties, she thought it was the right decision.

Ms. Van Der Meulen commented that she felt coming to the meeting tonight and being a part of this discussion was extremely important for her. She stated her dad had passed away this morning, and she thought showing up which she learned she was not able to abstain was an opportunity to get more questions answered. Ms. Van Der Meulen added that the fact this was medical services made her nervous, and personally she thought they were opening a can of

worms. She stated the community needed some clarity on what was going to be there and what would be going on with the medical uses.

Ms. Van Der Meulen stated she did not care about the setbacks, plants, or other issues, what she cared about was the medical uses and the impact on other areas in the future.

Mr. Reiner stated the question for him was who we are if we do not have compassion and trust for others, especially those who had put their lives on the line for us and are now struggling because of it. He asserted it was all about the facility for him and what could be done for them.

Mr. Zucchini asserted the City needed to encourage commercial development. He stated everyone talks about property taxes going up, but the City operates on a tight budget and 50 percent of the residences pay \$400 or less. He noted commercial developers would see situations like this and say they wanted to stay away from Margate and avoid issues. Mr. Zucchini stated the matter could be rewritten as a Shakespearean tragedy, as it was a tragic situation on both sides. He stated what was missed during the meeting was the perspective of history, which is necessary to understand the issue dating back to January 2015.

Mr. Zucchini stated the building was applied for as a group care facility. He stated the plans were for a medical level building and were signed off on by every department head in the City, including Mr. Pinney. He noted he had a copy of the original application.

Continuing, Mr. Zucchini explained he was on the Planning and Zoning Board at that time, and said he is passionate about this subject because he and Mr. Angier were a party to creating the problem while sitting on the Board. He stated the elimination of the group care facility category happened at his first meeting on the Board, and it had been approved without asking if the zoning change would affect anyone in process. He added that he would forever hold himself responsible for not asking the question. Mr. Zucchini stated the information was also not volunteered, and that elimination of group care facilities from the R3 was done without that consideration when it should not have been. He noted it was presented as housekeeping at that time.

Mr. Zucchini stated at that time, a group care facility acted as an all-encompassing subacute care facility, including what the applicant wants to do at this time with veterans. He asserted the applicant was approved in January 2015 for a group care facility, however there had been a number of issues since. Mr. Zucchini stated he was not saying there were not mistakes made on the side of the applicant. He noted it was not about whether or not the applicant was liked.

Mr. Zucchini asserted the approval in January 2015 allowed the applicant to do what they are looking to do now with veteran care. He stated his head explodes when he hears people say, "I support veterans, but...", because the but does not apply. He noted some people had said it should not be in residential neighborhoods, but before April 2017, the code said a group care facility must be and should be in a residential district to allow the residents to assimilate back into society. He stated the Code back then had compassion, and it had since been lost.

Continuing, Mr. Zucchini stated the City of Margate holds responsibility for the issues just as the applicant does. He asserted the applicant was incentivized to put money into the building, and Development Services had signed the building permit and plans. He stated the City Code requires denying buildings which do not meet the zoning. Mr. Zucchini stated it took two (2) years to finish the building, and a lot happened in those two (2) years. He said after the construction of the building, the City did not provide a Certificate of Occupancy (CO), so the applicant had to initiate a lawsuit to obtain the CO. He asserted she should have received that CO immediately.

Mr. Zucchini stated that if the Board were to investigate the CO, they see the inherent bias on the document. He asserted the document stated "no medical detox" as if it were an exception and the City should have given the CO and held to the exception, but they did not.

City Attorney Smith stated she understood Mr. Zucchini was passionate about the issue, and certainly when it comes before the City Commission, he would have every opportunity to make comment, but the matter had already been litigated. She asserted he was pointing fingers at people in the City for an issue that had already gone through the courts.

Mr. Zucchini responded that it did not go through the court of public opinion, which was happening now. He asserted the story must be told.

City Attorney Smith stated the City was trying to move forward, and this meeting had been a step in that direction, but Mr. Zucchini continues to bring in the past.

Mr. Angier added that Mr. Zucchini did not have to explain, as the item had been rehashed. He noted it was late.

Mr. Zucchini stated if Mr. Angier did not have the endurance or patience to stay, he could leave.

Mr. Angier left the dais at 11:04 p.m.

Mr. Zucchini stated there are a lot of people who do not know the history of what took place. He noted he had heard comments from the dais that it should not be in a residential neighborhood, but it was previously in the Code that a group care facility should be in a residential neighborhood.

Ms. Van Der Meulen responded that she had given her legitimate opinion. She stated it was medical services, and medical services could be taken to the umpteenth end, and then the City was screwed.

Mr. Zucchini argued the building was built for medical services and it was signed off as being for medical services.

Ms. Van Der Meulen stated she did not vote on it at that time.

Mr. Zucchini responded that he was not disagreeing with Ms. Van Der Meulen's opinion, but was stating that in the City's Code, it said group care facilities should be in residential neighborhoods.

City Attorney Smith stated that if they finalized this now, Mr. Zucchini could speak when the matter went before the City Commission.

Mr. Zucchini asserted that he would have three (3) minutes and could not explain the issue in three (3) minutes.

City Attorney Smith stated that she understood that, but Mr. Zucchini was testifying on something that was (inaudible – he spoke over her).

Mr. Zucchini argued he was not testifying.

City Attorney Smith suggested Mr. Teal could call Mr. Zucchini as a witness when the matter went before the City Commission in a Quasi-Judicial hearing.

Mr. Zucchini stated Lisa Martz had spoken on behalf of Dr. Daniel Amen, and he recognized Dr. Amen for his fascinating work on brain imaging for many years. He asserted this facility wanted to bring in treatment where no one else was willing to stand up and say yes, we will help veterans. We will help to cure PTSD. Mr. Zucchini expressed that he believed it to be a noble cause, and for people to come up with lame objections, they could not come back and say they support veterans.

Mr. Zucchini stated in 2017, the Board also had to deal with Florida Statute changing where a group home could be. He stated that was totally different from group care, and for everyone's information, a group home can be anywhere, including right next door to the most affluent community or in a condominium complex, because that was the Statute. Mr. Zucchini asserted this facility wanted to be in a residential neighborhood to help people to assimilate back into society.

There being no further business to discuss, the meeting was adjourned at 11:09 p.m.

Respectfully submitted,

Richard Zucchini, Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ZUCCHINI RICHARD		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING AND ZONING	
MAILING ADDRESS 380 B LAKEWOOD CIR E		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY MARGATE	COUNTY BROWARD	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED JUNE 1 2021		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, RICHARD ZUCCHINI, hereby disclose that on JUNE 1, 20 21:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM NOT RETAINED ON THIS ISSUE.

I RECUSED MYSELF ON THE REZONING APPLICATION OF 603 MELALEUCA DRIVE TO CF1 FROM R3 ZONING, UPON ADVICE OF MARGATE CITY ATTORNEY WHO STRONGLY SUGGESTED THAT I RECUSE MYSELF.

I HAVE NOT PUBLICALLY SPOKEN ABOUT THE CF1 REZONING, HOWEVER I HAVE PUBLICALLY SPOKEN IN FAVOR OF THE FACILITY : PROPOSED VETERANS RESIDENTIAL TREATMENT UNDER THE EXISTING R3 SPECIAL EXCEPTION AS A GROUP CARE FACILITY. I HAVE SPOKEN FREELY ABOUT THE PROPOSED FACILITY WHICH WAS/IS NOT A FORESEEABLE PLANNING AND ZONING ISSUE, WHICH MAY HAVE BEEN IN THE COMPANY OF OTHER CITY STAFF, RESIDENTS AND BOARD MEMBERS.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

JUNE 7, 2021

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**APPLICANTS PRESENTATION TO THE
PLANNING AND ZONING BOARD MEETING
ON JUNE 1, 2021**

Margate Cares for Heroes

City of Margate Planning and Zoning Board Meeting
June 1, 2021



CITY OF
MARGATE
Together We Make It Great

City of Margate
DEVELOPMENT REVIEW COMMITTEE
Application for Rezoning

5790 Margate Blvd., Margate, FL 33063
954-972-6454

Submittal Date (official use):

Project Name		Margate Care for Heroes, LLC	DRC #	
Address		603 Melaleuca Drive, Margate, FL 33063		
Acreage	1.06	Folio Number	4841 36 02 0350	Paid:
Existing Use		Long Term Care Facility		
Legal Description		Hammon Heights Sec 2 34-46 B LOTS 1 & 2, TOG/W LOT 3, ALL IN BLK 3		

Describe proposal/request in detail, including non-residential square footage and/or number of dwelling units
Change of zoning to CF-1 to allow Medical Rights in a I-2 Building. This property was converted from a 10
unit apartment building to a Long Term Care Facility. Permit 15-00001248 4/26/16, CO 3/30/2017.

Affidavit/Covenant

State of Florida, County of Broward

ADDRESS OF SUBJECT PROPERTY: 603 Melaleuca Drive, Margate, FL 33063

This affidavit (to be converted to a covenant if the rezoning to CF-1 is approved).

"It runs with the land if the building is ever sold". describes the list of uses that "even though Permitted by Right and by Special Exception when the building is Rezoned from R-1 / R-3 to CF-1", we are ever able to do as: House of worship, school, hospital, detoxification facility, municipal building, fire station, libraries, public offices, parks, playgrounds, reservations, parking, public or private elementary middle, high school, or postsecondary educational facilities. As owners of the building our proposed use is for a Group Care Facility as it was defined in 2015 in Section 2.2 of the Margate Zoning Code. and approved in Resolution 15-010 on January 21, 2015 and as defined in Section 381.006(16) of the Florida Statute, taken in consideration the exclusions of uses listed above which some of them are part of uses of Group Care Facilities; and to include permitted uses in CF-1 as a Long-Term-Care Facilities i.e. ALF with Skilled Nursing (SNF) and/or Physical Rehabilitation.

I hereby state that the information above is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information is not omitted.

Signature of Individual.

Date. _____

2014

2015

2016

2017

2018

2019

2020

2021

PETITIONER: Miryam Jimenez

HEARING NO.: BA-01-2015

SECTION OF CODE: Section 2.2

ZONING: R-3 Multi-family dwelling

Code requires a minimum separation of 1,000 feet for group care facilities. Petitioner is requesting permission to convert an apartment building to a group care facility that is located approximately 970 feet from an existing group care facility.


Section 2.2 of the Margate Zoning code requires a minimum separation of 1,000 feet for group care facilities. A portion of the petitioner's property is located approximately 30 feet within the 1,000 feet buffer. Staff recommends approval of the variance request based on the findings that the majority of the facility is located outside the minimum separation requirement, and the previous use of the building as an apartment complex does not alter the neighborhood character.

RECOMMENDATION:

APPROVE

APPROVE WITH
CONDITIONS

DENY


Director of Economic Development

21 DEC 14
Date

2014 **2015** 2016 2017 2018 2019 2020 2021

CITY OF MARGATE, FLORIDA

RESOLUTION NO. 15-010

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A GROUP CARE FACILITY WITHIN THE R-3 MULTIPLE DWELLING DISTRICT FOR MIRYAM JIMENEZ, LOCATED AT 603 MELALEUCA DRIVE, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.

WHEREAS, on November 26, 2014 the Development Review Committee reviewed a proposal for an existing apartment building to be converted to a group care facility located at 603 Melaleuca Drive and recommended approval subject to the following conditions:

- 1) Receive variance approval from Board of Adjustment based on Section 2.2 of the Margate Zoning Code
- 2) Any interior alterations will require plans to be submitted to the Building Department to obtain necessary permits
- 3) Any items required by Fire Code based on the new use of the facility will be necessary
- 4) Obtain a Local Business Tax Receipt (LBTR) necessary for the use
- 5) Pay water and sewer impact fees if resident capacity exceeds twenty-four (24) residents
- 6) Work with the various departments to obtain all necessary permits

WHEREAS, on January 6, 2015 the Board of Adjustment approved variance BA-01-2015 for permission to open a group care facility at 603 Melaleuca Drive, which is 970 feet from an existing facility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That the City Commission of the City of Margate, Florida, hereby approves with conditions a special exception use to permit a group care facility within the R-3 Multiple Dwelling District for Miryam Jimenez located at 603 Melaleuca Drive. The

CITY OF MARGATE, FLORIDA

RESOLUTION NO. 15-010

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A GROUP CARE FACILITY WITHIN THE R-3 MULTIPLE DWELLING DISTRICT FOR MIRYAM JIMENEZ, LOCATED AT 603 MELALEUCA DRIVE, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.

2014 2015 2016 2017 2018 2019 2020 2021

FINDINGS FROM RESOLUTION NO. 15-010

(a) The use is compatible with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.

(b) There are no substantial detrimental effects of the proposal on property values in the neighborhood.

(c) There are no substantial detrimental effects with the use on living or working conditions in the neighborhood.

2014 2015 2016 2017 2018 2019 2020 2021

FINDINGS FROM RESOLUTION NO. 15-010

(d) There is adequate ingress and egress to the development, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and reuse collection, and access in the case of fire, catastrophe, or emergency.

(e) There is adequate off-street parking in relation to buildings, and adequate internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.

(f) There is acceptable orientation, location, size, and features of buildings, and appearance and harmony of the buildings with nearby development and land uses.

2014 2015 2016 2017 2018 2019 2020 2021

FINDINGS FROM RESOLUTION NO. 15-010

(g) There is sufficiency of setbacks, buffers, and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the development and to control adverse effects of site generated noises, lights, fumes, and other nuisances.

(h) There is adequate stormwater management with attention to the necessity of on-site retention to alleviate flooding and ground water pollution without compromising the aesthetics and maintainability of landscaping.

(i) There is adequate landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of berming along street perimeters.

2014 **2015** 2016 2017 2018 2019 2020 2021

FINDINGS FROM RESOLUTION NO. 15-010

(j) There is compliance with the applicable goals, objectives, and policies of the Margate Comprehensive Plan.

2014 **2015** 2016 2017 2018 2019 2020 2021

STATE OF FLORIDA)
COUNTY OF BROWARD)

AFFIDAVIT OF MIRYAM JIMENEZ

BEFORE ME, personally appeared MIRYAM JIMENEZ, who, being first duly sworn according to law, deposes and states as follows:

1. I am over the age of 21 years and competent to make this affidavit based upon my own personal knowledge.
2. I am the President of MMJ Financial Services, Inc., a Florida corporation, owner of the property having a civil street address of 603 Melaleuca Drive, Margate, FL ("Property").
3. On behalf of MMJ Financial Services, Inc., I have made an application for approval of building plans for a group care facility to be established on and operated from the Property.
4. I intend to operate a group care facility, as defined by the City of Margate Code of Ordinances, and as approved in City Resolution No. 15-010, which shall provide services to its residents consistent with customary practice in Broward County, Florida.
5. I will not operate a detoxification facility from the Property without the prior approval of the City of Margate, Florida.

The foregoing instrument was sworn to and subscribed before me on this 13th day of July, 2015 by MIRYAM JIMENEZ, who is (personally known to me) or (who has produced

(Notary Seal)

Notary Public State of Florida
Notarial Seal stamped in black ink
OR
Typed, printed or stamped name of
Notary
Commission No.: _____



112530965.1

3. On behalf of MMJ Financial Services, Inc., I have made an application for approval of building plans for a group care facility to be established on and operated from the Property.

4. I intend to operate a group care facility, as defined by the City of Margate Code of Ordinances, and as approved in City Resolution No. 15-010, which shall provide services to its residents consistent with customary practice in Broward County, Florida.

5. I will not operate a detoxification facility from the Property without the prior approval of the City of Margate, Florida.

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(Notary Seal)

Notary Public State of Florida
Notarial Seal stamped in black ink

2014 **2015** 2016 2017 2018 2019 2020 2021

STATE OF FLORIDA)
COUNTY OF BROWARD)

AFFIDAVIT OF MIRYAM JIMENEZ

BEFORE ME, personally appeared MIRYAM JIMENEZ, who, being first duly sworn according to law, depose and states as follows:

1. I am over the age of 21 years and competent to make this affidavit based upon my own personal knowledge.
2. I am the President of MMJ Financial Services, Inc., a Florida corporation, owner of the property having a civil street address of 803 Melaleuca Drive, Margate, FL ("Property").
3. On behalf of MMJ Financial Services, Inc., I have made an application for approval of building plans for a group care facility to be established on and operated from the Property.
4. I intend to operate a group care facility, as defined by the City of Margate Code of Ordinances, and as approved in City Resolution No. 15-010, which shall provide services to its residents consistent with customary practice in Broward County, Florida.
5. I will not operate a detoxification facility from the Property without the prior approval of the City of Margate, Florida.

The foregoing instrument was sworn to and subscribed before me on this 13th day of July, 2015 by MIRYAM JIMENEZ, who is (personally known to me) or (who has produced

(Notary Seal)

Notary Public State of Florida
Notarial Seal stamped in black ink
OR

Typed, printed or stamped name of
Notary
Commission No.: _____



112510665.1

Quality of Life, Corp.

Our Group Care Facility will provide;

Assisted Living Facility

Facility provides 24-hr care, services and protective oversight to residents who are provided with shelter and board, and who may need assistance with activities of daily living which include eating, dressing, bathing, toileting, transferring and walking. Facility also provides oversight for storage, distribution, or administration of medications; and health care supervision under the direction of a licensed physician, and consistent with a social model of care. A social model of care includes long-term care services based on the abilities, desires, and functional needs of individuals delivered in a setting that is more home-like than institutional and which promotes the dignity, privacy, independence, and autonomy of the individual. A licensed Nursing Home Administrator is required.

Skilled Nursing Facility

Facility provides 24-hour accommodation, board and skilled nursing care and treatment services to 16 or more residents. Skilled nursing care and treatment services are commonly performed by or under the supervision of a registered professional nurse for individuals requiring twenty-four hour care by licensed nursing personnel including acts of observation, care and counsel and the administration of medications and treatments as prescribed by a licensed physician, and other nursing functions requiring substantial specialized judgment and skill. Licensed Nursing Home Administrator is required.

2014 2015 **2016** 2017 2018 2019 2020 2021

**CHANGE OF OCCUPANCY PERMITS 15-00001248 TO I-2
HOSPITAL/MEDICAL CARE**

* * * CITY OF MARGATE * * *

Owner

MMJ FINANCIAL SERVICES, INC
603 MELALEUCA DR
MARGATE FL 33063

Contractor

ACECA CONSTRUCTION
7213 PINE BLUFF DR
LAKE WORTH FL 33467
(561) 574-7733

Structure Information 000 000 INT REMODEL-ASSISTED LIVING FACILITY

Construction Type CHANGE OF OCCUPANCY

Occupancy Type I-2 HOSPITAL/MEDICAL CARE

Other struct info IMPACT WINDOWS X
NOTICE OF COMMENCEMENT RECEIVED

PRESENT USE

PROPOSED USE

SQUARE FOOTAGE

8845.00

NUMBER OF STORIES

1.00

2014 2015 2016 **2017** 2018 2019 2020 2021

CERTIFICATE OF OCCUPANCY I-2 HOSPITAL/MEDICAL

pd
4-4-17

CITY OF MARGATE
901 NW 66TH AVENUE
MARGATE FL 33063

CERTIFICATE OF OCCUPANCY

PERMANENT

Issue Date 3/30/17

Parcel Number 8136-AM-0001

Property Address 603 MELALUCA DR
MARGATE FL 330634534

Subdivision Name H H 2

Legal Description

Property Zoning NOT APPLICABLE

Owner MMW FINANCIAL SERVICES, INC

Contractor ACECA CONSTRUCTION
561 574-7733

Application number 15-00001248 000 000

Description of Work MD-ADDITION & ALTERATION/COMMERCIAL

Construction type TYPE II-B

Occupancy type I-2 HOSPITAL/MEDICAL CARE

Flood Zone

Special conditions

CERTIFICATE OF OCCUPANCY ISSUED TO ACECA CONSTRUCTION INC
FOR "QUALITY OF LIFE" AS A GROUP CARE FACILITY ONLY, NO
MEDICAL DETOX, PBC 1014 5TH EDITION, 8845 SQ FT

Approved Debra D. [Signature]
Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL

2014 2015 2016 2017 2018 2019 2020 2021

CITY OF MARGATE FIRE DEPARTMENT ASSESSMENT AS NURSING HOME BUILDING \$6,130.65/year

CITY OF MARGATE
5750 MARGATE BOULEVARD
MARGATE, FLORIDA 33063

MINI FINANCIAL SERVICES INC
5375 LYONS RD #154
COCOONUT CREEK FL 33073

CITY OF MARGATE, FLORIDA

NOTICE OF PUBLIC HEARING
TO IMPOSE AND PROVIDE FOR COLLECTION OF
FIRE RESCUE NON-AD VALOREM ASSESSMENT

NOTICE DATE: JUNE 10, 2020

Parcel Tax ID: 484136020350
Sequence Number: MF-012
Legal: HAMMON HEIGHTS SEC 2 34-46 B
LOTS 1

***** NOTICE TO PROPERTY OWNER *****

As required by Section 197.3632, Florida Statutes, and the direction of the City Commission, notice is hereby given by the City of Margate that an annual assessment for fire rescue services using the tax bill collection method may be levied on your property. The use of the annual special assessment to fund the rescue services benefiting improved property located within the City of Margate in the past has proven to be fair, efficient and effective. The total annual fire rescue assessment revenue to be collected within the City of Margate is estimated to be \$19,527,404 for fiscal year October 1-2020 - September 30-2021. The annual fire rescue assessment is based on the classification of each parcel of property and number of billing units contained therein. The above listed parcel has the following units:

Category	Number and Type of Billing Units	FY 20-21 Assessment
Nursing Home Building	8,895 Square Feet	\$6,130.65
Total Assessment		\$6,130.65

The maximum annual Fire Rescue Assessment that can be imposed without further notice for fiscal year 2020-21 and for future fiscal years for the above parcel is \$6,130.65.

A public hearing will be held at 7:00 p.m. on July 1, 2020 in the City Commission Chambers of City Hall, 5750 Margate Boulevard, Margate, Florida, for the purpose of receiving public comment on the proposed assessment.

Due to the COVID-19 pandemic, we will have an in-person session allowing no more than fifty (50) people in attendance at the public hearing, as long as social distancing guidelines can still be maintained. Additionally, we will utilize Communications Media Technology (CMT) for the purpose of online participation. The public will be able to participate in the public hearing virtually at 7:00 p.m. on July 1, 2020, at the following link: <https://margate.flgov.com/323326/43> or by calling US: 866-805-8833 or 866-206-4099 or 253-218-8782 or 317-716-6902 or 313-428-4799 or 345-248-7766 and entering WebID ID: 845-3884-6143. For additional information on how to secure the virtual public hearing, please visit <https://margate.flgov.com/Calendar.aspx>.

You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of the notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made. Including the testimony and evidence upon which the appeal is to be made, in accordance with the Americans with Disabilities Act, persons hearing a spouse, accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 972-6464 at least two (2) business days prior to the date of the public hearing.

Unless prior steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Fire Rescue Assessment Ordinance (Ordinance No. 9646), the Amended and Restated Initial Assessment Resolution (Resolution No. 16-228), the Amended and Restated Final Assessment Resolution (Resolution No. 16-245), as amended by Resolution No. 17-014, the Preliminary Rate Resolution initiating the annual process of updating the assessment and repositing the fire rescue assessment, and the preliminary assessment roll for the upcoming fiscal year are available for inspection at the City Clerk's office on the second floor of the Municipal Building located at 5750 Margate Boulevard, Margate, Florida.

Both the annual fire rescue assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a lien of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire rescue assessment, please contact the Finance Department at (954) 972-6464, Monday through Friday, between 9:00 a.m. and 6:00 p.m.

CITY OF MARGATE
5750 MARGATE BOULEVARD
MARGATE, FLORIDA 33063

MINI FINANCIAL SERVICES INC
5375 LYONS RD #154
COCOONUT CREEK FL 33073

CITY OF MARGATE, FLORIDA

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Category	Number and Type of Billing Units	FY 20-21 Assessment
Nursing Home Building	8,895 Square Feet	\$6,130.65
Total Assessment		\$6,130.65

2014 2015 2016 2017 2018 2019 2020 2021

**July 21, 2020, Public Hearing, Reasonable
Accommodation Request**

**October 12, 2020, DRC Meeting re Rezoning
Request**

2014 2015 2016 2017 2018 2019 2020 2021

**June 1, 2021 - Public Hearing on Rezoning
Request, R-1 and R-3 to CF - 1**

ARTICLE XI. - COMMUNITY FACILITY CF-1 DISTRICT^[7]



Footnotes:

--- (7) ---

Editor's note— Ord. No. 1500.578, § 3, adopted Sept. 7, 2011, amended the title of [former] Art. VI½ to read as herein set out [as Art. XI]. The former title read Community Facility Districts.

Section 11.1. - Application of article.



The following regulations of this article shall apply in all community facility districts.

(Ord. No. 1500.163, § 1, 3-7-1979)

Section 11.2. - Purpose of district.



The community facility district is intended to provide for the orderly development of those educational, cultural, religious, health care, recreational, and governmental facilities required to meet the needs of the community in which they are located.

(Ord. No. 1500.163, § 1, 3-7-1979)

Section 11.3. - Permitted uses.



- (A) No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:
- (1) Houses of worship and schools on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage. Private academic schools, including VPK, may be permitted as an accessory use when located on the same plot as an existing house of worship.
 - (2) Hospitals, detoxification facilities, and long-term care facilities not including correctional or mental institutions, nor veterinary hospitals. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage.
 - (3) Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.
 - (4) Accessory structure or use which is clearly incidental or subordinate to the principal use and which use is located on the same plot.

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



- (a) *Unplatted land.* A change in zoning on unplatted land shall be made with the express condition that upon platting of the property, the plat shall be subject to development review procedures outlined in this article and that the city, at the time of the rezoning, makes no explicit or implied guarantees that services or facilities are available to serve the proposed development at the time of rezoning.
- (b) *Platted land:*
- (1) A change in zoning on any platted land which according to Section 2.08 of the Margate Land Use Plan, or Section 3.11 of the zoning code must be replatted or resurveyed prior to issuance of a building permit may be approved in the same manner as a change in zoning on unplatted land.
 - (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](#) of this article have been met.

(Ord. No. 85-44, § 1, 11-20-1985)



INTEROFFICE MEMORANDUM FROM THE DEVELOPMENT SERVICES DEPARTMENT

DATE: October 13, 2020

TO: Kyle Teal, Agent

FROM: Elizabeth Taschereau, Director of Development Services

SUBJECT: DRC Agenda Item # 2020-338

DEPARTMENTAL COMMENTS

BUILDING

1. With respect to the rezoning I have no comments. However, while the space was built to the I2 standards of 2015 the building was not approved for that use by Zoning. If the applicant intends to now occupy and operate the business as an I2 occupancy they will need to comply with the code in effect at the time of submittal. Additionally, outside agencies approvals will also be required.

Response: This is the reason behind this application for rezoning to CF-1. The applicant will provide evidence of outside agency approval to the City as a condition of the rezoning request.

FIRE

1. With the zoning proposed the building (if not already installed) will require a fire alarm, fire sprinkler and standby generator.

Response: The building is built to I-2 standards. It has a fire alarm and fire sprinkler system, along with a CO2 detector. See letter from James Philip Drago, R.A. Registered Architect AR 009780 stating that a generator is not required.

James Philip Drago, Registered Architect

333 NE 24th St, Boca Raton, Florida 33431 Seal # AR009780
(561) 361-2716; office (954) 275-9834 cell (561) 361-8096 fax

May 30, 2021

City of Margate
Building Plan Review

re: opinion letter for generator requirement parcel # 81136-AN- 001

603 Melaleuca Dr 33063

Permit number – issued.

OPINION LETTER FOR GENERATOR REQUIREMENT

The application for this PATIENT TREATMENT FACILITY does not require a generator.

I have researched the current codes and can not find where the generator is required for this type of facility or use.

On March 30, 2017:

- This facility was granted a final permanent CO as a type I-2 Nursing Home Facility.
- This building was compliant with all 2017 FBC codes which were in force at that time.

This one-story facility is to be used as a Residential Treatment Facility for veterans with PTSD and substance abuse disorders.

There is no elevator in this building.

The facility will be licensed by AHCA and DCF.

Thank you for your time and consideration of the above request.

Regards, **James P
Drago**

James Philip Drago, R.A.
Registered Architect AR 009780

JPDrago@Bellsouth.Net

Digitally signed by
James P Drago
Date: 2021.05.31
12:06:52 -04'00'

James Philip Drago, Registered Architect

333 NE 24th St, Boca Raton, Florida 33431.....Seal # AR009780
(561) 361-7161 office (954) 275-8834 cell (561) 361-8096 fax

May 30, 2021

City of Margate
Building Plan Review

re: opinion letter for generator requirement parcel # 81136-AN- 001

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There is no elevator in this building.

The facility will be licensed by AHCA and DCF.

Thank you for your time and consideration of the above request.

Regards, **James P
Drago**  Digitally signed by
James P Drago
Date: 2021.05.31
12:06:52 -04'00'

James Philip Drago, R.A.
Registered Architect AR 009780

JPDrago@Bellsouth.Net

A. AVAILABILITY OF POTABLE WATER

Potable water service is available to serve the needs of the proposed development. The water treatment plant has sufficient available capacity to satisfy the potable water needs of the proposed development as well as those of other developments in the service area which are occupied; available for occupancy; hold active, valid building permits; or have already reserved capacity. Please note that this determination shall not be construed as a reservation of capacity for the development unless a developer's agreement has been executed with the City specifically reserving water treatment capacity.

B. AVAILABILITY OF WASTEWATER TREATMENT AND DISPOSAL SERVICES

Wastewater treatment and disposal service is available to serve the needs of the proposed development. The wastewater treatment plant has sufficient available capacity to satisfy the wastewater treatment and disposal needs of the proposed development as well as those of other developments in the service area which are occupied; available for occupancy; hold active, valid building permits; or have already reserved capacity.

Please note that this determination shall not be construed as a reservation of capacity for the development unless a developer's agreement has been executed with the City specifically reserving wastewater treatment and disposal capacity.

C. TRAFFIC IMPACTS

For the reasons outlined below, we could not conclusively determine whether or not the traffic generated by the proposed development will be safely and efficiently handled by the regional transportation network and local streets.

1. In accordance with Sec. 31-37(a) of the Code, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations.
2. Note that paragraph 31-317(b) requires a site plan to be presented when a rezoning application is submitted, and no site plan was included with the application, so this section is not applicable for this review.

Sec. 31-37. - Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.



- (a) For the purpose of implementing sections [31-34](#), [31-35](#), and [31-36](#), a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.
- (b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development. In the event that an application for a building permit is submitted which, in the opinion of the building official, provides more intensive uses than those indicated on the site plan or substantially deviates from the approved site plan, the application shall be referred to the development review committee for assessment.

(Ord. No. 85-44, § 1, 11-20-1985)

Thomas A. Hall, Inc.
1355 Adams Street
Hollywood, FL 33019
954-288-4447
tomhall1234@gmail.com

May 31, 2021

Ms. Miryam Jimenez
c/o Kyle B. Teal, Esq.
Buchanan Ingersoll & Rooney PC
One Biscayne Tower
Two South Biscayne Boulevard, Ste. 1500
Miami, FL 33131-1822

RE: Margate Cares for Heroes Traffic Statement (Revised)
Project No. 202027.01

Dear Ms. Jimenez:

On April 27, 2021, Thomas A. Hall, Inc., completed a third traffic statement for a proposed new business plan for this site in the City of Margate, Florida that addressed comments made in the City's review by Mr. Randy L. Daniel, P.E., PMP, CFM, Assistant City Engineer, in a memorandum dated May 17, 2021. This traffic statement was completed to address Mr. Daniel's comments and has been prepared under the engineering supervision of Peter Partington, P.E., former City Traffic Engineer for the City of Fort Lauderdale.

According to the project site plan, the proposed new plan is for an 8,885-square-foot residential rehabilitation facility located at 603 Melaleuca Drive. The prior development is a 10-unit, multi-family apartment building, which was reconstructed to serve as a group care facility in accordance with City-approved permits. The enclosed Figure 1 Site Location shows the location of the proposed project. A copy of the project's site plan is also enclosed.

1. Trip Generation Analysis

In order to determine the traffic impacts associated with the proposed residential rehabilitation facility, an analysis of trips expected to be generated by both the prior and proposed developments was conducted. The majority of the following traffic statement provides the details of the analysis and a summary of the results that compare the prior development with the proposed development. Trip generation characteristics provided in the Institute of Transportation Engineers (ITE) Trip Generation manual, 10th Edition, were consulted and the trips generated by the prior multi-family residential land use (ITE Code 220 Multi-Family Housing, Low-Rise) were calculated, as was the (ITE Code 620 Nursing Home) land use. Note that Nursing Home was selected as the proposed developments land use. The ITE manual does not contain trip generation characteristics for a residential rehabilitation facility. However, nursing homes have similar operational and trip generation characteristics, based upon the description provided in the

Thomas A. Hall, Inc.
1355 Adams Street
Hollywood, FL 33019
954-288-4447
tomhall1234@gmail.com

May 31, 2021

Randy L. Daniel, P.E., PMP, CFM
Assistant City Engineer
City of Margate
Department of Environmental & Engineering Services
901 NW 66th Avenue, Suite A
Margate, FL 33063

RE: Margate Cares for Heroes Traffic Statement – Response to Comments
Project No. 202027.01

Dear Mr. Daniel:

This is in response to those new or remaining comments received from your office on May 25, 2021 and dated May 17, 2021. The comments were shown in red in your document. The comments and our responses follow:

A. Trafficways

Comment 1: New Comment: The Study continues to defend the use of an independent variable that has "the largest and best supporting database" although that variable may not necessarily represent the MAXIMUM impact. Staff comments dated 10/13/2021, in reference to the August 2020 TS indicated that City Code required use of design parameters with MAXIMUM IMPACT. Design parameters with the "most statistical validity" are not controlling. Rewrite or modify this section accordingly.

Response: Comment 1: The analysis has been revised to conform to staff's request.

Comment 7: Comment: Not Completed, although the October TS designation of arterial road for Melaleuca Drive is not used in the April 27 version, the April TS continues to reference Table 4 for signalized arterial roads; Melaleuca Drive is not an arterial road.

Response: All references to roadway capacity or to the FDOT reference materials have been dispensed with in the revised analysis.

New Comment: Redo analysis and delete any reference to table 4; Redo analysis using the percentage of ADT contributed by the project.

Response: Done.

Table 1
Daily Trip Generation - Employees
Margate Cares for Heroes

Land Use	ITE Code	Intensity	Trip Generation Rate ⁽¹⁾	Total Trips			Internal Trips				External Trips			Pass-by Trips		New Trips		
				In	Out	Total	In	Out	Total	%	In	Out	Total			In	Out	Total
Prior Use																		
Multi-Family Housing (Low-Rise)	220	26 residents ⁽¹⁾	$T=1.42(X)$ (50/50)	18	19	37	0	0	0	0.0%	18	19	37	0	0.0%	18	19	37
Subtotal				18	19	37	0	0	0		18	19	37	0		18	19	37
Proposed Use																		
Nursing Home	620	31 employees	$T=2.43(X)+68.33$ (50/50)	72	72	144	0	0	0	0.0%	72	72	144	0	0.0%	72	72	144
Subtotal				72	72	144	0	0	0	0	72	72	144	0	0	72	72	144
Net Difference				64	63	107	0	0	0		64	63	107	0		64	63	107

⁽¹⁾2.56 residents per household census data provided by City of Margate staff (10 dwelling units x 2.56 residents = 25.6 or 26 total residents).

⁽²⁾Trip generation rate obtained from ITE Trip Generation manual, 10th Edition.

Table 2
AM Peak Hour Trip Generation - Employees
Margate Cares for Heroes

Land Use	ITE Code	Intensity	Trip Generation Rate ⁽¹⁾	Total Trips			Internal Trips				External Trips			Pass-by Trips		New Trips		
				In	Out	Total	In	Out	Total	%	In	Out	Total			In	Out	Total
Prior Use																		
Multi-Family Housing (Low-Rise)	220	26 residents ⁽¹⁾	$T=0.17(X)$ (15/85)	1	3	4	0	0	0	0.0%	1	3	4	0	0.0%	1	3	4
Subtotal				1	3	4	0	0	0		1	3	4	0		1	3	4
Proposed Use																		
Nursing Home	620	31 employees	$T=0.29(X)+4.76$ (79/21)	11	3	14	0	0	0	0.0%	11	3	14	0	0.0%	11	3	14
Subtotal				11	3	14	0	0	0	0	11	3	14	0	0	11	3	14
Net Difference				10	0	10	0	0	0		10	0	10	0		10	0	10

⁽¹⁾2.56 residents per household census data provided by City of Margate staff (10 dwelling units x 2.56 residents = 25.6 or 26 total residents).

⁽²⁾Trip generation rate obtained from ITE Trip Generation manual, 10th Edition.

Table 3
PM Peak Hour Trip Generation - Employees
Margate Cares for Heroes

Land Use	ITE Code	Intensity	Trip Generation Rate ⁽¹⁾	Total Trips			Internal Trips				External Trips			Pass-by Trips		New Trips		
				In	Out	Total	In	Out	Total	%	In	Out	Total			In	Out	Total
Prior Use																		
Multi-Family Housing (Low-Rise)	220	26 residents ⁽¹⁾	$T=0.13(X)$ (90/10)	3	0	3	0	0	0	0.0%	3	0	3	0	0.0%	3	0	3
Subtotal				3	0	3	0	0	0		3	0	3	0		3	0	3
Proposed Use																		
Nursing Home	620	31 employees	$\ln(T)=0.65\ln(X)+0.40$ (32/68)	4	10	14	0	0	0	0.0%	4	10	14	0	0.0%	4	10	14
Subtotal				4	10	14	0	0	0	0	4	10	14	0	0	4	10	14
Net Difference				1	10	11	0	0	0		1	10	11	0		1	10	11

⁽¹⁾2.56 residents per household census data provided by City of Margate staff (10 dwelling units x 2.56 residents = 25.6 or 26 total residents).

⁽²⁾Trip generation rate obtained from ITE Trip Generation manual, 10th Edition.

D. SURFACE WATER MANAGEMENT

Analysis and assessment of the surface water impacts could not be performed, as no plan, model, or study of the site in the maximum impact condition was provided.

Response: Below is the positive finding from RESOLUTION NO. 15-010 regarding surface water management. Site conditions are identical today:

(h) There is adequate stormwater management with attention to the necessity of on-site retention to alleviate flooding and ground water pollution without compromising the aesthetics and maintainability of landscaping.

E. STREETS, SIDEWALKS, PUBLIC PLACES

The public sidewalk abutting the south property line of the parcel must be extended to the western limits of the site.

Other streets, sidewalks, and public places appear to be “existing to remain”. They appear to be in good condition and do not appear to be in distress. To the best of our knowledge and understanding, these public improvements were previously constructed under permits from the City. Accordingly, they are deemed to meet the minimum standards set forth in Chapters 31 and 35 of this Code.

Response: The applicant agrees to extending the public sidewalk to the western limits of the site. All other minimum standards are met.

F. WATER DISTRIBUTION SYSTEM

To the best of our knowledge and understanding, the water distribution system meets or exceeds the minimum standards and requirements of the following:

1. Chapter 39 of the City's Code of Ordinances
2. AWWA Standards
3. Broward County Environmental Protection and Growth Management Division

Connection charges and/or impact fees will be determined once the number of beds can be established for the maximum impact condition.

Response: Meets standards. Applicant agrees to pay all connection and/or impact fees based on the number of beds.

F. WATER DISTRIBUTION SYSTEM

To the best of our knowledge and understanding, the water distribution system meets or exceeds the minimum standards and requirements of the following:

1. Chapter 39 of the City's Code of Ordinances

2. AWWA Standards

3. Broward County Environmental Protection and Growth Management Division

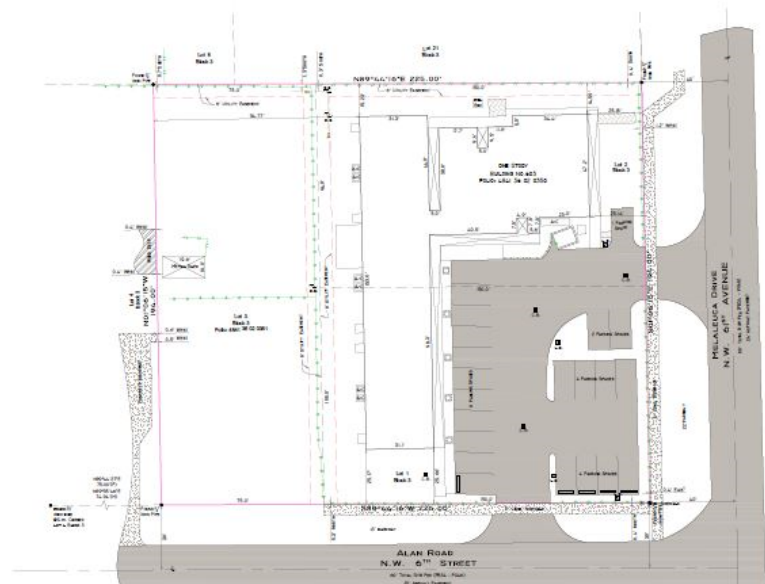
Connection charges and/or impact fees will be determined once the number of beds can be established for the maximum impact condition.

MAP OF BOUNDARY SURVEY



LEGEND & ABBREVIATIONS

1	CONCRETE CURB	11	CONCRETE DRIVE
2	CONCRETE DRIVE	12	CONCRETE DRIVE
3	CONCRETE DRIVE	13	CONCRETE DRIVE
4	CONCRETE DRIVE	14	CONCRETE DRIVE
5	CONCRETE DRIVE	15	CONCRETE DRIVE
6	CONCRETE DRIVE	16	CONCRETE DRIVE
7	CONCRETE DRIVE	17	CONCRETE DRIVE
8	CONCRETE DRIVE	18	CONCRETE DRIVE
9	CONCRETE DRIVE	19	CONCRETE DRIVE
10	CONCRETE DRIVE	20	CONCRETE DRIVE



LEGAL DESCRIPTION:

Lot 1 and 2, together with Lot 3, Block 1, HAMMON HEIGHTS SECTION 2, according to the plat thereof, as recorded in Plat Book 34, Page 46, of the Public Records of Broward County, Florida.

SURVEYOR'S REPORT AND GENERAL NOTES

1. Legal Description has been furnished by the client.
2. References to "Owner," "Owner's" or "Their" refer to documents and instruments of record as part of the pertinent information used for this survey work. Measured distances, directions and angles along boundary lines are in conformity with corresponding values from records, unless otherwise shown.
3. These lands are subject to additional restrictions of record that were not furnished to the undersigned registered surveyor. A site search has not been performed by the surveyor.
4. North arrow direction is based on an assumed Meridian. Bearings are based on an assumed meridian on a well-established line, said line is being noted as BTR on the Survey Map.
5. Only above ground improvements are shown herein. Foundations, underground features and utilities have not been located.
6. Survey markers found in the field have no identification unless otherwise shown. Any survey marker set by our company is labeled as BTR or BTR 2014.
7. Fence ownership has not been determined. Distances from existing fences to boundary lines are approximate. Fenceshows width and conditions must be considered to determine true location. Land located beyond perimeter fences might or might not be being used by adjoining. Adjoining parcels have not been investigated.
8. This Survey Map is being prepared for the use of the parties/parties that it is certified to and does not extend to any unnamed individual, entity or assignee.
9. This Survey Map is being prepared for the use of the parties/parties that it is certified to and does not extend to any unnamed individual, entity or assignee.
10. FLOODPLAIN INFORMATION: As noted from Federal Insurance Rate Map (FIRM) of Community No. 130447 (City of Margate), Panel 2205, Suite 11, revised on August 19th, 2014, the real property falls in Zone X1.
11. HORIZONTAL ACCURACY: Accuracy obtained thru measurements and calculations meets and exceeds the minimum horizontal feature accuracy for a Suburban area being equal to 1 foot in 7,500 feet.

I HEREBY CERTIFY TO:

MMI Financial Services, Inc.
That this Survey conforms to the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mapmakers in applicable provisions of chapter 45-17, Florida administrative code pursuant to Section 472.027 Florida Statutes. This Survey is accurate and correct to the best of my knowledge and belief.



Odysse C. Bello-Image
Professional Surveyor and Mapper 120188, State of Florida
Field Mark Date: 1/15/2015 and 1/26/2015
Survey Sheet Revised (Location Map & Fence at the NE) 02/05/2015

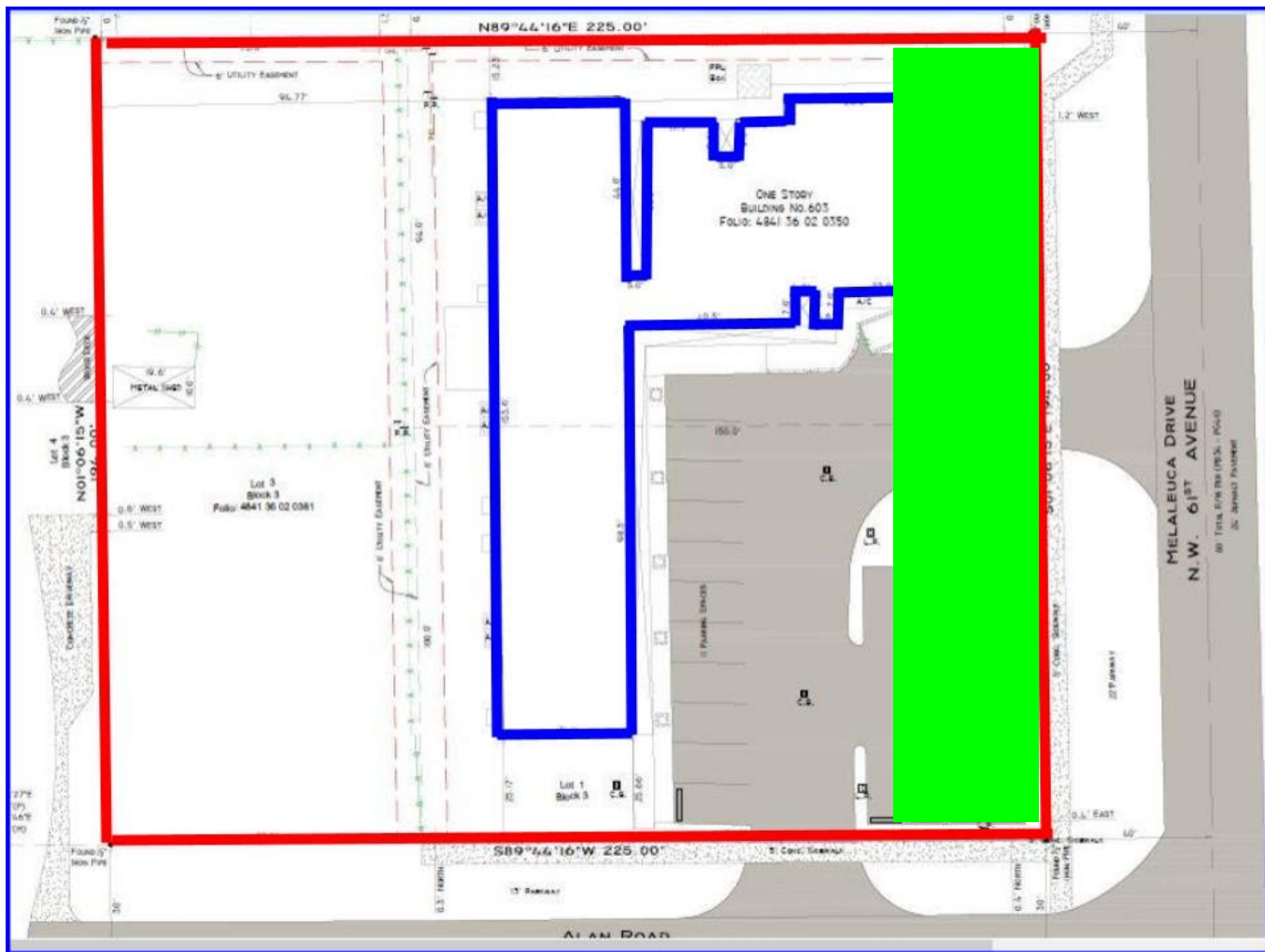
Additions and deletions to this Survey Map are prohibited. This Survey Map and Report are not valid without the signature and original sealed seal or without the authorized electronic signature and seal of the undersigned Florida Licensed Surveyor and Mapper.

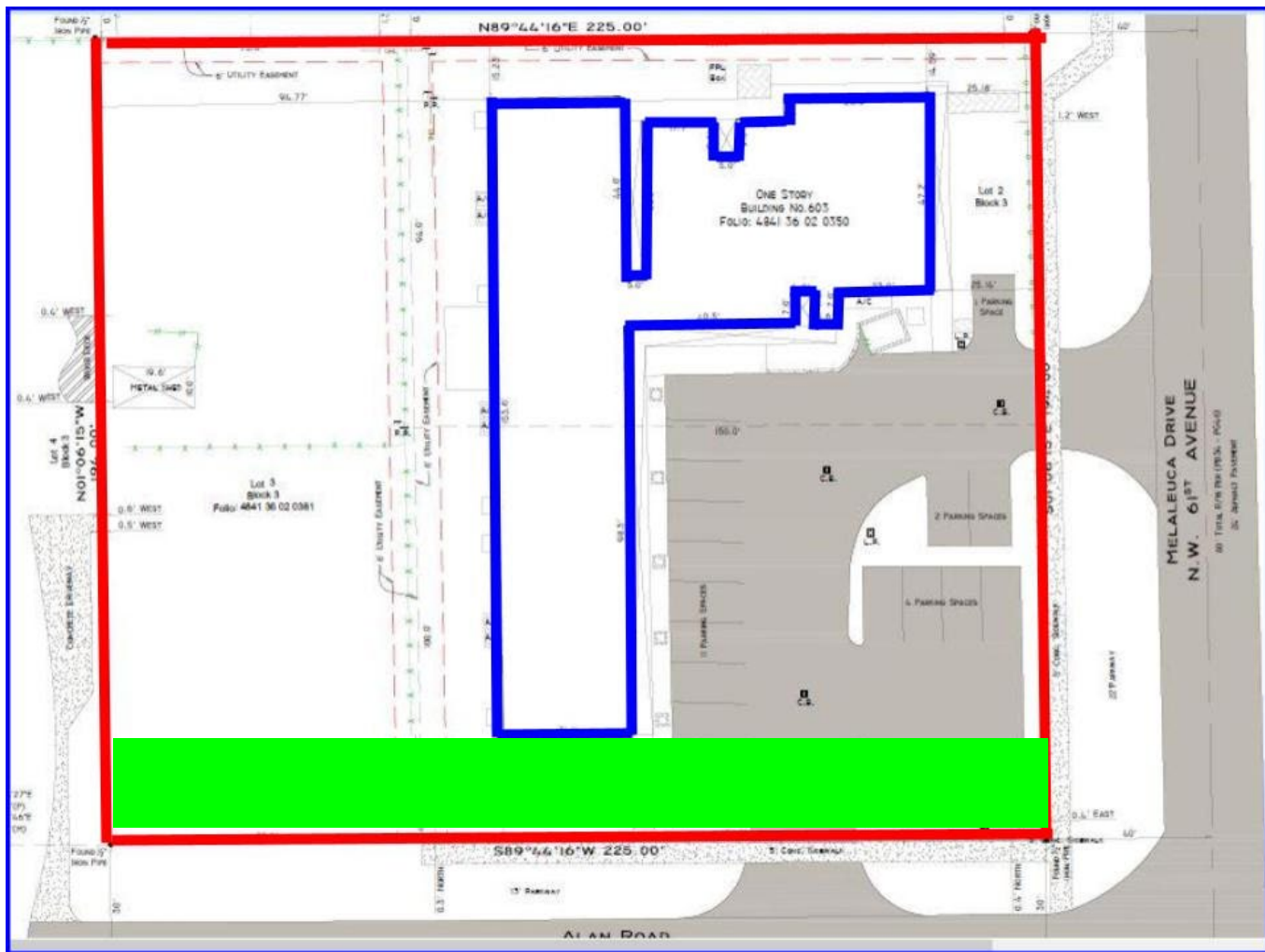
Property Address:
630 Metevada Drive, Margate, Florida 33063
6109 N.W. 6th Street, Margate, Florida 33063
Project No. 20301

BELLO & BELLO LAND SURVEYING
12230 SW 131 AVENUE • SUITE 201 • MIAMI FL 33186
LB#7262 • Phone: 305.251.9008 • Fax: 305.251.6057
email: info@bellolandsurveying.com • www.bellolandsurveying.com











**STAFF PRESENTATION TO THE
PLANNING AND ZONING BOARD
MEETING ON JUNE 1, 2021**

Planning & Zoning Meeting

June 1, 2021

ID 2021-195

Rezoning from R-1 and R-3 to CF-1

Property Location: 603 Melaleuca Drive

AGENDA

- Subject Property
- Rezoning
- City Process



Parcel Information

Folio Number: 484136020350

Owner: MMJ FINANCIAL SERVICES INC

Site Address: 603 MELALEUCA DR MARGATE FL 33063

Legal: HAMMON HEIGHTS SEC 2 34-46 B LOTS 1 & 2, TOGW LOT 3, ALL IN BLK 3

Millage Code: 1212

Use Code: 73

Land Value: \$ 305,730

Building Value: \$ 984,140

Other Value: 0

Total Value: \$ 1,289,870

SOH Capped Value: \$ 905,220

Homestead Exempt Amt: \$ 0

VWD Exempt Amt: \$ 0

Other Exempt Amt: \$ 0

Taxable Value: \$ 905,220

Sale Date 1: 09/25/2019

Sale Price 1: \$ 100

Deed Type 1: QCD

Sale Date 2: 06/06/2018

Sale Price 2: \$ 100

Deed Type 2: WD

Adj Bldg S.F.: 8885

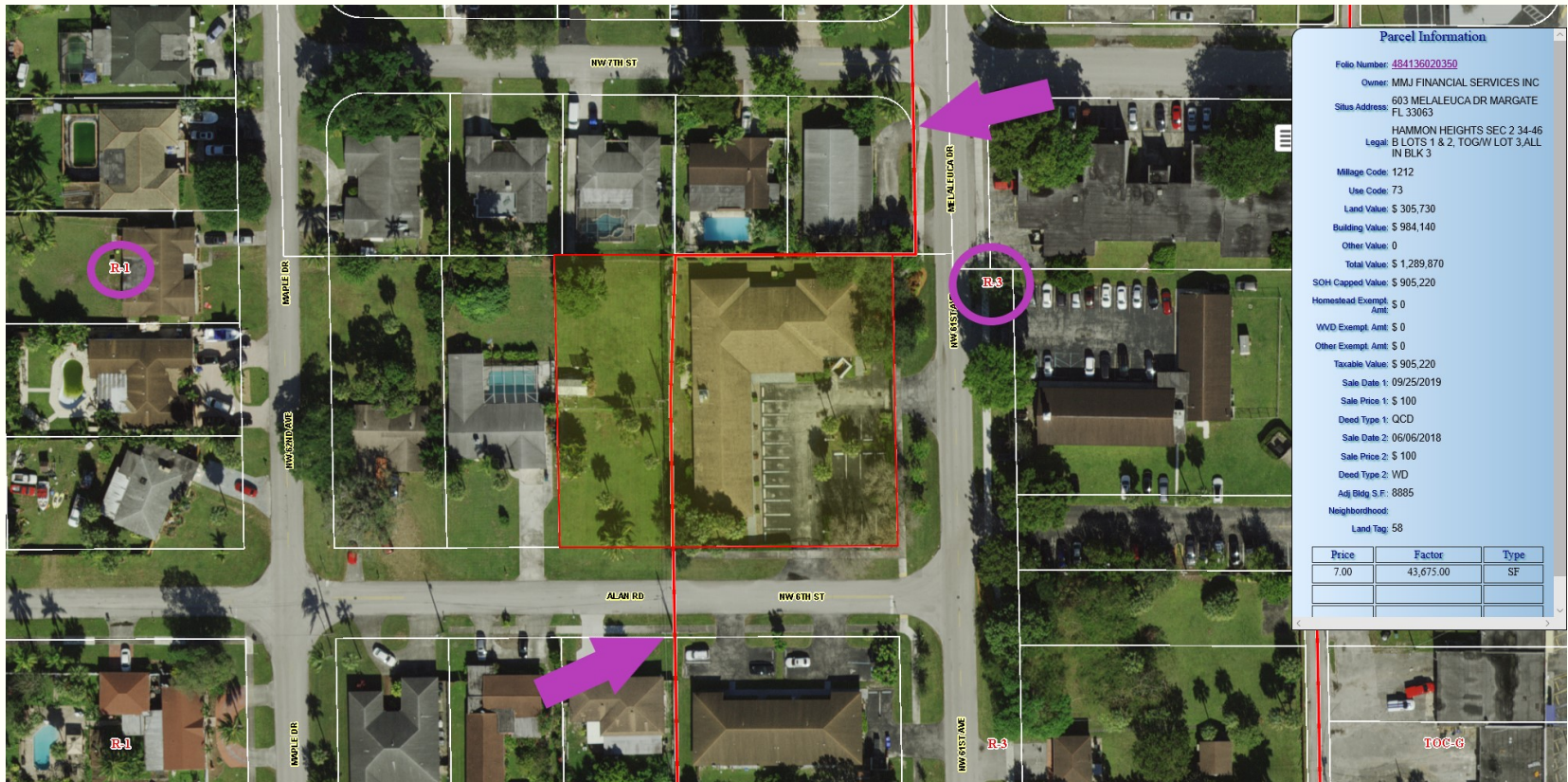
Neighborhood:

Land Tag: 58

Price	Factor	Type
7.00	43,675.00	SF



LOCATION MAP



PHOTOS



PHOTOS



PHOTOS



PHOTOS



PHOTOS



PHOTOS





CITY OF
MARGATE
Together We Make It Great

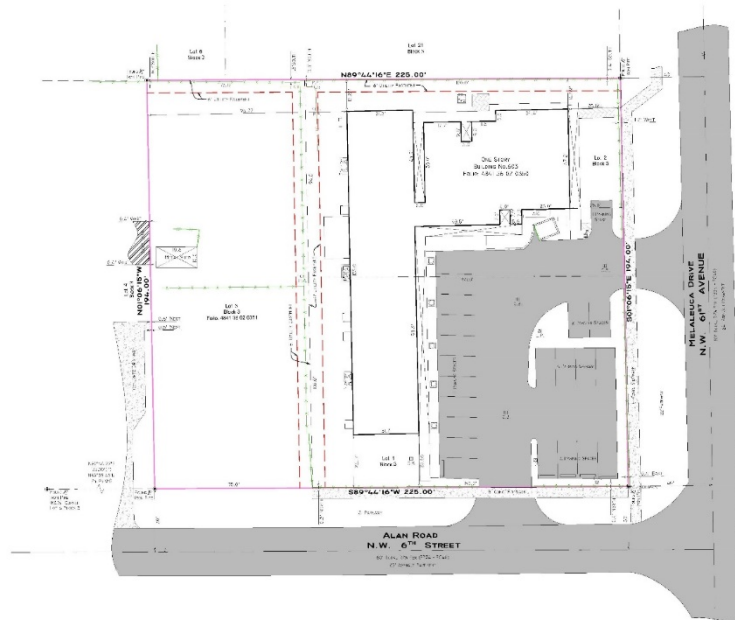
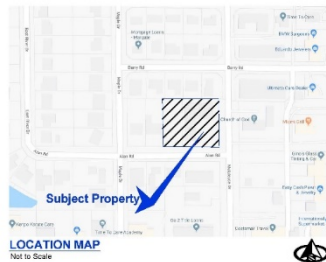
PHOTOS





PROPERTY SURVEY

MAP OF BOUNDARY SURVEY



LEGAL DESCRIPTION:

Lots 1 and 2, together with Lot 3, Block 3, HAMMON HEIGHTS SECTION 2, according to the plat thereof, as recorded in Plat Book 34, Page 46, of the Public Records of Broward County, Florida.

SURVEYOR'S REPORT AND GENERAL NOTES

(See without the attached Survey Map.)

1. Legal Description has been furnished by the client.
2. References to "Deed", "Record" or "Plat" refer to documents and instruments of record as part of the pertinent information used for this survey work. Measured distances, directions and angles along boundary lines are in conformity with corresponding values from records, unless otherwise shown.
3. These lands are subject to additional restrictions of record that were not furnished to the undersigned registered surveyor. A title search has not been performed by the surveyor.
4. North arrow direction is based on an assumed Meridian. Bearings are based on an assumed meridian on a well-established line, said line is being noted as BK on the Survey Map.
5. Only above ground improvements are shown herein. Foundations, underground features and utilities have not been located.
6. Survey markers found in the field have no identification unless otherwise shown. Any survey marker set by our company is labeled LB 7282 or PSM 6189.
7. Fence ownership has not been determined. Distances from existing fences to boundary lines are approximate. Fenceable width and conditions must be considered to determine true location. Lands located beyond perimeter fences might or might not be being used by adjoining. Adjoining parcels have not been investigated.
8. This Survey Map is intended to be displayed at the scale shown hereon. Data is expressed in U.S. Survey Feet.
9. This Survey Map is being prepared for the use of the parties that it is certified to and does not extend to any unnamed individual, entity or assignee.
10. FLOODPLAIN INFORMATION: As scaled from Federal Insurance Rate Map (FIRM) of Community No. 120047 (City of Margate), Panel 0355, Suffix H, revised on August 18th, 2014, this real property falls in Zone "X".
11. HORIZONTAL ACCURACY: Accuracy obtained thru measurements and calculations meets and exceeds the minimum horizontal feature accuracy for a Suburban area being equal to 1 foot in 7,500 feet.

I HEREBY CERTIFY TO:

MMJ Financial Services, Inc.
That this Survey conforms to the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in applicable provisions of chapter 33-17, Florida administrative code pursuant to Section 472.027 Florida Statutes. This Survey is accurate and correct to the best of my knowledge and belief.



Digitally signed by Odways C. Bello-Chang
DN: cn=Odways C. Bello-Chang, o=Odways C. Bello-Chang, ou=Odways C. Bello-Chang, email=odways@belloland.com, c=US
Date: 2020.06.20 14:06:27 -0400

Odways C. Bello-Chang
Professional Surveyor and Mapper L88189, State of Florida
Field Work Date: 1/15/2019 and 1/25/2019
Survey Sheet Revised (Location Map & Fence at the NE) 02/06/2020

Additional and deviations to this Survey Map are prohibited. This Survey Map and Report are not valid without the signature and original raised seal or without the authenticated electronic signature and seal of the undersigned Florida licensed Surveyor and Mapper.

Property Address:
630 Melaniedrive Drive, Margate, Florida 33063
6109 N.W. 6th Street, Margate, Florida 33063
Project No. 20301



SCALE: 1" = 20'

LEGEND & ABBREVIATIONS

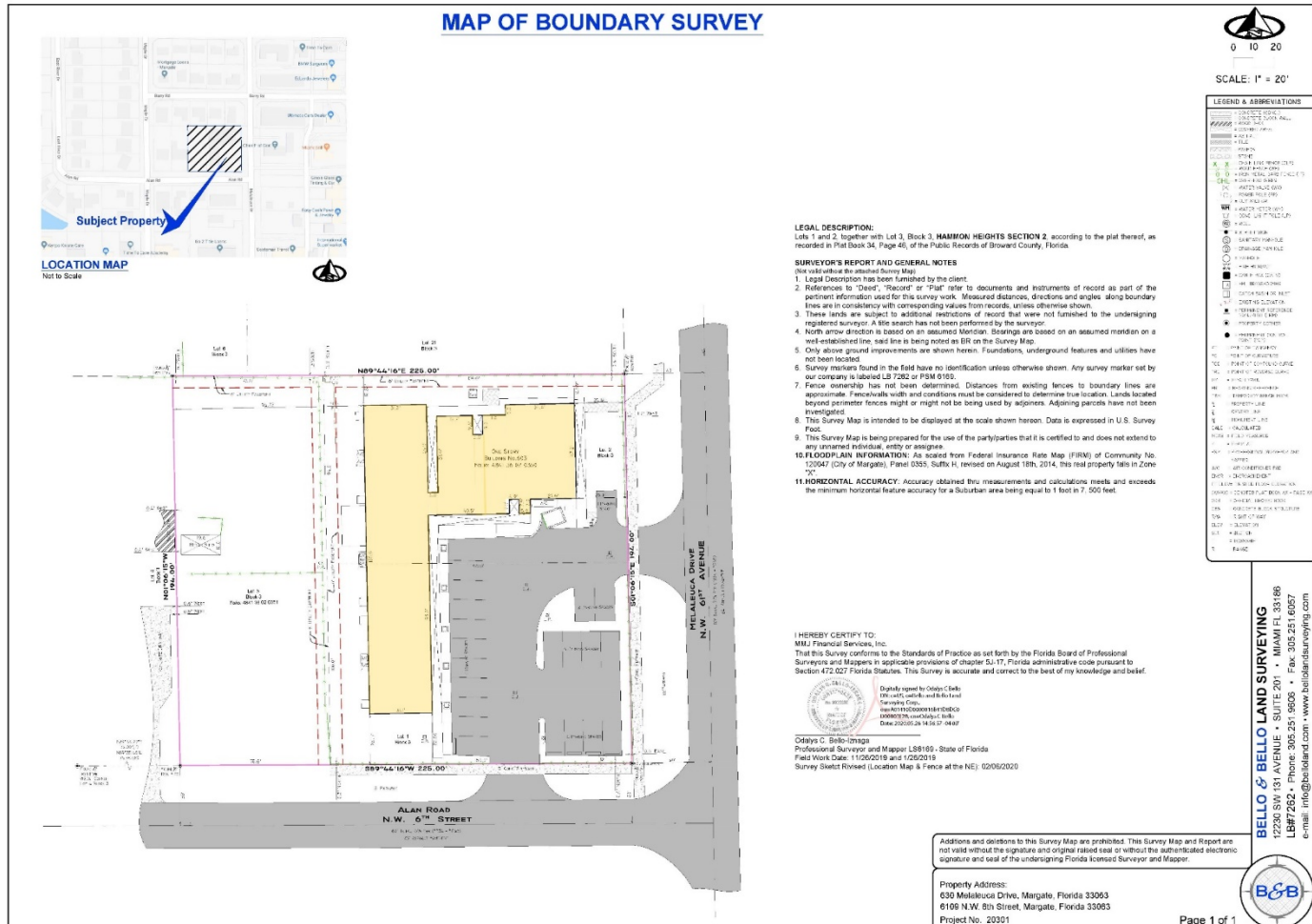
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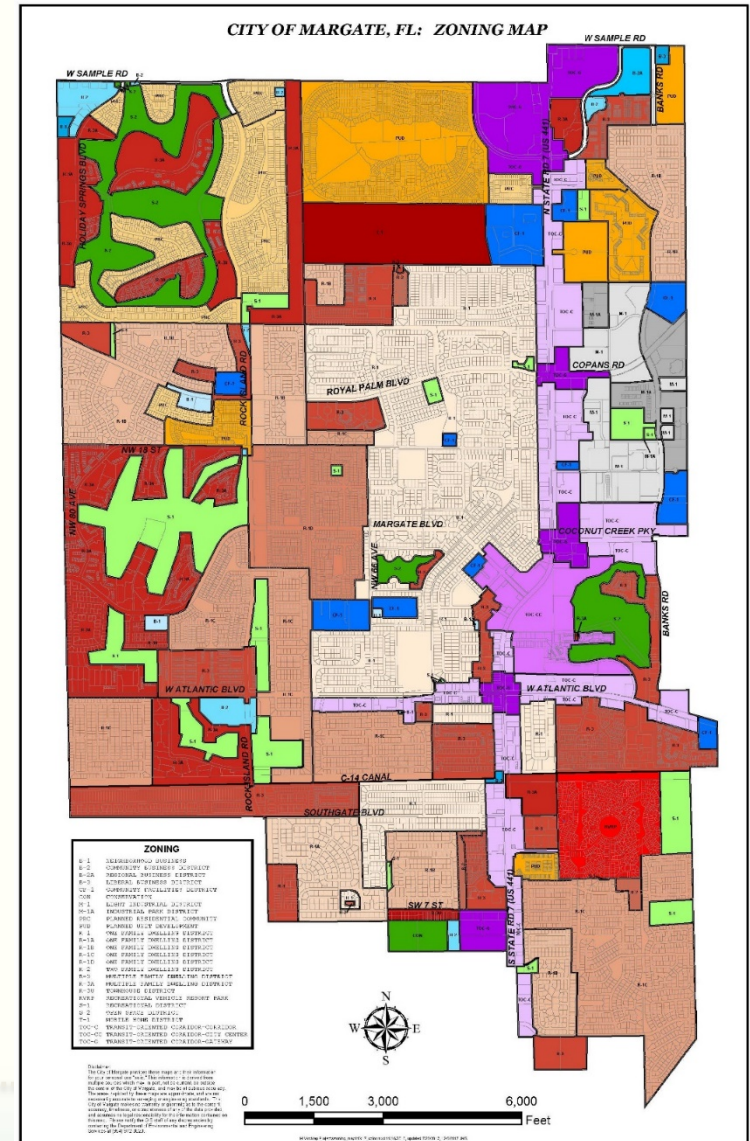
BELLO & BELLO LAND SURVEYING
12330 SW 13th Avenue • SUITE 207 • MIAMI FL 33186
LB#7282 • Phone: 305.251.9608 • Fax: 305.251.6057
e-mail: info@belloland.com • www.bellolandsurveying.com





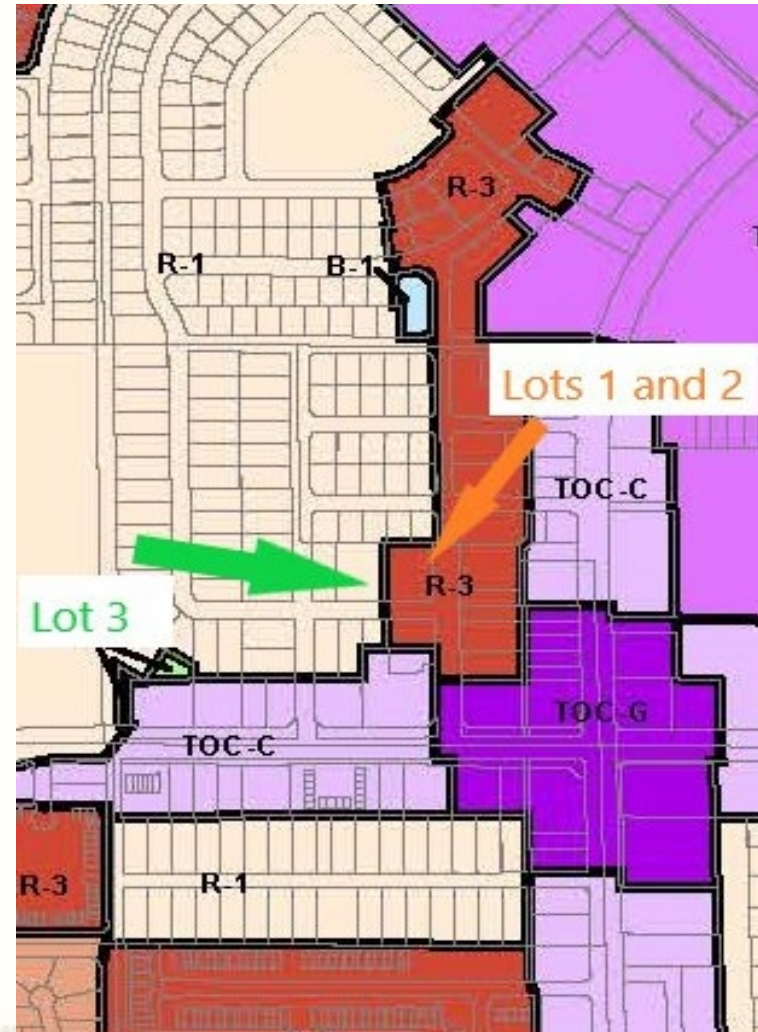
PROPERTY SURVEY







MARGATE ZONING MAP



R-1 ONE FAMILY-DWELLING DISTRICT

PERMITTED USES

- Single-family dwelling
- Recreational buildings/facilities/playgrounds (City)
- Recreational/Social centers
- Church/synagogue/religious institution
- Water/Sewer plants and utility infrastructure
- Accessory uses
- Home occupation
- Community Residential Home, Type 1
- Recovery Residence

R-3 MULTIPLE DWELLING DISTRICT PERMITTED USES

- Single-family dwelling
- Two-family dwelling
- Multiple family dwelling (7-16 units per acre)
- Recreational buildings/facilities/playgrounds (City)
- Recreational/Social centers
- Church/synagogue/religious institution
- Water/Sewer plants and utility infrastructure
- Accessory uses
- Home occupation
- Community Residential Home, Type 1 or 2
- Recovery Residence

CF-1 COMMUNITY FACILITY DISTRICT

PERMITTED USES

Uses By Right

- House of worship and school on the same plot
- Hospitals, detoxification facilities, and long-term care facilities
- Municipal buildings, fire stations, playgrounds, etc.
- Accessory uses

Special Exception Uses

- Public or private elementary, middle, or high school
- Public or private postsecondary education facility

CF-1 Uses vs I-2 Uses

CF-1 Uses By Right

- House of worship and school on the same plot
- Hospitals, detoxification facilities, and long-term care facilities
- Municipal buildings, fire stations, playgrounds, etc.

I-2 Uses (2014 FBC)

- Foster Care Facilities
- Detoxification Facilities
- Hospitals
- Nursing Homes
- Psychiatric hospitals



REZONING APPLICATION



CITY OF
MARGATE
Together We Make It Great

City of Margate
DEVELOPMENT REVIEW COMMITTEE
Application for Rezoning

5790 Margate Blvd., Margate, FL 33063
954-972-6454

Submittal Date (official use):

Project Name Margate Care for Heroes, LLC		
Address 603 Melaleuca Drive, Margate, FL 33063		
Acreage 1.06	Folio Number 4841 36 02 0350	DRC #
Existing Use Long Term Care Facility		Paid:
Legal Description Hammon Heights Sec 2 34-46 B LOTS 1 & 2, TOG/W LOT 3, ALL IN BLK 3		

Describe proposal/request in detail, including non-residential square footage and/or number of dwelling units

Change of zoning to CF-1 to allow Medical Rights in a I-2 Building. This property was converted from a 10 unit apartment building to a Long Term Care Facility. Permit 15-00001248 4/26/16, CO 3/30/2017.

Agent/Contact Name Margate Care for Heroes, LLC	
Address 5379 Lyons Rd. Suite 154, Coconut Creek, FL 33073	
Phone Number 954 608 4067	Fax Number 954 420 0731
Email Address miryamjimenez@vaqualityoflife.com	

Property Owner Name	
Address	
603 Melaleuca Drive, Margate FL 33063	
Phone Number 954 608 4067	Fax Number 954 420 0731
Email Address miryamjimenez@vaqualityoflife.com	

OWNER'S AFFIDAVIT: I certify that I am the owner of record for the above referenced property and give authorization to file this petition. I understand that I, or a representative on my behalf, must be present at the DRC meeting. I further understand that my petition will be subject to the regulations of Chapter 16 ½ of the Margate City Code.

Property Owner's Signature

Date

5-28-20



REZONING APPLICATION

Describe proposal/request in detail, including non-residential square footage and/or number of dwelling units

Change of zoning to CF-1 to allow Medical Rights in a I-2 Building. This property was converted from a 10 unit apartment building to a Long Term Care Facility. Permit 15-00001248 4/26/16, CO 3/30/2017.

CF-1 Uses vs I-2 Uses

CF-1 Uses By Right

- ~~House of worship and school on the same plot~~
- Hospitals, detoxification facilities, and long-term care facilities
- ~~Municipal buildings, fire stations, playgrounds, etc.~~

I-2 Uses (2014 FBC)

- ~~Foster Care Facilities~~
- Detoxification Facilities
- Hospitals
- Nursing Homes
- Psychiatric hospitals

REZONING PROCESS

- Chapter 31 of the Code of the City of Margate
 - DRC → Planning and Zoning Board → City Commission

CHAPTER 31

- 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.”

CHAPTER 31

- Sec. 31-36 Determinations required prior to a change in zoning
 - “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](#) of this article have been met.”

CHAPTER 31

- Sec. 31-35 Determinations required prior to approval of a development permit
 - “A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met.”

CHAPTER 31

- Sec. 31-37 Development presumed to have maximum impact permitted; use of site plan to assess maximum impact
 - “For the purpose of implementing sections [31-34](#), [31-35](#), and [31-36](#), a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.”
 - “If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development.”

DRC – October 13, 2020

- DEES unable to make specific findings (surface water and traffic³)
- DSD found several nonconformities with Code and inconsistencies with the Comprehensive Plan
- FD required specific improvements
- Building Official requires building permit for current I-2 requirements
- DRC recommended **denial**

STAFF RECOMMENDS DENIAL