



### City Commission

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Vice Mayor Arlene R. Schwartz  
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### City Manager

Cale Curtis

### City Attorney

Janette M. Smith, Esq.

### City Clerk

Joseph J. Kavanagh

## REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE VIRTUAL MEETING

<https://us02web.zoom.us/j/84318135722>

### MINUTES

Tuesday, October 27, 2020

10:00 a.m.

City of Margate  
Municipal Building

### PRESENT:

Elizabeth Taschereau, Director of Development Services, attended in person  
Andrew Pinney, Senior Planner, attended in person  
Alexia Howald, Associate Planner, attended in person  
Richard Nixon, Building Department Director, attended via Zoom  
David Scholl, Fire Code Official, attended via Zoom  
Lt. Ashley McCarthy, Police Department, attended via Zoom  
Curt Keyser, DEES Director, attended via Zoom

### ALSO PRESENT:

Janette M. Smith, City Attorney, attended via Zoom  
Joseph J. Kavanagh, City Clerk, attended in person  
Matthew Scott, Esq., Agent for John Anderson, Clutch Coffee Expansion, LLC  
and Agent for Penn Dutch Plaza, LLC, attended via Zoom  
Angel Pinero, Agent for John Anderson, Clutch Coffee Expansion, LLC, via Zoom  
John Anderson, Clutch Coffee Expansion, LLC, , attended via Zoom  
Jeff S. Hodapp, P.S.M. Agent for Penn Dutch Plaza, LLC, attended via Zoom

### ABSENT:

Mark Collins, Public Works Director

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:05 a.m. on Tuesday, October 27, 2020, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063. City Clerk Joseph J. Kavanagh read a statement pertaining to the City's virtual public meeting pursuant to the Sunshine Law and the Governor's Executive Orders followed by roll call of the board members.

### 1) NEW BUSINESS

- A) *ID2020-343*  
CONSIDERATION FOR A SPECIAL EXCEPTION TO ALLOW A  
COFFEE SHOP WITH DRIVE THROUGH FACILITY.

### Development Services Department

901 NW 66<sup>th</sup> Avenue, Suite C, Margate, FL 33063 • Phone: (954) 979-6213  
[www.margatefl.com](http://www.margatefl.com) • [dsd@margatefl.com](mailto:dsd@margatefl.com)

**LOCATION:** 5300 COCONUT CREEK PARKWAY, MARGATE, FL 33063  
**ZONING:** TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G)  
**LEGAL DESCRIPTION:** A PORTION OF TRACT "A", "BRANDON-FARRIS DEVELOPMENTS PLANT NO. 2", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 110, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA  
**PETITIONER:** MATTHEW SCOTT, ESQ., AGENT FOR JOHN ANDERSON, CLUTCH COFFEE EXPANSION, LLC.

Andrew Pinney, Senior Planner, introduced the item. Attorney Matthew Scott, Agent for John Anderson, Clutch Coffee Expansion, LLC, provided an overview of the application.

Richard Nixon, Building Department – Mr. Nixon stated that he did not currently have any comments, but the applicant would need permits for the kitchen and renovation.

David Scholl, Fire Department – No Comments.

Lt. Ashley McCarthy, Police Department – No Comments.

Curt Keyser, DEES – Mr. Keyser stated the engineering review was still pending.

Andrew Pinney, Development Services – Mr. Pinney shared his comments, noting that they would be delivered in writing following the meeting. He explained that the application was a special exception and is therefore subject to the requirements of Chapter 31 of the Code of the City of Margate. He stated Section 31-33 defines a development permit as many things, including a special exception, 31-35 identifies the determinations that are required prior to approval of a development permit, and 31-37 requires staff assume the development to have the maximum impact permitted unless a site plan is submitted, then staff may rely on that site plan.

Mr. Pinney stated the site was developed as a drive-through bank with four (4) lanes in 2003 and was now being refurbished to a drive-through coffee shop with a notable reduction in the number of drive-through lanes. He noted the site data provided on the site plan was referencing the entire Crossroads Shopping Center rather than the subject property. He asked that the site data be revised to be specific to the subject property.

Mr. Pinney stated the elevations provided did not include tenant signage details. He noted those details were required on the site plan per Section 31-54 (b)(1)d1-9 of the Code of the City of Margate. He explained that for a special exception, the Code gives 10 criteria for staff to weigh the use on, and the applicant had submitted detailed responses to those criteria, so he would only be addressing those where more information was needed, but generally staff found them consistent with the criteria.

*Criteria 2 – Establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger the public health, safety, or general welfare*

Mr. Pinney stated staff finds the subject property has a number of maintenance issues which must be addressed in order to preserve public health, safety, and general welfare. He noted there were parking lot repairs needed to address potholes and ponding water, the parking lot was due for a seal coat and restripe, a number of landscape areas are due for trim and clean up, there are broken light fixtures on the property which need to be repaired or replaced, there is a broken disabled parking sign which should be corrected, on the rear of the canopy the red and green lights are rusted out and staining the canopy, and there is an empty sign post on the south side of the building to be removed. Mr. Pinney stated he would like an explanation from the applicant as to a do not enter sign which was indicated for removal on the site plan.

Mr. Scott responded that they would either address the explanation in the resubmittal or keep the sign in place.

Mr. Keyser asserted the sign was too far from the driveway.

Mr. Pinney stated he thought it was better to have the signs on both sides of the driveway for public safety. He noted they could consider relocating it and advised that the applicant make sure the signs were well maintained and not faded or peeling.

Mr. Keyser referenced the plan and stated the do not enter signs should be on the back of the stop sign on one (1) side and stand alone on the other side.

*Criteria 5 – Utilities, roadway capacity, drainage, and other necessary public facilities including police, fire, and emergency services shall exist at the City's adopted level of service or will be available concurrent with demand as provided for in the requirements of the Code of Ordinances.*

Mr. Pinney stated that as the criteria specifically speaks to level of services, he would like that included in the analysis. He noted the traffic study was arguing the use would result in a reduction of trips on the local road, but level of service should also be addressed.

*Criteria 9 – The design of the proposed use shall minimize adverse effects, including visual impacts of the proposed use on adjacent property through the use of building orientation, buffers, setbacks, landscaping, or design criteria.*

Mr. Pinney stated staff finds additional opportunities to control light spill by upgrading the light fixtures on the property. He noted there are a number of older style light fixtures that are present in place, and by upgrading the light fixtures the property will more effectively control light spill and nuisance glare as well as enhance aesthetics. He stated Section 33.2e requires the use of fully shielded light fixtures. Mr. Pinney added that staff also recommends the addition of a garbage can on the north side of the building for use by vehicles exiting the drive-through.

Mr. Pinney addressed comments related to conformity with the Code. He stated the minimum plat size in the TOC zoning district is 10,000 square feet with a minimum of 100 feet of street frontage per section 9.7n of the Margate Zoning Code. He noted the subject property provides 89.46 feet of street frontage and therefore is not conforming. He addressed off-street parking requirements, noting Section 33.2e of the Margate Zoning Code requires the submittal of either a photometric plan or lighting certification with every application for special exception use. Mr. Pinney stated the applicant submitted a photometric plan, but the plan must be modified to include light fixture details. He noted staff questioned the accuracy of the photometric plan submitted, because there was no scope of work included on changes required to meet the levels of illumination on the plan. He stated there were two (2) light poles on the north side of the subject property and one (1) had a broken light fixture with no luminaires present and the other is completely shrouded and covered by a nearby tree. He stated two (2) parking lot light poles on the south side of the building could use general landscape maintenance as well. Mr. Pinney pointed out there are several light fixtures on the building which are broken or missing, and a number are not considered to be shielded. He stated minimum light levels are based on hours of operation and asked the applicant to clarify the proposed hours for Clutch Coffee.

John Anderson, Clutch Coffee Expansion, LLC, responded that the proposed hours were 5 a.m. to 9 p.m.

Mr. Pinney stated that under 33.2f of the Margate Zoning Code, the applicant is required to submit a Master Parking Plan. He noted the plan was included, and while the conclusion reached by KBP Consulting, Inc. was reasonable, the Code requires information from peer reviewed literature regarding parking generation rates and the reduction of parking demands to justify the number of parking spaces provided. He stated the plan also did not include certain pictures required to be depicted, including a detail of bicycle parking facilities, pedestrian drop-off and pick-up areas, and all truck turning movements. Continuing, Mr. Pinney stated the exterior of the structure was in need of maintenance, including the rear of the canopy the red and green lights are rusted out and staining the canopy. He noted the plan showed those lights were staying and asked that the applicant explain why the lights were being retained if Clutch Coffee only intended to use one (1) of the existing drive-through lanes.

Mr. Scott responded that he believed it was more for symmetry but was certainly not essential.

Mr. Pinney suggested exploring the issue further. He stated there was a number of tree branches which should be trimmed back so that light was not blocked and so that they did not impede on walkways. He noted there was a noticeable amount of trash and debris on the property which should be cleaned up, and a number of potholes could be found throughout the parking lot, some with vegetation growing in them and others with areas of water ponding in the lot. He stated the parking lot striping was faded to the point of being nearly nonexistent. Mr. Pinney explained staff recommends repair, resealing, and restriping the parking lot in accordance with Sections 40.4 and 40.8 of the Margate Zoning Code.

Mr. Pinney reviewed comments regarding landscaping. He stated there was a landscape tabulation chart included in the application, but he would like the landscape architect to clarify the area considered for meeting the landscape requirements described in Section 23-3 of the Code of the City of Margate. He noted the planting calculation needed to be revisited. Mr. Pinney stated the right-of-way buffer described in Section 23-6b of the Code of the City of Margate requires a landscape buffer that is at least 10 feet wide adjacent to and parallel with the right-of-way. He noted the landscape plan did not account for the required ground covers within that buffer and did not address a break in the existing continuous hedge, so would need to be revisited. He stated the landscape plan noted there was no buffer requirement along the east and west property lines, but that was not correct. He explained Section 23-7 provides the details for the buffer requirement. Mr. Pinney pointed to the planting detail for canopy trees and noted that the wire included was prohibited by Section 23-5. He stated the addition of a note regarding the diameter of the planting holes was also required.

Mr. Pinney stated that staff noticed and appreciated the addition of a dumpster enclosure to the site but asked that the size be checked to be sure it was appropriate for both the garbage and recycling needs of the business. He noted the survey and site plan provided depict a light pole within the internal sidewalk on the north side of the building, but it is not actually where the plan shows it. He stated the issue should be corrected as it looks like an impediment to the internal pathway. Mr. Pinney noted the proposed improvements leave a vast paved area which was not proposed for use, and staff recommends some type of alternative treatment for the site. He suggested getting together to come up with something more attractive.

Mr. Pinney stated the application was compatible with the Margate Comprehensive Plan, but since there were no corrections, he would send them in writing after the meeting. He noted that he understood there were a lot of comments and stated he did not want to give the impression that staff was not supportive of the application. He asserted that he thought the use was compatible in the area and would be a good fit.

Elizabeth Taschereau, Director of Development Services stated she would like to review the seating area with the applicant. She noted that staff had discussed the idea and thought it could be a workable item if they wanted to bring it back to the table, but there would be some additional technical requirements. She stated that because of the square footage, it was possible the seating area would be an allowed use already.

Mr. Pinney explained an outdoor seating area, called a walkway café in the Code, was an accessory use permitted by right if under 1,000 square feet. He stated they would just need a building permit to do whatever modifications were necessary. He noted if it was 1,000 square feet or larger it would require another special exception. He stated he was not sure of the size of area under canopy they were looking at, but that the application seemed supportive of outdoor seating if there was a way to work it in that was safely accessible and useable. Mr. Pinney noted they may also want to revisit the Master Parking Plan if going that route.

Ms. Taschereau noted it was completely up to the applicant, but if they wanted to bring it back, staff would look at it.

Mr. Scott asked Mr. Pinney for clarification on the Master Parking Plan aspect of the outdoor seating. He stated he believed the seating had been removed to eliminate staff concerns. He noted that assuming they could address the safety issues, it was clearly the preference to have the feature.

Mr. Pinney responded that they would be looking at safe and adequate access, and in the Master Parking Plan they would be looking for a count to make sure there was enough parking. He noted the parking could include shared parking with the plaza as well as alternative means of transportation. He reviewed the parking included in the application and the number of employees per shift, noting that shift change should be considered. He stated a lot of flexibility was granted within the Code. Mr. Pinney stated the other concern was that under the canopy area there was a lot of existing infrastructure from the bank, including the vacuum tubes, bollards, and raised curb areas, which would impede foot traffic. He noted they would be looking for anything under the canopy to be safe and comfortable, but they thought outdoor seating was an option.

Mr. Nixon noted accommodations for ADA compliance would also need to be considered, including ramps, seating, and parking for handicap customers.

Mr. Anderson asked if there were any initial concerns regarding ADA compliance, or any issues that stood out from the initial submission.

Mr. Nixon stated that right now it is a drive-through, so there is no one getting in and out of vehicles. He added that there was handicap parking and an accessible route to the building, so as of right now, based on what was provided he did not have any concerns. He stated they would get a better understanding from the construction documents.

Mr. Scott reiterated that if a seating area was added there would need to be ADA compliant sidewalks, handrails, and similar. He asked Mr. Pinney for clarification on how to address the minimum frontage comment.

Mr. Pinney responded that that it would be a challenge. He stated that he was noting the Zoning Code requirement for the record, and he was not sure what the remedy would be if acquiring additional land was not an option. He noted he thought it was a great reuse project and he looked forward to seeing life breathed back into the building, but the issue had to be noted for the record, so the Commission was aware of it when they made their determination.

Mr. Scott asked for clarification on the east and west side buffers. He noted that the original plan for the shopping center when it was approved as a bank had this level of landscaping and asked if tearing up pavement to put in plantings is what would be recommended.

Mr. Pinney stated that they were not required to take it that far to prepare the parking lot to add new uses. He noted it would be a great gesture on behalf of the applicant to add landscaped areas, but the Code did not require them to tear up the parking lot. He stated it did require that if there was an area, it was accounted for and met the minimum requirements. He reminded the applicant that there was an option to utilize the "sea of asphalt" which had been required for a four (4) lane bank drive through, to dress up the building. He stated he would like to see what the applicant came back with.

Angel Pinero responded to the previous comment about the removal of the do not enter sign. He noted it was marked for removal because there were two (2) signs, one (1) of which was not appropriate sizing and appeared to be internal for the development. He stated it was the second sign that was proposed for removal. He noted there was a compliant sign already in place.

Mr. Pinney stated he liked the concept of having the signs on both sides of the driveway, as it was one (1) way and they wanted to make sure incoming traffic did not go the wrong way.

Mr. Pinero stated that on the north side of the driveway there were also two (2) do not enter signs.

Mr. Pinney clarified that at the end of the project there would be one (1) sign on either side of the driveway.

Mr. Pinero responded that this was correct.

Mr. Scott stated that he should have stated in the project narrative that during the building permit process there would be clean up of the site, the trees would be trimmed, and potholes would be addressed to make this new business really shine. He noted that with COVID-19 the project was in a tough spot for meeting its lease commitments with the landlord and asked about next steps.

Mr. Pinney stated Development Services had a litany of comments and Engineering was still pending review, so comments would be passed on in writing and then a second DRC hearing would be scheduled to ensure all comments were addressed.

Mr. Scott asked when Engineering comments could be expected.

Mr. Keyser responded soon.

Ms. Taschereau stated she would work with the team over the next day and let him know when DEES comments could be submitted and when the DRC follow up could go on the calendar. She noted that there were a lot of projects pending and that had put them behind. She thanked the applicant for his patience.

Mr. Scott thanked Mr. Pinney for the detailed feedback.

CONSIDERATION FOR A SUBDIVISION RESURVEY TO FURTHER SUBDIVIDE MARGATE PLAZE NO. 1 PLAT.

**LOCATION:** 3105-3285 NORTH STATE ROAD 7, MARGATE, FL 33063

**ZONING:** TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G)

**LEGAL DESCRIPTION:** A PORTION OF TRACT "A", "MARGATE PLAZE NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 132, PAGE 50, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** JEFF S. HODAPP, P.S.M., AGENT FOR PENN DUTCH PLAZA, LLC.

Andrew Pinney, Senior Planner, introduced the item. He noted Jeff S. Hodapp, agent for Penn Dutch Plaza, LLC, was listed, but Mr. Scott would also be representing this application. Attorney Matthew Scott provided an overview of the application. Jeff Hodapp, surveyor on the project, was present to answer any technical questions. He noted additional details of the application.

Richard Nixon, Building Department – No Comments.

David Scholl, Fire Department – No Comments.

Lt. Ashley McCarthy, Police Department – No Comments.

Curt Keyser, DEES – Mr. Keyser stated that the complete review was still pending, but he had **looked at some of it** and would share that when Dandee Donuts was constructed staff had endeavored to finalize easements, sidewalk, and other items, and at that time had identified a handful of issues which the City Attorney was charged with coordinating resolution on. He stated these items were still open and pending, and affected the easements shown on the applicant's survey.

Mr. Scott stated that he would work with Mr. Keyser to make sure those issues were addressed. He noted that concurrent with this, he was working on a reciprocal easement agreement with the other parcels to address cross-access and things of that nature.

Mr. Keyser responded that he would follow up later in the afternoon.

Andrew Pinney, Development Services – Mr. Pinney stated Section 31-33 defines a development permit to be, among other things, a subdivision survey, and Section 31-35 of the code of the City of Margate requires Development Services to determine that the proposed development is consistent with the Margate Comprehensive Plan, in conformity with the Margate Zoning Codes, and 31-37 requires staff assume the development to have the maximum impact permitted.

Mr. Pinney the owner's name was missing from the subdivision resurvey sheet, along with mortgagee approval, Broward County Clerk of Court certification, and dedications by owners. He asked that the line on the document which said City Clerk certification should be changed to City



Commission approval, and a place for the Mayor to sign should be added. He asked that the names also be added. Mr. Pinney stated that once the subdivision resurvey is submitted to the Planning & Zoning Board (P&Z), it would have to be routed to the drainage district and adjacent municipality. He noted that if they wanted to save time, the applicant could start that process on their own. He asked that the P&Z Chair's name be added to the subdivision resurvey sheet, and that an overlap in text be corrected. He also noted an error in the legend.

Mr. Pinney asked why the subdivision was being named Penn Dutch Plaza if the store was no longer located on the property.

Mr. Scott responded it was a matter of trying to keep it simple, but they could brainstorm a name that made sense. He asked for clarification on routing the application to the drainage district.

Mr. Pinney stated that his department would route the application once it was ready for the P&Z, but if the applicant wanted to save time, the applicant could reach out themselves.

Mr. Pinney noted Mr. Scott had stated in the summary that it was the property owner's intent to sell the parcels once they were subdivided and asked for a clear explanation as to how the internal parcels that are land locked would have adequate access to the public right-of-way.

Mr. Scott explained that he was preparing, concurrent with this application, a reciprocal easement agreement to address that.

Mr. Pinney asked how drainage and surface water licensing would be maintained. He asked if there was a formal agreement which assigns responsibilities to the various parcels.

Mr. Scott stated that would also be in the reciprocal easement agreement. He noted it would be similar to the medical office developer that came in on the northeast corner.

Mr. Pinney stated he would send an example as a sample of the level of detail sought. He pointed out that on the subdivision resurvey a new S2 parcel was being created on State Route 7. He stated there was an internal water easement which ties into all the other outparcels except for the new S2 parcel. He asked how the City water main would get to that parcel when it was time to develop. He stated that this should be addressed to insure there was utility service in the future when that parcel went to develop.

Mr. Hodapp responded that he believed that S1 and S2 would be under the same ownership. He stated that S2 already had its own distinct folio number.

Mr. Pinney stated that he was concerned as to how S2 would have water service, as the water pipe was in the main plaza and there was no connection to the S2 parcel.

Mr. Scott responded that they would address the question.

Mr. Pinney asked if the Committee had any additional comments or questions.

Mr. Keyser commented that as the applicant is addressing the water issue, they should make sure the easement goes onto the parcel. He stated this was an issue with another property currently, and he wanted to avoid repeating. He noted it did not have to be far on to the property but needed to be on it.

Mr. Pinney stated comments would be sent to the applicant as expeditiously as possible, rather than waiting for summary minutes.

The Committee recommended an additional DRC review before proceeding on to the P&Z.

Mr. Scott stated the project was under a tight closing deadline, so the applicant would try to get it revised and back in and soon as possible. He asked for clarification on the process and whether both meetings could be advertised at the same time to expedite.

Mr. Pinney outlined advertising requirements and stated there needed to be at least 14 days between P&Z and the City Commission. He stated he believed advertising both meetings at the same time would be confusing but agreed to run the issue by legal.

Janette M. Smith, City Attorney, stated that she would work with staff to address the question offline. She noted the dates of upcoming P&Z and Commission meetings and added that December schedule changes might complicate the issue, but she would work with staff to ensure the application was heard as soon as possible.

Mr. Scott stated they were not proposing any physical changes to the property and would be happy to exceed the notice requirements. He noted that he was just anticipating questions the client would ask.

## **GENERAL DISCUSSION**

There being no further business to discuss, the meeting was adjourned at 11:06 a.m.

Respectfully submitted,

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Elizabeth Taschereau, Director of Development Services