



City Commission

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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE VIRTUAL MEETING

<https://us02web.zoom.us/j/81008494396>

MINUTES

Tuesday, July 27, 2021

10:00 a.m.

City of Margate
Municipal Building

PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, Senior Planner
Alexia Howald, Associate Planner
Randy L. Daniel, DEES Assistant Director
Richard Nixon, Building Department Director
Kevin Keller, Margate Fire Department
Mark Collins, Public Works Director
Gio Batiste, Public Works Assistant Director
Lt. Ashley McCarthy, Police Department

ALSO PRESENT:

Eric Harrison, PLA, Chen Moore and Associates
Tanya McCormick, PLA, AICP, Chen Moore and Associates
Michael Jones, Parks and Recreation Director
Cotter Christian, DEES Project Manager
Hope Calhoun, Dunay, Miskel, Backman, LLP
Mark Rickards, Kimley-Horn and Associates
Peta Zune, Oriole Gardens II and Keep Margate Green
Melody Zavoka, Garden Patio Villas

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:00 a.m. on Tuesday, June 27, 2021, in the City of Margate Municipal Building, 901 NW 66th Avenue, Margate, Florida 33063.

1) NEW BUSINESS

- A) 1D2021-268
CONSIDERATION OF A SITE PLAN APPLICATION FOR THE
REDEVELOPMENT OF CENTENNIAL PARK
LOCATION: 7800 NW 19TH COURT
ZONING: ONE-FAMILY DWELLING (R-1B)

Development Services Department

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LEGAL DESCRIPTION: PARCEL "A", "SUNFLOWER-MARGATE," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 82, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: ERIC HARRISON, PLA, CHEN MOORE AND ASSOCIATES, AGENT FOR MICHAEL JONES, PARKS AND RECREATION DIRECTOR.

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He noted the comments were attached to the agenda for reference.

Eric Harrison, PLA, Chen Moore and Associates, introduced himself and reviewed the comments. He asked for clarification on Department of Environmental and Engineering Services (DEES) comment B, regarding potable water and wastewater. He stated they had spoken with their engineer, and determined it made more sense to use the utility connections they were proposing rather than the existing due to required longer runs for the water system and larger pipe. Additionally, he stated there was no existing gravity sewer line. He requested to proceed with the utility connections as shown.

Randy Daniel, DEES Assistant Director, responded he understood the applicant's comment on the sewer connection, but saw the existing water connection as a more cost-effective route. He added the applicant was cleared to use the proposed connections, but his comments had been in terms of expediency and cost. Mr. Harrison stated he would go through it again and take the comments under account. Cotter Christian, DEES Project Manager, noted because they were already having to cut the road for the sewer, it made sense to add the water at the same time.

Mr. Harrison reviewed DEES comment C, regarding providing dry retention areas on-site. He stated the engineers wanted to use the overall permit for the subdivision for drainage. Mr. Harrison explained the design intent was to increase the rim elevations to just above grade so any water that falls on-site is essentially stored, then use the lake to the south as overall retention for stormwater management. He asked if they could proceed with that direction. Mr. Daniel stated that was acceptable and would comply.

Mr. Harrison responded to DEES comment F on connecting the old and new parking lots. He stated it was an option which could be explored but would require significant design changes across the site and impact to the existing trees. He noted they were trying to impact the trees as little as possible while being mindful of the pump station. He asked for clarification as to whether the comment was optional. Mr. Daniel stated it was an option to consider, and it sounded as though they already had, so he was good.

Mr. Harrison stated the second part of DEES comment F was related to reconfiguring the parking and asked for clarification that it referred to the south-most parking space in the new parking lot. Mr. Daniel confirmed. Mr. Harrison responded that they would make the adjustment.

Mr. Harrison referenced Development Services Department (DSD) comment two (2), discussing undergrounding of utility lines. He stated the utilities along Royal Palm were outside the purview

of work, so the applicant would be filing the underground wire waiver. He noted the utilities were not reviewed. Mr. Harrison responded to DSD comment five (5), regarding plot area coverage. He asked if all of the buildings, including those open shade areas and covered structures, were required to be part of the calculation in terms of building or plot coverage. Mr. Pinney referenced the definition of coverage in the Zoning Code, and stated it looked to be anything with a solid roof over it.

Mr. Harrison asked for clarification on DSD comment 12, referencing the USGBC LEED certification for the restroom. He stated that was not part of the original intent and asked if a letter from the architect as to why it was not feasible could be provided. Mr. Pinney responded the Code was very broad in stating that all new City buildings must be LEED certified. He stated he understood if there was a minimum threshold.

Tanya McCormick, PLA, AICP, Chen Moore and Associates, asked for clarification on Development Services comment one (1). She stated there were legends and callouts provided, so she was unclear on the request. Mr. Pinney responded there were a number of symbols not readily identified. He encouraged her to recheck the plans and stated he could set up a meeting to review the issues he identified.

The Committee recommended conditional approval of the site plan. He stated the applicant had one (1) year to submit three (3) final site plans addressing all comments, have those approved, and have a building permit issued.

- B) 1D2021-294
CONSIDERATION OF A REZONING FROM RECREATIONAL (S-1) TO
PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT FOR THE
MARGATE EXECUTIVE GOLF COURSE
LOCATION: 7870 MARGATE BOULEVARD, MARGATE, FL 33063
ZONING: RECREATIONAL (S-1)
LEGAL DESCRIPTION: PARCEL 3 OF "ORIOLE GOLF & TENNIS CLUB,
SECTION TWO" ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 78, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA
PETITIONER: HOPE CALHOUN, DUNAY, MISKEL, BACKMAN, LLP AND MARK
RICKARDS, KIMLEY-HORN AND ASSOCIATES, INC., AGENTS FOR FIMIANI
DEVELOPMENT CORPORATION

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He noted the comments were attached to the agenda for reference.

Hope Calhoun, Dunay, Miskel, Backman, land use counsel for the applicant, and Mark Rickards with Kimley-Horn and Associates introduced themselves. Attorney Calhoun stated there were no questions regarding the rezoning comments. She asserted they might suggest addressing some of the comments at site plan as opposed to rezoning, but they were self-explanatory.

Mr. Pinney explained given the nature of a PUD-level rezoning, a lot of those site plan details would need to be worked out for the rezoning. He recommended a review of the documentation requirements and process in Article 19 of the Zoning Code. He stated there was a lot left out in the submittal, and they could not let it proceed without addressing those issues.

Attorney Calhoun stated they had no substantive questions and would reach out as needed if anything came up.

- C) 1D2021-298
CONSIDERATION OF A LAND USE PLAN AMENDMENT APPLICATION FOR MARGATE EXECUTIVE GOLF COURSE TO AMEND THE EXISTING LAND USE FROM COMMERCIAL RECREATIONAL TO R (10) RESIDENTIAL
LOCATION: 7870 MARGATE BOULEVARD, MARGATE, FL 33063
ZONING: RECREATIONAL (S-1)
LEGAL DESCRIPTION: PARCEL 3 OF "ORIOLE GOLF & TENNIS CLUB, SECTION TWO" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: HOPE CALHOUN, DUNAY, MISKEL, BACKMAN, LLP AND MARK RICKARDS, KIMLEY-HORN AND ASSOCIATES, INC., AGENTS FOR FIMIANI DEVELOPMENT CORPORATION

Andrew Pinney, Senior Planner, introduced the item and asked if staff had any additional comments to add.

Mark Collins, Public Works Director, stated he would like to know what the applicant planned to do with the existing easement for the drainage for the canal system. He noted the site plan looked like they would be constructing over it.

Attorney Calhoun responded that from the applicant's perspective, they had seen the land use application as just that, a changing of the land use. She stated they recognized the detailed site plan would come later, but the site plan provided was seen as an overview of what they intended to construct on the property.

Mr. Pinney explained because the property functions to drain other properties, the drainage would affect the density which can be built on it.

Attorney Calhoun stated from their perspective, land use amendments generally address capacity issues, so without being specific about easements and their locations, the thought process with regards to the land use amendment was whether there was sufficient capacity to maintain the drainage, so those were the calculations provided.

Mr. Collins reminded the applicant the system that flows through the property interconnects to bodies of water and other canal systems to tie together. He stated he understood the comment that they were looking at how it works on the site, but it all interconnects and can't just be shut off. He noted it had to be addressed specifically through design. Mr. Collins asserted he understood if it was not the time to address this, but he wanted the applicant to understand that at some point in time it would need review and resolution.

Randy Daniel, DEES Assistant Director, added that coupled with what Mr. Collins was saying in regard to the fluid easement was the issue in particular of how they would drain the properties to the north of Margate Boulevard. He stated from his perspective, this became an issue of the feasibility of the project. Mr. Daniel asserted he was not sure it could be built, given the fact that it has a 30-foot drainage easement in addition to the canal which has to be maintained or relocated and realigned, requiring the associated hydraulic analyses to show that it can work. He added this was something they may want to look at earlier, rather than later.

Mark Rickards, Kimley-Horn and Associates, stated he understood where they were coming from and was happy to connect offline. He asserted he would do a better job of making sure it was clear in the application, but no one wanted to cut off the flow currently coming from the north and through the property. He stated there were water bodies on site which do not follow that drainage easement, but they would need to talk as the project moves forward about how to keep those channels of cross flowage active and whether it makes sense to reorient some of that when they come in for a site plan. Mr. Rickards explained in terms of analysis, all of those things would come into play when accomplishing a drainage permit. He stated he could call with some general thoughts to make sure it was feasible.

Mr. Rickards asserted they were not filing a site plan at this time but were trying to show on a conceptual basis that the units could fit. He stated he had marked up the plans to try to stay away from the flowage easement, which was not necessarily where the water bodies run. He added the concept of the conceptual plan was not to provide drainage calculations or a geotechnical report and stated some of the comments arise from that. Mr. Rickards stated the intent was not to say they did not plan to connect with other properties, or to place the buildings and say there were never going to move, or to state they were going to do this to the canal and cut-off anyone's access or flowage. He noted in the resubmittal he would help alleviate some of the initial concerns, but the reorientation and engineering would be a deeper discussion.

Elizabeth Taschereau, Director of Development Services, asked how staff would know the drainage capacity would be there without having an understanding of the layout. She stated the buildings right now are over those waterways and asked how staff would know a redesign was truly possible.

Mr. Rickards responded that when you are asking for a land use plan change, what is being talked about is a change in intensity from one (1) category to another, and a discussion in some ways about what means and methods are going to be used to accomplish that. He stated if the conceptual plan presents a barrier to that, that is valid, but in terms of whether the project can get

a drainage permit in Broward County, that is a discussion of both water quality and water storage. He asserted when the project comes in for a site plan if there are pragmatic concerns which mean less than 200 units can be built, whether that be parking, drainage, geography of the parcel, or other capacity concerns, those are valid comments when there is a site plan in front of them.

Mr. Pinney read an excerpt from Element 4 of the Margate Comprehensive Plan:

Each of these golf courses were set aside by the developer of the larger overall neighborhood in which it is located. From a planning perspective, each serves as an open space feature, which allowed a higher density development to be located around it. In lieu of a monolithic lower density, the dwelling units that would have been located on the golf course parcel are transferred to the surrounding residential properties. The proximity of the golf course, and the resulting vistas, are quite popular with unit purchasers, and the higher density in the surrounding tracts generally lowers the development costs.

Mr. Pinney asserted that was a little bit of storytelling from the Parks and Recreation element that explains how the neighborhood was designed and laid out, and with that in mind he pointed to Policy 1.2.2 from the Margate Comprehensive Plan that references Broward County Land Use Policy 2.10.3:

In order to prevent future incompatible land uses, the established character of predominantly developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.

Mr. Pinney stated the DRC did not make the decision whether or not it was consistent, but it was definitely something to be aware of if the application moves forward. He noted the City Commission would be the first to make the decision as to whether or not it was compatible and affects the existing character. Attorney Calhoun responded that she understood.

Gio Batiste, Public Works Assistant Director, asked that the language of the submittal be modified to make clear the hydraulic analysis or consideration for hydraulics associated with the flowage and drainage will be considered as part of the overall site commitment being sought.

Mr. Pinney asked the applicant if there were further questions regarding the comments posted.

Attorney Calhoun stated one (1) overall question was about the application specifically, and what was being evaluated. She explained their understanding of the land use plan amendment was that they were taking the existing land use and changing it to something different, so that difference between residential units and capacity is what the City would be evaluating. Attorney Calhoun asserted they were looking to set a maximum potential density. She asked for confirmation on what was being analyzed, noting it helps in formulating the responses.

Mr. Pinney explained they should respect the units the map allows right now, but with that said, they still have to look at it from commercial recreation to residential, so it was both. Attorney

Calhoun clarified the answer was the difference between the two (2). She stated she wanted to make sure they responded appropriately. Mr. Pinney reiterated his response.

Mr. Rickards stated the question became really important with traffic. He stated the traffic engineer would have a full response to the comments, and they would make sure to spend more time explaining the vested side in the response. He clarified they wanted to make sure the bedrock was the vested side, and they were discussing differences. Mr. Pinney agreed it would be better if that was clarified in the response.

Mr. Daniel stated on the comment about densities, the way the applicant calculated the density got him wondering. He asserted the neighboring properties had a higher-than-normal density because this open space was allowed to be open space, so it seemed to him sort of contradictory to some extent to use the higher densities of the neighborhood to make the case for high density development here. Mr. Daniel stated something was not right with the rationale in coming up to the densities the applicant had laid out.

Mr. Pinney noted the open space was never deeded to the public, as it was the developer of the entire neighborhood who worked it out with the City 40 or 50 years ago to allow higher densities around the course by having this big recreation area. He stated he saw what Mr. Daniel was saying, that it almost looked as though they were double-dipping, but it was still private land, and the private owner is entitled to all of the recreational uses that the Comprehensive Plan and Zoning allows, but they were asking to change it from recreation to residential. Mr. Pinney asserted they did have to consider the past when moving forward with the application.

Attorney Calhoun stated that Mr. Pinney had said some of what she was going to say, which was that under that logic a private property owner could not change their property, and that was not the intent of the Comprehensive Plan or City Zoning Code. She asserted that as times change, development must change with it to accommodate growth as anticipated. Attorney Calhoun stated he had made a good point, which was that an element in the Comprehensive Plan speaks to the modification of open space, specifically golf courses, into other categories. She explained as she reads that provision, it clearly states those golf course uses cannot be converted and noted they had discussed that in their application. She stated because there were no comments addressing that, she assumed that meant the applicant could go forward assuming a modification could be proposed.

Mr. Pinney explained there are two (2) areas in Land Use that talk about golf courses. He noted the Plan Implementation in the back had specific considerations when redeveloping a golf course and reiterated those were not addressed in the application. He stated there was a policy specific to the dashed line areas, which allows for rearrangement or reassignment of the density of the land, provided there is no increase in commercial land or decrease in recreational land. Mr. Pinney asserted this application was requesting to take away commercial recreation land in lieu of residential. He stated Mr. Rickards had included a letter with the application requesting a policy change that would help facilitate the amendment.

Attorney Calhoun asked if that meant staff was only considering the correspondence from Mr. Rickards as the application moves forward. Mr. Pinney confirmed that was the case, as Mr. Rickards was asking to change the policy.

Mr. Rickards stated in his justification statement he had provided two (2) ways to read the policy, and noted he was not trying to litigate that before the DRC. He noted that he wanted to ask about that dashed line area, because Development Services comment three (3) discussed the dashed line area, including some land outside of Margate jurisdiction, and he was not sure how to move forward with that. Mr. Rickards stated there was a Broward County dashed line area, and he was not sure if that predated some of the City limits of Margate or not, and then they were proposing to change that number with an increase in density. He noted he was not sure what the resolution to the comment would be.

Mr. Pinney responded that the application appeared to be recycling another application from about two (2) years ago, and in that application, the planner reached out to Broward County Planning Council and asked how many acres were in the dashed line area. He stated the Planning Council issued a two (2) page letter with a graphic exhibit to outline where the acreage was coming from. Mr. Pinney explained in that exhibit, there was a mapping error that showed the dashed line area extending outside of Margate, but that was not accurate. He stated it was not 109 acres as indicated in the letter, and in the comment, he had quoted the Planning Council, and noted that the City found the acreage determination to be unacceptable.

Mr. Pinney stated on the Planning Council map there was no dashed line area on the map in Coral Springs, the next-door neighbor. He noted the error was either a GIS error in the Planning Council office or faulty information submitted to them, so the acreage was off, leading to the number of available units in the calculation being off. Mr. Pinney asserted the error had a huge snowball effect, starting with the acres.

Mr. Rickards asked if that meant staff wanted the applicant to get a revised letter from Broward County Planning Council. He stated they would look at what was originally submitted to the Planning Council as well as the exhibit. Mr. Pinney agreed.

Mr. Rickards asked who to reach out to for an updated park inventory. Mr. Pinney responded his department could provide that. He noted the rules had changed since the previously pulled inventory.

Mr. Rickards stated they had submitted a survey and it inventoried the trees, most of which are Sable Palms. He noted there was a comment that said they needed to provide a tree survey and asked if there was something else needed.

Mr. Pinney asked if it indicated trunk diameter and canopy spread. Mr. Rickards stated it did. Mr. Pinney responded that they could link up after the meeting so Mr. Rickards could point it out.

Attorney Calhoun referenced comment 25 regarding the noise ordinance. She asked for direction regarding the elements required.

Mr. Rickards stated he would send an email, but the comment appeared as though they needed to make sure they agreed on methodology for the resubmittal.

The Committee recommended resubmittal of the application for a future DRC meeting.

Mr. Rickards asked the deadlines for resubmittal. Mr. Pinney responded the Code requires they not take an application less than 30 days before a given meeting, then the application needed to be checked for completeness.

Ms. Taschereau explained once the applicant resubmits, the application needs to go out to the entire team again for review.

GENERAL DISCUSSION

Mr. Pinney called for any general discussion.

Peta Zune, Oriole Gardens II and Keep Margate Green, thanked the Committee for the points they brought in reference to the zoning of the golf course. She stated she represented the senior community of Oriole Gardens and as commented, traffic had always been an issue. She noted what was mentioned in terms of the drainage was a big discussion point two (2) years ago and mentioned there were over 2,000 petitions in place and more, if need be, to stop any zoning change of the golf course. She asserted the community feels strongly it should remain a recreation area. Ms. Zune stated something not brought up in discussion was the burrowing owls. She asserted the owls are protected and have several sites on the golf course. She added there is a high-density senior population in the area and a change to that would be an issue

Mr. Pinney pointed out that in addition to the comments talked about at the meeting, there were about 10 pages of typed comments posted online with the agenda. He noted the burrowing owls were discussed in those comments, and invited Ms. Zune to review the application and comments on the website.

Melody Zavoka, Garden Patio Villas, stated they were a senior citizen community with 83 homes on the golf course and across from the canal. She thanked the Committee for pointing out some of the major problems with changing the zoning. She asserted they were critical issues, and while other recreational uses are allowed, to change it to residential would be horrific.

There being no further business to discuss, the meeting was adjourned at 10:51 a.m.

Respectfully submitted,

Elizabeth Taschereau, Director of Development Services