



City Commission

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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE VIRTUAL MEETING

<https://us02web.zoom.us/j/84703636522>

MINUTES

Tuesday, September 14, 2021

10:00 a.m.

City of Margate
Municipal Building

PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Alexia Howald, Associate Planner
Howard Pavillard, Office Manager
Curt Keyser, DEES Director (via Zoom)
Randy Daniel, DEES Assistant Director
David Scholl, Fire Code Official
Cpt. Joseph Galaska, Police Department
Sgt. Paul Frankenhauser, Police Department
Richard Nixon, Building Official (via Zoom)
Mark Collins, Public Works Director
Gio Batista, Public Works Assistant Director

ALSO PRESENT:

Matthew Scott, Esq., Partner, Dunay, Miskel, & Backman, LLP
Tom Laubenthal, Landscape Architect, Landscape Architect Consultants, Inc. (via Zoom)
Itamar Goldenholz, Architect, Godenholz and Associates (via Zoom)
Rabbi Yossie Denburg, Director of Development, Lubavitch Hebrew Academy
Alexis Rosenberg, Land Planner, Dunay, Miskel, & Backman, LLP (via Zoom)
Ernal Rose, Engineer, GGB Engineering, Inc. (via Zoom)
Hector Torres, Architect, Goldenholz and Associates (via Zoom)

ABSENT:

Cale Curtis, CRA Executive Director

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:11 a.m. on Tuesday, September 14, 2021, in the DEES Administration Building, 901 NW 66th Avenue, Margate, FL 33063.

Development Services Department

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1) NEW BUSINESS

A) *ID2021-350*

CONSIDERATION OF A SPECIAL EXCEPTION USE TO EXPAND AN EXISTING PRIVATE SCHOOL WITHIN THE CF-1 ZONING DISTRICT.

LOCATION: 1500 NORTH STATE ROAD 7

ZONING: COMMUNITY FACILITY (CF-1)

LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "ABUNDANT LIFE CHRISTIAN CENTRE," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: MATTHEW H. SCOTT, ESQ., DUNAY, MISKEL, & BACKMAN, LLP, AGENT FOR CHABAD HEBREW ACADEMY, INC.

Andrew Pinney, Senior Planner, introduced the item and explained the process to be followed. He stated staff comments were posted online and were attached to the agenda for reference. He noted there were four (4) items to be addressed for the same applicant, and each would be addressed separately. He asked if staff had any additional comments or corrections.

Cpt. Galaska stated the Police Department had some concerns with traffic on 15th Street, specifically with cars stacking 30-60 minutes ahead of pickup, and cars parking across the street without permission of the landowner. He asserted cars had been observed stacking from the entrance to Banks Road. He noted the Police Department had suggestions they believe should be followed, including educating parents that they should not be arriving prior to pick up time. Continuing, Cpt. Galaska stated that beyond permission, there were safety concerns surrounding parking across the street. He asserted a crosswalk should be required to avoid students crossing in the middle of traffic. He stated the Traffic Sergeant could share additional stacking ideas.

Sgt. Paul Frankenhauser explained he had reviewed the traffic study and noticed on page seven (7) it stated there were approximately 20 cars that stack. He asserted that was nowhere near the number of cars, that he believed it to be closer to 50-60 cars. He noted the comment in the traffic study that said the stacking was mostly because of parents arriving well before dismissal times. Continuing, Sgt. Frankenhauser stated there was a notation in the traffic study that the roadway includes two (2) travel lanes and parking lanes on each side of the road, but that was inaccurate. He asserted the road is wider than most roadways, but there is not a full parking lane to allow a vehicle to park without encroaching on the lanes of traffic in either direction. He stated the road is posted no parking, which indicates previous problems.

Sgt. Frankenhauser stated there is a lot of congestion in the area with businesses, and business owners routinely complain about their driveways being blocked. He pointed to signage put up by business owners and photographs of them being disregarded. He summarized the concern, stating there are already ongoing traffic issues prior to any type of expansion, and an expansion would create more of a traffic problem. Sgt. Frankenhauser discussed potential options, including

partnering with the adjacent shopping plaza to park there at dismissal and arrival times, or utilizing a parking lot to the east of the school to create a loop.

Cpt. Galaska suggested other schools were utilizing staggered pick up and drop off times as an option to improve traffic. He stated these were issues the Police Department was willing to work with the school to address.

Sgt. Frankenhauser noted there is a County bus stop across the street which the school had reached out about moving, but that was not an option. He explained the stops were placed based on County traffic studies and where they believe stops are required, and stated this particular stop is a planned rest stop for bus drivers which is utilized at a time near school dismissal.

Elizabeth Taschereau, Director of Development Services, stated she had been informed that pick up is an additional process because it involves verification of who is picking up the child. She asked if there was a way to look at that process again, as it may be causing further delay.

Rabbi Yossie Denburg responded that it was an accurate statement to say that pick up in the afternoon is a longer process than drop off in the morning. He outlined the verification system in place and stated they could review the process.

Sgt. Frankenhauser discussed options to expedite the process, including verification cards placed on the car visor. He acknowledged this was a difficult issue which was particular to private schools.

Mr. Pinney stated in addition to the comments from the Police Department, they also had to look at the criteria that is placed on a special exception for a school. He noted given the size of the expansion, it technically needs a redevelopment within the Margate Code. He read Section 11.3 – Permitted Uses, subsection (B) 3:

School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

Mr. Pinney asserted this was something to bear in mind while looking for solutions for the drop off and pick up issue. He asked if there were any additional comments from the DRC.

Matthew Scott, Esq., Partner, Dunay, Miskel, & Backman, LLP, introduced the team and presented on behalf of the applicant. He summarized the application briefly, explaining the school had been in the location over 30 years and was very popular with the local community, so was looking to add an addition to make the building a full two (2) story building. He explained the expansion was not intended to increase the number of students. Continuing, Attorney Scott stated there was a need to figure out the history of the project and how it became a school, and noted the applicant was looking for direction on how to address the traffic and other existing

nonconformities. He asserted the Code might call for a complete review, but the reality on the ground was that it was not ground up construction, but an addition to an existing school. He stated the proposal was a major upgrade to the appearance of the school, the façade, and the operation, but some of the comments were an impossibility due to the constraints of the site. He explained they hoped to discuss how to work together to address those issues and make a multi-million-dollar reinvestment into the school.

Mr. Pinney asked if the applicant wanted to review the comments all together, or individually. Attorney Scott stated he thought it would be easier for everyone if they went through the comments together.

Attorney Scott began a review of the comments. He asked if there were thoughts on how to address those things which would not be changed, such as the requirements for where a school could be located.

Mr. Pinney referenced conversations prior to the application being submitted and suggested going before the Board of Adjustment (BOA). He stated the City Commission is the appealing body for the BOA, so if the BOA did not find favorably, the entire application could still be brought before the City Commission.

Attorney Scott stated the applicant had met with a few of the City Commissioners early on to talk to them about the plans. He noted the comments they had were similar to what the DRC had raised, including figuring out traffic circulation.

Attorney Scott and Mr. Pinney discussed the process for requesting variances and the best path forward for the application.

Mr. Pinney stated the DRC is a recommending body on most items identified in the comments, so if the applicant wanted to bring the application forward to the BOA, that was the option. He noted the DRC would probably not give a favorable recommendation due to the severity of the comments.

Attorney Scott noted site plans were approved by staff and asked if the City Commission would be the appealing body for that, as well. Mr. Pinney responded that before a final answer on the site plan was given, staff would see what happens at Commission with the application.

Discussion continued regarding the variance and approval process.

Attorney Scott stated the applicant was working with a consultant on the underground wiring waiver. He noted that needed to be cleaned up and brought back before the DRC. Mr. Pinney pointed out that commonly missed piece is that the Code requires on a corner property that the wiring be undergrounded across the street to the nearest connection point.

Attorney Scott referenced the no objection letter for the plat note amendment and asked whether that was issued by City Commission or staff. Mr. Pinney stated staff would provide a Resolution from the City Commission upon approval.

Tom Laubenthal, Landscape Architect, stated in response to the comments, they would need to identify the site is an existing condition, nonconforming site. He asserted staff had done a good job of identifying Ordinances, and the applicant would need to identify that previous site plan approval had established buffers that are less than compliant. He stated they would have to do their best to work with what they've got and achieve what is possible within the space available for landscaping and buffering, then qualify any shortfall so if there is a variance or waiver, it is understood by what margin things are being waived. Mr. Laubenthal stated they would be as descriptive as they can in the summary of the landscape plan in terms of the most that can happen to comply or follow the intent of the Ordinance.

Mr. Laubenthal noted that a black olive tree exists in the right-of-way that has been maintained and heavily pruned on the power line side, which had forced the tree to compensate with all of its growth in the direction of the west property line. He stated the team was responding with providing undergrowth trees. He stated until that tree, which is out of the owner's control, can get reconciled, they are unable to put in appropriate canopy trees and ask staff to recognize those off-site influences they are responding to.

Curt Keyser, DEES Director, asked why the tree was out of the applicant's control. He asserted it was on the swale adjacent to the property. Mr. Laubenthal responded that it was a right-of-way tree owned by the City or the highway, and he had no idea who has control over the maintenance of the property. He stated if Public Works provided authorization to do selective trimming, that would be a help. He noted they would reach out to Public Works and determine if there was direction and possible relief for property the applicant does not own.

Mr. Keyser stated he believed it was not Public Works but DEES, and that he thought it was the applicant's responsibility to maintain a tree between the property and the roadway. Mr. Laubenthal thanked him for the guidance and said they would pursue that route.

Mr. Pinney added that it would be worth their while to speak with some of the tree removal permitting staff in DEES to talk about some of the proposed mitigation in the plan. He noted it looked as though they were taking out a 30 to 40-foot black olive and trying to replace it with crepe myrtles, but that should be discussed ahead of permitting.

Mr. Laubenthal explained the process had started with conversation with staff, and it was their recommendation and preference to get rid of an at-risk tree. He stated when it comes to mitigation, there are two (2) approaches, including compensating the City for replacement canopy when it cannot be managed onsite and noted there was little to no room on site even for basic compliance. He asserted they were working with the provisions outlined by staff from the outset, and would continue on that path, providing a clear summary for the Board to review.

Attorney Scott asked for clarification on which departments provide landscape comments. Mr. Pinney explained briefly.

Hector Torres, Architect, Goldenholz and Associates referenced comment 31 regarding the relocation of the air conditioning units. He stated the plan was to temporarily relocate the units near the same area, not interrupting the doors, and eventually they would be relocated to the roof.

Mr. Pinney clarified the referenced comment was Development Services comment 34 on the site plan. He read a portion of the comment for the record:

The landscape plan indicates the existing air conditioning units will be relocated. Where will the units be relocated? Per Section 23-9(B) of the Code of the City of Margate, all mechanical, utility, or any other equipment installed outside and on the ground shall be screened from all public rights-of-way by a hedge maintained to a height not less than six (6) inches above the height of the installed equipment. The screening hedge shall be planted within ten (10) feet of the equipment that it was planted to screen. The hedge shall not be required if the equipment is screened by a building or other permanent structure.

Mr. Torres added the units would not be visible from the street because they will be covered by the dumpster.

Mr. Laubenthal stated they would add appropriate notes to the plan to satisfy the comment.

Attorney Scott briefly discussed the parking issues. He asked if the applicants were able to secure a parking agreement with the property to the south, whether the City's Code would allow for off-site parking. Mr. Pinney stated he believed shared parking was generally allowable.

Attorney Scott asked about the needed crossing. Mr. Pinney noted permitting for the crossing would be done through the Engineering Department. He stated if a shared parking agreement and crossing was the direction the applicant was going, staff would want the master parking plan to be updated to give an analysis on the shopping center, so they were not hampering their ability to do business by using parking spots.

Attorney Scott explained he had previously done a public records request for old records on the school but had not yet received the documents. He asked if the Board knew what the prior site plan approval was. Mr. Pinney responded that he thought prior approval was for a permitted use, so it did not have to go through the same number of hearings. He stated he believed there was a variance for the gym.

Alexia Howald, Associate Planner, added that she believed the property was rezoned to CF-1 to allow the use as a school at the time. She displayed the document for review and noted it showed rezoning from B-2 to CF-1, and at that time, the use as a church was a permitted use.

Attorney Scott stated it became a special exception when the Code was modified in 2017 or 2018. He asked for any further questions on the comments to his team.

Ernal Rose, Engineer, GGB Engineering, Inc., asked about the comment on the drainage calculation, stating because the impervious area and the footprint of the building were not being changed, the project would not have any input on the drainage. He added that he had done an inspection of the drainage system and it was working perfectly fine. He asked if staff wanted a letter, or how they would want the applicant to proceed.

Mr. Pinney stated he had not given the comment, but something which was unclear in reviewing the plans was what was existing asphalt and whether there were any improvements to landscaping. He noted at one (1) point it looked as though trees were being installed in an asphalt area, but it was not clear how that transition was going to take place. He asserted any changes to asphalt areas might affect flow. Mr. Rose responded that he would review.

Randy Daniel, DEES Assistant Director, stated he had made the comment, and clarified that he did not see any significant change in the amount of impervious and pervious areas from the plans submitted, but he would like the engineer of record to confirm that through calculations. He explained that would address the issue, notwithstanding comments from other DRC members. Mr. Rose explained no changes were planned.

Mr. Keyser stated he had not reviewed the plans, but just looking at them on the screen he could see changes. He pointed to the intersection of NW 15th Street and US Highway 441 as an example. Mr. Rose responded that he would take a closer look, but they were not adding impervious area.

Mr. Laubenthal explained at the intersection of NW 15th Street and US Highway 441, a concerted effort had been made to try to reach out and take advantage of unused, unneeded asphalt paving area and increase the green area calculation as best they could in that area. He noted at the entry point, there were also green islands provided, so a civil engineer would need to provide a detail for vertical curb in those newly created islands. He stated it was a net reduction in the asphalt and net increase in the green area, which was reflected in the architect's summary provided to the landscape architects.

Mr. Keyser stated that sounded reasonable, and existing calculations or drainage plans may be sufficient with some rational analysis that shows that they had increased the pervious area and decreased the impervious area, but that was not the same as stating nothing had changed. Mr. Laubenthal responded that was correct.

Mr. Pinney noted if the islands were new, they needed to be at least seven (7) feet wide. Mr. Laubenthal stated they had to conform to the parking layout, and he believed they were working to achieve what they could with the site constraints. He noted in an ideal condition they can always conform to the standards of the index, but when there are hardships, those were things which would need to be identified. He stated the applicant would provide the dimensional information to make clear the difference between the preferred size of a site island and what they are, which would hopefully be compliant.

Mr. Pinney stated given the volume and gravity of the comments and the application as it exists, he did not believe the Committee could provide a favorable recommendation if the applicant chose to move forward. Attorney Scott responded that they were planning to resubmit and address as much as they can. He asked for a dialogue with Development Services regarding variances.

Ms. Taschereau recommended a document be compiled to discuss the variances.

- B) *ID2021-349*
CONSIDERATION OF A SITE PLAN TO EXPAND THE SECOND FLOOR BY APPROXIMATELY 21,000 SQUARE FEET, AS WELL AS TO REMODEL AND EXPAND THE EXISTING FIRST FLOOR.
LOCATION: 1500 NORTH STATE ROAD 7
ZONING: COMMUNITY FACILITY (CF-1)
LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "ABUNDANT LIFE CHRISTIAN CENTRE," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: MATTHEW H. SCOTT, ESQ., DUNAY, MISKEL, & BACKMAN, LLP, AGENT FOR CHABAD HEBREW ACADEMY, INC.

Addressed with item A.

- C) *ID2021-348*
CONSIDERATION OF A PLAT NOTE AMENDMENT TO AMEND THE EXISTING NOTE TO ALLOW THE USE OF A PRIVATE SCHOOL AS THE PRINCIPAL USE AND CHURCH USE AS THE ACCESSORY USE.
LOCATION: 1500 NORTH STATE ROAD 7
ZONING: COMMUNITY FACILITY (CF-1)
LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "ABUNDANT LIFE CHRISTIAN CENTRE," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
PETITIONER: MATTHEW H. SCOTT, ESQ., DUNAY, MISKEL, & BACKMAN, LLP, AGENT FOR CHABAD HEBREW ACADEMY, INC.

Addressed with item A.

- D) *ID2021-351*
CONSIDERATION OF AN UNDERGROUND WIRING WAIVER RELATED TO THE EXPANSION OF HEBREW ACADEMY.
LOCATION: 1500 NORTH STATE ROAD 7
ZONING: COMMUNITY FACILITY (CF-1)

LEGAL DESCRIPTION: A PORTION OF PARCEL "A", "ABUNDANT LIFE CHRISTIAN CENTRE," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

PETITIONER: MATTHEW H. SCOTT, ESQ., DUNAY, MISKEL, & BACKMAN, LLP, AGENT FOR CHABAD HEBREW ACADEMY, INC.

Addressed with item A.

GENERAL DISCUSSION

Mr. Pinney called for any general discussion. He welcomed the new Police Department representatives to the Committee and thanked them for their participation in the discussion.

There being no further business to discuss, the meeting was adjourned at 10:58 a.m.

Respectfully submitted,

Elizabeth Taschereau, Director of Development Services