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Joseph J. Kavanagh

**REGULAR MEETING OF  
THE DEVELOPMENT REVIEW COMMITTEE  
VIRTUAL MEETING  
<https://us02web.zoom.us/j/86204198769>  
MINUTES**

**Tuesday, November 9, 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  
Mark Collins, Public Works Director  
David Scholl, Fire Code Official (via Zoom)  
Randy L. Daniel, DEES Assistant Director (via Zoom at 10:15 a.m.)

#### **ALSO PRESENT:**

Matthew Scott, Dunay, Miskel, & Backman, LLP  
Jeff Zito, Vice President, Project and Construction Services, Ferber (via Zoom)  
Stacy Bomar, Consultant, North American Development Group  
Chris Lall, Assistant Project Manager, Bohler Engineering  
Merouane El Kaoussi, Senior Project Manager, Boheler Engineering (via Zoom)  
Juan F. Ortega, JFO Group, Traffic Engineer

#### **ABSENT:**

Cale Curtis, CRA Executive Director  
Richard Nixon, Building Department Director  
Gio Batista, Public Works Assistant Director  
Cpt. Joseph Galaska, Police Department  
Sgt. Paul Frankenhauser, Police Department

The regular meeting of the Margate Development Review Committee (DRC) having been properly noticed, was called to order at 10:08 a.m. on Tuesday, November 9, 2021, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

#### **Development Services Department**

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## NEW BUSINESS

A) 1D2021-431

CONSIDERATION OF A SITE PLAN TO ALLOW A RESTAURANT WITH DRIVE THROUGH FACILITY

**LOCATION:** 5555 WEST ATLANTIC BOULEVARD

**ZONING:** TRANSIT-ORIENTED CORRIDOR (TOC-C)

**LEGAL DESCRIPTION:** A PORTION OF "MARGATE REALTY NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42 AND A PORTION OF TRACT "A", "LAKEWOOD COMMERCIAL", ACCORDING TOO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

**PETITIONER:** CHRISTOPHER LALL, E.I. BOHLER ENGINEERING FL, LLC

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 asked if staff had any additional comments or corrections. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Chris Lall, Bohler Engineering, stated most of the comments were minor. He noted a consistent topic was the loading zone. He explained he had spoken with the team and the loading zone could be removed to address the comments.

Mr. Pinney responded that given the size of the restaurant, it was optional.

Mr. Lall stated they would remove it, which would be the largest plan change.

Mr. Pinney noted the landscape divider in the drive aisle needed to bump out to at least seven (7) feet wide, but there were some options. He stated overall he thought it would not shift the building position at all. Mr. Lall agreed, and called the changes touch up.

Mr. Lall asked for clarification on the sidewalk comments. Mr. Pinney explained the sidewalk would be sandwiched with landscape buffers. He stated there should be at least eight (8) feet off the curb of the travel lane on West Atlantic Boulevard, then the 10-foot sidewalk, then another 10-foot landscape buffer. He noted the landscape strip off the curb on West Atlantic was oversized in the plan. Mr. Pinney stated some of that space was in the right-of-way. He referenced Code of Ordinances Chapter 23-6 (B), Required landscaping abutting rights-of-way, and pointed to the requirements in subsection one (1) and subsection two (2).

Stacy Bomar, North American Development Group, asked for clarification on the landscaping in relation to the property line. Mr. Pinney stated the eight (8) foot buffer was part of the City's urban greenway, and as written in the Code it starts on the edge of the travel lane. He asserted the plans could just shift down and stated he did not think it would skew the parking as planned.

Mr. Lall stated he thought it could be remedied.

Mr. Pinney noted that was also the reason for the comment regarding trees planted in the right-of-way with the Florida Department of Transportation (FDOT) permit. He asked if there were any further questions regarding the site plan review.

Mr. Lall stated he did not have further questions.

Mr. Pinney asked if they were comfortable making the pedestrian connection to the western parking spots. He explained with the landscape divider in the drive aisle, they were kind of building a wall for anyone who parks on the western property line. He suggested some kind of cut-through. Mr. Lall responded they were comfortable, and it should not be a problem.

Mr. Pinney stated on parking spots, they had a surplus. Mr. Lall noted they had given themselves a buffer in case.

Mark Collins, Public Works Director, noted maintenance of the sidewalk needed to be considered if it was pushed onto private property. He asked if it would be the developer's responsibility to maintain the sidewalk, or if they would enter into an agreement with FDOT. Mr. Pinney stated they would enter into an agreement with FDOT, because that would be part of the highway network.

Attorney Scott stated that conversation with FDOT had been started already.

Randy Daniel, DEES Assistant Director, commented that the generator, transformers, and the like needed to be placed at BFE plus one (1). Mr. Lall stated it was one (1) foot above that. He noted this was a previously addressed comment and it was now at 12.

Mr. Daniel wished them luck with the project and stated he did not have a lot of comments. He noted the applicant had kept the water and sewer easement free and unencumbered, and asked if he was correct in believing the two (2) stormwater inlets were being retained.

Mr. Lall pointed to the demolition sheet to show the existing pipe running east and west and the existing inlets. He stated the plan was to remove the pipe and reroute the stormwater back into the existing structure along with additional exfiltration to treat the stormwater. He showed the inlets and basins on the grading and drainage plan. He stated the added pipe provided an opportunity to add a good amount of exfiltration.

Mr. Pinney asked if there was a maintenance agreement that would take place between Chipotle and the parent parcel. Ms. Bomar explained there was an existing agreement and that would be amended.

Mr. Pinney explained given the nature of the comments, the DRC was comfortable granting conditional approval. He stated the next step would be to turn in the three (3) final plans after the

Special Exception was approved, and explained once the plans were administratively routed and signed off on, the applicant had one (1) year to have a building permit issued.

B) 1D2021-431

CONSIDERATION OF A SPECIAL EXCEPTION USE ALLOW A RESTAURANT WITH DRIVE THROUGH LANE.

**LOCATION:** 5555 WEST ATLANTIC BOULEVARD

**ZONING:** TRANSIT-ORIENTED CORRIDOR (TOC-C)

**LEGAL DESCRIPTION:** A PORTION OF "MARGATE REALTY NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42 AND A PORTION OF TRACT "A", "LAKEWOOD COMMERCIAL", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 27, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

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Mr. Pinney introduced the item and asked if staff had any additional comments or corrections. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Attorney Scott noted both Planning and Engineering had comments regarding the 50 percent pass-by rate and asked Traffic Engineer Juan F. Ortega, JFO Group, if he had any questions on that or could address it with the data requested by staff.

Mr. Ortega had technical issues and was unable to respond. Mr. Lall stated they did have a response from the Traffic Engineer, but he was not sure if it was acceptable to staff.

Attorney Scott stated he believed that was the only substantive traffic comment. Mr. Pinney explained staff had asked that the Traffic Engineer justify the pass-by and had noted the Comprehensive Plan policy regarding use of the trip capture.

Mr. Lall stated the applicant had provided an exhibit that justified the 50 percent pass-by rate.

Jeff Zito, Vice President, Ferber Company, read a text response from Mr. Ortega. He stated exhibit three (3), page four (4) of the revised traffic statement dated June 2021 included a pass-by excerpt from the ITE Trip Generation Handbook for ITE Land Use Code 934, Fast Food Restaurant with Drive Through Window and showed the average pass-by as 50 percent for this type of use.

Mr. Daniel stated he had made the comment and would prefer more analysis than just quoting the ITE. He noted he could not find the backup to confirm the information was in fact taken from the ITE, and when he did research on the pass-by rate, it was suggested there was more analysis that ought to be done to figure out the actual existing trips on the road. Continuing, Mr. Daniel asserted 50 percent was a pretty high rate. He stated if the response given was all the applicant had to offer at this stage, he thought it was workable.

Mr. Ortega remedied his technical issue and reiterated his comments. Mr. Lall stated if the information was there, then it was there, it just needed to be provided in the traffic study.

Mr. Ortega stated he would revise the study and include it. He noted he had the page from the handbook to include. Discussion ensued as to the version of the manual utilized.

Mr. Daniel noted the third edition of the manual discussed pass-by rates, but later editions of the manual did not. He asked if Mr. Ortega could explain. Mr. Ortega explained pass-by was later included with the trip generation when they started to publish a separate publication. He stated that was why the handbook was the third edition, which matches the 10<sup>th</sup> edition of the manual. He noted the 11<sup>th</sup> edition of the manual was recently online only, not printed.

Attorney Scott stated the traffic plan would be updated to include some of the internal captures incorporated per the Code. He asked if Mr. Pinney had any further comments. Mr. Pinney stated the write-up on the justification statement was good but needed to be updated with current policy numbers.

Mr. Pinney explained given the nature of the comments, the DRC was comfortable granting conditional approval. He noted staff would like to see the site plan revised prior to scheduling the Planning & Zoning Board (P&Z) review. He stated it would be approximately six (6) weeks once the packet was received.

Attorney Scott asked if the changes could be submitted electronically. He asked the P&Z schedule. Mr. Pinney stated P&Z generally schedules for the first Tuesday of the month.

Elizabeth Taschereau, Director of Development Services, pointed out the need for 14-day notice prior to the P&Z meeting. She stated staff could check whether there was space in the City Commission agenda to do them in the same month. Discussion ensued as to what needed to be submitted and when meetings could be scheduled.

Ms. Taschereau explained the submittal should be in one (1) package for ease of staff review.

Mr. Lall asked if permits could be submitted while the P&Z was pending. Mr. Pinney stated he believed there was a courtesy review function, but he would call the Building Official for details. Discussion continued regarding the process.

C) 1D2021-431

CONSIDERATION OF A SUBDIVISION RESURVEY TO ALLOW A RESTAURANT WITH DRIVE THROUGH LANE.

**LOCATION:** 5555 WEST ATLANTIC BOULEVARD

**ZONING:** TRANSIT-ORIENTED CORRIDOR (TOC-C)

**LEGAL DESCRIPTION:** A PORTION OF "MARGATE REALTY NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42 AND A PORTION OF TRACT "A", "LAKEWOOD COMMERCIAL", ACCORDING



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**PETITIONER:** CHRISTOPHER LALL, E.I. BOHLER ENGINEERING FL, LLC

Mr. Pinney introduced the item and asked if staff had any additional comments or corrections. Hearing none, he asked the applicant if they needed any clarifications or had questions.

Attorney Scott asked for clarification on comment one (1) regarding the sign easement. Mr. Pinney stated the comment called it nonconforming, as signs are not permitted in the right-of-way and the survey showed it straddling into the right-of-way. He explained it could stay as existing nonconforming, but in the event it was damaged and had to be rebuilt, it would need to be rebuilt conforming to the Code.

Ms. Bomar clarified the sign as existing would remain as is. Mr. Pinney pointed to the sign on the survey and stated he was not sure how or why it got permitted. He asserted inevitably the sign would be replaced sometime in the future, so it was important Chipotle know the setbacks would be required at that time and to consider where they would allow it on the property.

Attorney Scott asked what easement was required. Mr. Pinney explained it would be five (5) feet from the right-of-way, 10 feet from an interior property line, and where there was a driveway intersecting with the right-of-way, it would need to stay out of a 25-foot triangle. He noted it was 39.3 and 39.6 of the Sign Code.

Attorney Scott suggested drawing a larger rectangle around the existing sign to allow for the future placement.

Mr. Pinney noted the two (2) foot landscaping around it would also be required. He stated he was not sure the relationship between the buyer and seller, so he did not know if they wanted to accommodate the sign. Attorney Scott stated he believed they had to.

Mr. Pinney stated he had noticed the dedication of the sidewalk but noted given the landscape buffer the locations would likely shift and should be adjusted on the plan. He added the sidewalk placement may impact the sign location, as well. Mr. Lall noted this was understood.

Attorney Scott asked if this item would be scheduled before the City Commission. Mr. Pinney explained the procedure for a Subdivision Resurvey, including P&Z following the DRC, then the City Commission for Resolution. He stated after that approval, the applicant would turn in the final copies for signatures prior to submittal to the County. He noted it would be treated like a plat on the City side, but go straight to Recordation, not Engineering.

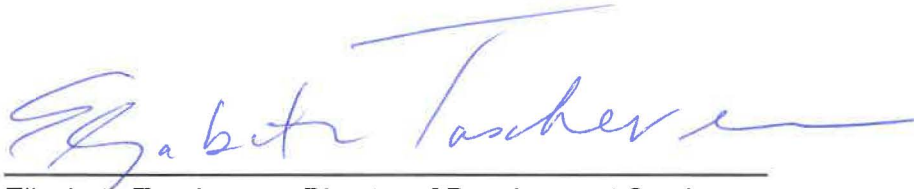
Mr. Pinney explained given the nature of the comments, the DRC was comfortable granting conditional approval. He stated once the corrections were made it would be scheduled for P&Z.

**GENERAL DISCUSSION**

Mr. Pinney called for any general discussion.

There being no further business to discuss, the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Elizabeth Taschereau", with a long horizontal flourish extending to the right.

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Elizabeth Taschereau, Director of Development Services