



**REGULAR MEETING OF  
THE PLANNING AND ZONING BOARD  
MINUTES**

**Tuesday, December 1, 2015**

**7:00 PM**

City of Margate  
Municipal Building

**PRESENT:**

Todd E. Angier, Chair  
Anthony Caggiano, Vice Chair  
Teresa DeCristofaro  
Catherine Yardley

**ALSO PRESENT:**

Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development  
Andrew Pinney, Associate Planner

**ABSENT:**

Pat Mayer

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Todd Angier at 7:00 p.m. on Tuesday, December 1, 2015. The Pledge of Allegiance followed. A roll call of the Board members was taken.

- 1) **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 1, 2015 PLANNING AND ZONING BOARD MEETING**

Mr. Caggiano made the following motion, seconded by Mrs. DeCristofaro:

**MOTION:** SO MOVE TO APPROVE THE MINUTES AS WRITTEN

**ROLL CALL:** Mrs. DeCristofaro, Yes; Ms. Maher, Absent; Mrs. Yardley, Yes; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

- 2) **NEW BUSINESS**

- 2A) **PZ-11-15** CONSIDERATION OF AN ORDINANCE TO AMEND ELEMENT I OF THE MARGATE COMPREHENSIVE PLAN, IN ORDER TO INCREASE THE RESERVATION OF DEVELOPABLE RIGHTS WITHIN THE TOC LAND USE BOUNDARY.

**Economic Development Department**

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**City Commission**

Mayor Tommy Ruzzano  
Vice Mayor Joyce W. Bryan  
Lesa Peerman  
Joanne Simone  
Frank B. Talerico

**City Manager**

Douglas E. Smith

**City Attorney**

Eugene M. Steinfeld

**City Clerk**

Joseph J. Kavanagh

Andrew Pinney provided a historical overview of the item. In 2007, he said the City adopted the Transit Oriented Corridor (TOC) into its Comprehensive Plan and it partnered with the South Florida Regional Planning Council to assist with the analysis and preparation of the amendment package. He said that prior to 2007, the City's Comprehensive Plan had single use districts such as commercial or residential and the TOC was a new mixed land use that allowed for commercial, residential or industrial on the same property. He said the TOC comprised 1,184 acres and encompassed the entire State Road 7 corridor and the majority of the Atlantic Boulevard corridor. He said the intent behind the TOC land use was to encourage and enhance redevelopment opportunities within the City and to move towards a more urban design that would support and enhance transit in the City and the region. He said the City provided a basket-of-rights when it moved from the single use categories to the mixed use land use categories. He said an analysis was done that provided the existing built infrastructure versus what the maximum potential could be under the single use districts and what was needed to fulfill the TOC redevelopment. The analysis also provided for a 2015 planning horizon he said. Mr. Pinney explained that the analysis contained some Property Appraisal information that had been misinterpreted by the planning consultants and it miscounted for a number of residential units. When the application was first submitted in 2007, he said the City requested an additional 3,000 residential dwelling units, but due to some school enrollment and capacity issues, the number was reduced to 1,849; Element I was amended and the TOC was adopted. He said that when an independent analysis was done several years later, the City found that the consultants had misinterpreted some of the buildings and the City lost additional dwelling units—it went from 1,849 down to 710, an amount that was insufficient for the downtown redevelopment. Mr. Pinney said this information was all summarized in the amendment package. He said the City was trying to recapture the lost units to bring it back up from 710 to the original 1,849 units that were approved in 2007 with new analysis and new review.

Mr. Caggiano made the following motion, seconded by Mrs. Yardley:

**MOTION:** SO MOVE TO DISCUSS

Mr. Pinney asked the Board to provide their list of questions all at once and then he would respond to them.

Mrs. DeCristofaro asked what type of affordable housing programs would be offered and whether they would be limited to the downtown area or spread throughout the district.

Mr. Caggiano had the following questions:

- He referenced page 2, section 3, and questioned who paid the fee of \$12,146.
- He asked on what the assumption of new capacity for schools was based.
- He referenced page 9, and asked whether there would be additional costs to residents for water to correct the mistake in overbuilding.
- He asked how the new construction would affect the City's new contract with Waste Management and whether it would affect resident's pricing.
- He asked if there were a specific number of subsidized housing units and whether that number of subsidized housing units could increase if other available units went unrented.

Mr. Angier commented that he initially did not understand the reason why the City was trying to get the 1,139 units back when it was short on units in the first place, but when he read it a

second time and spoke to Mr. Ziskal, he realized it made sense to try to get the 1,151 added back into the mix because the school capacity issue was under control. Mr. Angier said it was not explained very well in the proposal; he suggested that it be restated to be made clearer.

Mr. Angier referenced page 5, section 3, and said that he thought the amount shown of 4,704 should be 4,716 in the Residential category.

Mr. Angier commented that the current capacity of 8.69 million gallons per day was sufficient for now but the addition of 4,000 people would surpass Broward County's ten year projection. He said the water usage would be greater than what was being projected and that now would be the time to look at alternate proposals for plans to save water or to produce more from alternate sources. Mr. Caggiano concurred.

Mr. Pinney, in response to Mrs. DeCristofaro's question, said that the Comprehensive Plan (Comp Plan) mandated that at least 15 percent of the available TOC dwelling units had to be affordable. He said Margate followed the rules set by the Broward County Planning Council which identified four levels of affordable housing. He explained that the program was based on the median income levels in the County and family size. He said that within each of the four levels were percentage ranges; for example, workforce housing was between 80-120% of the median income, low income was between 60-80%, etc. He said the Comp Plan did not identify a specific level of affordability; therefore, the developer had some flexibility in terms of what they wanted to build. Mr. Pinney referenced the Toscana project and noted that they had been provided with an allocation of 107 TOC dwelling units for the property. He explained that the City recently adopted a restrictive covenant that had a 15-year term and Toscana chose to go forward with the workforce housing level which meant that they were required to reserve 15% of the 107 units as affordable for 15 years. He said that once the level of affordability was identified, a determination of what was considered affordable income would be done by looking at 30% of the family's income as being the maximum that should be spent on housing. The developer would then accept applicants in that income range he said.

Mrs. DeCristofaro asked how that addressed the concern of too much Section 8 housing. Mr. Pinney explained that Section 8 was a completely different program that was not administered by the City. He said he would explain it further when he addressed Mr. Caggiano's questions.

Mr. Pinney, responding to Mrs. DeCristofaro's question about distribution of the units, said a specific distribution of units were prescribed in the plan in 2007 and in the current plan for distribution throughout the State Road 7 corridor, with a set number of units allocated for the City Center, as well as north and south of the City Center.

Mr. Pinney, responding to Mr. Caggiano's question about multiple owners, said there were multiple owners within the TOC land use boundary and Florida Statutes provided for various notifications depending on the size of the amendment and the number of owners. He said typically a letter would be mailed or an advertisement would be posted in the newspaper. Based on the number of owners in the TOC, he said posting an ad in the newspaper would be most efficient. He explained that the fee was for the other review agencies, noting that the document would be reviewed by the County, State, and regional agencies before coming back to the City for a second review.

In response to Mr. Caggiano's question about school capacity, Mr. Pinney explained that Broward County was a different place in 2006-2007 when it was at the peak of the housing boom and its population had swollen and charter schools were not prevalent. He noted that today the school district was under-enrolled and public schools were competing with charter and private schools for students which was why the City felt confident moving forward with additional dwelling units. He referenced an analysis that was in the meeting back-up that indicated that most of the new dwelling units would be mid-rise apartments which he said created fewer student enrollments than single family developments in Broward County. Mr. Caggiano asked if there was any research that indicated the lifespan of a charter school, noting that if one were to close, it would skew the numbers. Mr. Angier said the figures provided by the School Board were not based on the private or charter schools.

Mr. Pinney, responding to Mr. Caggiano's question about water usage, said that new construction projects were subject to impact fees. He explained that D.E.E.S. had a calculation to determine the amount of water the new development would require and the applicable impact fees. The impact fees that were collected were used specifically to reserve capacity in the water plant to build new infrastructure to supply the new development with water he said. Mrs. DeCristofaro asked whether water re-use was encouraged for irrigation and other water saving methods were being used. Mr. Pinney said that the Building Code required the use of ultra-low flow fixtures, and green development and LEED certification was encouraged.

Regarding Mr. Caggiano's question regarding the effect on Waste Management, Mr. Pinney said that no issues were anticipated. He said they were given an opportunity to review new projects at the site plan level and they were required to provide the City with a letter stating that they would service the project prior to approval.

Mr. Pinney responded to Mr. Caggiano's question about Section 8 housing and explained that the program was administered by the Broward County Housing Authority and that it was a voucher program whereby it is up to the landlord to decide if they wished to accept the vouchers. He said the City was not involved in the program.

Mr. Pinney advised that an executive summary could be added to the proposal to provide clarity in response to Mr. Angier's suggestion. He said there were some staff notes on the population projections and current numbers and those would be streamlined prior to being circulated. Mr. Pinney said it was not likely that the City would exceed licensed limitation on water capacity because the new development was going to be more urban and more efficient. Mr. Angier disagreed and he referenced the negative number shown on page 9 of the proposal. Mrs. DeCristofaro commented that the City's water department had a program to re-use water within the water plant that could be implemented as a fall back. Mr. Pinney said that there were plans for a water re-use facility within the waste water plant for irrigation purposes if demand reached a certain level.

Ben Ziskal clarified that the fee of \$12,146 was paid for by the Margate Community Redevelopment Agency (CRA) to the Broward County Planning Council for this amendment. He explained that this was the absolute maximum build-out that could take place in the City. He said the land use was the first basic level of entitlements. He said the reason the City was presenting this item was because it was a true redevelopment and an economic development effort to cut red tape for future development within the city. Any private property owner could

come before the City and petition to add entitlements to their property but it would take a year to a year and one half process each time. He said this land use amendment paved the way for future development to move more smoothly through the process so as to stimulate redevelopment with the City. He emphasized that this was at the broadest level. He said all impact fees and the necessary capacity increases would occur at the time that the projects went through site plan reviews and permits.

Diane Colonna, Executive Director, CRA, said the CRA had been working with Economic Development and Broward County Planning Council's staff and this was the format that they asked for it [the amendment] to be submitted. She said they understood the corrective nature of the proposal as well as the objectives. She said the amendment was very important to the City Center project and that it was consistent with the adopted Community Redevelopment Plan. She said the City Center would be a large scale redevelopment project and the CRA was looking for as much flexibility as possible to create a vibrant downtown city center.

Mr. Caggiano referenced a chart on page 16 that showed how the traffic on State Road 7 would increase over the years. He asked if people could handle that sort of increase in traffic on the six lane road. Mr. Ziskal responded that the title of the amendment area was Transit Oriented Corridor and he agreed that adding new development would increase the population in Margate and in the County. He said the basis of the amendment was to move from a solely auto-oriented development pattern to a multi-modal development pattern. He said South Florida continued to be one of the largest regions in the country without a viable transit system, and a paradigm shift was needed to give residents alternative modes of transportation. The creation of a City Center where residents could live closer to their shops and offices was a way to accomplish it he said. Ms. Colonna added that density was needed to sustain transit. She said a goal of the City Center would be to take trips off the road by having people combine some of their activities in one place. Mr. Caggiano commented on the poor economics of the City's inner transit bus system and that he did not see it changing. Ms. Colonna said a recent meeting with Sam May revealed that the daily minimums for ridership were being met every day but Saturday. She said that transit was a long term proposal that required education to change people's habits and patterns, noting that Uber was a sign of how people were looking for alternatives. Mr. Angier said he was doubtful that people's habits would change and the City needed to take a hard look at the traffic problem that development would create. Ms. Colonna commented that commercial uses generated more traffic than residential. Mr. Angier agreed that the downtown would only be successful with a balance of both, and that planning for the future needed to start yesterday.

Mrs. DeCristofaro expressed a concern about State Road 7 being a busy transit area and the challenges it posed to the developer on how to best get getting people across it. Ms. Colonna said the CRA has had meetings with the Broward County Metropolitan Planning Organization to discuss alternatives to the design of State Road 7 and how it could be made more pedestrian friendly. She said they were receptive to transforming the roadway and they had funding to assist with the effort. Mrs. DeCristofaro said an improved bus transit system would provide a good alternative for teenagers, the elderly, and others.

Mitch Pellecchia, 6890 N.W. 9<sup>th</sup> Street, commented that the City could make the same mistake that was made by the consultant in 2007 because everything that had been discussed at this meeting had been talked about for the past ten years in the City. He commented that

Celebration Pointe was not a low income affordable housing project. He questioned how much of the Toscana project would be affordable housing. He said there was no evidence that younger people were more inclined to take public transportation because they had more access to cars than ever before. He said there was no contiguous plan here and no indication that any of it would work properly. He said many of the questions raised that night remained unanswered. He asked why the conversations that took place that night had not been raised before the CRA engaged a developer or before the project went out for Request For Proposal.

Mr. Angier commented that the issue being discussed was about correcting what had been done in 2007. He said he agreed the amendment should have been done before a developer was engaged because of the significant impact it would have on the development plans. He said he thought the Broward County traffic studies were a waste of time but those were the studies that the City had to go by. He said the Planning and Zoning Board could not make decisions on the items Mr. Pellecchia had mentioned; those comments would have to be addressed by the City Commission.

Mrs. DeCristofaro made the following motion, seconded by Mrs. Yardley:

**MOTION:** SO MOVE TO APPROVE THE AMENDMENT

**ROLL CALL:** Mrs. DeCristofaro, Yes; Ms. Maher, Absent; Mrs. Yardley, Yes; Mr. Caggiano, No; Mr. Angier, Yes. The motion passed with a 3-1 vote.

### 3) **GENERAL DISCUSSION**

Mr. Caggiano wished everyone a great Christmas. He commented on the blood shortage and asked people to consider donating blood.

Mr. Angier thanked Mr. Ziskal for the summary. He commented about how traffic heading west on Royal Palm Boulevard and turning south onto Rock Island Road often backed up into the straight through lane on Royal Palm Boulevard, especially after 4:30 p.m. He said that prior to the left hand turn lane for Rock Island there was a left hand turn lane for Royal Palm Estates. In between the two turn lanes, he said there was a median strip. He said the traffic flow problem could be solved by removing the median strip and extending the left hand turn lane past Royal Palm Estates. Mr. Ziskal said that D.E.S. and the Police Department had been in discussions with the County and he would follow-up and provide a response at the next meeting.

Mr. Ziskal referenced a hand-out that had been provided which was the proposed meeting schedule for 2016. He noted that the City Code did not require a formal adoption of the dates. He said the meetings could continue to be held the first Tuesday of the month. He pointed out one possible change for the August 2<sup>nd</sup> meeting due to National Night Out. He said the meeting date might change to either Thursday, August 4<sup>th</sup> or the following Tuesday, August 9<sup>th</sup>; the decision would be made at a later date.

There being no further business, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES, Engineer, Building Director, Board of Adjustment, Petitioner(s)

DRAFT