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**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
HYBRID VIRTUAL MEETING
<https://us02web.zoom.us/j/81407076810>
MINUTES**

**Tuesday, March 1, 2022
7:00 p.m.**

City of Margate
City Commission Chambers at City Hall

PRESENT:

Richard Zucchini, Chair
Juli Van Der Meulen, Secretary
Todd Angier, Board Member
Grant O'Donnell, Board Member

ABSENT:

Gail DeAngelis, Vice Chair

STAFF PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Nick Noto, City Attorney, Weiss, Serota, Helfman, Cole, and Bierman
Howard Pavillard, Office Manager

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:20 p.m. on Tuesday, March 1, 2022, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) PUBLIC COMMENT

Chair Zucchini responded briefly to comments on social media and apologized for a joke he had made in response, calling it inappropriate.

Rob Reiner, 110 East Palm Drive, stated as a former member of the Board, he wanted to say how important and vital the Board is. He implored the Commission to listen to what the Board shares, even though they serve in an advisory capacity. He asserted it had become personal recently and apologized if he had done anything that did not respect the opinions of others.

Development Services Department

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Tracy Van Winkle, no address given, stated it had been brought to her attention that pressure cleaning the sidewalks in front of a residence was the responsibility of the homeowner.

Chair Zucchini asked by whom.

Ms. Van Winkle stated another resident had told her they called the City and were told this. She asserted if this was true and it was in the Code that way, she did not believe it was correct. She stated the City had always cleaned the sidewalk and curb and it needed to be taken care of, because it looks terrible. She asked that the Ordinance be fixed to make it right.

Continuing, Ms. Van Winkle stated Florida Power & Light was replacing poles near her residence and had blocked the view to pull out of her driveway. She asserted this needed to be corrected before it caused an accident.

Chair Zucchini stated Ms. Van Winkle was a prominent resident who is vocal at the meetings and said he welcomes her comments. He asserted he has been infamous for campaigning against apartments in the City center, and noted the City had undertaken surveys. He asked her to share what vision she has for the City center and what she would like to see.

Ms. Van Winkle responded that she would like to see more restaurants, and more downtown like the Promenade in Coconut Creek. She stated she thought there were enough apartments. Chair Zucchini thanked her and stated he was thrilled to hear her comments.

Donna Fellows, no address given, stated there was a Code in place that states if she redoes her driveway, she has to tear up the sidewalk and replace it. She asserted she had done her homework and neighboring cities do not have that requirement. She stated she believes the Code needs to be changed, because it will keep residents from doing their driveways. Continuing, she asserted if there was a crack in the sidewalk in front of her home, the City would patch it, not replace it.

Mr. O'Donnell responded but was inaudible.

Chair Zucchini asserted Mr. O'Donnell's response was not entirely correct. He thanked Ms. Fellows for bringing the issue to the Board's attention and stated it was a problem. He stated there is a parking problem throughout the City, and the City should be encouraging people to expand their driveways. He noted he hoped the Commission was listening and would significantly reduce permit fees for driveways and sidewalks, as well as turning around driveway expansions in a matter of weeks, not months. Chair Zucchini implored the Building Department and Development Services to do their reviews much quicker. He stated they should incentivize driveway expansion and explained the requirement was on the City level and was absurd.

Continuing, Chair Zucchini stated he had heard two (2) different replies as to whether or not the sidewalks were the homeowner's responsibility, and he did not know the answer to that. He noted the Commission was looking into the issue. He explained he is the president of his homeowners'

association and has seven (7) homeowners in trouble because they did a driveway replacement without a permit and are looking at significant penalties. He reiterated that the City needs to encourage expansion of driveways.

Ms. Fellows stated she agrees, because she is not going to park her car on the street and her husband is not allowed to park his company vehicle on the street. She noted she would be speaking on the matter at the City Commission meeting the following night.

Chair Zucchini stated that if Development Services could do anything to expedite driveway expansion reviews, it would be much appreciated.

2) APPROVAL OF MINUTES

- A) *ID2022-106*
APPROVAL OF MINUTES FOR THE FEBRUARY 1, 2022 PLANNING AND ZONING BOARD MEETING.

Mr. O'Donnell made the following motion, seconded by Mr. Angier:

MOTION: TO APPROVE THE MINUTES FOR FEBRUARY 1, 2022 AS PRESENTED.

ROLL CALL: Mr. Zucchini – Yes, Ms. Van Der Meulen – Yes; Mr. Angier – Yes, Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

3) NEW BUSINESS

- A) *ID2022-097*
CONSIDERATION OF A NEW PLAT FOR A PROPOSED DEVELOPMENT IDENTIFIED AS MARQUESA.

Chair Zucchini asked if any of the members of the Board had ex-parte discussions to disclose. He stated he had discussions with staff in reviewing the application package. He explained the item before the Board was a quasi-judicial hearing.

Nick Noto, City Attorney, swore in those planning to provide testimony on the item.

Staff Presentation

Andrew Pinney, Senior Planner, presented the item on behalf of staff. He provided an overview of the subject property, noting the following:

- Activity Center Land Use
- TOC-C Corridor Zoning

- Central Business District
- CRA

Mr. Pinney explained the property was the east half of an existing shopping center at Coconut Creek Parkway and Banks Road with the west half converted to two (2) charter schools. He described the surrounding properties and current uses.

Continuing, Mr. Pinney showed the demolition plan for the property submitted as part of the site plan, noting the plan included demolition of 67,595 square feet of commercial. He explained with the proposed plat, there was also a request for residential use. He stated the applicant was requesting 92 TOC dwelling units and 128 flex units, and said the plat note currently reads “this plat is restricted to 220 mid-rise units.”

Mr. Pinney provided an overview of the plat process, beginning with technical review by the Development Review Committee (DRC), followed by Planning & Zoning Board and City Commission before proceeding to the subdivider’s performance bond, County process, mylar signatures, and recordation at the County. He reviewed the City requirements for plats, listed in Article II – Platting Regulations, Section 31-18 Procedure for preparation and filing of plats, including the procedure and required features. He highlighted the P&Z Board’s role in review, which was listed as:

- Check lot sizes to assure conformity with minimum standards set forth by the zoning requirements
- Coordinate the recommendations of agencies

Mr. Pinney noted the site plan was provided as exhibit to the application to inform the Board on how staff came to the maximum impact assumptions. He stated the site plan approval was not under the purview of the P&Z at this meeting. Continuing, he reviewed the application history, noting the first site plan was submitted May 11, 2017, and plat reviews were conducted as follows:

- March 13, 2018 – DRC
- November 13, 2018 – DRC
- November 5, 2019 – P&Z Board
- December 8, 2020 – DRC
- January 25, 2022 – DRC

Mr. Pinney stated staff had received legal advice that the application should be weighed against the Code as it existed at the time of the first application, so they had been holding that through the process.

Chair Zucchini asked how many revisions there had been since the original application. Mr. Pinney responded that he did have that information with him, as there are four (4) active applications for the project, but there is a timeline available to send following the meeting.

Mr. Pinney shared the details of the 2019 review by the P&Z, noting some members were on the Board at that time. He stated the staff report at the time included 12 conditions, and the Board tabled the application for the applicant to address the following staff conditions:

- 1 – DRC Conditions
- 2 – Capacity Analysis for Wastewater Collection System
- 5 – Banks Road Median
- 6 – Resolve Broward Surface Water License Violation
- 7 – Resolve Alternate Water Storage Issue with Cocomar Water Control District
- 9 – Modify NVAL line on Parce A, Central Park of Commerce Plat
- 10 – Provide eight (8) foot tall Masonry Wall Along North Property Line

Mr. Pinney explained one (1), two (2), and five (5) and were resolved, six (6) and seven (7) were still pending, nine (9) was the next item on the agenda, and 10 had been removed by staff after meeting with the applicant and discussing the site's limitations. He noted an email had been received from the engineer that the outstanding items were set to be resolved with an installation by March 4.

Continuing, Mr. Pinney stated during the most recent DRC review there had been no comments from Building, Fire, Public Works, Police, or the CRA. He shared the Department of Engineering Services (DEES) pending comments as follows:

- DEES:
 - Easements
 - Require temporary easements prior to final approval, effective until utilities are relocated
 - Drainage
 - Conceptually approved, final approval with engineering permit
 - Utility plan approval
 - Conceptually approved, final approval with engineering permit
 - Drainage District approval
 - Cannot approve final plat without written approval of drainage district
 - Ordinance pending

Mr. Pinney noted the application had been recommended for conditional approval by the DRC on January 25, 2022. He explained DEES had positive findings on the following:

- Certificate of Title
- Response to comments
- Availability of potable water
- Availability of wastewater treatment
- Traffic
- Streets, sidewalks, and public places

- Water distribution system
- Wastewater collection
- Solid waste and recycling

Mr. Pinney reviewed the Development Services (DSD) comments, noting the Parks & Recreation Trust item remained outstanding:

- DSD:
 - Lot Size
 - 8.113 acres (zoning minimum = 10,000 square feet)
 - 493 feet frontage (zoning minimum = 100 feet)
 - Sufficient TOC dwelling units north of City Center
 - Sufficient flex units in Flex Zone 35
 - Provide appraisal and payment into Parks & Recreation Trust
 - Coordinate with School Board
 - Connectivity
 - Compatibility

Mr. Pinney explained the Parks & Recreation Trust payment should be five (5) percent of the value of the property.

Chair Zucchini asked if there was any explanation as to why the payment had not been included. Mr. Pinney responded Section 31-19 of the Code describes a negotiation process between the City Commission and the applicant, so it did not appear critical to have it ready for the P&Z.

Chair Zucchini stated he consider it critical, because with the appraisal they could see what level of service and quality this development will have. He asserted from the appraisal they could see what the income was and calculate the potential property tax revenue and see what level of apartment complex was planned. Mr. Pinney assured that had there been time to have the appraisal ready in time for the P&Z, staff would have had it ready.

Chair Zucchini addressed the City Commission and stated apartments generating property tax revenue to the City is based on their ability to generate income. He asserted that income is based on the average rental rates and the kind of product offered on the market. He stated without an appraisal, the Board cannot anticipate the rental rates, which puts them in the dark on evaluating what kind of level of project this is. He asked the Commission to take this into account.

Mr. Pinney stated the School Board had provided a letter the day before the meeting explaining they anticipate a 220-unit development to generate 18 students.

Ms. Van Der Meulen and Chair Zucchini questioned the number of students contemplated. Mr. Pinney explained the number was calculated by the School Board and the City has no influence or authority on it.

Chair Zucchini asserted he believed there was a math problem on the School Board. Mr. Pinney encouraged him to contact his local School Board member.

Chair Zucchini stated a 220-unit rental would typically get younger families, which are more than likely going to have children. He asserted 18 was wrong. Mr. Pinney provided additional perspective, explaining the mid-rise apartments have a different generation rate than the lower garden apartments, and noted the bedroom breakdown is also a factor. He stated the proposal includes 68 one (1) bedroom units, 120 two (2) bedroom units, and 32 three (3) bedroom units.

Continuing, Mr. Pinney reviewed the connectivity of the project and explained the DSD had a positive finding. He stated the DRC recommended conditional approval, subject to the following:

1. The findings and conditions of the DRC
2. Banks Road median improvement
3. Decorative pedestrian amenity in open space easement (fountain, fire pit, statute/public art, or combination thereof)
4. Eight (8) foot tall vinyl fence along north perimeter

Mr. Pinney showed a photo of the existing conditions and stated currently there is a plat restriction that allows for right turn only out of the exit, but with no median, the option remains.

Chair Zucchini noted there are two (2) exits from the property existing and asked for clarification on the turn restriction. He asserted it is quite a large access point. Mr. Pinney responded that according to the existing and proposed plat amendment, the exits are right turn only. He described the median improvement proposed by staff.

Mr. O'Donnell clarified that with the improvement, the residents of the apartments (across the street from the proposed development) would no longer be able to make a left-hand turn. Mr. Pinney confirmed this was correct.

Mr. Pinney noted eight (8) feet was usually taller than Code allows. He referenced the following Code sections for consideration:

Section 3.14(20) Fence

P&Z Fence/Wall Authority:

Notwithstanding the above requirements, pursuant to Section 31-19, the Planning & Zoning Board may require fences and walls for screening purposes of a height, location, and type as may be necessary on new subdivisions and resubdivisions of existing ones.

Mr. Pinney also noted the following policy from the Comprehensive Plan as it existed in 2017:

Policy 4.8 Residential – Industrial Buffering

“Industrial land uses should be buffered from residential areas by canals and lakes, setbacks, landscaping, and architectural design.”

Chair Zucchini asked about landscaping.

Mr. Pinney stated there is already a lake existing, the building placement is toward Coconut Creek and away from the northern property line, which addresses setbacks and architectural design. He noted landscaping along the north side included a number of existing trees and additional landscaping was planning for the south side of the alley which connects the western property. Mr. Pinney stated they seem to be checking the boxes on Policy 4.8, but staff had asked the applicant, and they accommodated, including the fence, but that was up to P&Z recommendation.

Chair Zucchini clarified the staff recommendation had gone from a concrete wall to a vinyl fence. Mr. Pinney responded that was correct.

Chair Zucchini noted the fence would be much less expensive and posited that might leave left-over money for enhanced landscaping to create a sound barrier to the industrial complex across the canal. Mr. Pinney shared the elevation of the applicant's fence concept, which included layered groundcover, a hedge maintained at six (6) feet, understory trees, and shade trees.

Chair Zucchini asked what would be on the west side where it joins the school. He noted he is concerned about that. Mr. Pinney asked that the applicant address that question during their presentation.

Chair Zucchini asserted he is concerned about residential walking traffic between this complex and the school. Mr. Pinney stated he hears that concern, and asked the Board to bear in mind the current condition is a vacant shopping center where anyone can drive or walk in. He noted he believes the school has its own fencing close to the building, but the applicant would better address that concern.

Chair Zucchini stated that in the County when there is a residential development next to a school, he does not believe that connectivity applies. Mr. Pinney responded that there are a number of elementary schools in the middle of residential neighborhoods. He stated in those instances, the schools provide their own fencing, but they are tucked right into the neighborhood.

Mr. Pinney continued to review the DRC conditions. He stated in the TOC, properties of a certain size are to provide open space for public enjoyment. He referenced the Code section as follows:

Section 9.15 Open Space

(c) “Shall provide pedestrian amenities such as benches, waste cans, public art, fountains, etc.”

Mr. Pinney shared an aerial view from the landscaping plan of the applicant's concept for the open space. He noted there is an easement to preserve the area at Coconut Creek Parkway and Banks

Road as open space. He showed an elevation and stated staff is asking for additions. He shared an example from Palm Beach which includes the components recommended to give an idea of the elevated upgrade requested.

Chair Zucchini asked if there was a colored rendering from the applicant. Mr. Pinney stated there was no requirement to provide a colored rendering except on the public hearing sign.

Chair Zucchini stated that was something the City should address. He asserted for a development of this size, to imagine the quality of the project was difficult from a black and white site plan.

Chair Zucchini asserted the example images had nothing to do with the project. Mr. Pinney explained they were just examples of similar acreages to illustrate the staff recommendation.

Mr. O'Donnell stated the staff presentation had not addressed parking. He asserted with 220 units there would be a large need for parking, with even one (1) bedroom units having two (2) cars.

Chair Zucchini asked Mr. Pinney to read the Code change related to off-street parking which passed in 2018. Mr. Pinney said he could summarize the change. He reiterated that the original submission was in 2017 and staff had been given legal advice to apply the Code as it existed at that time. He pointed out the current discussion was regarding the plat, and the parking was more an aspect of the site plan.

Chair Zucchini stated he was looking for the language of the Resolution, because if he remembered correctly, it said it applied to any development after a date in 2018, not any application after that time. Chair Zucchini asked legal counsel whether, because the Ordinance states any development and does not say any application, whether he could look at the Code and help to define development for the Board.

Mr. Pinney noted the applicable section of the Code was Section 33.1.

City Attorney Noto stated when his office looked at the question from staff, they considered the Zoning in Progress Resolution when this Ordinance was adopted, and there was grandfathering language adopted by City Commission.

Chair Zucchini stated he read the Ordinance recently and it said development, not application, and the Board did not have a definition of development. He added that he would tend to disagree with the City Attorney and the recommendation made.

Mr. O'Donnell asked whether the project would be sharing parking at all with the school. Mr. Pinney stated there was a cross-access easement shown on the plat, and with the site plan provided in the backup materials there was a Master Parking Plan to show how both sides would function when divided and redeveloped.

Mr. O'Donnell asked whether the assertion was that they should not be talking about that at this time. Mr. Pinney explained the agenda item was the plat, which is a recordation of property.

Chair Zucchini asserted that after this meeting, the item would not come back to the P&Z. Mr. Pinney stated that depended on the motion.

Chair Zucchini stated if the Board approved the plat amendment, they did not get to see the rendering, appraisal, or what level of project it is, as it does not come back to the P&Z again. He asserted all the Board looks at during this meeting is the plat amendment, but they don't have those tools at their disposal. He asked that the City Attorney look up the Resolution he had previously referenced. Continuing, Chair Zucchini stated he hoped to get to a point where they could discuss parking. He asserted the City had gone through some developments like Tuscana and Avalon which were beautiful products and pay a good amount of property tax, however there is a deficit of parking. He stated the change in 2018 was for that reason, to make sure there was sufficient parking and to not repeat past mistakes.

Ms. Van Der Meulen stated she believed one (1) of the schools goes up to 12th grade, so there would be seniors parking on the property. She asked how it would work out for seniors to park their cars and the parking to be shared. She stated with the addition of people renting, there would be fighting over parking spots.

Mr. Pinney reiterated that they were not looking at the site plan, only the plat. He stated if they had looked at the site plan provided, they would have found a Master Parking Plan with a parking calculation drafted by Dennis Mele. He noted the Ascend Charter Academy went through 12th grade, and stated he also questioned the number of students and how parking would be split. He explained the way Ascend is structured is that students attend in shifts, and the majority of students are online or virtual students. Continuing, Mr. Pinney stated the Master Parking Plan submitted has 71 parking spots labeled and reserved for Marquesa Apartments use only.

Chair Zucchini asked how many parking spaces would be required if the current parking code was being addressed. Mr. Pinney stated under the current Code, for 220 units with that bedroom mix, with the credits for transit and the credits for being in the TOC, they would have had to provide 505 spaces.

Chair Zucchini asked the total number of spaces in the proposal. Mr. Pinney responded all in, when you count the shared parking, there are 418. He stated the old Code requirement was 345.

Chair Zucchini asserted the current Code discourages shared parking. Mr. Pinney stated he did not think it did.

Chair Zucchini stated there was a Resolution of the Commission discouraging shared parking between residential and commercial. Mr. Pinney stated they had a proposal for a division between residential and commercial, but he did not believe the Commission had adopted it that way. He noted he would love an education on the matter.

Chair Zucchini noted the comment and asked the Board if they had heard it. He stated in fairness, the applicant was providing more than was required under the old Code. Mr. Pinney agreed they were about half way between the two (2). He added that it was four (4) stories, would have elevators and be a nice-looking property.

City Attorney Noto shared a quote from the memo his office had drafted in response to the staff question regarding the application. He noted the memo quoted the Resolution and read the quote into the record as follows:

“Zoning in Progress is a measure which will place a temporary hold on the City’s review and approval of applications for new residential development except those filed before March 21, 2018.”

City Attorney Noto stated it was his understanding the original filing of the applications being considered at this meeting was May 11, 2017, and February 7, 2018, so when looking at this, considering the Zoning in Progress Resolution and also considering the petitioner had been through the DRC process in multiple years, during all of which time they were subject to the old Code standards, it was the firm’s recommendation that best practice to avoid any sort of reliance argument on behalf of the petitioner would be to proceed with that interpretation.

Chair Zucchini stated he was a stickler for precision in Resolutions.

Mr. O'Donnell asked how many units were expected in 2017 when the application first came to the City. Attorney Dennis Mele, speaking on behalf of the applicant, stated it was 220.

Applicant Presentation

Attorney Dennis Mele distributed graphics which were not part of the plat package. He responded to earlier concerns expressed by explaining there was a fence between the project and the school. He stated they did not want people walking back and forth indiscriminately.

Chair Zucchini asked what kind of fence. Mr. Mele stated it was a decorative aluminum fence which might be referred to as wrought iron.

Chair Zucchini asked the height of the fence. Mr. Mele responded it would be six (6) feet tall and noted it could be seen on sheet SP-2 of the application package.

Mr. Mele stated he had been doing this type of work for a very long time, first in government and now in private practice, and would not defend the numbers from the School Board, only report those were the numbers provided. He explained he knew the numbers were established through periodic surveys for the purpose of collecting impact fees. He noted studies were conducted every three (3) years and pointed out the numbers only included school-age children that would go to public schools. Mr. Mele asserted that notwithstanding the methodology, the report showed the local schools have enough capacity that even if there was a lot more than 18, there was still plenty

of room. He added that the School Board generates the number, and all parties are required to use it.

Chair Zucchini posited they may be counting on a lot of private school students. Mr. Mele responded they probably are and noted a lot of students are lost in middle school.

Mr. Mele addressed the parking concerns, noting though there were interpretations from several City Attorneys, including City Attorney Noto and his predecessors, who all consistently said because the application was filed in 2017, they were grandfathered in to the old parking Code, they had said that was all they were doing. Mr. Mele explained there are 347 spaces on the property itself, and another 71 in the easternmost drive aisles of the school. He stated the concept is that the school generally uses the spaces during school hours, and the heaviest parking load for apartments is at night when people come home from work, as well as on the weekends. He noted the spaces were not required as a legal matter, but when the City shared their observations from other complexes that they thought more parking was needed, additional spaces were added.

Continuing, Mr. Mele stated there had been a question about the eight (8) foot vinyl fence. He noted he was not present for the 2018 P&Z meeting, but he had reviewed the minutes and spoken with staff, and it was his understanding that staff had made the recommendation for a wall and the Board had other recommendations. He explained they had gone away from the wall because of the utilities which are there and existing trees they don't want to remove. Mr. Mele stated the plan was for vinyl fence, but it would have hedge material and trees along it. He referenced sheet L-2 in the application package. He noted across the canal is industrial, so they want to screen the apartments from that because people will be living there.

Mr. O'Donnell asked whether people would have to walk through the eight (8) foot fence to get to the property and students would have to walk through a gate to get to the separated parking. Mr. Mele explained there would be a gate.

Erick Valderrama, Legacy Residential, stated on the western side, they had two (2) buildings running north/south with sidewalks meandering throughout the property. He noted between those buildings there would be a single gate with pedestrian access.

Mr. O'Donnell clarified that students would not be walking into a residential area to get to the parking lot. Mr. Mele confirmed all of the school parking was on the school property, and none would be on the residential property.

Mr. O'Donnell asked if the School Board had been notified of the shared parking. Mr. Mele explained this was a charter school, and the people who own and operate the charter school are associates of Mr. Valderrama and his team, so everyone is working together.

Chair Zucchini inquired as to whether it was a codified easement to allow the shared parking. Mr. Mele stated there is an agreement that has been recorded showing the shared parking which would be part of the title for the property.

Mr. Mele stated a student living in the property could go through the gate, and on the way back would need their security fob to get in. He noted this would keep students from wandering into the apartments.

Chair Zucchini stated he was not too thrilled with this.

Mr. Mele explained they recognize the need for security for the school. He asked the Board keep in mind that what has been there for the last several years is a shopping center, where people could go back and forth at will. He noted that was not what they wanted to do in a permanent situation.

Chair Zucchini asserted it was predominantly a vacant shopping center. Mr. Mele agreed.

Chair Zucchini stated he was concerned about the interaction between the fence, between the residential and the school. He added that he wondered if the police officers would have an opinion about that, having school children have access through a fence that was only six (6) feet, and being able to get their hands through. Mr. Mele explained the only way a student could come back into the residential is if they live there and have a security fob.

Chair Zucchini argued anyone from the residential side could just walk through over to the school. Mr. Mele stated they would work with the public safety people to do anything they asked that would make it more secure. He noted they also did not want anything like that, either, and acknowledged a school needs to be secure.

Chair Zucchini asked the age range of the school. Mr. Mele responded that between the two (2) schools, they have all 12 grades.

Mr. Mele noted that the developer recognizes, and the parking code recognizes, that high schools have student drivers. He stated the numbers reflect that, and they did not try to do a lower parking count for the school.

Chair Zucchini stated he was more concerned about residents setting up some type of merchandising activity from the residents to the school children. Mr. Mele responded that he heard what he was saying and reiterated that they would work with the Police Department to make sure they were handling it properly.

Chair Zucchini stated he would rather see a solid barrier. Mr. Mele responded that he would wonder if a solid barrier would cause issues with Police seeing into properties. He noted they constantly have the struggle between putting in as much landscaping as they can and the Police Department saying they want to be able to see in.

Chair Zucchini asserted that with a solid barrier the residential would not have a clear view to see into the school. Mr. Mele noted this was not a review of the site plan, but the plat, and the team is present.

Chair Zucchini stated he knows, but this is the Board's only shot, and the Commission is listening.

Mr. Mele stated even though he was not a part of the team in 2019, when he came in on the project he sat down with Mr. Pinney. He explained Mr. Pinney reviewed all of the things the P&Z had tabled the item for, and said the applicant needed to go back and take care of all of those items, and that is what they did. Mr. Mele stated he recognized the Board would have liked to see a few things that were not here. He assured they would do the appraisal and pay the Parks & Recreation impact fee, which is based on five (5) percent of the value of the property. He added Chair Zucchini was right in that the value of the property is dictated by what can be done with it. He stated the appraisers would be looking at what it is now, and what it is going to be.

Chair Zucchini stated a development like Toscana, on the average they are paying upward of \$1,200 a year property tax to the City, and a development like Arbor View will be paying slightly more than \$400 a unit to the City. He asserted Margate is a City that needs to be concerned with its revenue generation and property tax generation. Chair Zucchini asserted they want to strongly encourage higher levels of product that will generate higher levels of property tax.

Mr. Mele responded that was understood. He stated when you look at apartments and the way the property appraiser values them, they value the same way commercial is appraised.

Chair Zucchini outlined the factors in coming up with an assessed value.

Mr. Mele stated because the property does not get the benefit of Homestead exemptions or Save Our Home, it is valued and taxed much the way a shopping center or office building would be, based on the occupancy and rents.

Chair Zucchini asserted that on average, properties like condos and apartments will turn over every seven (7) years and will turn over at a much higher market value when they are new than when they are turning over to the current market.

Mr. Mele stated he is not an expert on property taxes, but he was the City Manager of Coconut Creek and with the tax exemptions you do not always get the full value out of residential property because the tax system allows homeowners breaks. He noted apartments do not get that break.

Mr. Mele stated he knows there have been concerns with apartments here, and as they have been working on this project for a long time, they have heard those concerns and tried to deal with those they can.

Chair Zucchini asserted this development was very much different, as the earlier discussion was about the City center, which included apartment development instead of what most of the residents he surveyed have agreed should have entertainment, restaurants, and attractions. He stated that was what they want to see. Continuing, Chair Zucchini stated he had a bit of notoriety because he campaigned against it, saying no 968 apartments. He asserted he did this because

he thought the residents needed to be aware of that subject and added he was proud of the work he did with that.

Mr. Mele responded that he remembered hearing about it at the time, and indicated his client had, as well.

Chair Zucchini stated someone had circulated a video, though he would not mention names, and they also had some fun while they were doing it.

Mr. Mele stated he heard the public speaker mention the Promenade. He noted he represents that project and worked on it from the beginning. He stated it was very difficult to do but is beautiful. He noted the vacant properties at Margate Boulevard and 441 and stated Margate has some great property there that ought to be very special. He stated he understood why Chair Zucchini was concerned.

Mr. Mele explained the application before the Board was basically just a boundary plat, not dividing it into lots and identifying all rights-of-way which need to be dedicated, as well as off-site improvements which need to be done. He noted the applicant would comply with the four (4) conditions of approval recommended by staff. Continuing, Mr. Mele stated he understood the Board did not get to see a picture of what the open space would look like, but he assured when that was produced, they would make sure the Board had it.

Chair Zucchini asked if it would be ready when this application goes to Commission. Mr. Mele stated it would be there, and they would be happy to provide it. He stated he understood the P&Z never wants to hear they don't get to see something, and the applicant wants to make sure they are doing the best they can.

Chair Zucchini asked if there was an estimate or forecast of the anticipated rental rates. Mr. Mele asked Mr. Valderrama to provide detail. He stated the answer would be framed as if the project were starting today, because he is finding that six (6) months from now, it may be more.

Mr. Valderrama stated the development organization keeps all of its apartments and has a property management division. He explained they own over 6,500 units, so quality of the product is paramount. He stated they would be providing common areas, with a pool, tot lot, children-friendly facilities, health and gym center, and would be pet friendly, with a dog park and dog washing station provided. He asserted putting the amenities together with quality and modern technology such as smart locks and smart thermostats is important to young families.

Mr. Valderrama stated they build to the highest quality, but in order to be able to rent quickly, they must be more economical than their neighbors. He explained using the neighborhood as a baseline, they would make sure they are less than everyone else needs to be. He stated they are also struggling with the times as costs go up and they try to keep it as cost-effective as possible.

Chair Zucchini asserted if they rent at less than their competition, it means they will be paying property tax that is less than the competition.

Mr. Mele stated the average rent would be about \$1,900 a month, with smaller units a bit less and larger units a bit more.

Chair Zucchini stated he believes the Toscana is significantly higher than that, with an average of \$2,300-\$2,400. Mr. Mele responded they only have 15 percent of units as three (3) bedrooms. He noted the previous conversation about the number of students and stated the more three (3) bedroom units a development has, the more children it will have.

Discussion

Mr. Angier stated he was among the Board members on the dais in 2019. He noted if he remembers correctly, the items on the list of conditions were not things made up as a Board but were provided by staff as recommendations. He stated there were more recommendations, but the items in Mr. Pinney's staff report were the significant items the Board had picked out when they tabled the item. Continuing, Mr. Angier stated the Board felt they had to table the application because the attitude of the applicant at that time was basically, they did not need to solve the problems and they did not need to address the issues, and tabling it was the only way to get them to take it seriously. He asked Mr. Pinney if he was correct in that.

Mr. Pinney responded that he was absolutely correct, the staff report from 2019 had 12 recommended conditions of approval and the Board picked out the numbers listed on the staff report presented earlier in this meeting. He stated the engineer driving the project in 2019 wanted to defer a lot of the analysis to permitting, rather than up front, which the Code calls for with the impact analysis. Mr. Pinney stated there was some communication breakdown between that engineer and DEES at that time, but he green lit the majority of the items the Board used to table the item in 2019. He explained there has been an analysis of the wastewater distribution system and DEES agreed to it.

Mr. Angier stated if he remembers correctly, there was at least one (1) item on that list in the report given which staff had asked 11 times to be dealt with and the applicant was putting them off consistently. He noted he was sure there were new attitudes here, or at least he hoped there was. Mr. Angier stated it seems staff has worked with the applicant to resolve most of the issues and has recommended approval subject to the four (4) items discussed. He asked whether those items were things staff was actively working on with the applicant and would be solved, or the application would need to be put off because staff was having a hard time finding resolution.

Mr. Pinney responded the new development team is much more responsive. He reviewed the status of the four (4) conditions as follows:

1. The findings and conditions of the DRC
Applicant has knocked out the majority of conditions

2. Banks Road median improvement
Already incorporated into site plan
3. Decorative pedestrian amenity in open space easement (fountain, fire pit, statute/public art, or combination thereof)
Discussed briefly at DRC, could use refinement
4. Eight (8) foot tall vinyl fence along north perimeter
Applicant has put into site plan

Mr. Angier pointed to the DRC comments and stated several were listed as “comment ongoing” and asked whether those were being worked out. Mr. Pinney stated the comments he was referencing were DEES comments, and a lot of those the applicant is not technically able to tie up until the engineering permit is processed.

Mr. Angier referenced the comment regarding a decorative pedestrian amenity and asked whether it was really up to the Board to decide what they put in, whether it be a fountain, fire pit, or other. He stated the picture Mr. Pinney shared was impressive, and he would love to be able to say that is what they have to do, but he is not sure that is what the applicant would like to do.

Mr. Pinney stated on something like that, the P&Z would be a recommending body and the City Commission would have final authority to tie conditions to approval. He explained the source of the sample photo and acknowledged it was on public property but was used to illustrate that he thought they could do something better than flowers and shrubs.

Mr. Angier asked if they include in the approval that the Board would like to see something like that in place, whether they would have to come up with something staff and the Commission have to approve of. Mr. Pinney stated it is not binding, and the Commission would have final authority, but he wanted to see if the boards were on the same wavelength as staff. He noted if they like it, they can include it in the motion. Continuing, Mr. Pinney explained the Board does have full authority over the fence on the north side and its height, as that is specifically identified in Code.

Mr. Angier stated from what he saw the original intention of the wall was privacy and buffer between that property and the north property, so he would imagine the vinyl serves the same purpose. He noted he did like the landscaping and added that he could not see the Board being opposed to having the vinyl wall. He stated he would love to see something of a decorative nature added to the project, as it would be a nice touch.

Chair Zucchini stated he was more concerned about the western fence that adjoins the school, as the north has a natural barrier.

Mr. Angier responded that he agrees with what Mr. Pinney had said, that most schools are going to fence in their property and provide their security. He stated he did not think it was going to be this development's responsibility to provide security for the school, and when Chair Zucchini was saying there might be residents in this development selling things to the children, maybe those schools are going have to have on-site security in order to address whatever it is he is thinking

they are going to sell. Mr. Angier stated he was not clear it becomes the responsibility of the development to provide to provide security for the school and noted that was just his opinion.

Chair Zucchini responded not security for the school, but maybe they could encourage a more substantial barrier to reduce the interaction between the residents of the apartment complex and the school.

Mr. Mele referenced page SP-2 of the backup materials and noted the buildings act as a barrier between the residential and the school, in addition to a gate between the two (2) buildings. He stated most of the distance is covered by the buildings, and the gate would be locked.

Mr. Angier noted Mr. Pinney said the north fence was the Board's responsibility to make a decision on and asked whether the barrier between the property and the charter schools was also the Board's responsibility.

Mr. Pinney stated the Code does not delineate which property line. He explained the staff recommendation was to enhance the north, but if the Board sees fit to enhance the west, that is within their purview.

Mr. Angier stated if someone wanted to propose something different than a wrought iron fence, they could do so.

Chair Zucchini responded that he would not be handcuffed either way but would still make a resolution or recommendation.

Mr. Angier stated his main concern was that the attitude was one of cooperation and trying to work out the things staff wanted to see done. He noted he did not think three (3) years ago the recommendations were frivolous or unimportant, and stated he did not believe staff would ask for them if they were. He asserted they things that needed to be done, and his attitude three (3) years ago after reading the staff report was that the developers were determined not to work with staff. He stated as long as that had changed, his personal opinion was that this was going to be a whole lot better use of the property.

Mr. Pinney pointed out Code limits the front fence along Coconut Creek Parkway to four (4) feet in height, and it is under the Board's purview if they would rather see six (6) feet with decorative columns and aluminum rail.

Chair Zucchini stated the property across the street, Colonial Park, has a six (6) foot fence, including the front of the property.

Mr. Mele added that he was not a part of the project in 2019, and it is always his approach that they try to reserve every issue they can before any hearing. He stated he ties to come to P&Z with everything in the proper order and integrate comments from P&Z before going before the City Commission. He noted the developer had also replaced engineers, and stated he believed

staff would agree they are doing a much better job. He stated a design team had also been added and asserted they would come up with some kind of public art display appropriate for that corner satisfactory to the City.

Chair Zucchini stated he has a reputation for being anti-apartment, but he is not. He asserted he is pro smart development, and certainly Margate needs more development to generate revenue. He stated he is bothered by the average rental rate being lower than he expected, and noted he hopes it to be higher on the appraisal. He stated he is bothered by the west fence and would like to see something much more substantial. He asserted they had heard a lot about the north fence, but it already has a natural border, and he is not as concerned about that as the west fence and a six (6) foot fence encompassing the property.

Mr. Mele stated they would be happy to change the four (4) foot fence to a six (6) foot fence. Chair Zucchini stated Commission may have to change Code.

Chair Zucchini noted he hoped by the time the item goes before City Commission they can see a beautiful rendering, and a true representation of what kind of additional embellishment the developer will do. He stated those are the things he has concern with.

Mr. O'Donnell stated his issue was the shared parking. He asserted parking on the street is a big thing dealt with in the City, and as people sometimes have three (3) vehicles for each unit, he does not think there is enough parking for the development. He stated he believes the Board had done their due diligence and should allow the Commission to figure that out. Continuing, Mr. O'Donnell stated what was presented was beautiful, the landscape would look nice, and if they put a statue in the corner, it would look beautiful. He asserted what they were doing was appropriate for the City and would enhance that corner. He stated what is there now is an eyesore, and the developer is putting the time and effort in to do it right.

Chair Zucchini responded that he is not happy with the parking, either, however they have satisfied and exceeded the requirement. He stated he hoped this was the last development in the City where parking is underserved to the new Code.

Public Comment

Chair Zucchini opened a public hearing on the item.

Tracy Van Winkle asked that if you are going to build a complex and have all of the bushes behind it, please maintain them. She stated the complex behind her does not and that is annoying. She added that she does not like the idea of an apartment complex being that close to schools, and stated she was not even talking drugs, but was talking sex offenders and others. She asserted to her, \$1,900 is a lot of rent.

Donna Fellows asked what happens with shared parking if the schools have a night event, as they would have it so they cannot park, and the parents and grandparents would be parking on

the street. She asserted she is a grandmother and goes to all of her grandchildren's functions, so she thinks they need to think about that. She stated they need to not share the parking but give the school what they need and accommodate them.

Chair Zucchini responded that was an excellent question, but with the two (2) schools adjoining, he would imagine if they were going to have a special occasion they would coordinate with each other to share parking between the schools.

Ms. Fellows stated a night event would have faculty, parents, and grandparents attending, but now they also have the renters in the lot, and they are not going to have enough room.

Chair Zucchini stated it was a good point, and noted they are approving something that does not meet current Code, because apparently the City Attorney says their application preceded the current Code, so they do not have to abide by the newer.

Ms. Fellows asserted if she was a faculty member, she would not want shared parking, because you do not know what is going on in that parking lot. She stated right now they have no parking going on in the lot, and while it is an eyesore, she would not want shared parking.

Mr. Mele responded that the landscape maintenance would be handled by the developer's own landscape maintenance company all the time. He noted as previously mentioned, the developer builds and owns the property, and are not just selling it, so they will be maintaining it because if they want people to live there it has to look good.

Continuing, Mr. Mele addressed the shared parking with the school, noting it is only the two (2) easternmost drive aisles of parking, totaling 71 spaces, and is a very small percentage of the spaces on the school itself. He explained the parking study done on the school looked not only at normal daily attendants, but events such as those described. He stated that had been accounted for, and there would not be a shortage.

Mr. O'Donnell stated they can say that, but they are still going back to the old Code, and the newer Code is outdated. He asserted even with the study, he still did not believe there was enough parking, but he was willing to let it go to the Commission and let them try to sort it out because what was proposed was a beautiful project. He stated the City of Margate is way over done on rental units, but what is being proposed on the corner works for the City, so he is for it.

Chair Zucchini responded they can be for it, but still add some conditions to the approval if the Board goes that way.

Julie Jones asked Mr. Mele if she were renting an apartment in the complex, how many parking spaces she gets. Mr. Mele stated there would not be assigned parking.

Chair Zucchini asked if they would allow trailers. Mr. Mele stated in an apartment complex like this development, when someone signs up to rent, they do a criminal background check, credit

check, they do not allow recreational vehicles, commercial vehicles, boats, or trailers, it would be limited to regular vehicles.

Chair Zucchini asked whether they can deny a prospective tenant based on a background check of criminal history. Mr. Mele confirmed they can.

Chair Zucchini closed the public hearing.

Discussion

Chair Zucchini reminded the Board they could add additional conditions to the motion. He reiterated his concern regarding the western fence, that there is no appraisal or rendering, and that the pretty picture of the public space does not apply.

Mr. O'Donnell asked whether the Board wanted to ask the applicant to come back. Chair Zucchini stated he did not believe so, as it would go on to the Commission, and the Commission was hearing this meeting. He noted the Commission would then see whether the applicant was responding to the conditions.

Mr. Angier stated he would make a motion but would defer to Chair Zucchini on what he wanted to request the applicant put in on the north side because what was proposed was fine by him.

Chair Zucchini asked that the motion also state they should have an appraisal and rendering ready for the Commission, as the appraisal will tell the Commission what to expect for rental rates. Mr. Angier argued that was a moot point, as the appraisal was required for the Commission. He agreed to include it in the recommendation.

Mr. Angier made the following motion, seconded by Mr. O'Donnell:

MOTION: TO RECOMMEND APPROVAL OF THE NEW PLAT FOR A PROPOSED DEVELOPMENT IDENTIFIED AS MARQUESA WITH CONDITIONS AS FOLLOWS:

1. The findings and conditions of the DRC
2. Banks Road median improvement
3. Decorative pedestrian amenity in open space easement (fountain, fire pit, statute/public art, or combination thereof)
4. Eight (8) foot tall vinyl fence along north perimeter as described in rendering
5. Increase height of surrounding fence from four (4) foot to six (6) foot
6. Present appraisal and rendering with application to City Commission
7. Addition of western fence that discourages interaction with the school property

ROLL CALL: Mr. Zucchini – Yes, Ms. Van Der Meulen – Yes; Mr. Angier – Yes, Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

B) *ID2022-099*

CONSIDERATION OF A PLAT AMENDMENT TO CLOSE AN EXISTING NVAL OPENING WITHIN PARCEL "A" OF THE CENTRAL PARK OF COMMERCE PLAT (119-27)

City Attorney Noto noted all those providing testimony had been sworn in.

Mr. Pinney presented the item on behalf of staff. He explained the plat amendment was to close a Nonvehicular Access Line (NVAL) within the western section of the parent parcel. He reviewed the details of the parcel and the details of the 60-foot opening existing on the plat. He stated the proposal was to demolish a driveway, noting a driveway would be added to the Marquesa development. Mr. Pinney showed an overhead view of the driveway to be removed and outlined the process for plat amendment. He discussed the DRC review of the property, noting the only comments were from DEES related to the documentation and had been resolved. He stated the DRC had recommended approval at its January 25 meeting and staff recommends P&Z approval without conditions.

Chair Zucchini asked how closing the driveway would affect the school queue for pick up and drop off. Mr. Pinney explained there are two (2) queues on the property, for parent drivers and school buses, and outlined how each of those cross the property. He stated both would be unaffected by the change.

Chair Zucchini asked how the change would affect vehicles exiting which want to travel east on Coconut Creek Parkway. Mr. Pinney stated the right turn restriction also applied to that opening, so closing it would not affect anyone trying to go east.

Chair Zucchini confirmed that traffic would be able to go east from the other driveway. Mr. Pinney stated there was a driveway further west with a light, and the change would not affect the existing traffic pattern.

Chair Zucchini argued it would if you wanted to go east. Mr. Pinney stated you could not go east from that driveway.

Chair Zucchini stated you would have to do a U-turn on Coconut Creek. He asserted they were eliminating the other driveline that would have allowed the east turn. Mr. Pinney reiterated the driveway proposed for closure did not allow traffic to go east, as it is right turn only.

Chair Zucchini opened a public hearing on the item, however there being none to speak, closed the public hearing.

Mr. Mele presented on behalf of the applicant. He referenced an aerial photo of the property and stated what Mr. Pinney had stated was correct, and the driveway proposed for closure was right turn only, but the western driveway lines up with Lakeside Drive and has a traffic light.

Mr. Angier made the following motion, seconded by Mr. O'Donnell:

MOTION: TO RECOMMEND APPROVAL OF THE PLAT AMENDMENT.

ROLL CALL: Mr. Zucchini – Yes, Ms. Van Der Meulen – Yes; Mr. Angier – Yes, Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

4) GENERAL DISCUSSION

Chair Zucchini stated volunteer public service is a thing to be grateful for, but all sides, including himself, need to tamp down the growing cancer of rancor. He asserted he has been roundly criticized for campaigning for incumbents and campaigning against City center apartments, to the point his personal business was affected, and people interfered with companies he partners with. He stated that ended up on many pages on Facebook and should not be what a volunteer board deserves and if they are talking about City issues, he is more than happy to talk about them at any time and explain his opinions.

Chair Zucchini explained when he first became Board Chair, he did an evaluation of the 31 cities in the County and looked at the concentration of population. He asserted Margate is second of 31 cities in terms of concentration. He stated Margate does a great job of offering affordable housing and market value properties and should always have an eye to development and additional, higher-end revenue. He stated he would like to see higher rental rates and after this, apartments should come in at higher value with a lot more parking. He added that he would like to see a lot more development in condos, townhouses, and single-family homes, and discussed the Margate 2.0 survey, asserting the vast majority agreed with that desire. He stated they also recommended more parks and greenery and said that should be kept in mind. He noted the document was available through the Melon Group, not as a public records request.

There being no further business to discuss, the meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Richard Zucchini, Chair