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REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE MINUTES

Tuesday, February 14, 2017
10:00 AM
City of Margate
Municipal Building

PRESENT:
Timothy Finn, Senior Planner
Andrew Pinney, Associate Planner
Tom Vaughn, Building Department
Chief Dan Booker, Fire
Diane Colonna, CRA Executive Director
Abraham Stubbins, Utilities
Abidemi Ajayi (A.J.), Engineering
Jeanine Athias, Engineering
Lt. Paul Fix, Police Department
Lt. Joe Galaska, Police Department
Dan Topp, Code Compliance Officer

ALSO PRESENT:
Richard Riccardi, Fellowship Living Facilities, Inc.

ABSENT:
Ben Ziskal, AICP, CEcD, Director of Economic Development
Michael Jones, Director of Parks and Recreation
Director of Public Works

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Andrew Pinney at 10:00 AM on **Tuesday, February 14, 2017** in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON JANUARY 10, 2017.

The meeting minutes were approved as written.

2) NEW BUSINESS

Item 2B was heard prior to items 2A and 2C

2B) **DRC NO. 02-17-02** CONSIDERATION OF A REZONING FOR FELLOWSHIP LIVING FACILITIES, INC.
LOCATION: 451, 461, and 471 BANKS ROAD

ZONING: COMMUNITY FACILITIES (CF-1) DISTRICT
LEGAL DESCRIPTION: A PORTION OF PARCEL A & B, BLOCK 1, LOTS 7 & 8, OF "LAKEWOOD GARDENS" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 78, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Timothy Finn advised that the petitioner was requesting to rezone three properties: 451,461, and 471 Banks Road from Community Facilities CF-1 to Multi-Family R-3 District. He explained the R-3 zoning designation would create a legal non-conforming status which would maintain the surrounding residential neighborhood.

Mr. Finn provided some historical background on the item. He advised that the petitioner had requested a prior rezoning of the properties from R-3 to CF-1 at the December 23, 2014 DRC meeting to allow for expansion of the Fellowship Living Facilities. He said it was approved at the Planning and Zoning Board meeting on March 3, 2015 and by the City Commission on March 18, 2015 and April 1, 2015 via ordinance 2015-RZ-1. On November 22, 2016, he said a Reasonable Accommodation meeting was held and the petitioner agreed to rezone the three properties back to R-3 which made all three properties legal, non-conforming. He said the legal, non-conforming status would maintain the residential neighborhood and only allow R-3 uses as stipulated in the Margate Code of Ordinances. He said that under the legal, non-conforming status, any future group care facility and/or hospital would not be allowed.

Mr. Finn said upon approval of this item, staff would consider all three buildings as one facility and it would be capped at 16 people when rezoned back to R-3.

Richard Riccardi, 4829 South Hemingway Circle, asked what being capped at 16 people meant. Mr. Finn responded that it would be the maximum number of people allowed at the entire facility, as was discussed at the Reasonable Accommodation meeting. Mr. Riccardi said it did not make any sense. He said that reasonable accommodations meant that they were allowed to have more people than would be normally allowed for residential properties, something they had been doing for eight years. Mr. Riccardi said that they currently had 26 apartments in the three buildings with four people per unit. There was a short back and forth discussion between Mr. Finn and Mr. Riccardi about what was discussed at the Reasonable Accommodation meeting. Mr. Riccardi said the result allowed for them to continue their operations and to expand it with the rezoning to R-3. He said Mr. Finn's explanation did not make sense.

In light of the discrepancy between the property owner and staff, Mr. Pinney suggested that the item be tabled until the next scheduled DRC meeting.

2C) **DRC NO. 02-17-03** CONSIDERATION OF AN ORDINANCE TO REZONE THREE REAL PROPERTIES TO S-1 RECREATIONAL DISTRICT AND ONE REAL PROPERTY TO S-2 OPEN SPACE DISTRICT
PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Timothy Finn explained that errors and inconsistencies existed between the Margate Future Land Use Map (FLUM) within the Comprehensive Plan and the Margate Zoning Code map. He said staff had identified three real properties to be rezoned to S-1 Recreational District and one real property to S-2 Open Space District, in an effort to have the Zoning Code map be in

compliance with the FLUM. He advised that this was the first group of rezonings in the larger overall rezoning effort.

He identified the specific parcels that were planned for rezoning:

-Parcel 1 would be rezoned from M-1A Industrial Park District to S-1 Recreational District. He said the vacant property was owned by the Margate Community Redevelopment Agency and was under review for a covered sports field, an expansion of the Margate Sports Complex.

-Parcel 2 would be rezoned from R-1C One Family Dwelling District to S-1 Recreational District. He said Southeast Park was located on the property which was owned by the City of Margate.

-Parcel 3 would be rezoned from R-1D One Family Dwelling District to S-1 Recreational District. He said the property owner was BO4 Holdings LLC and was located within the Paradise Gardens Section Two. He explained the discrepancy that existed between the FLUM and the City's Zoning Map and he showed an aerial view of the property. He noted that the recreational areas and the swimming pool were all allowable uses under the FLUM; however, the R-1D designation on the Zoning Map allowed for uses such as houses, churches, wastewater treatment plant, etc. By rezoning it to S-1, the uses allowed under the FLUM would become allowed uses under the Zoning Code he said. He pointed out that the current Zoning Code would allow for a developer to build a church or single family homes on the property. He said that scenario had not occurred in the past or any other parcel zoned incorrectly because the staff always verified the zoning against the FLUM because it was the controlling map used to guide their decisions. He advised that nothing would be stricken away from the property and that everything would remain the same. He explained that the designation for this parcel under the FLUM was Park and it allowed for uses that included public parks, outdoor cultural, educational and civic facilities, including but was not limited to animal exhibits, habitats, band shells and outdoor classrooms; boat ramps and docks; active recreational uses including tennis courts, playgrounds, swimming pools, athletic fields and courts; and, bikeways.

-Parcel 4 was a lake and it would be rezoned from R-1 One Family Dwelling District to S-2 Open Space District. Under the R-1 zoning, he said a house, church, or water treatment plant could be built. He said the zoning designation on the FLUM was Open Space which allowed for open water areas and open land areas.

DRC Comments:

Jeanine Athias asked if the other lakes were zoned Open Space. Mr. Finn said this particular property was selected because its legal description matched what the City had in it books. He said there were issues with the legal descriptions on some of the other properties which included a few lakes. He said a land surveyor would be hired to redo the problematic legal descriptions before those other parcels came before DRC and the City Commission. He said all the lakes would be in the S-2 Open Space District.

Sharon Hevia, President of Paradise Gardens Section Two, expressed a concern about whether this change in zoning would affect their taxes because she said they were tax-exempt today. Mr. Finn responded that it would not affect their taxes. He said if anything, it would make the parcel better because it would be zoned properly. He said whatever taxes they were paying

would not change. She asked what could be built under the S-1 zoning. Mr. Finn said he did not have the S-1 uses but the Park designation was the ultimate zoning and it would allow public parks, outdoor cultural, educational and civic facilities, animal exhibits, habitats, band shells, boat ramps and docks active recreational uses, concessions to the noted uses, etc. He said he could provide the S-1 uses after the meeting.

Mr. Pinney said the item was approved to move forward to the Planning and Zoning Board.

2A) **DRC NO. 02-17-01** CONSIDERATION OF AN APPLICATION FOR A COMMUNITY RESIDENTIAL HOME
LOCATION: 521 N.W. 70TH WAY, MARGATE, FL 33063
ZONING: R-1C ONE-FAMILY DWELLING
LEGAL DESCRIPTION: ORIOLE-MARGATE, SECTION 3, LOT 5, BLK Q, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 74, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
PETITIONER: KHADIJA ALI

Andrew Pinney advised that the petitioner was not present and that the item would be tabled to the next regularly scheduled Development Review Committee meeting. He asked the board members to retain the paper meeting back-up for the next meeting.

3) **GENERAL DISCUSSION**

There was no discussion.

There being no further business, the meeting adjourned at 10:21AM.

Respectfully submitted,

Andrew Pinney
Associate Planner
Economic Development Department

Prepared by: Rita Rodi

Date: 3/30/2017