



**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
MINUTES**

Tuesday, December 13, 2016

10:00 AM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Anthony N. Caggiano
Lesla Peerman
Joanne Simone

City Manager

Douglas E. Smith

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Ben Ziskal, AICP, CECd, Director of Economic Development
Andrew Pinney, Associate Planner
Tom Vaughn, Building Department
Kevin Wilson, Fire
Jeanine Athias, Engineering
Aaron Tauber, Engineering (Sustainability)
Dan Topp, Code Compliance Officer
Michael Jones, Director of Parks and Recreation

ALSO PRESENT:

Delilah Olivera, TNT Fireworks

ABSENT:

Diane Colonna, CRA Executive Director
Abraham Stubbins, Utilities
Abidemi Ajayi (A.J.), Engineering
Lt. Paul Fix, Police Department
Sam May, Director of Public Works

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Ben Ziskal at 10:00 AM on **Tuesday, December 13, 2016** in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

- 1A) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON OCTOBER 25, 2016.
- 1B) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON NOVEMBER 8, 2016.

The minutes for the October 25, 2016 meeting were approved as written. Andrew Pinney advised of two minor corrections on pages three and four of the November 8, 2016 meeting minutes. No other corrections were indicated.

2) **NEW BUSINESS**

****ITEM 2C WAS HEARD PRIOR TO ITEM 2A****

Economic Development Department

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- 2C) **DRC NO. 12-16-03** CONSIDERATION OF AN OUTDOOR EVENT FOR TNT FIREWORKS SPARKLER SALES ON DECEMBER 26-31, 2016.

LOCATION: 5555 WEST ATLANTIC BOULEVARD (LAKEWOOD MALL)

ZONING: TRANSIT ORIENTED CORRIDOR (TOC)

LEGAL DESCRIPTION: A PORTION OF "MARGATE REALTY NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 42, TOGETHER WITH 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.

PETITIONER: DELILAH OLIVERA, TNT FIREWORKS

Delilah Olivera, TNT Fireworks, explained that they had been holding this same event in the City of Margate every Fourth of July and at the end of each year. She said it was a fundraiser for the church. She referenced the event layout on the Mondopad and pointed out the location of a generator that would provide electricity. She said they also installed ground wires for safety. She pointed out the location of the tent and the storage containers.

DRC Comments:

Tom Vaughn had no comments.

Kevin Wilson advised Ms. Olivera to get all the necessary permits as they had in the past.

Andrew Pinney had no comments.

Dan Topp had no comments.

Jeanine Athias had no comments.

Aaron Tauber had no comments.

Mike Jones had no comments.

Ben Ziskal said they would need to provide Hold Harmless documentation and updated insurance information. He advised that the Code had changed and all firework sales now required an approval for each event. He said that anything being sold must comply with State laws for allowable sparkler sales and not illegal fireworks. He said if any of the inspections were not completed or if any of the products were not in compliance with the laws, they would jeopardize their ability to obtain approval for future events. Ms. Olivera said their company complied with the laws and she would not put their company at risk. She explained that their insurance and all the requirements had been submitted to the Building Department.

- 2A) **DRC NO. 12-16-01** CONSIDERATION OF AN **ORDINANCE** AMENDING SECTION 3.22 OF THE CODE OF ORDINANCES ALCOHOLIC BEVERAGES (VII).

Andrew Pinney explained that historically the City of Margate had been broken into five alcohol districts and within each district there were a certain number of allocations of each alcohol

license type. He said that this ordinance would eliminate all five districts and the bank of allocations. With this change, as long as a business was in compliance, it could be approved for an alcohol license he said, with the exception of bottle clubs which would still be prohibited.

For the record, Mr. Pinney provided the following suggested changes to the ordinance:

- on page 7, paragraph (C), remove the strike outs because the entire paragraph was new text
- on page 7, paragraph (C), in reference to the 1,500 foot separation, he said the package store use provided in the TOC, B-2, and B-3 districts should also be updated for consistency purposes. He said package stores in those districts required a 1,000 foot separation from a like use.
- referenced the hours of sale on page 8, noting that the ordinance changed the hours for package sales from 7:00 a.m. to midnight. He suggested either changing the language to reference 'package store' or include the 1APS allocation available by the State to avoid any confusion.
- on page 14, section (XV) (1), remove the word 'of' in front of 'wine' on line 28.
- on page 18, replace 'TBD' with the names of the new commissioners in the Record of Vote.

DRC Comments:

Dan Topp had no comments.

Jeanine Athias had no comments.

Aaron Tauber had no comments.

Michael Jones had no comments.

Tom Vaughn had no comments.

Kevin Wilson had no comments.

Ben Ziskal, for the record, explained the intent of the ordinance changes. He said alcoholic sales at package stores such as WalMart, Winn-Dixie or Publix were discussed at a City Commission workshop. He said Margate was one of a few communities in Broward County that required businesses to wait until noon on Sunday to sell package sales. He said several businesses had complained about their inability to sell alcohol which caused their customers to go elsewhere. He said this ordinance would bring Margate into compliance with neighboring communities for its residents and its businesses. In regards to the districts, he said that as the City moved forward with its redevelopment project, it was deemed beneficial to eliminate any type of quota on the number of alcohol allocations or types of establishments that might serve alcohol, particularly consumption on premises. Not allowing a restaurant to sell alcohol would be a major deterrent for them to locate in Margate he said.

Mr. Ziskal said the item would move forward to the Planning and Zoning Board in January and then on to the City Commission with its second reading occurring on February 1, 2017, prior to Super Bowl Sunday.

- 2B) **DRC NO. 12-16-02** CONSIDERATION OF AN OUTDOOR EVENT FOR HEBREW ACADEMY CHANUKAH FESTIVAL ON DECEMBER 28, 2016
LOCATION: 1500 NORTH STATE ROAD 7
ZONING: COMMUNITY FACILITY (CF-1)
LEGAL DESCRIPTION: ABUNDANT LIFE CHRISTIAN CENTRE, A PORTION OF PARCEL "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
PETITIONER: CAROL STAV, HEBREW ACADEMY COMMUNITY SCHOOL

Ben Ziskal advised that Hebrew Academy had called that morning to withdraw their request. He said that they planned to hold all of the activities inside the facility.

Kevin Wilson commented that he had multiple conversations with them and they said they were going to be lighting kerosene candles in the parking lot. He asked if they were going to do be doing that inside.

Andrew Pinney said he spoke with Carol Stav that morning and she said they would be doing the same events as listed on the application but they would be relocating them indoors. Mr. Wilson said he would follow-up with them that day.

- 2D) **DRC NO. 12-16-04** CONSIDERATION OF AN ORDINANCE AMENDING APPENDIX A ZONING, AMENDING ARTICLE III GENERAL PROVISIONS; SECTION 3.23.3; AMENDING ARTICLE V ZONING DISTRICTS; SECTION 5.1, AMENDING ARTICLE XII COMMUNITY FACILITY CF-2 DISTRICT PROVIDING FOR NEW CONSERVATION (CON) DISTRICT; AMENDING ARTICLE XIII PROVIDING FOR NEW UTILITIES (U-1) DISTRICT; AMENDING ARTICLE XXVIII OPEN SPACE S-2 DISTRICT, SECTIONS 28.2 AND 28.3.

Andrew Pinney explained that the ordinance deleted the CF-2 district and created two new districts: a Conservation District and a Utility District. He said the changes would provide consistency between the Zoning map and the Land Use map. Within each district it also provided intent, a purpose, and permitted uses; it also edited the list of permitted uses within the S-1 and S-2 districts he said.

DRC Comments:

Dan Topp had no comments.

Jeanine Athias provided the following comments:

- advised that the language in the Conservation District was contradictory with Broward County. She said Broward County governed over conservation areas and they had the final say on anything going into those areas, noting that buildings generally were not allowed.
- on page 10, lines 5-6, the term 'water storage' might be interpreted as a water tank, something generally not allowed. She said to refer to South Florida Water Management District terms.
- advised that there were some conflicts with the current infrastructure and possibly future infrastructure in the Utility District. She said she noticed that some of the public utilities listed under Permitted Uses were actually private uses.

- advised that the infrastructure of the City's current water and wastewater plant did not meet the requirements under Permitted Uses.
- advised it would not be feasible to district pumping stations because they were all over the City.
- advised that the FPL easement was considered an open space area and that it counted towards the City's FEMA Community Rating System credits; any change might affect the City's credits
- advised the need for some exemptions and grandfathering for current and possibly future infrastructure for City utilities in the new Utilities District.
- referenced page 13, line 3 (B), and advised the need to look at the City Code for the right-of-way setback requirements to ensure they met Broward County standards.
- referenced page 13, lines 7 through 9 (C), and advised the need to refer to the parking section for the City
- referenced page 13, line 9, asked for clarification on whether the use of 'street line' meant right-of-way line or the parcel line.

Aaron Tauber provided the following comments:

- referenced page 2 (13), and suggested removing the Conservation District from the communications facilities because placing a communication tower on the facility was in conflict with the purpose of the District.
- referenced page 10, line 5, and said that Broward County had separate Conservation Districts which allowed for different types of uses whereby one allowed for structures and another did not allow for structures. He said it would be helpful to clarify which areas were allowed to have structures for flood control, drainage, etc.

Ms. Athias commented that the Engineering Department would like to work with the Economic Development to make any necessary tweaks to the ordinance if it moved forward.

Michael Jones commented that if the City decided to make a park area a land conservation area, there would likely be a need for structures, such as for educational purposes. He said he wanted to make sure this ordinance was not restrictive but provided that flexibility moving forward.

Tom Vaughn had no comments.

Kevin Wilson had no comments.

Ben Ziskal provided further explanation for the ordinance changes. He explained that currently the City's Zoning map was in conflict with the Land Use map and that, under Florida law, the Land Use map was the legally binding map. He said situations existed where properties had a Land Use such as Conservation or Open Space but they were zoned Commercial. He said the City did not have a Conservation or Open Space district in which to rezone them. He provided a few examples of zoning conflicts. First, at Merrick Preserve, he said there was a wetland/conservation area that was zoned B-2, a zoning that would allow construction of a shopping center. Another example was the FPL easement which he said was mostly zoned residential even though it had an Open Use Land Use designation. He referenced Ms. Athias' comment about open space credits and stated that it [FPL easement] was being reported as Open Space when reporting based on Land Use, but if the City ever had to report on how much

of the City was zoned a certain designation, all of it would count as Residential which would be incorrect.

Mr. Ziskal said Economic Development would work with Engineering to make any necessary changes to comply with Broward County. He said the goal was to create the new zoning districts so that the properties could be rezoned to be in compliance with the Land Use maps. In addition, the reporting would be clear and there would be consistency when someone purchased property. He explained that this was a housekeeping item for the existing land as it were today; the intent was to clean up conflicts and not to rezone other portions of the properties.

Mr. Ziskal explained that this was a process and Economic Development would start rezoning once the ordinances were in place. He said Economic Department would work to resolve any conflicts that might arise with the County. He said much of the language was taken from the Comp Plan as well as other municipalities that had Conservation and Utilities districts; any tweaks in the language could be made. A meeting would be set up to work with the Engineering staff he said. The ordinance would move forward to Planning and Zoning and then on to City Commission he said.

3) GENERAL DISCUSSION

There being no further business, the meeting adjourned at 10:22AM.

Respectfully submitted,

Prepared by: Rita Rodi

Benjamin J. Ziskal, AICP, CECd
Director of Economic Development

Date: _____