



**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
REGULAR MEETING
<https://us02web.zoom.us/j/82377962098>
MINUTES**

Tuesday, August 13, 2024

7:00 p.m.

City of Margate

City Commission Chambers at City Hall

PRESENT:

Antonio Spavento, Vice Chair

Elsa J. Sanchez, Secretary

Eugene Eccli, Board Member

Mohamed M. Sulaman, Board Member (at 7:12 p.m.)

ABSENT:

Shekinah Awofadeju-Major, Chair

ALSO PRESENT:

Amelia Jadoo, Weiss, Serota, Helfman, Cole, & Bierman, City Attorney

Elizabeth Taschereau, Director of Development Services

Andrew Pinney, AICP, Senior Planner

Paul Ojeda, Associated Planner

Mikhailia Alleyne, Office Manager, Notary

Mathew Scott, Attorney, Greenspoon Marder, LLP

Michael Fimiani, Owner, Fimiani Development Corporation

Jeff Hodapp, Land Surveyor, Perimeter Surveying and Mapping

City Commission

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Antonio V. Arserio

Anthony N. Caggiano

Joanne Simone

City Manager

Cale Curtis

City Attorney

Weiss Serota Helfman

Cole & Bierman

City Clerk

Jennifer M. Johnson, MMC

The regular meeting of the Margate Planning and Zoning Board (P&Z) of the City of Margate, having been properly noticed, was called to order at 7:03 p.m. on Tuesday, August 13, 2024, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063. The Pledge of Allegiance was recited.

1) NEW BUSINESS

A) *ID2024-2347*

CONSIDERATION OF A SUBDIVISION RESURVEY FOR NOVE OF MARGATE. (DRC NO. 23-400065)

Amelia Jadoo, City Attorney, introduced the item by title only, then explained the items before the Board were quasi-judicial in nature and outlined the rules and procedures to be followed. She asked for any ex parte disclosures from the Board.

Development Services Department

901 NW 66th Avenue, Suite C, Margate, FL 33063 • Phone: (954) 979-6213

www.margatefl.com • dsd@margatefl.com

Mr. Eccli disclosed that Michael Fimiani had called him and they had a brief conversation regarding the project. Ms. Sanchez advised that Mr. Fimiani had texted her approximately two (2) months prior following the Broward County Planning Council meeting to outline his proposal.

Mikhailia Alleyne, Office Manager, Notary, swore in those planning to provide testimony.

City Attorney Jadoo reviewed the agenda and clarified the topic before the Board at this time.

Staff Presentation

Andrew Pinney, Senior Planner, presented on behalf of staff. He advised the application was for a Subdivision Resurvey application for Nove of Margate project, to be located at 7870 Margate Boulevard. He noted this was the fourth application filed for this development, and advised the zoning and Land Use Plan Amendment (LUPA) for the property were discussed at a Planning and Zoning Board (P&Z) hearing in November 2023. He explained a Subdivision Resurvey would draw the lot lines on the tract of land for the future development, including lots for townhouses and dedication of easements. Mr. Pinney shared an aerial photo of the subject party, which is roughly 21.3 acres previously used as a golf course.

Mr. Pinney reviewed the Code requirements for the Subdivision Resurvey, as follows:

40.401 of the Unified Land Development Code (ULDR):

After December 20, 2023, no lot, tract, or other parcel of land, however designated, which is part of a subdivision recorded in the official records of Broward County after June 4, 1953, may be further divided or resubdivided without approval of a Subdivision Resurvey.

Mr. Pinney stated the developer intends to sell the townhouses fee simple, so property lines must be established.

Mr. Sulaman joined the dais at 7:12 p.m.

Mr. Pinney provided a high-level overview of the subdivision process, beginning with a technical review by the Development Review Committee (DRC) and culminating with recordation with Broward County. He outlined the role of the P&Z to verify lot size and coordinate recommendations to the City Commission. He stated the development planned to go into the Planned Urban Development (PUD) district, which has an overall acreage requirement but does not include a minimum for the 132 townhouse lots. He advised that the DRC had recommended approval at its June 11, 2024, meeting, subject to conditions as outlined in the staff report and contingent upon the Rezoning application.

Mr. Eccli asked if the Rezoning application had been submitted. Mr. Pinney stated the application had been submitted. He noted there was a P&Z public hearing to review the application in November 2023, the City Commission heard the item in December 2023, and the application is now on hold pending the concurrent LUPA application. He stated the Florida Department of

Commerce provided an expedited review and had no comments or objections to the application, and Broward County had its second hearing scheduled for September 2024. He explained that once the applicant completes the County process, the City Commission will schedule a final hearing for the LUPA, Rezoning, and Subdivision Resurvey.

Mr. Eccli asked if there were any conditions that had not been met which prevent the P&Z from completing the business on the agenda. Mr. Pinney confirmed there was nothing that would prevent a recommendation at this time.

Applicant Presentation

Matthew H. Scott, Esq., Greenspoon Marder, LLP, presented on behalf of the applicant. He stated he was joined by Michael Fimiani, Owner, Fimiani Development Corporation, and Jeff Hodapp, the land surveyor who had completed the plan. He explained the project site was a former golf course which is north of Atlantic Boulevard and south of Margate Boulevard, and reviewed applications previously submitted, and explained the Subdivision Resurvey currently before the Board would lay the groundwork for subdividing the 21-acre property into 132 townhome lots. He provided a brief history of the process, advising it was created to ensure the orderly development of a property, and was a technical review which is essentially a survey showing how the lots would be cut up, where drainage and open space would be located. He shared images of the subdivision and dedication of easements.

Attorney Scott outlined the request for recommendation to the City Commission, as follows:

- Subdivision Resurvey meets all Code requirements, based on City staff review.
- Application is not seeking any variances, modifications, or special relief.
- This application tracks with the other applications to facilitate the orderly development of this project.

Ms. Sanchez asked if there was anything outstanding that the applicant could address. She noted this hearing was not to approve the project. Attorney Scott confirmed whether townhouses should be on the site and details of the project would be outside the scope of the hearing. He reiterated that this was a review for the P&Z to confirm the application complied with minimum lot sizes and technical requirements of the Code. He stated the staff report was clear that the project does comply with those requirements and conditional approval is recommended. He commented that there are items outside the jurisdiction of the City which must be complete prior to final approval, including items like FEMA review of the drainage.

Ms. Sanchez clarified there were outstanding items to be addressed. Attorney Scott stated there were not outstanding items to comply with Subdivision Resurvey Code, but there are other events which must take place to approve the application as a whole.

Vice Chair Spavento asked if all emergency vehicle access had been attested to. Attorney Scott confirmed. He shared the survey and indicated the primary and secondary access points.

Public Hearing

Vice Chair Spavento called for public comment.

Marilyn Kneeland, 7955 NW 5th Court, Margate, stated she had been involved with Keep Margate Green and wanted to make the point that residents were present because they have opposed the project from the beginning and group had a petition with 3,652 signatures to oppose the project. She commented that she had spoken in December 2023 at the first reading by the City Commission, and the group is opposed to it coming back for second reading, as it goes against the greenspace requirements in the City's Comprehensive Plan and should remain open.

Peta Zune, 7955 NW 5th Court, Margate, stated her concern was that FEMA had made recent changes to flood zoning which would require the property to be built up and may change the flooding designation of Oriole Gardens II and impact insurance rates. She asserted there would be an increase in traffic, and there was no assurance that chemicals in the golf course would not impact neighboring senior citizens.

Teresa Dechristofaro, 7805 W Atlantic Boulevard, Margate, commented that she had sat on the P&Z and also been a member of the Community Emergency Response Team (CERT) and there was no way emergency personnel would be able to access the project. She stated, "planet over profit," and asserted the green space was put there for a reason. She advised the project would impact the way of living of the senior citizens who did not buy with the intent of having children in the adjacent property.

Barbara Albrecht, 7905 NW 5th Court, Margate, advised her concern was the poison in the ground being stirred up when the developers start digging, and she hoped the project could be stopped.

Richard Zucchini, 380 Lakewood Circle East, Margate, commented that the project had already been before the P&Z and Commission, and was approved. He commented that a member of the Board had publicly spoken against the project and should recuse herself.

Miara Moivilton, Oriole II, Margate, stated she was concerned with Margate Boulevard. She commented that the property has a stream on it, and the plan includes changing the stream, which will not work, and the houses would sink and get cracks in them.

John Donahue, 735 NW 35th Terrace, Margate, stated he is a degreed engineer certified outside of Florida. He asserted the analysis of the impacts of the project on the surrounding area would play into the number of lots the property could be broken into. He expressed concern with traffic, noting existing traffic backs up during rush hour and people are speeding through his neighborhood to avoid the back up. He stated he did not believe there was a traffic analysis showing 132 units were supported.

Doug Kemp, 7320 NW 8th Street, Margate, shared his experience working for four (4) developers and Broward County. He stated he was looking for a compromise and would like to see two (2)

bedroom luxury townhouses for 55 plus as it would have less impact. He asked if the sewers and water were being upgraded to support this project and expressed concern with the drainage. He stated traffic and parking were issues and asked that the Board consider the impacts and the legacy being left.

Silvana Luciani, 7705 NW 5th Court, Margate, stated the townhomes would be on her patio. She asked that the Board members take a walk where the townhomes would be built and consider that there are older people who would be impacted by the noise.

John Rodriguez, 915 NW 80th Terrace, Margate, stated traffic on Margate Boulevard is worse than it has ever been, and there would be negative impacts from this project. He asked the Board to compromise as they can and do something to mitigate the impact.

MJ Duff, 1160 NW 72nd Terrace, Margate, stated his major concern was with traffic. He noted police had already been looking at speeding on his road, as it is a cut through to avoid the traffic lights. He asked if anyone had done traffic studies looking at how many accidents occur each week at 76th Street and Margate Boulevard. He suggested a 55 plus community should be considered if the site could not remain green space to benefit the residents.

Octavio Elias Salcedo, 1100 NW 74th Avenue, Margate, stated his grandchildren are concerned with the trees in the median being torn down. He asserted there should be a compromise on the project and discussed the European way of protecting the environment. He commented that Margate could do better.

Vice Chair Spavento closed public comment.

Board Discussion

Attorney Scott thanked everyone for providing their comments and noted that none of the comments applied to the Subdivision Resurvey. He advised this hearing was about whether the lots comply with the requirements. He noted there was not a minimum lot size, so there also should not be a discussion as to whether 132 lots was the appropriate number. He stated he was respectful of the fact that people have concerns with the project or do not want it, but that was not the purpose of the review.

Mr. Sulaman stated he agreed with the context they were to vote on, but not everyone in the room was there for the initial hearing. He noted the project had been reduced from 250 units to 132 to accommodate concerns, and there were traffic studies completed. Attorney Scott advised this was correct. He stated the developer had tried to meet with the neighbors to address concerns, but they were not willing, so they guessed at a reduction. He explained extensive traffic studies had been conducted by a professional engineer who analyzed the driveways and intersections surrounding the project. He stated a civil engineer had exhaustively analyzed the drainage and how it would work, and the proposal was to increase the water bodies, not reduce them or how

they flow. He reiterated that even if everything said in public comment was true, the application still meets the requirements.

Vice Chair Spavento asked staff to address the rehabilitation of the property, and the chemicals associated with the golf course. He asked if this had been reviewed by the City and found to be ecologically safe. Mr. Pinney clarified this was not part of the scope or purview of the application. He stated there were phase one (1) and phase two (2) environmental studies completed as part of the LUPA. He advised the City was not the authority that reviews and accepts the plan, but mitigation and remediation would be permitted as part of the development permit.

Ms. Sanchez stated this was not a vote to approve the project, but to confirm the requirements were met so far. She asserted that she understood the complaints and has read the reviews and listened to many meetings where opinions were expressed.

Mr. Eccli commented that he would reluctantly make a decision on this issue but hope that the elected City officials would seriously consider 3,652 signatures opposed in a small City. He stated he thought it would be wise to reconsider the issue in the final review process.

Mr. Sulaman stated he is an immigrant to this country, and he loves that residents are standing up for what they believe in and fighting for it. He reiterated that his vote was only in reference to the Subdivision Resurvey.

Vice Chair Spavento stated this was the first time this Board had reviewed this application, and they had not been responsible for past decisions. He commented that he is a 50-year local resident and had played many an afternoon in the golf course, and was sorry to see it go. He added that the people making the decision were the City Commission, and residents should make their appeal to that body.

Ms. Sanchez made the following motion, seconded by Mr. Sulaman:

MOTION: TO RECOMMEND THE CITY COMMISSION APPROVE CONDITIONAL APPROVAL OF THE SUBDIVISION RESURVEY OF NOVE OF MARGATE.

ROLL CALL: Mr. Eccli – Yes; Ms. Sanchez – Yes; Mr. Spavento – Yes; Mr. Sulaman – Yes. The motion passed with a 4-0 vote.

2) GENERAL DISCUSSION:

Doug Kemp, 7320 NW 8th Street, Margate, asked whether the City Commissioners were watching the meeting and how the meeting was being transmitted.

Vice Chair Spavento confirmed the meeting was being recorded.

Marilyn Kneeland, 7955 NW 5th Court, Margate, encouraged the Board to make sure the City Commission knows what happened at this meeting and ask them to watch the recording.

Silvana Luciani, 7705 NW 5th Court, Margate, stated she had called the attorney listed on the letter advising of the meeting and was told that her vote does not count. She added that she had left messages for the City Commissioners and they do not call her back.

3) ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,



Joao D. Brandao, Chair