



### City Commission

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### Interim City Attorney

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## REGULAR MEETING OF THE PLANNING AND ZONING BOARD <https://us02web.zoom.us/j/86994422797> MINUTES

Thursday, November 9, 2023

7:00 p.m.

City of Margate

City Commission Chambers at City Hall

### PRESENT:

Catherine Yardley, Vice Chair  
Y. Robert Pierre, Board Member  
Mohamed M. Sulaman, Board Member

### ABSENT:

Sloan Robbins, Chair  
Shekinah Awofadeju-Major, Secretary

### STAFF PRESENT:

David Tolces, Weiss, Serota, Helfman, Cole, and Bierman  
Elizabeth Taschereau, Director of Development Services  
Andrew Pinney, Senior Planner  
Paul Ojeda, Associate Planner  
Randy Daniel, P.E., DEES

### ALSO PRESENT:

Matthew H. Scott, Esq., Greenspoon Marder, LLP  
Michael Fimiani, Petitioner, Fimiani Development Corporation  
Jeffrey T. Schnars, P.E., Schnars Engineering Corporation  
Joaquin E. Vargas, P.E., TrafTech Engineering, Inc.

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:00 p.m. on Thursday, November 9, 2023, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

### 1) APPROVAL OF MINUTES

- A) *ID2023-382*  
APPROVAL OF MINUTES FOR THE OCTOBER 17, 2023,  
PLANNING AND ZONING BOARD (P&Z) MEETING

### Development Services Department

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

**MOTION:** TO APPROVE THE MINUTES FOR THE OCTOBER 17, 2023, PLANNING AND ZONING BOARD (P&Z) MEETING

**ROLL CALL:** Ms. Yardley – Yes; Mr. Pierre – Yes; Mr. Sulaman – Yes. The motion passed with a 3-0 vote.

## 2) NEW BUSINESS

### A) *ID2023-362*

CONSIDERATION OF A **LAND USE PLAN AMENDMENT** TO REDEVELOP THE 21.3-ACREW MARGATE EXECUTIVE GOLF COURSE INTO A 132-UNIT TOWNHOUSE DEVELOPMENT. (DRC NO. 23-400012)

**LOCATION:** 7870 MARGATE BOULEVARD

**ZONING:** S-1 RECREATIONAL DISTRICT AND R-3A MULTIPLE DWELLING DISTRICT.

**LEGAL DESCRIPTION:** PARCEL 3, "ORIOLE GOLF AND TENNIS CLUB SECTION TWO," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF PARCEL 4 OF SAID PLAT, "ORIOLE GOLF AND TENNIS CLUB SECTION TWO," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION.

### B) *ID2023-370*

CONSIDERATION OF A **REZONING** FROM S-1 AND R-3A TO PUD TO REDEVELOP THE 21.3-ACRE MARGATE EXECUTIVE GOLF COURSE INTO A 132-UNIT TOWNHOUSE DEVELOPMENT. (DRC NO. 23-400013)

**LOCATION:** 7870 MARGATE BOULEVARD

**ZONING:** S-1 RECREATIONAL DISTRICT AND R-3A MULTIPLE DWELLING DISTRICT.

**LEGAL DESCRIPTION:** PARCEL 3, "ORIOLE GOLF AND TENNIS CLUB SECTION TWO," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF PARCEL 4 OF SAID PLAT, "ORIOLE GOLF AND TENNIS CLUB SECTION TWO," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**PETITIONER:** MATTHEW H. SCOTT, ESQ., GREENSPOON MARDER, LLP, AGENT FOR MICHAEL FIMIANI, FIMIANI DEVELOPMENT CORPORATION.

David Tolces, Interim City Attorney, explained items 2A and 2B were related and would be heard together. He introduced the items by title only, then explained the items before the Board were quasi-judicial in nature and outlined the rules and procedures to be followed. He asked for any ex-parte disclosures from the Board. Mr. Pierre stated he visited the golf course and met with Michael Fimiani. Mr. Sulaman and Vice Chair Yardley disclosed that they had also visited the site and met with Mr. Fimiani.

City Attorney Tolces read the rules of decorum adopted by the City Commission for the City of Margate. He swore in those planning to provide testimony.

### **Applicant Presentation**

Matthew H. Scott, Esq., Greenspoon Marder, LLP, presented on behalf of the applicant. He provided an overview of the proposed project, titled Nove of Margate, to be located at 7870 Margate Boulevard, and explained the Land Use Plan Amendment and Rezoning applications for the project were before the Board at this time. He described the 21.3-acre site previously used as a golf course.

Attorney Scott explained that the current Land Use of Commercial Recreation and R7 Residential allows for a golf course, as well as a variety of commercial recreational uses to include a tennis court facility, basketball courts, baseball fields, indoor recreation, and similar. He shared images of the property, including the street view and existing conditions. Attorney Scott reviewed a high-level version of the proposed site plan, to include construction of 132 townhome units, dedicated public park space along Margate Boulevard, and two (2) amenity areas with a clubhouse, fitness center, swimming pool, multi-sport court, and a tot lot/dog walk area. He noted the park would be privately maintained in perpetuity.

Continuing, Attorney Scott shared renderings of the project, highlighting improvements to the entrance and an expanded, improved lake, and the coastal-inspired townhouses, and pointed out the color palette was selected from the Community Redevelopment Agency (CRA) preferred colors. He stated each unit was planned with a balcony either in front or back and explained that through the Development Review Committee (DRC) process, there had been a suggestion to make the balconies larger to make them more functional. He discussed the clubhouse amenities briefly, explaining the amenities would match the vision for the community to be attainable housing for young families looking to buy their first home. Attorney Scott highlighted the open space areas on the plan, including the 1.21-acre park at the entrance with landscaped walking path, parking spaces, and secondary fire access.

*Vice Chair Yardley called for a recess to address technology issues at 7:22 p.m.*

*Vice Chair Yardley called the meeting to order at 7:29 p.m.*

Attorney Scott continued his presentation, beginning with renderings of the planned clubhouse pool area and a plan for the public park area. He stated the park was intended to create beautiful,

desirable open space easily accessible by the neighbors to address concerns with what they consider to be a loss of open space to the project. He noted it was important to clarify that the project was not meeting the City's Code in terms of landscaping but exceeding the Code in all respects by 50 percent. He compared the plan to the existing conditions, which include a fence and no trespassing sign making the site inaccessible and unusable. He asserted the proposed would be a completely redone, beautifully landscaped frontage to this area of the City.

Attorney Scott stated the applicant had been engaged with a deliberative, back and forth process with staff for more than two (2) years, and recently staff had identified opportunities for additional green areas. He explained the applicant had removed some of the proposed units and replaced them with the proposed tot lot and dog walk area to provide recreational opportunities for residents of the property.

Attorney Scott reviewed the requests briefly, explaining that to develop a 132-unit townhome project, the applicant was seeking approval of the following applications:

- Land Use Plan Amendment (LUPA) to change the Future Land Use Map designation from Commercial Recreation to R(7) Residential and Parks
- Text Amendment to Policy 1.2.6 of the Future Land Use Element
- Rezoning from Recreational S-1 District and Multiple Dwelling R-3A District to Planned Unit Development PUD District

Attorney Scott stated the DRC process had resulted in a unanimous recommendation of approval with conditions. He explained that following the review by the Planning & Zoning Board, the next steps would be hearings before the City Commission, followed by review by Broward County.

Attorney Scott discussed the Future Land Use Designation and Zoning portions of the application. He stated the existing Future Land Use Designation is Commercial Recreation and R(7) Residential, and the proposal is to shift to R(7) Residential throughout and Parks for the front section. He explained the existing Zoning is Recreational S-1 District and R-3A, and the proposal is to modify the entire property to a Planned Unit Development (PUD).

Attorney Scott provided brief context on the preliminary conceptual plans for the project, which had included 200-250 multi-family rental units or 210 townhome units. He explained that after listening to feedback and determining what would be most compatible with the area, the plan was reduced to 137 townhome units, none of which would be over 32 feet tall. He stated staff then highlighted opportunities for additional green space, and the plan was reduced to 132 units. Continuing, Attorney Scott provided a brief neighborhood history. He stated Oriole Homes Corporation had developed the area with condominiums, townhomes, and golf courses in the 1960s, and at that time, a development decision was made to separate ownership of the golf courses from the residential units to avoid making the golf courses a financial obligation of the future homeowners. He explained that as a result, for an extended period of time, maintenance of the golf course had not been the responsibility of the surrounding homeowners and the site had been privately operated. He stated his client had leased the property to a golf course operator

for many years, but due to declining use of nine (9) hole golf courses, the operation of the course had become a losing endeavor for the operator and owner, eventually leading to its closure.

Attorney Scott the applicant had gone through an extensive and expensive review process, including eight (8) rounds of review by staff. He explained outside consultants were hired to review the requirements, and staff had confirmed the project met the following LUPA criteria:

- Potable Water Capacity
- Wastewater Capacity
- Drainage Capacity
- Solid Waste Capacity
- School Capacity
- Environmental Review – Phase II Environmental Assessment
- Endangered or Threatened Species
- Parks and Open Space
- Traffic
- Mass Transit
- Compatibility

Attorney Scott explained the process for receiving a letter confirming School Capacity. He stated an official, binding letter from Broward County School District was provided in the backup materials for the meeting which states the applicable schools are under capacity, a project of this size would generate 40-42 new students, and capacity exists. Continuing, Attorney Scott acknowledged there are environmental standards for redevelopment of a golf course, and as a result the applicant had undergone a Phase I Environmental Assessment and agreed to address any issues identified. He stated an expert had been hired to determine whether any endangered or threatened species exist on the property, and they had found there were not any.

Attorney Scott discussed traffic concerns, noting the project Traffic Engineer, Joaquin Vargas, was an expert with more than 30 years of experience who had prepared a traffic study of more than 400 pages. He stated Mr. Vargas looked at more driveways for this review than in any other study in his career, and the findings were that the project would not impair the level of service on any of the surrounding roadways, and upon project completion, the driveway would operate at a level of Service A. He reviewed the service level definitions briefly, noting Service A is the ideal. Continuing, Attorney Scott stated that considering the size of the project, it would generate much less traffic than a shopping center, commercial use, or school, and the determination was made that it would have an insignificant impact on the surrounding roadways. He explained the project would generate approximately 64 AM peak hour trips and 77 PM peak hour trips, and noted the findings were that no roadway improvements are required as a result of this project.

Attorney Scott reviewed the PUD standards, as follows:

- Potable Water Capacity
- Wastewater Capacity
- Drainage Capacity

- Solid Waste Capacity
- School Capacity
- Land Use and Development Pattern
- Circulation, Streets, and Parking
- Parks and Open Space
- Dedication of Land
- Traffic
- Economic Impact
- Compatibility

Attorney Scott shared that staff had indicated through the DRC process that the application complies with all standards for a PUD. He advised that the applicant was not seeking relief from the City's Code, including reductions or waivers, and was following the letter of the law for a Planned Unit Development.

Attorney Scott reviewed project benefits to the community, including redevelopment of a permanently closed golf course and investment of \$40-\$50 million in an area that has not seen any redevelopment in many years. He highlighted the major issues with affordable and attainable housing in South Florida, and asserted the project would also introduce a new attainable housing option for young families and provide new public open space for area residents in area without public amenities. Continuing to review the benefits, Attorney Scott discussed the Fiscal Impact Study conducted by Econsult Solutions, Inc., which found that annual property tax revenue would increase between \$592,000 and \$824,000 beyond what is currently generated by the property. Additionally, he cited a study on Community Economic Impact by the National Association of Home Builders, which showed bringing new homes into a community on average generates \$100-200,000 per household in local income per year and states a development of this size generates approximately 50-70 new local jobs.

### **Staff Presentation**

Andrew Pinney, Senior Planner, presented on behalf of staff, beginning with the Land Use Plan Amendment application. He stated the requested amendment was to the City's Comprehensive Plan, established and adopted by the City under Florida Statute 163 to lay out the future vision to guide development in the City of Margate. He explained the plan shows location and intensities for various uses throughout the City on the Future Land Use Map and has policies to guide development and establish a regulatory framework. He explained that additionally, the City has adopted a Zoning Code and Land Development Regulations to implement those policies and achieve that future vision. He explained the Land Use Plan Amendment request included a map change to change the designation of the property from Commercial Recreation and R(7) to R(7) and Park, and an amendment to Policy 1.2.6 of the Margate Future Land Use Element.

Mr. Pinney provided a brief overview of the Nove of Margate project, explaining the subject property is 21.3 acres at 7870 Margate Boulevard. He shared images of the original plat, filed as parcel three (3) and a portion of parcel four (4), Oriole Golf and Tennis Club Section Two (78-21)

which was recorded in 1973. He noted that according to Property Appraiser records, that was also when the small building on the site was built. Continuing, Mr. Pinney shared the Future Land Use Map and explained the neighborhood relative to the City at large. He explained the dashed-line area which the applicant property is a part of is 104.3 acres with an average density of 7.6 and a maximum of 792 dwelling units. He noted there are currently 742 dwelling units built, leaving 50 available for construction in the map's current condition.

Mr. Pinney shared the definition of a dashed-line area:

*An area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall density of dwelling units for all land uses within the area, and/or a particular total number of dwelling units permitted within the area. The density within a dashed-line area may be an irregular density.*

Mr. Pinney explained the majority of the subject property had a Commercial Recreation Land Use Designation, with the small parking lot where the pro shop is located designated as Residential R(7). He stated the proposed amendment would increase the dashed-line area to an average density of 8.4 units per acre, and a maximum dwelling units of 874, adding an additional 82 units. He noted there are currently no publicly accessible parks designated in the area. Continuing, Mr. Pinney stated the proposed land use designation was Residential R(7), which means seven (7) units per acre, to accommodate 132 townhouses. He noted the proposal was relatively comparable to the established densities of surrounding properties on the map and described the development pattern, which included single-story attached villas to the east, single-family detached single-family houses to the west, and two (2) story condominiums to the south.

Mr. Pinney reviewed the policy which the applicant sought to amend, as follows:

Policy 1.2.6:

*For areas that are circumscribed with a dashed line to indicate an irregular density, the City may approve a rearrangement of uses or densities that does ~~not increase the total number of dwelling units or decrease the amount of recreational land or increase the amount of commercial land.~~*

Mr. Pinney stated if the City Commission adopts this policy, staff also recommends providing additional detail to establish a clear picture of the maximum development permitted within each dashed-line area and identifying each area by name on the map.

Continuing, Mr. Pinney explained the process staff follows when looking at a LUPA to ensure that public infrastructure is available, either existing or concurrent with the development of the project, to serve the needs of the project and the public. He stated staff looks at the water and wastewater capacity of the City, drainage design in the area, road and park capacity, and natural resources. He stated each area had received conditional approval at the DRC level and pointed out staff had asked the applicant to use a third-party consultant selected by staff to run a hydraulic evaluation

to look at water and wastewater capacity. He explained the difference in scope between the traffic reports for the LUPA and for the rezoning, noting the findings were the same on each.

Mr. Pinney stated it had taken a while to come to an agreeable condition related to the dedicated public park. He explained the Broward County park acreage minimum level of service is three (3) acres of park per 1,000 residents. He noted the City has a projected shortfall of acreage in 2040. He stated 0.615 acres of park were required to meet the level of service for this development, and the applicant was proposing to dedicate 1.21 acres in addition to the internal recreation within the development. He explained the excess would serve to mitigate the loss of open space in converting a golf course to the proposed development and would create a public recreation amenity in an area that is currently private. Mr. Pinney outlined the public park briefly, explaining it would be split by the driveway, would be privately maintained by the developer, and would include parking, a meandering path, picnic tables, benches, and lake access.

Mr. Pinney highlighted issues brought up in the review of natural resources by DEES and DSD, including burrowing owls, wetlands or historic trees, and contamination. He stated burrowing owls are known to be on the property, and the applicant's Exhibit O laid out the process and timing for the relocation of the owls prior to construction. He stated the reports showed no wetlands or historic trees had been found on the property. Mr. Pinney noted it is common with a golf course to find contamination from fertilizers and pesticides used to maintain the grass, so the applicant had a Phase II Environmental Report done by Partner Engineering, and they made recommendations regarding analysis and mitigation. He pointed out that mitigation would take place under State and County authority and was not a City decision.

Mr. Pinney explained that with these considerations, the DRC had recommended conditional approval of the LUPA application on September 26, 2023, with conditions and comments outlined in the staff report.

Mr. Pinney continued his staff presentation with a review of the Rezoning application. He advised the Rezoning application was to change the map designation from Recreational S-1 and Multiple Dwelling R-3A to Planned Unit Development (PUD). Mr. Pinney shared the City Zoning Map and highlighted the subject property. He discussed the intent of a PUD to offer design flexibility and noted the incentive to the City for this designation was that infrastructure would be privately maintained, including the park, roads, drainage, and water and sewer.

Mr. Pinney reviewed the PUD design criteria briefly. He stated the application must be consistent with the Comprehensive Plan, provide 25-foot peripheral setbacks around the entire development, have a minimum of 35 percent open space, and be consistent with landscape and parking regulations. He shared the applicant's concept drawing and discussed the changes to be made, including widening of the canal to create a lake to handle drainage, and construction of 132 three (3) bedroom townhomes with one (1) car garages and double driveways. He explained all resident traffic would utilize the main driveway on Margate Boulevard, which would be gated. Continuing, Mr. Pinney outlined the open space proposed. He stated a number of the features only received partial credit under the rules laid out in the Zoning Code, but the final proposal provided 7.486



acres or 35.1 percent open space to be compliant with the requirements. Mr. Pinney shared the elevation for five (5) unit townhouses, with the end units having balconies on the front and middle units having balconies on the rear. He reviewed architectural features briefly and noted the architecture had met staff halfway in response to their recommendations.

Mr. Pinney discussed the fiscal impact analysis, as follows:

- 2022 Ad Valorem Taxes and Assessments (including annual Fire Fee)
  - Total - \$17,360.38
  - City - \$2,853.87
- Projected Ad Valorem Taxes and Assessments (townhouse buildings only, including annual Fire Fee)
  - Total (low) with Homestead - \$521,198
  - Total (high) with Homestead - \$753,5115
  - City (low) with Homestead - \$213,072
  - City (high) with Homestead - \$300,727

Mr. Pinney clarified that the current Fire Fee for the golf course is \$188, and the fee for the development would be \$300 per dwelling unit, totaling \$39,600. He stated the DRC had recommended conditional approval of the Zoning application on September 26, 2023, with conditions and comments outlined in the staff report. He reviewed the next steps in the process briefly, explaining the Rezoning was local only, but the LUPA would go before the City Commission as an ordinance for a transmittal hearing, then the applicant would apply with Broward County and the City would communicate with State and Regional agencies to provide them with an opportunity to comment on the application.

Vice Chair Yardley called for public comment.

MJ Duff, 1160 NW 72<sup>nd</sup> Terrace, Margate, stated his major concern was with traffic. He noted he rides his motorcycle every day, but there are too many people who run the stop sign at 76<sup>th</sup> and 80<sup>th</sup> to get onto Margate Boulevard, and that issue will be exacerbated by further development. He expressed concern with stacking to get into the gated community.

Teresa Decristofaro, 7805 Atlantic Boulevard, Margate, shared that she is President of the Oriole Gardens II HOA, and owns a non-profit called Margate Residents for Change. She stated there is a green space in this location because of the density around it, and advised this was not an area to have more housing. She stated her non-profit had approached the owner about creation of a wildlife conservancy area and a solar field to benefit area seniors. She added that she did not fault the owner for wanting to make money, but there are other uses for the property.

Chester Just, 551 NW 80<sup>th</sup> Terrace, Margate, stated he is a Board member of Oriole Gardens II. He asserted this application was not a matter of hardship, but a consideration that a developer had laid out the golf course as a tradeoff for the high density in the neighboring condominiums and a developer that now wanted to maximize profit. He commented on the park and wondered

if 30 or 40 years from now, someone may come by and say it was not profitable and ask for additional development. He stated experts can be found to justify any conclusion, and this application was beyond what the Board should be considering.

Paula Skornicki, 600 NW 76<sup>th</sup> Terrace, Margate, highlighted issues with traffic, pointing out that people trying to avoid the “no right turn on red” turn down her street. She stated Margate Police have been good about trying to deter this, but it does not help. She expressed concern the additional traffic from the development would create further issues.

Peta Zune, 7955 NW 5<sup>th</sup> Court, Margate, distributed a series of photos to the Board and discussed them briefly. She stated the presentation is for a great project, but it was proposed at the wrong place. She asserted the last remaining green space in Margate should not be developed, and stated the recreation area, balconies, and lakes were too close to an adjacent building which houses residents 55 and older.

Phil Albrecht, 7905 NW 5<sup>th</sup> Court, Margate, stated he did not see how the experts came up with the number of children projected, and asserted the golf course should not have been losing money because he was there three (3) times a week and it was a cash and carry business.

Lisa Dever, 600 80<sup>th</sup> Terrace, Margate, spoke in support of the project. She stated it was a good idea, and Margate would benefit from money generated. She noted she had 10 people with her who were in support.

Allen Ernst, 878 NW 82<sup>nd</sup> Avenue, Coral Springs, stated his main concern was also traffic. He asserted the presentation did not seem to address the traffic in any way. He noted the intersection is constantly backed up, and it does not make sense that the addition of 132 units would affect traffic by two (2) seconds. He stated there are walkers and bikers in the area, and the development was asking for trouble.

Silvana Luciani, 7705 NW 5<sup>th</sup> Court, Margate, stated she bought her condo because it was overlooking the golf course, and no one was taking that away from her. She asserted she was overwhelmed by this problem and did not want townhouses looking in on her property. She stated the owner has her blessing if they want to put the golf course back.

John Rodriguez, 915 NW 80<sup>th</sup> Terrace, Margate, expressed concern with the lack of green space and growing traffic. He stated 76<sup>th</sup> Avenue and Margate Boulevard was dangerous and he was surprised the City had not done anything about it previously. He added that there was not enough parking included in the proposals.

Melody Savoca, 7008 Margate Boulevard, Margate, agreed with traffic concerns. She shared an example from her neighborhood to illustrate lack of parking and stated it would be a problem. She noted the presentation was beautiful but did not belong where it was proposed. She asserted that when the area was being developed, the City Commission had requested a green belt because of the density, and it ended up being surrounded by seniors seeking peace and tranquility. She

commented on recent updates to the Comprehensive Plan and stated the results had been that residents wanted to preserve and expand green space.

John Wampler, 1035 Country Club Drive, Margate, stated the only way to make this development remotely palatable was to place a three (3) way stoplight at 76<sup>th</sup> and Margate Boulevard. He expressed concern with the length of the traffic signal cycle and stated there would be traffic backed up waiting for a light to change. He noted he was also concerned with the Fire Department response, and stated a street adjacent to the golf course should be designated as emergency access only. He asked that the burrowing owls be left alone.

Ken Corey, 7920 NW 6<sup>th</sup> Court, Margate, commented that the rendition looked good and he was fully for the project. He asserted progress in the City was needed, and commended the City on their presentation and the due diligence they had required throughout the process. He stated it looked like a good, comprehensive plan which would have a positive impact on the values of neighboring homes.

Marilyn Kneeland, 7955 NW 5<sup>th</sup> Court, Margate, stated her door is 24 feet from the property line of the development, and she agrees with everyone who said this is a nice development, but the wrong place. She asserted approval of the project was a U-turn on the Comprehensive Plan. She stated the applicant closed the golf course two (2) years after inheriting it, and asserted the contamination was an issue and the number of students did not make sense.

Jonathan Kraljic, Margate, stated he sympathizes with the landowner, but does not support the rezoning. He advised the residents did their homework before investing and purchased homes adjacent to a golf course. He commented on the deficiency of park space in the City and stated there is not new green space being built. He asserted the Planning and Zoning Board should be planning so the City does not find itself in a mess in the future.

Edinson Gonzales, 960 80<sup>th</sup> Avenue, Margate, stated the project has pros and cons. He asserted it had come to his attention that the applicant had not discussed how the development would benefit the adjacent properties. He asked if it would increase their property values, and if so, by what percentage. He stated traffic is already a concern, and the project does not match the senior communities surrounding it.

Susan Hoffman, 1030 Country Club Drive, Margate, reiterated previous concerns regarding traffic and stated (the development) could not be down on that end. She described the difficulty in taking a left turn from Country Club Drive. She raised concerns with noise pollution and air pollution from the project and stated it did not belong adjacent to senior communities.

Mary Schultz, 7708 Margate Boulevard, Margate, advised this was not the only representation for those against the project. She stated there are another 3,525 signatures on a petition against the project and asked that this be kept under consideration.

Richard Zucchini, 380 Lakewood Circle East, Margate, discussed the ways in which the project was good for the City. He stated seniors depend on City services, including emergency services, and additional property tax revenue was needed to support those expenses. He added that residents were talking about “keeping Margate green” by preserving the golf course, but a golf course uses 50,000 pounds of toxins each year and is among the worst things possible. He stated this was a good plan and should go forward.

Lou Grunes, 7708 Margate Boulevard, Margate, discussed concerns with traffic. He stated if there was a stop light, more people would cut through the neighborhoods to avoid it. He referenced the traffic counts in the traffic study and stated it did not consider school buses, contractors, and other vehicles increasing traffic.

Eliane Harris, via Zoom, was unable to provide public comment due to technical difficulties.

Vice Chair Yardley closed the public hearing.

Mr. Pierre asked whether the community would be gated. Attorney Scott confirmed that it would be gated.

Mr. Pierre asked how traffic in the afternoon would be addressed. Attorney Scott explained there are two (2) access lanes into the proposed development, one (1) for guests and one (1) for residents. He stated each had over 100 feet of stacking, with the resident lane having 140 feet. He stated the resident lane would have automatic access with a fob or sticker on their car, so they would not be holding up the line. He noted this exceeds what Code requires and exceeds what he has seen on most other projects. He acknowledged the concern and advised the plan had been designed to avoid this issue.

Mr. Sulaman asked for additional clarification on what 140 feet of stacking would look like, and how many cars would fit in that space. Attorney Scott stated stacking describes the lateral distance for cars to line up, using Chick-fil-A as an example. He explained the distances mentioned were on the subject property, off of Margate Boulevard, and stated there was space for five (5) to six (6) cars to stack in each of the two (2) lanes. He discussed the traffic study briefly, clarifying that the trips in the analysis were distributed throughout the time periods referenced.

Vice Chair Yardley asked whether the applicant had met all of the conditions within the City guidelines. Attorney Scott stated this had been a difficult LUPA process, and the City had done a good job of pressing the developer to do a better job than normal. He stated the project had met all conditions, and noted the applicant also agreed to all of the additional conditions attached to the conditional approval by the DRC. He reiterated that the applicant was not looking to deviate from the requirements of the Code.

Mr. Sulaman acknowledged the concerns of the residents and stated he had listened to everyone. He asked what could be done to ease the minds of residents regarding traffic at 76<sup>th</sup> and Margate Boulevard, as well as the concerns about safety while walking.

Joaquin E. Vargas, P.E., TrafTech Engineering, Inc., provided a brief overview of his background and experience, including 35 years as a traffic consultant in Broward County. He stated the information for the traffic study conducted for the LUPA uses data provided by the County, and an analysis of that data clearly shows an insignificant impact. He explained that working with staff, the applicant has also conducted their own study for the Rezoning application, doing their own counts and analysis, and had come to the same conclusions as with the County database.

Mr. Vargas responded to traffic concerns brought up during public comment. He noted running the stop sign was an enforcement issue which cannot be resolved by the developer. He explained the stop sign at 76<sup>th</sup> Avenue and Margate Boulevard was evaluated, and it does pass the standard to make it a signalized intersection. He referenced the question regarding stacking at the gates and stated he had worked on hundreds of queueing analyses, and as Attorney Scott had mentioned, the key is to have separate lanes for residents and guests along with making sure the gate is far enough into the property. He shared stories regarding assisting in correction of issues with gates in Parkland and Key Biscayne that were not properly designed. He stated this project had more than adequate stacking and there would not be traffic backing up onto Margate Boulevard.

Mr. Vargas referenced comments regarding potential signalization of 76<sup>th</sup> Avenue and Margate Boulevard. He noted he is currently working with the City of Coral Springs to try to get a traffic light at Royal Palm Boulevard and 89<sup>th</sup> Drive, but the County has very strict regulations that must be met for at least eight (8) hours a day. He stated that based on the counts collected, this intersection only meets the level for one (1) hour per day. Mr. Vargas responded to concerns that the traffic study did not account for other traffic like deliveries. He explained that was accounted for by the formulas created by the industry for use all over the country. He noted this is a residential community, and the traffic generated by residential projects is very small.

Mr. Sulaman asked about security concerns related to young families next to the senior community. Attorney Scott stated that in addition to having larger landscape buffers than required, a six (6) foot fence around the entire project is proposed. He noted the neighborhood would also have a security gate. He pointed out the project would not be age restricted; he had only referenced young families because they were a fit with the design of the project.

Mr. Sulaman asked about overflow parking. Attorney Scott stated all the townhomes were proposed to be three (3) bedrooms, and the required number of spaces is set per Code. He explained the proposed project had 458 parking spaces, including 62 guest spaces, and exceeds the modern parking requirements. He advised that a lot of the communities having parking issues could not be approved under the current Code due to nonconforming parking conditions. He added that Margate has more stringent parking requirements than is industry standard, and that was planned for.

Mr. Sulaman pointed to concerns voiced by residents regarding the burrowing owls and other wildlife, as well as loss of green space, and asked the applicant to respond. Attorney Scott stated the project exceeds the requirements of Code relative to landscaping buffers on all sides of the

development, and more trees would be planted than required to be thoughtful of the neighbors. He explained they had brought in an expert to assess the burrowing owls, and they will be addressed through relocation to a safe space. He credited staff with the addition of the dog park on the property.

Attorney Scott provided brief closing comments, expressing appreciation for the resident feedback and requesting a recommendation for approval, as the applicant believes they comply with the criteria for both a LUPA and a Rezoning.

Mr. Sulaman asked for clarification on the school capacity and what age group was studied. Attorney Scott stated an application had been submitted to the Broward County School District for a School Capacity Availability Determination identifying the unit type. He explained the School District utilizes published data on the number of students that type of unit generates, and puts it together with tracking on area schools, and provides a report showing whether capacity exists.

Mr. Pierre made the following motion, seconded by Mr. Sulaman:

**MOTION:** TO RECOMMEND APPROVAL OF THE LAND USE PLAN AMENDMENT AS PRESENTED WITH ALL STAFF CONDITIONS.

**ROLL CALL:** Ms. Yardley – Yes; Mr. Pierre – Yes; Mr. Sulaman – Yes. The motion passed with a 3-0 vote.

Mr. Pierre made the following motion, seconded by Mr. Sulaman:

**MOTION:** TO RECOMMEND APPROVAL OF THE REZONING AS PRESENTED WITH ALL STAFF CONDITIONS.

**ROLL CALL:** Ms. Yardley – Yes; Mr. Pierre – Yes; Mr. Sulaman – Yes. The motion passed with a 3-0 vote.

### **3) GENERAL DISCUSSION**

None.

There being no further business to discuss, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

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Sloan Robbins, Chair