

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY REGULAR MEETING

SEPTEMBER 13, 2005

Present:

Morris Lichtenstein, Chairman
Howard Brown, Vice Chairman
Ralph Colon
Charles Ewan

Also Present:

Alecia Sirk, City Planner
Jack Tobin, Jack Tobin & Associates
Steven Chess, Petitioner

Absent:

Mark Gotthelf

Tape 1 Side A

The regular meeting of the Planning and Zoning Board/Local Planning Agency was called to order at 7:02 PM by Chairman Morris Lichtenstein, at the City Hall Commission Chambers, 5790 Margate Boulevard. Attendance was noted by roll call.

1. **PUBLIC HEARING** – Consideration for Change of Zoning from M1-A (Industrial Park) to M - 1 (Light Industrial). Location: 1690 – 1700 Banks Road, Margate FL. Zoning: M1-A Industrial Park District. Legal Description: Lot 2 Block 3 and Lots 7 & 8 Block 3, Central Park of Commerce; PB 119, PG 27, of the Public Records of Broward County, Florida. Petitioner: Mr. Steven Chess LLC, President

Alecia Sirk, City Planner, there are two lots, two parcels ultimately, that the Commissioners, it's along Banks Road on a cul-de-sac; it's the property across from the Sports Complex; it's the two lots that fronts Banks Rd, that is currently zoned M1-A which is industrial park zoning the Commissioner is seeking to rezone that to M1. Did I say Commissioner, sorry the petitioner, I prepared for my supervisor for the DRC, a list of pros and cons associated with these rezonings that should have been in your back up packet I'll go over them briefly some of the pros with the rezoning has to do with the financial feasibility of the project the petitioner has tried for some time to get the properties rented out and due to the restrictions of the M1-A zoning he has had not as much success as he'd like. A condition, it has been my experience I find that a lot of property owners struggle with the M1-A zoning and would have and would have an easier time renting or dealing with their property if it were a M-1 zoning. Some of the cons associated with the rezoning are that it is directly from the Sports Complex and that broader amount of uses might allow for uses for that might not be necessarily be desirable to be across from the Sports Complex. There are a lot of automobiles and other types of uses although the petitioner says he will not be allowing those on his property if there is any such time that he does not control the property than the person that owns that property, no matter what has the right to the full zoning, the full extent of the zoning, which all the uses permitted in the set backs. In the M1-A zoning,

although it is a difficult zoning it does exist for a reason it is to expand the economic base of the City it does have a purpose, we've tried to shy away from spot zonings but in this particular case the petitioner does own two parcels and there is a possibility in the future could look at the cul-de-sac as a whole for rezoning. The City Planner's office has no direct recommendation and will leave it up to the board and the Commission.

Jack Tobin: I am here representing Steven Chess the owner of the property. First, let me address some of the comments by the City Planner, we went to DRC and those comments were made. First, let me say that Mr. Chess has owned the property for five years, he bought the property there were two single use tenants one each building both tenants are not renewing their lease, which means both buildings will be vacant. The past 6 or 7 months Mr. Chess has been marketing the property and those interesting in renting the property has called the City's Building Department and found out that they can not rent because the usage of M1-A is very restrictive. I went over the pros and cons with Mr. Chess and I just want to put on the record some of the concerns that staff has that we would like to address. Number one, there will be no conflict with the Sports Center across the street because there will be no tenants there are night, there will be normal business hours 7-4 or 8-6 or 9-5. Number two, we're voluntarily putting on the record that we will not have any automobile uses, no paint shops, no automobile shops, no shop fix uses at all on the property. Number 3, to any tenant that Mr. Chess will rent to will do all of their work inside the building, there will be no exterior work done outside the building in the parking lot. Mr. Chess plans on painting the building, re-landscaping the building, re-doing the black top and bringing both buildings up to par. Obviously, he can't do that if he has no tenants. It is a cul-de-sac and there is a building on each side of the cul-de-sac and I have spoken just for the record to several of the Commissioners and they have not problem with the M1 zoning.

Mr. Ewan: What kind of people rent in M1A, I don't need a whole list, I'm just curious

Mrs. Sirk: the M1A zoning is restricted to tenants whose uses would provide an economic expanding base to the City. What we're looking for in M1A is light manufacturing, things that are going to provide for the provision of goods and services that are used outside of the City is what we're primarily looking for is businesses that will employ a lot of people who may come to Margate to work and produce goods then that are sold outside of the City.

Mr. Ewan: I think as a whole in the country everybody is having a problem with light manufacturing

Mr. Tobin: I just have a question to the staff if it's M1 that doesn't preclude somebody who is qualified M1A to come, so you still have an M1A tenant that can still rent in a M1 zoning. By giving an M1 will allow Mr. Chess expanded use of light manufacturing and more availability of tenants

Mr. Ewan: Just for my understanding, I appreciate all the things that he is going to do for this, but if we do this, do we do this for the property itself if he were to sell this it would still be M1, they could go to automotive.

The following motion was made by Mr. Ewan, seconded by Mr. Brown:

MOTION: Consideration for Change of Zoning from M1-A (Industrial Park) to M-1 (Light Industrial). Location: 1690 – 1700 Banks Road, Margate FL. Zoning: M1-A Industrial Park District. Legal Description: Lot 2 Block 3 and Lots 7 & 8 Block 3, Central Park of Commerce; PB 119, PG 27, of the Public Records of Broward County, Florida.

ROLL CALL: Mr. Gotthelf, Absent. Mr. Ewan, Yes. Mr. Colon, Yes. Mr. Brown, Aye.
Mr. Lichtenstein, Yes. Motion was approved by a vote of 4-0.

2. **PUBLIC HEARING** – Consideration for an ordinance of the City of Margate, Florida, amending Appendix A, Zoning Code, Article XIII, Liberal Business B-3 District, Section 13.3; providing for the addition of vinyl graphics as a permitted use; providing for repeal; providing for severability; providing for codification; providing for an effective date.

Mrs. Sirk: this ordinance, we've had a number of vinyl signs or folks who make vinyl graphics in the B-3 district; one of the applications for those vinyl graphics is to put them on cars whether there be for an advertisement like CC's Pizza or just pin striping to make your car look better those are vinyl graphics. These were originally permitted as an accessory use and considered to be a sign shop because vinyl graphics are done primarily for signage but what some of the folks came to the Commission and ask that they be removed from that and allowed to become a permitted use and by allowing them to be a full permitted use in this district they would be able to seek a special exception to do the installing of the graphics on automobiles because anybody in a B-3 district can seek an outside service or sales permit as a special exception; the property owner can come and seek that permit and by installing them as a business in there own right they would be able to seek those types of permits they would like to do their work outside.

Mr. Brown: This is just for the vinyl working places; it's not...

Mrs. Sirk: no, well, yes...

Mr. Brown: It's not going to be for a full sign shop?

Mrs. Sirk: No, a sign shop is still not a permitted use in a B-3, so there won't be any fire glass cutting or metal fabricating or wiring. A sign shop is still restricted itself to a M1, but for a vinyl graphic they can install that on the outside premises. Now, I suppose this doesn't preclude if somebody built a big sign they can haul it over on a truck and if somebody has an outside permit they can put the vinyl graphic on the sign there but they still can't actually do sign fabrication.

Mr. Ewan: They can technically do this in front of the building

Mrs. Sirk: Technically, yes, but usually automobile work is asked to be shielded from the public right-of-way when it comes before the DRC, so only in certain cases to be allowed to be done in the front of the building because I'm sure that the recommendation of the DRC would be that this work be shielded from the public right-of-way.

Mr. Ewan: Their recommendation was? Did they have a recommendation on this when you discussed it?

Mrs. Sirk: Yes, as it was requested by the Commission we are moving forward with that.

The following motion was made by Mr. Brown, seconded by Mr. Ewan:

MOTION: Consideration for an ordinance of the City of Margate, Florida, amending Appendix A, Zoning Code, Article XIII, Liberal Business B-3 District, Section 13.3; providing for the addition of vinyl graphics as a permitted use; providing for repeal; providing for severability; providing for codification; providing for an effective date.

ROLL CALL: Mr. Gotthelf, Absent. Mr. Ewan, Yes. Mr. Colon, Yes. Mr. Brown, Yes.
Mr. Lichtenstein, Yes. Motion was approved by a vote of 4-0.

3. **PUBLIC HEARING** – Consideration for an ordinance of the City of Margate, FL, amending Appendix A, Zoning, Section 3.22. Alcoholic beverages, (VII) Allocation of Licenses by District and Category; providing for a decrease in allocations of alcoholic beverages for 1 COP (beer only consumed on premises); providing for an increase in allocations of alcoholic beverage licenses for 4 COP (beer, wine and liquor consumed on premises); providing for repeal; providing for severability; providing for codification; providing for an effective date.

Mrs. Sirk: as you know the City of Margate is moving fully forward in terms of redevelopment and revitalization and we're already had a number of our shopping centers spruced up and are seeing new businesses to come into town. Our last revision of our 4-COP licenses which is alcohol, beer, wine and liquor consumed on premises within 1987 and a little interesting fact about that the total population at that time was, I believe, 41,000 people and at this time we only have 2,000 less than that total who are living in our city limits. So we've got an entire population from 1987 that can now drink and our 4-COPs aren't serving the needs of that population, we're pretty much out. We've got an Applebee's ready to come in the door and no 4-COP license to give them. So I was asked to do a study to figure out how we might better serve these new tenants and people coming in and my recommendation was that there's two fold really; we have a 1-COP license that currently exists in the city which is beer only consumed on premises, we have 8 of those allocations available city wide, zero of them are in use. So one of my first recommendations was to eliminate that and roll that into the 4-COPs. Secondly, I took a look at any 4-COP district we have 5 districts in the city that was used at greater than 55%, I believe 3 of our districts are at 100%. And I recommended that we increase those by 25% also. So what we'll see is a total increase by 15 of 4-COP licenses but we're only creating 7 new licenses, really our bottom is not going to change that much only by 7, we're getting rid of the 1-COPs and rolling them into the more desirable 4-COPs; cause as we re-create our downtown and we want more walk-able close restaurants to give Margate that new urban kind of feel. That's what we're going to be seeing is a lot of little restaurants close together who are going to be serving beer, wine and liquor.

Mr. Lichtenstein: so in other words, you're saying when in effect we'll only have about 7.

Mrs. Sirk: We'll only have about 7 brand new licenses but we'll have a total of 15 new 4-COPs to give out. We're eliminating the 1-COP that was a total of 8; we're rolling those in the 4-COPs and we're increasing those totals by 25%.

Mr. Brown: are we going to be continuing to use the different districts, A, B, C, D, E districts.

Ms. Sirk: That's correct the districts are not change and the consideration for these licenses was a lot based on the districts. District D comprises the whole State Road 7 corridor basically down to just below Atlantic Boulevard to the west; we've got a lot of shopping centers in that area, naturally they had the greatest increase in allocations.

Mr. Colon: These places that have the COP-1, do they have to apply for this new COP-4

Mrs. Sirk: There's no one that has a 1-COP, nobody is using that at all; it's just sitting there taking up space with absolutely zero use.

Mr. Lichtenstein: So there has to be an application every enterprise

Mrs. Sirk: Absolutely, they have to have an application and they have to

Mr. Colon: Whatever process

Mrs. Sirk: That's correct

Mr. Colon: I was wondering because I didn't know of a place that serve beer only

Mrs. Sirk: It's not really viable.

Mr. Ewan: Yeah I just want to understand this maybe we want to change this a little bit but are we going to increase the 2-COPs too

Mrs. Sirk: no, sir; only the 4-COP because right now those are in the greatest jeopardy. The City Commission has considered revising this twice since 1987; it was always shot down because they said that they didn't want to do it until it was an absolute necessity. The only district right now that it is an absolute necessity for new licenses; the only category is the 4-COP, so we are just going one at a time as the absolute need arises.

Mr. Ewan: correct me if I'm wrong but while we're doing why don't we increase a couple of these other ones at this time.

Mr. Lichtenstein: Are they being used?

Mrs. Sirk: the 2-COPs are not as in dire jeopardy as the 4-COPs. I understand the point you're, absolutely.

Mr. Ewan: I mean if we're going to do this whole thing, why don't we just do it now and let the Commission take their shot at it; if they like it; they like it; if they don't; they don't. That's just what I'm saying otherwise you're going to be back here again saying alright we did the 4-COP but now there's guy that wants to come into town and he just wants to serve beer and wine; I mean not everybody is going to run a full liquor at their restaurant or anything. Are we maxed out at the 2-COPs?

Mrs. Sirk: it looks like we're at about in some of the districts 60% and others 43%

Mr. Lichtenstein: Are you speaking of 2(COP)

Mrs. Sirk: District A has 3:2-COPs available; District B has 9:2-COPs available; it just didn't seem that those were a necessity at this time and because the need of the 4-COP was absolute instead of getting held up in the discussion of each category we just felt it was more expedient this time to move forward the that was in absolute need.

Mr. Ewan: Yeah, but I'm afraid that we're all going to be back here and seeing this again, so

Mrs. Sirk: I'm sure you're correct about that

Mr. Ewan: My opinion would be that we just go across the board and add two to every one of them and that would give everybody enough in every category.

Mrs. Sirk: Well the 4-COPs to add 2:4-COPs in some of the district it really wouldn't be sufficient for their need of the next 5 to 7 years.

Mr. Lichtenstein: it's only in 4 that we find a need

Mrs. Sirk: In the City Planner's opinion there is a need to increase some of the numbers of allocation; however the research that was done, even though this need has existed in the past the main reason for argument for this failing was that it's not absolutely necessary...to attract they type

of 4-COPs, the type of businesses that we want right now, if we don't have a 4-COP license available that immediately we are going to lose an Applebee's...

Mr. Lichtenstein: Where will they be located?

Mrs. Sirk: the Applebee's is going to be located at an out-parcel in the Lakewood Shopping Center; it's going to be a brand new building and as the resistance in the past the argument has always been need.

Mr. Ewan: Obviously, that's not my opinion of what I'm trying to say here; what I'm trying to say is let's go ahead and see if we can get the Commission to allocate all of them and then we're done with it for a while. You're telling me unless I misunderstood you; you're telling me that the need is there because the number of residents in this town have grown tremendously and yes if someone wants to sell beer and wine, now we would have to go and start all over again said no there's none available for him to do that. Am I right or wrong?

Mrs. Sirk: Your point is correct

Mr. Ewan: I mean same way with the packaged goods; there's very few packaged good sales in this town; except at Publix and stuff like that; my opinion is and I'm just bringing this out for discussion is that if we're going to do this, why don't we just do it; add 2 in every category and put 4 in the 4-COP if that's going to help.

Mrs. Sirk: I really think from my research in the past discussion that it's been a complicated political issue and my best interest...

Mr. Ewan: obviously, if we make a motion on that to that effect and the Commission doesn't know like it they can do whatever they want to do. However, if we approve this based on just allocating the 4-COP's and they don't like that neither, we're all going to be back here again doing this, okay. My opinion is that would be I would make a motion to that effect that we add 2 to every category except for the 4-COP's if that's what the need is that would be my suggestion.

Mr. Brown: Is that your motion?

Mr. Ewan: That's my motion?

Mr. Lichtenstein: Is there a second? On your motion, you want to read the motion.

The following motion was made by Mr. Brown, seconded by Mr. Colon:

MOTION: Consideration for an ordinance of the City of Margate, FL, amending Appendix A, Zoning, Section 3.22. Alcoholic beverages, (VII) Allocation of Licenses by District and Category; providing for a decrease in allocations of alcoholic beverages for 1 COP (beer only consumed on premises); providing for an increase in allocations of alcoholic beverage licenses for 4 COP (beer, wine and liquor consumed on premises); providing for repeal; providing for severability; providing for codification; providing for an effective date.

ROLL CALL: Mr. Gotthelf, Absent. Mr. Ewan, No. Mr. Colon, Yes. Mr. Brown, Aye. Mr. Lichtenstein, Yes. Motion was approved by a vote of 3-1.

4. GENERAL DISCUSSION

Mr. Brown: what happened to this person that is going to be the school board liaison?

Mr. Lichtenstein: what happened there, weren't we suppose to have someone there

Mrs. Sirk: Mr. Akagbosu will only be in attendance when we're considering any kind of property change or change to the comprehensive plan that would increase residential density.

My name is Marsa Detscher, I'm with New Community Strategies and I play a couple of rolls in the City of Margate. I'm the Executive Director of the Community Redevelopment Agency and I apologize this is the first time I've been before the Planning and Zoning Board and I apologize for taking so long to come before you to introduce myself. This evening I'm here not to speak on behalf of the CRA; I'm here representing New Community Strategies who is your consultant for the preparation of the evaluation and appraisal report on the Comprehensive Plan. Now what is this? The City's Comprehensive Plan adopted in 1989 and updated in 1996, 97, needs to be reviewed again. We are statutorily required to go through periodic reviews of our Comprehensive Plan, that's what this is about. The evaluation and appraisal report involves an assessment of your comprehensive plan; an assessment of where we were suppose to head; where we were headed and whether or not we've achieved the goals and objectives that we sought to achieve that we set out to achieve. We are now primarily in the public input portion of the evaluation and appraisal report, a very significant part of the evaluation and appraisal report process is soliciting input from our community; from people like yourselves who not only reside in the City of Margate but are also very active who have unique knowledge and areas of interest as it relates to the City of Margate. We're interested in input from citizens from business people and we're primarily trying to focus on issues and concerns; we're going to come up with a short list of particular issues and concerns to the citizenry in the City of Margate, we're looking for approximately 5 main issues and concerns and that's what the evaluation and appraisal report will focus in on, those 5 or so concerns. We're starting our public input process; we've prepared a survey that will be available on line to all citizens they can complete the survey on line, I'll be giving each of you a copy of a survey as well and ask you if you would complete it and either drop it off at City Hall next time you're in or give it to Alecia. We'll be looking at the State Law, Local Law and Regional Policy Plans in the context of those 5 major issues. We will come up with recommendations for you to consider the way of new goals, objectives and policies with the comprehensive plan. My appearance this evening is the first of many appearances in the future. I will be presenting to you some recommendations and findings; I'll give you periodic updates on the comprehensive plan because the Planning and Zoning Board/Local Planning Agency is the lead agency in the review of the comprehensive plan and we will be setting public hearings for you to take public input on the recommendations that we come up with. Any questions that I may be able to answer for you.

Mr. Brown: Here's my house across the street from me is the apartment building, there are no computers so you're losing out on large portion of the population that might not have computers; what would be to off set that.

Dr. Detscher: we will have these questionnaires available at certain park sites, the Senior Center, at City Hall down at the Reception area. If you know of anyone or if you know of any group that would like some surveys if you just let me know or let Alecia know; we'll get surveys out to them. If there are certain people that would like to complete a survey we'll send one out to them. I don't expect many people will access the survey on line. I'm hoping those who have computers will feel comfortable to do so. The survey is not on line. It will be on line the first of nest week.

Mr. Brown: are we doing anything to advertise the fact that it will be on

Dr. Detscher: our Public Information Officer for the City of Margate has issued a press release; it

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should be appearing in the paper and she is the contact person for the questionnaires; anyone can contact here or get information to obtain a survey.

Mr. Lichtenstein: I am Vice President of the Margate Association of Condominiums; now I can perhaps get cooperation from the President (inaudible) we represent 37 condos and you want us to pass one out to all those, it will be October 3rd.

Dr. Detscher: Excellent.

Mr. Lichtenstein: My contact Frank Pumilia, got his number home, he's in Holiday Springs, you can find him in the phone book but...contact Frank first, I will not be at that meeting.

Dr. Detscher: That would be great I can deliver surveys to him. If you know of any other organizations, I'll be dropping off surveys to the Chamber of Commerce.

Mr. Colon: I can take a batch; I'm with the American Legion in Margate.

Dr. Detscher: let me just give you these copies...

Mr. Lichtenstein: I can give it back to you next Wednesday at the City Commission meeting; I'll give it to Alecia.

Dr. Detscher: we're looking at getting much input as possible by October 7th; I know it's a short turn but I think once you take a look at the survey, you'll see it's very easy to fill out

Mr. Ewan: The President of our Association lives next door to me, (inaudible)

Dr. Detscher: so you said about 150; 265. I'll give you some and if you need more we'll get you some more

Thank you guys very much for volunteering

5. PUBLIC DISCUSSION

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Prepared by: Tiffany R. Steele

Morris Lichtenstein, Chairman

Copies: Mayor and City Commission, City Manager, City Attorney, City Clerk, DEES Director, City Planner, CRA Director, PIO, IT