



**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
REGULAR MEETING
<https://us02web.zoom.us/j/81189701921>
MINUTES**

Tuesday, October 1, 2024

7:00 p.m.

City of Margate

City Commission Chambers at City Hall

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

PRESENT:

Shekinah Awofadeju-Major, Chair

Antonio Spavento, Vice Chair

Elsa J. Sanchez, Secretary

Eugene Eccli, Board Member

Mohamed M. Sulaman, Board Member

ALSO PRESENT:

David Tolces, Partner, Weiss, Serota, Helfman, Cole, & Bierman, City Attorney

Elizabeth Taschereau, Director of Development Services

Christopher Gratz, AICP, Senior Planner

Paul Ojeda, Associated Planner

Mikhailia Alleyne, Office Manager, Notary

Matthew Scott, Attorney, Greenspoon Marder, LLP

Karl Peterson, Traffic Engineer, Traftech Engineering/KBP Consulting

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 7:00 p.m. on Tuesday, October 1, 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) ID2024-310

CONSIDERATION OF A SPECIAL EXCEPTION FOR THE FOREST APARTMENTS. (DRC NO. 23-400047)

B) ID2024-311

CONSIDERATION OF A PLAT NOTE AMENDMENT FOR THE FOREST APARTMENTS (DRC NO. 23-400043)

Development Services Department

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C) *ID2024-312*

CONSIDERATION OF A SUBDIVISION RESURVEY FOR THE FOREST APARTMENTS. (DRC NO. 23-400045)

David Tolces, 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.

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

City Attorney Tolces asked for any ex-parte disclosures from the Board. The Board had no disclosures.

Applicant Presentation

Matthew H. Scott, Esq., Greenspoon Marder, LLP, presented on behalf of the applicant, REZ SE Land, LLC. He provided a brief background on the Forest Apartments project at 787 South State Road 7 (SR-7), and the three (3) applications before the Board at this time. He noted the staff report and backup material were a part of the record and included recommendations of conditional approval for all of the applications following a two (2) year review process. Attorney Scott advised the property is located on the west side of SR-7, directly south of SW 7th Street. He shared an aerial image of the property and described neighboring properties briefly. He stated the project was planned for the south and west portions of the property, which had been vacant for more than 20 years, and fit with the City's vision for redevelopment of the area.

Attorney Scott stated the first application was for Special Exception approval to develop the property with a 338-unit multi-family development, the second was Subdivision Resurvey approval to modify the property lines, and the final was a Plat Note Amendment approval, to amend the restrictive note on the existing plat. He explained the County governs platting, and in Broward County, there are restrictive notes which govern not only access, drainage features, and property lines, but also require applicants indicate how much development would take place. He advised that in this case, there is a plat note which states development can be up to 146,000 square feet of office, and the applicant seeks to amend the plat note to allow 146,000 square feet of office and 338 multi-family units. He stated the application would require both City and County approval.

Attorney Scott shared a site plan, identifying the existing office building, proposed multi-family dwellings, and parking. He stated the parking would serve both the office building and the residential development. He noted existing access points on Atlantic Boulevard would not change, but the spine road running east to west would be realigned to better serve both communities. He described the residential project, highlighting the gated access, five (5) buildings, entrance feature, open space, bus stop, amenity center, and center courtyard. He shared renderings of the community, noting feedback from staff had led to larger balconies, more façade articulation, and more exciting colors. Attorney Scott stated the land use for the property was Activity Center, and the zoning was Gateway. He reviewed the City's vision for creation of an Activity Center and the associated definitions and explained the Gateway zoning meant the project had to be something

special that people will see as they drive into the city. He continued to share renderings and describe the amenities of the luxury development.

Attorney Scott reviewed the criteria for a Special Exception, and advised the application had been found to meet all criteria without any variances or waivers. He commented on traffic concerns, noting that the traffic study showed approximately 150 new trips in the morning and 150 new trips in the evening, which was found to be within the level of service for the roadways by the project traffic engineer, the City's engineering staff, and a third-party traffic engineer engaged by the City of Margate. He stated that in determining whether utilities would exist at the City's adopted level of service, it was determined a lift station would require upgrade. He explained that as a condition of approval of this project, the applicant would be paying for this upgrade, which would improve the sewer capacity. Attorney Scott advised the existing ingress and egress would be maintained, with pedestrian enhancements to include larger sidewalks, a new bus stop, and sidewalks throughout the project to the preserve, which he called underutilized. He reviewed plans for parking, pointing out Margate has the highest parking requirements of any City in Broward County. He stated the applicant was providing 716 parking spaces to ensure there would not be parking issues created in any of the neighboring areas. He reviewed the buffers and setbacks briefly, noting there were zero visual impacts on any of the surrounding properties. He stated the buildings would be five (5) stories and meet Code.

Attorney Scott shared additional elevations and discussed features of the project. He reviewed the boundary lines reflected on the Subdivision Resurvey and stated the proposal meets Code in all material and specifications. He reiterated the details of the applications briefly.

Ms. Sanchez asked if there would be a presentation from the traffic consultant. Attorney Scott advised that traffic engineer Karl Peterson was available to answer questions.

Mr. Spavento expressed concern the preserve would be turned into parking. Attorney Scott explained no changes were being made to the preserve.

Chair Awofadeju-Major asked if any of the apartments would be reserved as affordable housing. Attorney Scott stated the plan was not to deed restrict any units for affordable housing.

Staff Presentation

Christopher Gratz, AICP, Senior Planner, presented on behalf of staff. He stated the material was complex, but the issues were simple. He provided a brief overview of the Forest Apartments proposed project, including an aerial of the site, the Future Land Use Map, and Zoning Map. He reviewed the applications required for the project and noted that in July 2023, a Code change was made to create development standards and allow residential development to front SR-7, which laid the groundwork for projects like the proposed.

Mr. Gratz shared the residential site plan for the project, including the Master Parking Plan. He stated half of the parking would be dedicated and owned by the apartments and the other half

would belong to the office park with joint use. He reviewed the square footage and other metrics of the project and pointed out that while affordable housing units are needed, overall housing in the City and County is well short of current demand and future supply needs.

Mr. Gratz reviewed proposed setbacks, swales, multi-use path, landscaping, and shade trees, and shared renderings of the project and amenities. He discussed the staff findings, and noted all criteria for the Special Exception were met aside from the pending determination by the City Commission that granting of the application would be in the best interest of the City, with approval serving as a prerequisite to approval of the Plat Note Amendment and Subdivision Resurvey. He advised that staff recommended conditional approval of the Special Exception, subject to the conditions as outlined in the staff report. Continuing, Mr. Gratz discussed the staff findings for the Plat Note Amendment and Subdivision Resurvey, which were also found to meet the criteria and recommended for conditional approval by the Development Review Committee (DRC). He addressed concerns with traffic in Broward County, and stated the only true solution was to continue densifying to the point where mass transit would work. He stated the County continues to take steps toward a transit system.

Ms. Sanchez asked for clarification on the offices shown on the plan. Mr. Gratz advised this was the existing vacant office space. He stated there are for sale signs on the building.

Ms. Sanchez asked how the levels of service for drainage, potable water, and other factors are met. Mr. Gratz stated it was a cooperative effort confirmed by staff and the DRC. He stated rain water would be filtered and flow into the preserve to improve conditions, and highlighted the fees associated with the traffic ~~conservancy~~ concurrency.

Ms. Sanchez inquired as to whether there were stores or businesses planned for the first floor of the apartments. Mr. Gratz stated there were not.

Mr. Eccli commented that the availability of housing is a major problem in the County and growing, and asserted adding luxury apartments moved the average and made the general problem of affordability worse. He stated the project does nothing for affordable housing and reduces what might have been an opportunity. City Attorney Tolces advised that there was nothing under the current applications which would allow for the imposition of an affordable housing requirement. He noted this could be discussed separately outside of the application.

Mr. Eccli highlighted the overall greenspace on the site, as well as access to the reserve through the project and asked if there had been any consideration of keeping the greenspace. Mr. Gratz advised there was consideration of the greenspace requirements, which were all met. He discussed the historical ownership of the property.

Mr. Eccli asked if there would be any reduction to the breadth of services in the Activity Center. Mr. Gratz stated the development fit with the goals of the Activity Center and would enhance it. Mr. Eccli asked if the philosophy that density should be increased to the point where mass transit

would work was a belief held by the City and its citizens, who may not want accelerated urbanization. Mr. Gratz commented on management of a growing population.

Mr. Eccli stated he would like to be apprised of what citizens can do to intervene productively at an earlier point in the development process. City Attorney Tolces explained the public is always invited to be part of the process and outlined the opportunities for public input briefly.

Elizabeth Taschereau, Director of Development Services, explained the process that developments go through includes strict adherence to criteria and codes, and at the end of which the application is brought forward to the Planning and Zoning Board and City Commission. She commented on mass transportation concerns, noting the cities must work with the counties and State through an involved process which looks at intersections and traffic on all roads. She stated Broward County is working toward improved transportation for those who do not currently have transportation and noted that if people want to keep their cars, there will continue to be traffic. She pointed out the bus stop on the project allows people who live in the apartments to choose to leave their car at home.

Mr. Spavento stated he found this type of housing very unattractive and referenced another development on the opposite side of the City. He argued these were common and added that he saw boxes with nice window treatments. He asked if the project itself was mixed-use. Mr. Gratz explained the corridor was mixed-use, but this project was not. He stated the land use and zoning were put in place to allow for similar development.

Mr. Spavento stated it bothers him to see construction so close to the road, and asserted it was not necessarily true that there would always be more cars and more people as things may change in the future. He noted his biggest objection was that it was an eyesore, and it would make Margate look like every other overdeveloped place. He added that putting a parking lot over greenspace next to a preserve was also not his idea of good city planning.

Attorney Scott clarified that the plan was to provide the majority of units at an affordable level of rent as established by State standards, but a deed restriction for affordable housing was not proposed. He advised it was designed to be a desirable community within the affordability for 120 percent of the Area Median Income (AMI). He expanded on previous discussion of the lift station to be funded by the applicant and noted while the station was found to be not currently operating at acceptable service levels for the surrounding community, so the project would have a wider benefit for the entire area. He addressed concerns related to the property and preserve, explaining the grass area was private property and not a park, and the preserve had been previously dedicated by the Shooster family.

Karl Peterson, Traffic Engineer, Traftech Engineering/KBP Consulting, shared a brief overview of his experience and background and reviewed the Traffic Impact Study briefly. He stated this review had spanned two (2) years and been extensive. He noted staff had also reviewed the analysis and brought in a third-party consultant to review the analysis in addition to the Broward County and Florida Department of Transportation (FDOT) reviews. He explained that based on

the standards, the project's impact on traffic is relatively minor. He acknowledged it would result in more traffic than a vacant lot, however the impact was something like two (2) vehicles a minute.

Ms. Sanchez asked for clarification on how the number of trips was determined, citing the need for two (2) people per unit to travel to work each morning, in addition to teenagers and other residents. Mr. Peterson shared that he had been involved in trip generation estimates since the 1980s and outlined how data is collected and refined. He provided additional information on the calculations for this type of development.

Mr. Eccli stated he understood the increase in traffic of this development may be slight, but he was concerned that mode of thinking ignores the collective impact of several developments in the City over a period of time. Mr. Peterson commented that the point was well taken. City Attorney Tolces added that long-term policy solutions could be discussed with the Commission.

Public Hearing

Chair Awofadeju-Major called for public comment.

Keith Mc Gaw, 6211 SW 5th Street, Margate, stated the amount of building and population growth was concerning and asked if there was a limit to how many people could be in a city. He asked if the height of the buildings had anything to do with the approach to Fort Lauderdale Executive Airport and asserted that if residents do not want this influx of people to a residential area, they should have that choice. He stated it would be a shame if this site was developed.

Ingrid O'Brien, 520 SW 63rd Avenue, Margate, advised that she does not approve of the project and feels it is chaotic. She stated children get off the school bus at the back side of the preserve, and these apartments would result in danger for the children as speeding and number of vehicles increases. She asserted there should be better planning.

George Salama, 5541 SW 8th Court, Margate, stated he has questions about the project and the consequences. He commented that he did not agree with the traffic assessment regardless of the data utilized. He added that traffic is the biggest concern, as it continues to get worse. He stated he understands the site represents a good opportunity, but he does not believe the collective good is being considered. He argued people from Margate may not be able to afford the apartments, and they would result in others leaving the community.

Marian Phelps, 5507 SW 8th Court, Margate, disagreed that taller buildings result in less cars and shared her experience that people do not use public transport when they have vehicles. She stated the applicant was giving their perspective on what is beneficial, but they are not thinking about those who live nearby. She commented on security and property crime concerns with additional residents and stated housing projects bring down the value of homes.

Tamara Haynes Rampasard, 5570 SW 10th Street, Margate, stated traffic is increasing as the City becomes too crowded. She asserted there is not enough parking at the nearby park for the

increased number of residents or planned parking for the apartment complex. She stated there are issues with people parking tractor trailers and loitering at night, and this development was not fair to the existing residents. She discussed issues with the County's transit system and asked how much more could be done.

Jo Ann Szozda, 898 SW 55th Terrace, Margate, stated the City Commission had already turned down a complex like this on Margate Boulevard, and asserted it should not be pushed to the south side of Margate. She expressed concern with already overcrowded schools and stated everything needed to be considered, not just traffic. She questioned the results of the traffic study and stated the zoning should be reconsidered.

Patricia Madden, 6211 SW 5th Street, Margate, asserted she did not agree with this project. She asked whether the voice of the residents would count as to whether the project proceeds. City Attorney Tolces stated the Board would take comments under advisement when making their decision on the applications.

Ms. Madden asked the rental rate for the units and stated she wanted to know if the land was zoned for low income or affordable housing, as well as whether the project was connected with efforts of the Biden-Harris administration to inject housing into communities. She asserted the project would lower property values and increase traffic, and stated this beautiful land in Margate should be preserved.

Anthony Genova, 881 SW 55th Terrace, Margate, stated he was concerned with the traffic and shared statistics from FDOT regarding the number of cars traveling the area streets. He commented on U-turns, traffic lights, and minimal access points and stated 338 units would result in more cars going back and forth. He asked that the project be considered hard, including why it is needed. He stated there are hundreds of parking spaces at the office complex, and if that is rented out, it would add additional congestion.

Rachel Glezil-Pierre Louis, 5565 Monte Carlo Place, Margate, stated she agreed with the other residents who had concerns about the development. She advised she had seen a number of fatal accidents due to the U-turn to access her neighborhood and stated the development may be a benefit to the City's finances but was not worth it.

Lauren Baraca, Paradise Gardens III, Margate, stated she lives in a senior community where there had been an increase in kids moving back in with their parents. She asserted this would continue to mean an increase in traffic, and the traffic study did not consider the reality.

Fernando Rodriguez, 8th Court, Margate, stated the buildings were too big, and the developer was not taking Margate residents into account. He asserted taxes would need to go up to pay for expanded mass transit, and the site should be limited to offices.

Tim O'Hare, 970 SW 55th Avenue, Margate, discussed 2023 FDOT statistics for traffic in the area and stated the development would add at least 700 more cars to the daily traffic, which would represent nearly a 45 percent increase.

Attorney Scott responded to public comments briefly. He noted analysis of the project's impact on school capacity was conducted by Broward County Public Schools, and the district found a satisfactory level of services exist to accommodate. He stated he understood traffic and parking concerns, but the data collection was conducted by experts in the field based on research.

Board Discussion

Attorney Scott provided closing comments, explaining the Planning and Zoning Board was serving as judges reviewing the facts of the matter, and this issue was not about popularity. He stated if the project met the Code, the obligation of the Board was to approve it. He asserted there was not an item the experts had found did not meet Code, and respectfully requested a recommendation of approval. He reiterated that the developer believes the project would be a great contribution to the City and was sorely needed in the area.

City Attorney Tolces directed the Board individually and as a whole that their decision must be made based on competent, substantial evidence related to the City Code and not generalized support or opposition that is not fact based. He reviewed the definition of competent, substantial evidence.

Mr. Spavento referenced the aerial view of the property and asked how residents would go north and south on 441. Mr. Gratz indicated the access points on the image. Mr. Spavento asked what would happen when the office building was redeveloped. Mr. Gratz stated the traffic pattern would remain the same.

Mr. Spavento asked where kids could play on the project. Mr. Gratz indicated the open space, area near the pool, and linear park on the site plan. Mr. Spavento noted the number of parking spaces shown for the front building and asked for clarification. Mr. Gratz reiterated that the plan met and exceeded Code for the number of parking spaces and noted the distance to parking was not relevant to the project.

Mr. Spavento asserted the project did not include space to live or children to play. He advised the City Commission could overrule the Planning and Zoning Board vote if they did not agree with it, and stated he would like to see the empty business plaza torn down if it was not being used.

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

MOTION: TO RECOMMEND THE CITY COMMISSION MAKE CONDITIONAL APPROVAL OF THE SPECIAL EXCEPTION FOR THE FOREST APARTMENTS BASED ON THE FACTS OUTLINED IN THE STAFF REPORT.

ROLL CALL: Ms. Awofadeju-Major – Yes; Mr. Eccli – Yes; Ms. Sanchez – Yes; Mr. Spavento – No; Mr. Sulaman – Yes. The motion passed with a 4-1 vote.

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

MOTION: TO RECOMMEND THE CITY COMMISSION MAKE CONDITIONAL APPROVAL OF THE PLAT NOTE AMENDMENT FOR THE FOREST APARTMENTS BASED ON THE FACTS OUTLINED IN THE STAFF REPORT.

ROLL CALL: Ms. Awofadeju-Major – Yes; Mr. Eccli – Yes; Ms. Sanchez – Yes; Mr. Spavento – No; Mr. Sulaman – Yes. The motion passed with a 4-1 vote.

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

MOTION: TO RECOMMEND THE CITY COMMISSION MAKE CONDITIONAL APPROVAL OF THE SUBDIVISION RESURVEY FOR THE FOREST APARTMENTS BASED ON THE FACTS OUTLINED IN THE STAFF REPORT.

ROLL CALL: Ms. Awofadeju-Major – Yes; Mr. Eccli – Yes; Ms. Sanchez – Yes; Mr. Spavento – No; Mr. Sulaman – Yes. The motion passed with a 4-1 vote.

City Attorney Tolces advised the recommendations would be forwarded to the City Commission for their consideration.

2) PROPOSED ORDINANCE

A) ID2024-319

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS, AMENDING CHAPTER 40- "THE MARGATE UNIFIED LAND DEVELOPMENT CODE," DIVISION 2, "SPECIFIC USE REGULATIONS," SECTION 40.620, "PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS" OF THE CITY OF MARGATE CODE OF ORDINANCES; PROVIDING FOR REVISIONS TO ACCESS, LOCATION, PARCEL SIZE REQUIREMENTS, AND TO REFLECT REVISIONS TO FLORIDA STATUTES FOR PRIVATE SCHOOLS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Tolces read the item by title only.

Christopher Gratz, AICP, Senior Planner, presented on behalf of staff. He explained the ordinance was brought at the request of the Commission in response to recent changes to Florida Statutes. He noted the amendments also corrected ambiguity in the wording and reviewed the proposed updates as outlined in the staff report.

Mr. Eccli asked if this ordinance would make Margate's children and grandchildren safer. Mr. Gratz stated the item had a neutral impact and was more associated with convenience for drivers and controlling traffic impacts.

Ms. Sanchez inquired as to how residents would be informed of the new regulations. Mr. Gratz stated it did not change anything existing but would apply to new schools.

Chair Awofadeju-Major called for public comment, however there being none to speak, she closed public comment.

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

MOTION: TO RECOMMEND THE CITY COMMISSION MAKE CONDITIONAL APPROVAL OF THE ORDINANCE.

ROLL CALL: Ms. Awofadeju-Major – Yes; Mr. Eccli – Yes; Ms. Sanchez – Yes; Mr. Spavento – Yes; Mr. Sulaman – Yes. The motion passed with a 5-0 vote.

3) GENERAL DISCUSSION:

Mr. Sulaman commented that moving the school zone on Atlantic and 66th Street would be beneficial. Mr. Gratz advised that would be up to the School Board.

4) ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,



Joao D. Brandao, Chair