



### City Commission

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## REGULAR MEETING OF THE PLANNING AND ZONING BOARD MINUTES

**Tuesday, April 5, 2016**

**7:00 PM**

City of Margate  
Municipal Building

### **PRESENT:**

Todd E. Angier, Chair  
Anthony Caggiano, Vice Chair  
Teresa DeCristofaro  
Phil Hylander

### **ALSO PRESENT:**

Benjamin J. Ziskal, AICP, CECd, Director of Economic Development  
Andrew Pinney, Associate Planner

### **ABSENT:**

Catherine Yardley

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Todd Angier at 7:25 p.m. on Tuesday, April 5, 2016. The Pledge of Allegiance followed. A roll call of the Board members was taken.

Chair Todd Angier advised that a new chair and vice chair would need to be selected for the upcoming year.

Mr. Caggiano, seconded by Mr. Hylander, nominated Todd Angier as Chair.

**ROLL CALL:** Mr. Hylander, Yes; Mrs. DeCristofaro, Yes; Mrs. Yardley, Absent; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

Mr. Hylander, seconded by Mr. Angier, nominated Anthony Caggiano as Vice Chair.

**ROLL CALL:** Mr. Hylander, Yes; Mrs. DeCristofaro, Yes; Mrs. Yardley, absent; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

### **Economic Development Department**

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- 1) APPROVAL OF THE MINUTES FROM THE MARCH 1, 2016 PLANNING AND ZONING BOARD MEETING

Mrs. DeCristofaro made the following motion, seconded by Mr. Caggiano:

**MOTION:** SO MOVE TO APPROVE THE MINUTES AS WRITTEN

**ROLL CALL:** Mr. Hylander, Yes; Mrs. DeCristofaro, Yes; Mrs. Yardley, Absent; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

- 2) **NEW BUSINESS**

- 2A) **PZ-01-16:** CONSIDERATION OF AN ORDINANCE FOR A CITY-WIDE MORATORIUM ON CHARTER SCHOOLS

Andrew Pinney explained that the ordinance provided a definition of charter school and it provided a six-month temporary stoppage on any new charter schools from opening. He advised that there was a pending legislative action and the City wanted to wait to see if the State would be making changes to regulations concerning charter schools at which point the City would amend Margate's Code as needed to best meet its needs.

Mr. Pinney mentioned that charter schools had been sometimes problematic in the past with rush applications that did or did not meet the School Board deadline and poor operators that resulted in schools being shut down mid-year forcing the students to find new schools.

Mr. Caggiano commented that if the six-month moratorium was passed April 15, it would end October 15, after the start of the school year which would automatically dissuade any new operator from opening a charter school until the following year. Mr. Pinney responded that generally applications were received in the early to mid-summer and it would be unlikely to receive an application in the fall.

Mr. Caggiano said his research revealed that there had been a bill in Florida on the subject that had failed. He said Margate should adopt a similar one that would allow a good, proven charter school to annex into Margate. He referenced [www.goodschools.com](http://www.goodschools.com), a website that graded schools and also provided housing recommendations. He pointed out that on a scale of one to ten, Margate Middle School was rated a five, Margate Elementary was rated a five, Liberty Elementary was a three, and Atlantic West was a two. He said the definition of a charter school was to meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system. He said it was a disservice to take away the opportunity for a charter school to come into Margate when its best school was rated a five. He said SB 424, the failed bill, included language which required an application for a charter school to contain a list of certain information regarding all charter schools currently or previously operated by the applicant, applicant group, or proposed management company, authorized a sponsor to deny an application based on charter school failures, and required a charter school to submit monthly financial statements for the first year of operation with specified information included. Though he did not know the reason the bill failed, Mr. Caggiano said Margate should not be closed to a charter school that could show a proven track record.

Mr. Angier commented that his understanding was that the City was looking to develop a set of standards that potential charter schools would need to meet before the City allowed a charter school to take up commercial space that could be used by a business. He said that having the ordinance was a good thing so that a set of plans could be put in place so as to avoid having a school shut down mid-year as had happened in the past. Mr. Caggiano agreed and he asked why such plans had not been in place for charter schools in the past. Mr. Pinney responded that when the State first introduced the legislature for charter schools, it gave a list of mandates whereby if a charter school shared space with a specific list of uses, such as museums, theaters, and similar, cities had to allow them. He said the City has always had uses known as "school of instruction" in its commercial districts and, in 2010, it struck out a caveat of non-academic to try to encourage secondary schools and alternatives to the public schools into the City. He noted that charter schools were new to South Florida and the City was learning how to better deal with them. He reiterated that the moratorium was temporary; its intent was to find out what changes the State Legislature might propose and how the City would amend its Code to be in line with it.

Mrs. DeCristofaro commented that she thought it was wise to wait to see what came out of the State Legislature before taking any action.

Mr. Hylander commented that he agreed with the moratorium in principle but not with the reasoning behind it. He said he did not know how much the City actually lost in ad valorem taxes when schools took over commercial properties. As far as flooding the commercial districts, he said most of the schools he had seen had taken over properties that had been vacant for years, citing SunEd High School and the college in Penn Dutch Plaza as examples. He said the schools were helping property owners fill their rosters.

Mr. Schweitzer asked if the new charter school that was going in across from the Post Office would be affected. Mr. Pinney responded that the school was already under construction and they would not be affected by the moratorium.

Mr. Hylander asked whether the moratorium would disappear in six months or if further action was needed. Mr. Pinney responded that he understood there was a sunset provision in the ordinance and it would just end.

Mrs. DeCristofaro made the following motion, seconded by Mr. Angier:

**MOTION:** TO APPROVE

**ROLL CALL:** Mr. Hylander, Yes; Mrs. DeCristofaro, Yes; Mrs. Yardley, Absent; Mr. Caggiano, No; Mr. Angier, Yes. The motion passed with a 3-1 vote.

2B) **PZ-02-16:** CONSIDERATION OF AN ORDINANCE TO INTRODUCE THE 11CG ALCOHOL LICENSE FOR GOLF COURSES

Andrew Pinney explained that the City was divided into a number of alcohol districts and there were a certain number of allocations for alcohol licenses within each district. He said the City's

Code included just the basic licenses which were 2APS, 3APS, 2COP, 4COP, and the 4COPSRX. By comparison, he said that the State's Department of Business and Professional Regulation, Division of Alcohol and Tobacco, offered between 20 to 30 different types of allocations. Mr. Pinney said that the requested alcohol license had been brought to staff's attention by a property owner who asked that the City add the allocation for the golf courses. He said the property owner currently operated a golf course and their allocation was the 4COPSRX which mandated that 51% of the sales revenue must be from food service. Mr. Pinney said that the State inspector recommended to the property owner that he switch to this allocation. He said the ordinance was to add the additional allocations and make them available for the golf courses.

Mr. Caggiano commented that the meeting back-up indicated that the new total of licenses would increase from 245 to 247. He asked if all the licenses had been taken. Mr. Pinney said they were not. Mr. Caggiano asked if additional alcohol licenses could be obtained if needed and whether the license that the golf course was giving up could be given to someone else. Mr. Pinney responded that the allocations could be increased by ordinance. He commented that when the City adopted the alcohol districts in the 1970's, it was done based on the voting districts which would explain why the districts on State Road 7 were split down the middle; he said the districts did not make sense for development. He said there was a plan to do an overhaul of this section of the Code to reallocate the alcohol districts in the future. Mr. Caggiano asked for a map of the alcohol districts.

Mr. Caggiano made the following motion, second by Mrs. DeCristofaro:

**MOTION:** TO ACCEPT THE CHANGE TO THE ORDINANCE

**ROLL CALL:** Mr. Hylander, Yes; Mrs. DeCristofaro, Yes; Mrs. Yardley, Absent; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

### 3) **GENERAL DISCUSSION**

Ben Ziskal congratulated the new Board members and the appointments of chair and vice chair. He explained a change that he proposed making to the agenda that would be beneficial to the Board. He said he proposed adding an Old Business section and possibly a Director's Update so that the Board members would know what happened to items after they made their recommendations. He also proposed quarterly updates on development that was taking place in the City. He said he planned to meet with the Chair and work out a plan to best incorporate the items.

There being no further business, the meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES, Engineer,  
Building Director, Board of Adjustment, Petitioner(s)

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