



**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
MINUTES**

Tuesday, September 6, 2016

7:00 PM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano
Vice Mayor Joyce W. Bryan
Lesa Peerman
Joanne Simone
Frank B. Talerico

City Manager

Douglas E. Smith

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Todd E. Angier, Chair
Anthony Caggiano, Vice Chair
Catherine Yardley

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development
Rick Riccardi, Fellowship Living Facilities, Inc.

ABSENT:

Teresa DeCristofaro
Phil Hylander
Andrew Pinney, Associate Planner

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 7:00 p.m. on Tuesday, September 6, 2016. The Pledge of Allegiance followed. A roll call of the Board members was taken.

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- 1) APPROVAL OF THE MINUTES FROM THE JUNE 7, 2016 AND AUGUST 4, 2016 PLANNING AND ZONING BOARD MEETINGS

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

MOTION: SO MOVE TO APPROVE THE MINUTES AS WRITTEN

ROLL CALL: Mrs. DeCristofaro, Absent; Mr. Hylander, Absent; Mrs. Yardley, Yes; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 3-0 vote.

- 2) **NEW BUSINESS**

Economic Development Department

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- 2A) **PZ-04-16:** CONSIDERATION OF AN APPLICATION FOR REZONING FOR FELLOWSHIP LIVING FACILITIES, INC.
 LOCATION: 431 BANKS ROAD AND 441 BANKS ROAD
 ZONING: R-3 MULTIPLE DWELLING
 LEGAL DESCRIPTION: LAKEWOOD GARDENS, LOT 10, BLOCK 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 78, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Ben Ziskal showed a PowerPoint presentation which started with an aerial map of the two properties being considered and the surrounding area. He pointed out that the properties were surrounded to the east, north and partial west by residential, and by commercial properties to the south and far west. He advised that the request was to rezone two parcels that were adjacent to an existing Community Facilities (CF-1) zoning designation. He noted that the properties at 451, 461, and 471 Banks Road, already had a zoning designation of CF-1, with the exception of the driveway entrance and the pool, and they currently housed the Fellowship Living facility. He showed a map that highlighted the location of the two properties being considered, 431 and 441 Banks Road, and their proximity to the existing CF-1 zoning. He explained that the request was to expand the CF-1 district to include both parcels so that Fellowship Living could expand its operations. He said the two properties were chosen because of their proximity to the other properties so as not to create spot zoning; having all the parcels together would create one CF-1 zoning district.

Mr. Ziskal stated the Development Review Committee (DRC) reviewed the application and found it consistent with the adjacent properties and it recommended approval.

Mr. Caggiano made the following motion, seconded by Mrs. Yardley for discussion:

MOTION: TO APPROVE

Mr. Caggiano commented that he had heard Mr. Riccardi speak at a recent Chamber breakfast and he said he was impressed with Fellowship Living's mission. He asked Mr. Riccardi to speak about the standards and certifications maintained by his organization.

Rick Riccardi, 4829 South Hemingway Circle, stated that their operation has been in the same location for the past eight and one-half years. He said they started with two buildings and expanded north after obtaining zoning changes. He explained that they had 20-30 people on a weekly basis seeking housing for recovery. He explained the recovery process noting that it took five years for full recovery. He said their facilities housed four men per apartment that the men provided support to each other. He said the men must all have jobs, pay rent and taxes, and they must report daily activities. He said if they relapsed, they had to leave.

Mr. Angier commented that he was glad that those who relapsed were made to leave, but he expressed a concern about the impact it might have on the surrounding residential community.

Mr. Angier asked why the addresses of the properties being considered were not listed on the application for rezoning, i.e., one owned by Fellowship Living, and the other by a mother and daughter. Mr. Ziskal said the addresses of the properties had been submitted. He noted that

one of the properties was owned by two women and an approval letter had been received from only one of them. He said the second letter of approval would be needed prior to the item appearing before the City Commission. He said it was his understanding from Mr. Riccardi that it was in the works.

Mr. Angier said he understood the addresses were listed on the DRC application but the Planning and Zoning application referenced "adjacent properties"; it did not specifically list the address of the properties. Mr. Ziskal responded that it could have been added to the application and noted that a survey was required for the properties and when the item would appear before the City Commission, the ordinance would have the specific legal description of the properties. Mr. Angier said he preferred to have the addresses on the application form.

Mr. Angier commented that the back-up materials indicated that a letter was needed from both owners of one of the properties being considered for rezoning. He asked if it was premature to make a decision about the property without the approval letter. Mr. Ziskal responded that the Board could make a recommendation without the approval letter. He said it was understood that the item would not proceed to the City Commission without the approval letter and they could not legally approve it without the letter.

Mr. Riccardi explained that the woman who owned the building lived there and her mother lived far away. He said the woman needed to set up an appointment and then drive up and get the letter signed.

Mr. Caggiano made the following amendment to the motion, seconded by Mrs. Yardley:

AMENDMENT: TO ADD THE ADDRESSES TO THE APPLICATION; AND, TO
OBTAIN RECEIPT OF THE LETTER OF APPROVAL FROM THE CO-
OWNER AS A CONDITION OF APPROVAL

Mitch Pellecchia, 6890 N.W. 9th Street, expressed a concern about setting a precedent on the process. He said that the needed letter should be obtained prior to the Board making a decision. He questioned why the item was being addressed without all the required information. He said an approval process of this type had backfired on the City in the past.

Mr. Angier explained that the Board of the Adjustment was an advisory board that made recommendations to the City Commission. He explained the process and he said that if the letter was not obtained, the petitioner could not move forward on the one property.

Mr. Ziskal commented that it was fairly common to have a letter authorizing an agent to act on behalf of a prospective buyer. He clarified that if the Board had the letter today and they recommended approval, Mr. Riccardi still did not own the property. He said the rezoning and sale of the property went together in that the property owners were agreeing to have their property rezoned and ultimately sold to Mr. Riccardi. Mr. Ziskal said if the letter of approval was not obtained, the item would die, and it would not move forward to the City Commission.

Mr. Ziskal said another option would be to have the item tabled until such time as the letter was received.

There was a short back and forth discussion between Mr. Pellecchia and Mr. Angier about the process. Mr. Angier responded that the Board was doing its part by way of the amendment to ensure that the necessary documentation was obtained prior to the item proceeding further.

ROLL CALL

ON THE

AMENDMENT:

Mrs. DeCristofaro, Absent; Mr. Hylander, Absent; Mrs. Yardley, Yes; Mr. Caggiano, Yes; Mr. Angier, Yes. The amendment passed with a 3-0 vote.

ROLL CALL ON

THE MOTION

AS AMENDED:

Mrs. DeCristofaro, Absent; Mr. Hylander, Absent; Mrs. Yardley, Yes; Mr. Caggiano, Yes; Mr. Angier, Yes. The motion passed with a 3-0 vote.

3) **GENERAL DISCUSSION**

Ben Ziskal asked that a poll be taken of the Board members on whether they wished to take a hard stance that would require that 100 percent of the property owner requirements were obtained prior to an item coming before them as a Board in the future. All three Board members were in agreement that all future items must have all property owner approvals before coming before the Planning and Zoning Board.

Mr. Ziskal spoke about a new program that would be rolled out that would allow additional signage for existing businesses. He said the program was intended to provide roadway signage for businesses that were set to the extreme rear of a shopping center or had an extreme setback. He said the program would allow businesses to have a pole banner, three (3) foot by six (6) foot, by the roadway for a period of 30 days. He said a business could be on the pole for up to six (6) times per year. He explained that the scheduling of the banner rotations would be handled by the landlord and tenants. The new program would be in addition to the grand opening banner program he said.

Mr. Caggiano asked if the program allowed for anniversaries as well as grand openings. Mr. Ziskal said anniversaries were not written specifically into the Code; however, this banner program would allow for them. He said there would be two programs: one for grand openings; the other for businesses open more than 60 days.

Mr. Angier asked if the new banners would also be placed every 100 feet and Mr. Ziskal responded that they would be.

Mr. Ziskal updated the Board on the recent amendment to the City's Transit Oriented Corridor (TOC) land use designation was approved by the Broward County Planning Council. He noted that the Board had previously reviewed the item to allow additional residential units that had been miscalculated when the South Florida Regional Planning Council prepared the amendment in 2007. He said the item would move on to Broward County Commission and then on to the State for approval.

There being no further business, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair

DRAFT