



# City of Margate

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## Meeting Minutes City Commission Workshop

**Mayor Tommy Ruzzano**  
**Vice Mayor Arlene R. Schwartz**  
**Commissioners:**  
**Anthony N. Caggiano, Lesa Peerman, Joanne Simone**

**City Manager Samuel A. May**  
**City Attorney Douglas R. Gonzales**  
**City Clerk Joseph J. Kavanagh**

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Thursday, November 9, 2017

5:00 PM

Commission Chambers

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### CALL TO ORDER

**Present:** 5 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Commissioner Lesa Peerman, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano

In Attendance:

City Manager Samuel A. May  
City Attorney Douglas R. Gonzales  
City Clerk Joseph J. Kavanagh

### 1) PRESENTATION(S)

**A. [ID 2017-743](#) REVISITING THE TRANSIT ORIENTED CORRIDOR (TOC)**

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES)  
DIRECTOR REDDY CHITEPU explained that at the October 4th City Commission meeting, they had a discussion item regarding Transit Oriented Corridor (TOC) and he recapped what was discussed. He advised that it was requested that they should bring in a Planning Consultant and introduced Jeffrey N. Katims who was the Managing Principal at The Mellgren Planning Group, Inc.

#### INTRODUCTION

THE MELLGREN PLANNING GROUP, INC. MANAGING PRINCIPAL JEFREY N. KATIMS did a presentation on the TOC. He said that he had 25 years of experience in planning matters and explained that they did planning work for local governments, businesses and shopping center developers. He said that he was very familiar with zoning and land development. He advised that he had never done any work in Margate prior to this. He said that the staff gave a clear directive to review the City's Code and Regulations to see what the options were. He said that he would present options for the key concerns that were mentioned. He advised that the staff had reached essentially, the same conclusion that he had as to what the options were. He advised that they had two distinct sets of issues and that the first issue was the City Center concerning a Developer Agreement that the City had entered into. He explained that as it was a contractual matter and that there were legal issues associated with the same, he would address everything apart from that in the rest of the corridor.

#### STATE ROAD 7 REGULATORY ISSUES

He spoke about height which was mentioned in Arbor View being a tall building and close to the road. He discussed about developers being handcuffed with rigid building placement requirements. He said that he heard comments about mixed use being undesirable and problematic and not enough parking required.

#### PARKING

He said that some of the parking ratios were too low, especially for residential. He said that some of the other ratios for commercial were okay and that civic was very low. He explained that they were dealing with a two to three mile corridor and they could amend the parking standards in the Code to address this.

#### BUILDING PLACEMENT STANDARD

He said there were two particular standards. He explained that they were Build-To-Line and Frontage Build-out and that there were detractors from that type of Regulation which may not be suburban. He also advised that it was not highway commercial which was a building with parking in front or around it with not much in terms of forethought or coordination as to where buildings were going. He also made a distinction between urban and a town center. He said that the detractor was that it handcuffed developers. He explained that there were two types of developers and said the type of developers who build Walgreens, McDonald's and strip buildings had a product which they want to build. He explained that if you try to make those developers conform to those standards, then you would get a building that did not meet the intent of the standards of its original goal. He explained that the other type of developer wants to push it further and interpret it as liberal. He said that detractor would be very limited, inefficient Public transportation and that they would be looking at decades for transit to catch up. He said that there were advantages with regard to the built-to line which creates an enclosure and a visual edge to 150 feet – 200 feet right of way which was the widest corridor anywhere short of a limited access highway. He indicated that they had approximately 27 miles of State Road 7 outside Margate that look the same. He said that if Margate does it and that the other North Broward cities had not opted for that type of zoning along State Road 7, it would give them a distinction that they would not have. He explained that the other advantage was economic development. He said that with a combination of an enclosure, uniqueness and identity, it would give to the City a corridor which combines to maximize development potential of a parcel and referenced the City of Pompano Beach.

#### BUILDING PLACEMENT OPTIONS

He referred to use of variances for reducing the requirement to build to the line. He explained that you could move the built-to line back or make it optional. He said that they could provide a maximum setback or they could eliminate the entire requirement and have minimum setbacks. He showed various options and explained that they could allow a driveway or some parking in the front. He advised the option of two rows maximum parking in the front or the No Setback option.

#### HEIGHT

He spoke about multi-story buildings close to the street and not suburban which he said was a concern. He advised that the more multi-story buildings they had, fire apparatus would be required. He said that there were advantages which usually came down to economic development. He advised that if they build up, it maximized the use of your parcel which generates more tax revenue. He said that it would provide a visual edge or

envelope for the corridor. He explained that the Regulations on State Road 7 for an eight story for a City Center. He advised that other commercial districts also allow building at the same height. He explained that options include reducing the height, change the setback based on height and that for taller buildings, they would require better design and nicer architecture. He advised that you could require more landscaping in taller buildings. He explained that Arbor View had a bulky appearance and it looked like it was right on top of the street. He explained that when the landscaping was put in for Arbor View, it would add depth and feel. He explained that the roof had a linear roof line and it was undesirable. He said it was vertical and does not break up the scale of the building.

#### APPROPRIATE MASSING

He said that breaking up a building into units that break up the scale of the building. He showed examples of massing and advised that they should be appropriately scaled and massed.

#### MIXED USE

He explained that mixed use was not a new concept and when it was regulated, like in the Code, it was not problematic. He explained that the two mixed uses were vertical and horizontal and most likely, vertical mixed use was with mid-rise buildings. He explained that they were mostly residential developers but outside of the City Center, it would be a mid-rise building and limited in context. He explained that for economic development, if you build up and mix the uses, you would generate more property tax revenue profit per acre. He said that as an alternative, you could do nothing as you have a fixed number of units along the corridor and you would not have that many units left. He also advised that they could restrict mixed use to certain circumstances.

#### REGULATORY OPTIONS

He said that in general, their regulatory options were to do some surgery, modify the undesirable options or repeal and reset. He said that if they took the surgical route, it would be the simplest, cleanest and quickest way. He advised that they could still keep the features that they do not object to and do the minimal amount of disruption to regulatory schemes which could be used to their advantage. He advised that if they control the narrative and provide flexibility to developers, they would love that and that many cities were going in that direction. He said that if they repeal, it could be a good option but it would be the most complex, lengthy and a little messy. He said that there could be potential issues with property rights. He explained that if they did the surgery option, the staff could prepare Code amendments for their consideration but it would take eight to twelve weeks. Referring to the slide, he advised that the repeal option would take approximately a year due to plan amendments and the process would involve a legal analysis.

COMMISSIONER LESA PEERMAN asked if a surgery would allow them to go in and take out what they did not like in the TOC. She also asked that if they repealed, if they had to go and address each property and rezone each one.

MANAGING PRINCIPAL KATIMS said yes. He also said that if they removed the mandatory things and left them as options, then this would not affect people's property rights.

VICE MAYOR ARLENE R. SCHWARTZ asked what was the benefit of the City joining the TOC.

MANAGING PRINCIPAL KATIMS explained that it was an effort by the Regional Planning Council to get all the cities on board. He said that it was not a centralized or linear transit conducive County and said for cost feasibility, it would be buses for the foreseeable future. He advised that it was more feasible in some cities than others. He said that there were some cities in East Broward that were getting serious investments by private developments. He also explained that they were getting prime employment development, well paid jobs with a lot of tax revenue and that they were going vertical and they were building residential in the same area. He said that as various things were in close proximity to each other, they function together. He said that in Margate, State Road 7 was essentially their business district and Coconut Creek were focusing on their Main Street area. He advised that Hollywood was focusing on State Road 7 as it was a missed economic development opportunity for them. He said that Margate's rationale was trying to have mixed use, smart growth and property tax revenue which would create a sense of place.

VICE MAYOR SCHWARTZ spoke about Arbor View and a potential Light Rail System to run down 441. She said that in the 35 years that she has lived in Margate, it has been a pass through to someplace else and spoke about Rising Tide Car Wash being too close to the road. She asked that if they did surgery, how deep could they cut and how far could they go.

MANAGING PRINCIPAL KATIMS said it was a difficult question to answer but if they framed it relative to some of those options, it could be discussed and that those surgical options could be done.

VICE MAYOR SCHWARTZ asked that if they decided that the setbacks were not good for the City, would they be compromising the plan.

MANAGING PRINCIPAL KATIMS said that they could leave them the option to do it and let them decide. He advised that to do the surgery for all future development and give them the option as they would not be undoing everything in the Comp Plan that the County approved.

VICE MAYOR SCHWARTZ referenced a photo from Pompano Beach.

MANAGING PRINCIPAL KATIMS said that the Code says that this area has to look a certain way. He said that the developer did not like it and they did not want to do it.

CITY MANAGER SAMUEL A. MAY referred to Arbor View about a line going across and said that if they could add it in their Architecture Guidelines concerning the massing to change the way buildings look.

MANAGING PRINCIPAL KATIMS said that they could be added into their Guidelines and recommended the massing requirements. He advised that they would not need an Architect but they could be consulted on this. He said that there was enough existing guidelines that staff could do without having to necessarily bring in an Architect.

MAYOR TOMMY RUZZANO spoke about Arbor View and said that they were informed that there was nothing that they could do about it as it met all the criteria. He asked if they were to repeal it, could they still put in the same criteria.

=MANAGING PRINCIPAL KATIMS said yes.

MAYOR RUZZANO said that it came up many years ago for the plan for transportation and that it was not working and asked for it to be repealed and go back to the City's standard.

VICE MAYOR SCHWARTZ read an extract from June 6, 2001 on the Resolution on the City of Margate approving State Road 7 partnership.

MANAGING PRINCIPAL KATIMS said that there were certain aspects with the TOC and they could address uses. He explained that the development standards that were causing the issues such as the height, setback, frontage requirement and parking. He advised that they could direct the staff to look for any other issues. He said that projects still have to stand on their own. He said that he could see the lack of architectural massing standards. He said that he had never seen a municipality that had a Code that worked forever.

COMMISSIONER ANTHONY N. CAGGIANO asked how tough it was to raise parking from 1.5 to 2.

VICE MAYOR SCHWARTZ explained that they have to raise the normal City parking Regulations.

MANAGING PRINCIPAL KATIMS advised that they could make it subject to the Parking Regulations City-wide.

Discussion ensued on parking.

MANAGING PRINCIPAL KATIMS said that they could offer a reduction for shared uses if they do mixed use.

VICE MAYOR SCHWARTZ said that Arbor View did not have enough parking. She said that she was not aware that they could have done something about the permissive use language.

Discussion ensued on the parking and also parking at Arbor View.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY explained that when Arbor View came in, they did not want to meet the minimum TOC of 1.6 average parking. He advised that they applied for a variance and had a traffic engineer write up a study. He said that the parking was 126 with a variance from the Board of Adjustment (BoA).

COMMISSIONER JOANNE SIMONE said that she was a fan of the surgery and not to get rid of the TOC. She explained that she sat on the Metropolitan Planning Organization (MPO) board. She said that transportation mobility was the way of the future as the roads could not handle the population that was here. She said that they should not be so restrictive to not let developers come in and do what they do not want to do. She said that the picture that they saw from the architect of what Arbor View was going to be was not an eyesore. She explained that it was still in the building stages and they did not need to wait until it was completed.

Discussion ensued on the completion of Arbor View and massing.

MANAGING PRINCIPAL KATIMS explained that when they enact architectural standards such as massing, they could not legislate good design. He explained that they could

have qualitative standards.

COMMISSIONER SIMONE advised that they have to be careful with the wording.

CITY MANAGER MAY asked if they could add into their Code that they can put final site plan approval by the Commission.

MANAGING PRINCIPAL KATIMS said yes.

VICE MAYOR SCHWARTZ said that Coral Springs has a Structural Architectural Committee which is assisted by volunteers.

MANAGING PRINCIPAL KATIMS advised that Hollywood, Davie and Parkland all have similar boards in place and explained their processes.

COMMISSIONER CAGGIANO asked how massing became acceptable in these plans but they did not know about it.

Discussion ensued on massing.

MANAGING PRINCIPAL KATIMS explained that they could have it written in the Code that would allow them to look at it. He advised that if they could make a finding that was not consistent with the intent of the criteria as articulated, then it would be possible.

Discussion ensued on Coding and on the height of buildings.

COMMISSIONER SIMONE said it was a mistake and they could learn from it and do better in the future.

COMMISSIONER LESA PEERMAN said surgery seems to be the logical option and that they could put in what they wanted. She said that she recalled in 2003 that when it was brought forward that one of the big things was zoning as it gave them the ability that they did not have to zone each property.

Discussion ensued.

COMMISSIONER CAGGIANO asked what else did they not know and how would they find out about them.

MAYOR RUZZANO said that they were still partnering with the County and that they were going to have restrictions.

CITY MANAGER MAY said that as far as he was aware, they had to partner with the County and be part of the comprehensive plan. He said that if they could get consensus, they could work with Jeff and his firm on coming up with some design guidelines.

Discussion ensued.

CITY MANAGER MAY advised that the TOC was not necessarily the problem but it was the Guidelines and restrictions that they have within the TOC.

Discussion ensued.

MANAGING PRINCIPAL KATIMS explained that there were two layers that were offered.

He said that the first was the Policy layer which suggests what to do but with no explanation of how it could be done. He said that he had spoken to City staff concerning the language and whether they could work with it. He said that the language did not back you in a corner. He said on how you read the policy language and how it was interpreted it into the Regulations. He advised that Margate came up with their own Regulations. He said that Broward County cared about regional types of policy level matters. He advised that it was up to the City how far they want to take that but would encourage a regional goal as it would warrant the flexibility they were given them.

Discussion ensued.

MANAGING PRINCIPAL KATIMS suggested that if they wiped the slate clean or used the surgical option, they could give them a table comparing the changes.

Discussion ensued on going back to the old way of doing things to zone each property.

MANAGING PRINCIPAL KATIMS asked if there was any place within TOC where they could do something now that they could not do before.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY advised that they just added a vehicle dealership as a permitted use but historically, it had always been special exception. He said that drive-thrus were a special exception and that the Comp Plan discourages them unless they were designed in a certain way or interior to the corridor. He explained that the reason that dealerships were added as a non-special exception and as a permitted use was that when the TOC was first adopted, there was no provision for dealership. He said that Arrigo wanted to buy the property and as they wanted to fix up the building, they made it a permitted use. He explained that they introduced a vehicle dealership term to specify that it had to be New Vehicles and that a used car lot was still a special exception.

Discussion ensued on brand names for vehicles, Arrigo and Special Exception Codes.

CITY MANAGER MAY asked that for a building permit, if they could add to the Code that would require them to upgrade their landscaping

MANAGING PRINCIPAL KATIMS said absolutely.

Discussion ensued on landscaping and sidewalks.

CITY MANAGER MAY asked if they could get the direction to work with Mr. Katims to address those Guidelines and present it back to the Commission.

Discussion ensued on this matter and also about the sidewalk on Arbor View.

CITY MANAGER MAY said that there was going to be a 12 feet sidewalk on State Road 7 and a 7 feet sidewalk on NW 31st.

MANAGING PRINCIPAL KATIMS said that for the short term, they could axe it, start over or fix the Regulations that they did not like within the TOC. He said that the staff would have different things they could recommend. He said that he could give an assessment.

COMMISSIONER SIMONE said that they should do what we need to do now to take care of the problems such as parking.

MAYOR RUZZANO said that he would repeal the whole thing.

Discussion ensued on parking.

CITY MANAGER MAY said it would be more like 18 months for the Land Use Plan Amendment rather than the estimated 12 months that Mr. Katims suggests.

VICE MAYOR SCHWARTZ said that he could show side by side what could be changed and suggested that they should start with that and see if it hits everything they want to hit.

MAYOR RUZZANO said that there were more restrictions with the TOC and said that they should get rid of it. He said that he was not of a fan of the multi-use.

Discussion ensued.

MANAGING PRINCIPAL KATIMS said that there were very few parcels for mixed use. He said that the benefit of what they currently had was already there. He advised that you want to make it easier for the developer. He said that everybody understood design which could be tweaked. He said that make mixed use a special exception or say that extra things require certain scrutiny.

Discussion ensued.

CITY MANAGER MAY asked if they could disallow for residential in the TOC.

MANAGING PRINCIPAL KATIMS explained that you could not completely disallow it but you could restrict it. He said that as they did not have many units, the problem would solve itself.

Discussion ensued on putting apartments on top of a liquor store.

CITY MANAGER MAY advised that they only have 415 residential units in the TOC. He said that mixed use means multi-use.

MANAGING PRINCIPAL KATIMS spoke about the Motorola site in Boynton Beach which was approximately 100 acres and that it was an example of horizontal mixed use. He advised that when they allow that type of development, land values start to go up. He also spoke about Hallandale Beach and US1 with the same six lanes and that there was an eight story mixed use building with business and residential.

COMMISSIONER PEERMAN asked for consensus to come back. She said that she was for Surgical.

COMMISSIONER SIMONE said that she was for Surgical

VICE MAYOR SCHWARTZ said that she would prefer not to see residential on 411. She explained that if they could take out all the things, including what the Mayor does not care for, she would be for that. She said that they could enact the Parking in a few months. She said that she would like to see the side by side comparison. She advised that they could do some of them in the meantime while they were waiting to do the others.

COMMISSIONER CAGGIANO said that he would like to see a side by side comparison.



CITY MANAGER MAY said he would get a proposal.

MANAGING PRINCIPAL KATIMS advised that he would bring the comparison first.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked about types of parking.

Discussion ensued on tweaks to the TOC

VICE MAYOR SCHWARTZ asked if they could tweak the height for residential buildings.

Discussion ensued.

## ADJOURNMENT

There being no further business, the meeting adjourned at 7:18pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

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Joseph J. Kavanagh, City Clerk

Date: \_\_\_\_\_

### PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.