



City Commission

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REGULAR MEETING OF THE PLANNING AND ZONING BOARD MINUTES

Tuesday, November 5, 2019

7:00 PM

City of Margate
Municipal Building

PRESENT:

Richard Zucchini, Chair
Rob Reiner
Juli Van Der Meulen
Todd Angier
Donald Fritz

ALSO PRESENT:

Janette M. Smith, Esq.
Robert Massarelli, AICP, Director Development Services
Andrew Pinney, Senior 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 Richard Zucchini at 7:00 p.m. on Tuesday, November 5, 2019. The Pledge of Allegiance was recited followed by a roll call of the Board members.

1) APPROVAL OF MINUTES

ID 2019-560

1A) APPROVAL OF MINUTES FROM THE PLANNING AND ZONING MEETING ON JUNE 3, 2019

Mr. Angier made the following motion, seconded by Ms. Van Der Meulen:

MOTION: APPROVED AS WRITTEN

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

2) NEW BUSINESS

Development Services Department

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ID 2019-551

- 2A) CONSIDERATION OF AN 8.113- ACRE PLAT FOR THE EREDEVELOPMENT OF A PORTION OF AN EXISTING SHOPPING CENTER INTO A 220-UNIT MID-RISE APARTMENT COMPLEX WITH AN ASSIGNMENT OF 92 TOC DWELLING UNITS AND 128 FLEX UNITS.

Mr. Jerry Proctor, 9130 S. Dadeland Blvd, Miami introduced himself to the board members, stating that he is the attorney representing the applicant. He began by asking the board if both 2A and 2B could be heard together. Mr. Massarelli responded that he has no objection to this, reminding the board that they will be two separate motions. Chair Zucchini read item 2B for the record.

Mr. Proctor continued with his presentation. He gave a brief history of the site, ownership, and the current use of the property. He stated that this is an as-of-right development, with no variances from the code for two-hundred and twenty (220) units on eight (8) acres. He explained that this property will be served adequately, comply with the code, have proper maintenance, and have designated contact persons in case of issues. He detailed the access points, explained the flex units, summarized the traffic report, and spoke on the lift station. Mr. Proctor said that he has concerns with some of the conditions as stated in the staff report as follows:

- Condition #4 – needs clarification on what application will need to be submitted
- Condition #10 – was only made aware of this issue last week, does not understand why an eight (8) foot wall is required, and has nothing to do with the plat.
- Condition #11 – this was summarized on page 14 of the report, he said that the City of Coconut Creek does not have jurisdiction over this project and are not the reviewing agency.

Mr. Zucchini asked what specific objections they have on the item? Mr. Proctor responded “curb cut ramps, ADA compliance, and pedestrian devices”.

Mr. Proctor concluded his presentation giving appreciation to the board for their time and consideration.

Mr. Zucchini inquired if there was an accommodation for the Banks Road sidewalk cutout that was at the request of the Fire Chief from a DRC meeting.

Tony Quevedo, Engineer, HSQ Group responded that they have complied to all the Fire Department requirements, asking for clarification of the location in question on Banks Road. He then said that he has no issue with a curb cut. Mr. Pinney explained the request and stated that the detail on the Banks Road median improvement has a mountable curb design and there will be no problem getting up and over it.

Mr. Reiner asked for a total of bedrooms in the 220 apartments. Mr. Proctor responded that there will be thirty-two (32) - three (3) bedroom, one hundred and twenty-eight (128) - two (2) bedroom, and sixty (60) - one (1) bedroom.

Mr. Zucchini asked what the anticipated rental rates will be for the apartment?

Mr. Robert Cambo, Managing Member, Alliance Co, LLC replied that they do not know the exact rental rate but it will be consistent with the newer projects in the market.

Mr. Reiner asked how many parking spots are available? Mr. Proctor responded that the plan shows three-hundred and fifty (350) for two-hundred and twenty (220) apartments. Mr. Zucchini then discussed the September 5, 2018 City Code change for parking requirements. Mr. Proctor responded that this application is developed and regulated in accordance with the 2017 Code when it was filed.

Mr. Robert Massarelli, Director of Development Services, gave a presentation with the code and the code requirements, concluding with the following recommendation:

Staff recommends a conditional approval of this application because it is generally consistent with the Comprehensive Plan and Code of Ordinances. The recommended conditions are as follows:

1. The application is subject to the findings of the Development Review Committee.
2. Provide capacity analysis of wastewater collection system, make upgrades if necessary.
3. Provide a paved connection and gate opening in the perimeter fence from Building #4 to the transit stop on Banks Road.
4. Submit a site plan application for the remaining area of the parent parcel.
5. Provide Banks Roads median improvement as depicted in this staff report.
6. Resolve Broward Surface Water License violation.
7. Resolve alternative water storage issue with Cocomar Water Control District.
8. Demonstrate consent from all Utilities prior to easement vacation.
9. Modify Non-Vehicular Access Line on Parcel A of Central Park of Commerce plat to resolve driveway spacing conflict.
10. Provide an 8ft tall masonry wall designed for a Sound Transmission Class (STC) of at least 52, installed along the north property line, and outside of the canal maintenance easement that runs along the same property line.
11. Provide improvements recommended by the City of Coconut Creek (separate document).
12. Enter into a written agreement with the City in order to coordinate and control the construction of all public facility improvements related to the project.

Mr. Massarelli then gave his comments on the Plat Amendment (Item 2B), discussing the driveway which will be shifted over on the site plan; he said that it creates a problem with another driveway, explaining that there is a separation requirement. He stated his recommendation is to close the driveway and to show it as a non-access area. Mr. Zucchini asked if the stacking at the entrance on Banks Road goes all the way behind and alongside the western wall of the school? Mr. Massarelli referred to the site plan, showing the route; saying that there is a lot of stacking.

Mr. Angier asked Mr. Massarelli about the decision that is being made in regards to the information being presented. Mr. Massarelli said that his job was to give the factual basis as to why this occurred, stating that the board is limited to looking at the Plat. Mr. Angier asked what items (out of the 12) must be taking care of in order for the board to make their decision on the plat. Mr. Massarelli responded by highlighting what items are required to meet compliance. Discussion ensued.

Mr. Angier asked about the easements which are necessary for plat approval. Mr. Massarelli answered by explaining the issue with the existing FPL easements and that they are not showing up on the new plat. He went on to further explain that there will be additional easements required when the water line is placed. Mr. Angier mentioned the possibility of bringing a motion to table the item until the utility easement and lift station items have been completed prior to approval of

the plat. Mr. Massarelli responded that he does not see any issue with a motion to table the item, he then restated the items previously discussed required in order for approval. Discussion ensued.

Mr. Quevedo spoke in regards to the lift station, stating that he received an as-built from 1979, and is currently waiting for more information from the City, which he has not received. Mr. Angier requested that the City present this information to the petitioner by the end of the week. Mr. Proctor stated that he has no issues complying with items # 1,2,5,6,7 or 9, however, he does ask that these conditions not hold up the approval process. He also stated that he objects to #10 as the relevance to the plat, explaining that the wall is subject to site plan approval. Mr. Proctor requested that the board not postpone their decision and asked that these issues be addressed in future agreements and with the permitting requirement process.

Mr. Zucchini stated that he has no issues with the project which he said has no severe impact to traffic in the area. He said that he is in favor of a motion to table this item to address some of the issues at hand.

Mr. Angier made the following motion, seconded by Mr. Reiner:

MOTION: TO TABLE THE ITEM UNTIL THE APPLICANT HAS ADDRESSED ITEM #'S 1,2,5,6,7,9,10 OF THE STAFF RECOMMENDATION BY PREPARING A PLAN OF ACTION WITH STAFF WHICH DEMONSTRATES THAT THE CONDITIONS CAN BE SATISFIED AND THAT THE APPLICANT IS ABLE TO MEET THE OBLIGATIONS WITHIN SIX MONTHS

Public Comment:

Robert Cambo, Managing Member, stated that the project cannot move forward without a building permit, asking the City to stop moving the goal post.

Jerry Proctor, stated that they will address every item and come back with an action plan, however they may never come to a resolution on item # 10.

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

ID 2019-550

2B) CONSIDERATION OF A PLAT AMENDMENT TO MODIFY THE NON-VEHICULAR ACCESS LINE ON THE CENTRAL PARK OF COMMERCE PLAT

Mr. Angier made the following motion, seconded by Ms. Van Der Meulen:

MOTION: RECOMMENDATION TO TABLE ITEM 2B TO SAME DATE AS ITEM 2A

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

Chair Zucchini called a ten-minute recess.

Meeting resumed at 9:19 p.m.

ID 2019-518

2C) CONSIDERATION OF AN ORDINANCE TO ELIMINATE OR MODIFY MINIMUM SEPARATION REQUIREMENTS FOR ESTABLISHMENTS TO SERVE OR SELL ALCOHOL

Mr. Robert Massarelli gave a brief presentation, explaining the current code as written along with the details of the current separation requirements. He gave three options to consider for changing the code:

1. allow the code to remain unmodified
2. modify separations and methods of measurements; or
3. Delete all mandated separations.

He concluded his presentation by asking for direction from the Board to make a recommendation to the City Commission.

Mr. Zucchini suggested a fourth alternative to eliminate all distance requirements and to create a conditional use process that will go directly in front of the City Commission for approval. Mr. Massarelli stated that this could be a consideration but it will create a burden; as well as a potential issue with criteria for conditions. He suggested an application process to deviate from the regulations.

Mr. Angier made the following motion, seconded by Mr. Reiner:

MOTION: RECOMMENDATION TO DELETE ALL REQUIRED SEPERATIONS

Public Comment:

Dean Fleming, Day Care owner, commented that the motion on the table will assist him in building his new school at a former veterinary clinic. He said that he has no problem with this recommendation.

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, No. The motion passed with a 4-1 vote.

ID 2019-546

2D) CONSIDERATION OF AN ORDINANCE TO MODIFY HOURS OF OPERATION AND ELIMINATE SPECIAL PERMITS FOR EXTENDED HOURS FOR ESTABLISHMENTS TO SERVE OR SELL ALCOHOL

Mr. Robert Massarelli gave a brief presentation, explaining the current code, detailing the hours for package sales, consumption on premises, and the process for special permits for extended hours. He concluded with the proposal of no change to the hours of package sales and to limit

the hours of consumption on premises to the following:

- Hours limited to 8:00a.m. until 2a.m. the following day, every day
- No special permits
- Establishment must close or be able to lock up premises where alcoholic beverages are kept, stored or dispensed after closing hours

Mr. Zucchini inquired about the special permit process. Mr. Massarelli explained the process of applying to the City Clerk's Office and going in front of the City Commission for approval or denial. Mr. Zucchini asked about an establishment paying to remain open from 2:00 am until 4:00 am, through a special permit process. Mr. Massarelli stated that this was not the guidance received from the Commission. Janette Smith explained the current code through the quasi-judicial process. Discussion ensued.

Ms. Smith suggested a temporary use process without putting an applicant through the quasi-judicial process. Mr. Zucchini said that he likes staff recommendation of 2:00 a.m. but would like an alternative for extended hours that is date driven and/or a temporary extended period. Discussion ensued.

Mr. Zucchini made the following motion, seconded by Mr. Fritz:

MOTION: RECOMMENDATION FOR STANDARD HOURS OF OPERATION FOR ESTABLISHMENTS LICENSED FOR ALCOHOL CONSUMPTION ON THE PREMISES TO BE UNTIL 2:00 AM, HOWEVER THOSE ESTABLISHMENTS MAY SERVE UNTIL 4:00 AM ON THE FOLLOWING SELECTED DATES: JANUARY 1, MARCH 18, MAY 6, JULY 5, DECEMBER 25, AND DECEMBER 26. PERMISSION FOR HOURS BETWEEN 2 AM AND 4 AM ON ANY OTHER DATE MAY BE REQUESTED THROUGH THE TEMPORARY USE PERMIT PROCESS, SUBJECT TO CITY COMMISSION APPROVAL.

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, No; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 4-1 vote.

ID 2019-556

2E) VEHICLE SIGN CODE AMENDMENTS

Mr. Robert Massarelli gave a brief presentation on the background of why this item is coming in front of the board. He referenced Margate's Code of Ordinances, Section 39.17. - Prohibited signs, explaining the code in detail. He gave the staff recommendation of defining a vehicle sign as follows: a sign which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business. And to recommend changing the Sign Ordinance to prohibit vehicle signs with the definition as stated.

Mr. Reiner stated that he believes that a business without a sign is a sign of no business. He also agrees that it will need to be regulated; saying that having no sign or a prohibited sign can be a deterrent for any business.

Mr. Zucchini inquired about the size of the graphics? Mr. Massarelli said that will be one of the challenges. Mr. Reiner stated that many businesses are now having their vehicles wrapped. Mr. Massarelli agreed that the wraps are now a popular marketing tool, and that they are fine as long as it complies with the day to day operation of the business. Discussion ensued.

Mr. Angier made the following motion, seconded by Mr. Reiner:

MOTION: RECOMMENDATION TO ACCEPT THE CHANGES OF THE PROPOSED ORDINANCE

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, No; Mr. Reiner, Yes; Mr. Zucchini, No. The motion passed with a 3-2 vote.

3) **DIRECTOR'S REPORT**

Mr. Massarelli gave an update on 5G wireless communications, the Comprehensive Plan, Design Standards, and Project Docs.

4) **GENERAL DISCUSSION**

Ms. Van Der Meulen, commented on an ordinance that restricts alternative uses of a golf courses, she stated that this should be revisited with other alternative uses. Mr. Massarelli responded that this is in reference to the S2 Zoning District, he explained that a few years back they eliminated golf courses as a permitted use within this zoning district. He said that the City will need to take a look at what types of commercial recreation should be permitted within that area, stating that by limiting it to golf courses, the city can be subject to a taking of land. He recommends looking at what other commercial recreation activities could be allowed in this area. He said that this will be discussed in the Future Land Use Element.

Meeting adjourned at 10:43 p.m.

Respectfully submitted,

Prepared by Melissa M. Miller

Richard Zucchini, Chair