



# City of Margate

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## Meeting Minutes City Commission Workshop

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Wednesday, January 21, 2015

6:00 PM

Commission Chambers

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### CALL TO ORDER

#### In Attendance:

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

City Manager Douglas E. Smith  
City Attorney Eugene M. Steinfeld  
City Clerk Joseph J. Kavanagh

### 1) PRESENTATION(S)

#### A. ID 14-865 TOC GATEWAY DESIGN STANDARDS.

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL spoke about the five Gateway Districts within the Transit Oriented Corridor (TOC). He noted that they were the major intersections along U.S. 441. He stated that since the regulations were adopted and the properties were rezoned, the status of the economy had changed and the interest in development on the properties had changed. He explained that the realities of what may be built on the properties and what the current zoning regulations restrict the properties to, lead to the necessity for change. He said that the City's regulations need to be changed more in line with what the market was capable of building. He noted that the current Code was preventing some developments from coming into the City. He stated that his proposal was for revisions to the Zoning Code to allow different development standards that would come before the Commission in the form of an ordinance.*

*Mr. Ziskal provided a slide presentation. He explained that the districts being discussed were within the TOC. He noted that the City created a new Land Use category for the TOC in 2007, and then adopted the Land Development Regulations, which were embedded in the Zoning Code in 2008. He said that the properties were then rezoned to their appropriate category in 2009. He stated that the five districts were the five major intersections along U.S. 441, with the first one being at NW 31st Street up to Sample Road; the second was at Copans Road and Royal Palm Boulevard; the third was Coconut Creek Parkway; the fourth was Atlantic Boulevard; the fifth at SW 7th Street.*

*He reviewed the districts as follows:*

- *FIRST DISTRICT*

*MR. ZISKAL explained that the district was the northern gateway with some vacant land in the area. He noted a new development was proposed for the southwest corner for 240 apartments. He said that there was an existing residential community on the*

northeast with existing commercial property, such as the abandoned Blockbuster, and the existing Walgreens. He mentioned the Race Trac problem, because the current Code allowed a gas station in the district; however, the requirement was for two story buildings up by the road and highlighting the intersection. He said that any gas station would have to apply for variances for every component of the Code, because the requirements did not work. He said that having a gas station at the entrance to the City might not be a good idea. He suggested changing the northern district. He mentioned the flyover problems with building close to the road. He recommended that the gateway be isolated and that the City look into what was feasible and compatible with the existing conditions in the area.

VICE MAYOR RUZZANO mentioned proposals on vacant lots.

MR. ZISKAL explained that the northern most vacant parcel had been approved for a Laser Skin Care facility. He noted that a variance for the two story requirement and having the building close to the road was needed.

VICE MAYOR RUZZANO spoke about obtaining access in the Penn Dutch Plaza.

MR. ZISKAL said that would have to be discussed with the Department of Transportation (DOT).

- SECOND DISTRICT

MR. ZISKAL explained that this district was at Copans Road and Royal Palm Boulevard. He noted that there were existing buildings on three of the corridors with one small vacant parcel that was independently owned. He explained that when the gateways came forward the CRA was in the process of accumulating land and purchasing acres for the Downtown City Center; however, no one foresaw the economy crashing and all development in South Florida standing still. He said that the original intent was for the City Center to be built with the CRA having the ability to focus on different sections of the City. He said that the 2015 conditions of the parcel did not allow for a two story building and parking. He noted that the City was approached by some fast food types of restaurants, but none could build a two story building. He said that one of those still remained interested; however, could do nothing with the requirements now. He noted that the surrounding conditions including the thriving auto dealership, created a disconnect between the properties.

COMMISSIONER BRYAN mentioned the convenience store and the gas station behind it.

MR. ZISKAL said that there was interest in purchasing both of the properties; however, he understood that the owner of the convenience store not easy to negotiate with and nobody had been able to acquire both properties.

- THIRD DISTRICT

MR. ZISKAL explained that this intersection was located at Coconut Creek Parkway and was unique because the view from the east ties into U.S. 441 creating a great gateway opportunity and entrance. He noted that Coconut Creek Parkway tied into the Turnpike, which was a great entrance opportunity for the City. He said that there was currently a large vacant piece of land on one corner with the vacant gas station on the second corner. He stated that this property had been proposed for a brand new BB&T Bank. He said that it was a traditional neighborhood branch bank which needed a drive-thru in order to operate the ATM's, but did not need two stories. He noted that this property went through the variance process and was working with Staff. He said that

*BB&T Bank had been advised of this workshop and the fact that there could be changes made.*

*VICE MAYOR RUZZANO asked whether the BB&T Bank off of Atlantic Boulevard would close if the new branch were able to open.*

*MR. ZISKAL stated that he was not sure; however, there was a free-standing drive-thru only across the street. He noted that a condition of the variance to allow the extra drive-thru lanes at the new structure was that the existing free-standing drive-thru would cease operations. He said that the land at Palm Lakes Plaza was leased; however, BB&T Bank was actively looking to own the land. He said that the BB&T off Atlantic Boulevard might close because BB&T Bank did not own that land.*

*COMMISSIONER TALERICO mentioned the building on U.S. 441, the Academy Design.*

*MR. ZISKAL said that he had no recent conversations or tenant turnover. He noted that the last interaction was with the CRA and receiving of a Façade Grant to upgrade the building.*

*VICE MAYOR RUZZANO asked whether having a bus stop near the vacant property was an issue.*

*MR. ZISKAL stated that the bus stop would remain on the west side and on the east side it would be incorporated into the BB&T Bank pattern. He added that anything built on the vacant property would incorporate the bus stop into the design.*

• **NORTH STATE ROAD 7 AND ATLANTIC BOULEVARD**

*MR. ZISKAL explained that this was a very busy intersection with turning lanes. He said that the intent was to promote multi-modal transportation to focus on bicycles and pedestrian crossings. He said that to make a safer intersection was difficult because of the turn lanes. He stated that the development that occurred over the past five years indicated that the City did not have the ability to turn it into anything but the intersection that it was. He mentioned the TD Bank building being five or six years old, but would be there another 20 to 30 years. He added that Wendy's just spent \$1.5 to \$2 million dollars to renovate. He explained why the Code was problematic for this intersection from a historic perspective with Wendy's, as well as for a current project in the works. He stated that the current Code required that if demolishing the building the new Code must be conformed to, which included the two-stories. He noted that the individual that purchased Wendy's wanted to spend more money by tearing down the building and reconfiguring the parking lot to eliminate some problems. He said that the owner also wanted to increase the footprint of the building to make it larger. He said that would have provided a safer traffic route with a larger beautiful building, as well as increasing the taxable value of the property. He noted that because of the Code, the owner was forced to stay within the footprint. He said that both the City and the owner got an inferior product from what was planned because of the Code. Mr. Ziskal explained that the same thing was currently happening with the Shell Gas Station. He stated that the Code forced the gas station to use the existing canopies and to reopen the small convenience store, rather than demolishing and installing a brand new building.*

*COMMISSIONER TALERICO asked whether that was subject to change.*

*MR. ZISKAL stated that it was subject to change only if the Code was changed. He explained that the Shell Gas Station was also informed of the Workshop and went to the Development Review Committee (DRC) to begin the process. He said that the gas*

station owner was open to amending the plans, but wanted the feedback from the Commission. He stated that because Staff understood where necessary changes were needed, the owner was open to revisiting the project to see if there was a way to amend it to obtain a product that worked best for both the owner and the City.

COMMISSIONER TALERICO questioned the time frame involved.

MR. ZISKAL said that due to the review process, the ordinance to change the Code was a three to four month process. He noted that Staff said that the urgency of having the workshop was to avoid having to turn development away.

COMMISSIONER PEERMAN asked whether a moratorium on the two-story building could be done while going through the process.

MR. ZISKAL asked the City Attorney if there was a way to pass a moratorium or a blanket waiver of the two-story requirement could be done while an ordinance was drafted and Staff was working on amending the Code.

CITY ATTORNEY EUGENE STEINFELD said that the ordinance would have to be amended to do that. He said that a simple amendment could be done now. He noted that it could be fast tracked for that particular use.

MR. ZISKAL said that Staff would support a variance if there was an ordinance in process.

COMMISSIONER PEERMAN agreed it could be amended while redoing the Code.

MR. ZISKAL stated that there was clearly an issue with running the applicants through the procedures of the Codes, and he recognized that the Code needed to be amended constantly.

COMMISSIONER BRYAN asked why the Code was not amended for Wendy's.

MR. ZISKAL explained that Wendy's chose not to apply because time was money and the extra time was not worth it to Wendy's.

COMMISSIONER PEERMAN stated that the past Commission had an open mind to change. She asked the City Attorney if amending the Code was the quickest way and whether it needed to go on the next agenda.

MR. ZISKAL explained that what was done historically at the workshops was to have the Commission direction serve as the authorization to advertise. He said that it would then be fast-tracked to the DRC and Planning and Zoning (P&Z) Board. He further explained that it would be on the next DRC agenda and would go before the P&Z in March. He added that it would come back before the Commission to the March – April meetings.

COMMISSIONER BRYAN questioned whether an emergency meeting could be held.

CITY ATTORNEY STEINFELD said that there could not be an emergency meeting for a zoning issue.

COMMISSIONER PEERMAN felt that the two-story building requirement was obsolete in the City.

MR. ZISKAL agreed because the intersections were major with specific types of

development such as pharmacies, gas stations, restaurants and banks.

- SOUTH STATE ROAD 7 AND SW 7 STREET

MR. ZISKAL noted there was a major employment center, Global Response, and that there were currently no issues. He asked that this area be looked into. He stated that it might be needed to be considered as a separate zoning district. He said that nobody had built so there was no issue yet. He stated that as long as the right regulations were in effect for the existing employment center to succeed and grow, a lot of changes were not needed. He said that it was a gateway because many employees used the bus to get to and from work.

MR. ZISKAL summarized by stating that there were uses in the gateways that were not compatible with the adjacent properties. He added that certain uses that could not build according to the City's standards because of the nature of their business. He asked for a general consensus from the Commission to allow Staff to revise the districts according to the changing conditions of the economy in the City.

He said that the consensus was agreed on by all of the Commission to fast track.

MR. ZISKAL mentioned the Toscana Villas and the BB&T incorporated an architectural feature where instead of having a square building, the part facing the intersection was at a 45 degree angle facing the intersection with additional height. He said that because the buildings would not be located up by the road added features to highlight the intersection were required to beautify the intersection.

VICE MAYOR RUZZANO asked whether there would be two signs on the building.

MR. ZISKAL said that would be worked out at the Sign Code revisions.

COMMISSIONER TALERICO asked whether it was located in the CRA.

MR. ZISKAL said that it was not in the CRA, but permits were received for land clearing, tree removal and underground sewer work.

VICE MAYOR RUZZANO asked whether there was any interest in the vacant property near SW 7 Street.

MR. ZISKAL said that there was a proposal back in 2006-2007, for a three building retail project; however, they received site plan approval but never built due to the economy.

COMMISSIONER PEERMAN asked whether the CRA could look into the 7th Street property.

## ADJOURNMENT

There being no further business, the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo

  
Joseph J. Kavanagh, City Clerk

Date: 5/11/15