



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Meeting Minutes City Commission Workshop

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

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

Wednesday, June 28, 2017

4:30 PM

Commission Chambers

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:

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

1) PRESENTATION(S)

A. ID 2017-437 TRANSIT ORIENTED CORRIDOR (TOC) LAND USE AND ZONING

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL provided a slide presentation and explained that in order to move the City forward the Commission, Staff and residents needed to come together with a vision for the next 30 years. He explained that the City was started in 1955, as a Master Planned Community. He stated that the Zoning Ordinance was written in 1967, and in 1974, the City's first Master Plan was adopted. He noted that there were amendments and changes made through the years. He explained that the City was 9.2 square miles (5,888 acres) with approximately 57,000 residents. He noted that the Transit Oriented Corridor (TOC) was 1,184 acres, about 1/5 of the City. He stated that the City Center project was only 36 acres and less than one percent of the whole City. He said that the Comprehensive Plan that governed the City and was approved by the State had nine elements. He noted that the elements included Land Use and Transportation, Water Sewer Drainage and Solid Waste, Recreation, Open Space, Capital Improvements, Housing, Conservation, Intergovernmental Coordination and Public School Facilities. He said that tonight's discussion was focused on Land Use with regard to how the City was designating where residential, commercial, industrial, parks and open space were laid out within the City. He noted that State law required that every inch of the City have some sort of designation on the map. Director Ziskal discussed the Future Land Use Map of the City prior to the adoption of the TOC in 2007. He explained that at that time, there was no option for Mixed Use within the City so every parcel of land was given one Land Use. He said that Land Use was a broad category of how the land was used and did not provide specifics, such as setbacks or what type of business could be on the property. He noted that it limited the type of business and the density for residential. He explained that this was the paradigm the City had from the 1974 Plan through to the 1989 rewrite

of the Plan up until the adoption of the TOC in 2007. He further explained that in 1996, the City conducted a finding of necessity and created the Community Redevelopment Agency (CRA). He noted that the CRA hugged the U.S. 441 area, Atlantic Boulevard and East to Banks Road. He explained that the CRA was set up as a Tax Increment Financing District (TIFF) charged with eliminating the slum and blight conditions within its area. He stated that the CRA adopted a CRA Plan to revitalize the entire area of 1,200 acres, 1/5 of the City and 95 percent of the commercial areas. He noted that following the creation of the CRA in 1996, in 2003, the City held a Charrette, which was a multi-day event held at the Community Center to get the citizen input. He stated that the 2003 Plan created the Citizen's Vision Plan, which led to future updates of the Comprehensive Plan and the Zoning Code to facilitate the 2003 Plan. He explained that in the Plan, citizens came away with seven key items they wanted for the City for the future. He stated that the seven included a well-defined center and edge, Downtown and wanted to know when arriving in Margate. He said that they wanted a hierarchy of interconnected streets, streets designed for cars and pedestrians, a diversity of housing types and affordability, places for work and shopping in proximity to housing, appropriately located sites for civic buildings and a provision for a variety of parks and open spaces. He noted that this was the framework for the City to move forward, which led to the TOC after working with adjacent communities, the Regional Planning Council, the Broward County Metropolitan Planning Organization (MPO) and the Broward County Planning Council to look for a way to add a plan to the Comprehensive Plan to meet the seven goals. Director Ziskal explained that the TOC was one of four Mixed Use Districts that Broward County allowed. He said that the Plan for the TOC was to look into the roadway network to determine how to provide new connections from the arterials to the major roadways and to adding new connections. He stated that part of the plan in creating a City Center was to create connections from the WalMart property and the Swap Shop property to avoid getting back on Atlantic Boulevard or U.S. 441 when going next door. He said that the plan was to eliminate barriers and provide connectivity and called for a new Zoning paradigm to create the center and the edge. He noted that within the TOC District, three separate Zoning categories were created. He explained that the first category was the Corridor, which was the main stretch of U.S. 441 and Atlantic Boulevard, and was not located at a major intersection. He stated that the Corridor was created with the most flexibility and the greatest amount of uses, but also the shortest buildings. He noted that previously, there was a Zoning Scheme called the B1, B2, B3, which was a cumulative Zoning Scheme. He noted that the plan of the TOC was to base the uses and the intensity based on location rather than accumulation. He stated that the second category was the Gateway, which was at the major intersections. He explained that intersections needed to be treated differently because of left and right turn movements, bicycle crossings, pedestrian crossings and bus stops. He noted that the Gateways were at the southern end near Global Response, in the north at Perimeter Road and Sample Road, Copans Road and Royal Palm Boulevard, Coconut Creek Parkway and U.S. 441, and Atlantic Boulevard and U.S. 441. He stated that the third category was the City Center, which included the industrial site off of 8th Street, as well as everything from the front façade of WalMart and K & G to the rear. He noted that it did not include the parking lot, but included everything but the front façade back to the lake. He stated that the intent was that if there was ever any redevelopment of that site, it could orient towards the City Center and the lake. He further explained that the plan for the connectivity and the trip reduction to reduce congestion was a series of steps to eliminate unnecessary conflicts that slowed traffic down. He stated that currently every business had its own driveway with no connectivity; therefore, vehicles had to come out of the property onto U.S. 441 to go to the next property. He noted that every time a vehicle left the road it slowed down, which slowed down traffic. He said that when entering the roadway, it slowed down traffic. He said that the plan would eliminate the barriers. He added that through redevelopment, the next plan would be to remove the curb cuts. Director Ziskal explained that the plan for sidewalks in the City Center area was to change the

paradigm to provide wider sidewalks, on-street parking where available and increase landscaping and street trees. He clarified that the plan was for parallel parking with the sidewalk behind the cars so people would be walking next to parked cars instead of moving cars. He noted that there was parallel parking along Margate Boulevard. He explained that the plan for the building frontages was to bring the buildings closer to the road to front the sidewalk and parallel parking spaces and create a pedestrian realm. He stated that the parking would then be disguised in the rear of the buildings. He said that the parking on Margate Boulevard had already been put in place and the wider sidewalks and parallel parking, which was done by the CRA in approximately 2005 or 2007 when adding the Clock Tower. He showed an image of the 1974 aerial image with a monorail running down U.S. 441. He said that it showed a transit system with a pedestrian bridge to the stores. He added that the stores were in front of the building with parking in the rear, and the streets were tree-lined with wide sidewalks and connectivity to the transit system. He showed another image of a Civic Center Campus, which was planned in 1974, at Coconut Creek Parkway and U.S. 441, which included the pedestrian crossings and transit on U.S. 441. He noted that there was also a connection between buildings. He stated that the 2003 Citizen Plan was a living document, and that the City was still bound by the 2007 Plan, which followed the 2003 Citizen Plan. He encouraged the Commission to look into different options with regard to what they wanted to do to obtain citizen input for 2017. He noted that everything that was done in the City since 1955 predated everyone in the room.

MAYOR RUZZANO asked whether anything planned from 2003 had been implemented.

DIRECTOR ZISKAL said that new parks were in the plan; however, nothing had been built yet. He explained that the TOC was the plan for the new parks, which would come at the time of construction. He clarified that the City Center called for some of those provisions as well. He stated that some of the planned things from 2003 were done, such as wider sidewalks. He referred to Toscana that had a row of trees between the sidewalk and the street, which was part of the plan. He stated that Rome was not built in a day and that it was a 30 year plan. He added that every single developer was told a certain set of parameters to build by according to the plan. He stated that projects built along Atlantic Boulevard and U.S. 441 to the paradigm were Arbor View, Toscana, Rising Tide Car Wash, Burger King and the retail building, Pollo Tropical, the Bethel Atlantic Church and Dollar General in the south. He stated that the City could make the plans; however, the private sector was going to dictate this throughout most of the City.

VICE MAYOR SCHWARTZ asked how redevelopment would take place where Tint Center was.

DIRECTOR ZISKAL said that was the reasoning for putting the parking in the rear. He said that the frontage would not be accessible from U.S. 441. He noted that the building might move a little closer depending on the width of the sidewalk, which would be 12 feet wide with landscaping. He explained that there were many properties that had small parking lots right on U.S. 441, which was dangerous.

VICE MAYOR SCHWARTZ stated that Arbor View was aesthetically not pleasing because the back of the building was seen from U.S. 441; however, Toscana did not appear to be on the street and was a nice looking complex.

COMMISSIONER CAGGIANO mentioned that the Tint Shop would only change was if it was purchased and torn down; however, if someone purchased it and rented it out it could remain the same way for the next 50 years and the City could do nothing about it.

DIRECTOR ZISKAL agreed and explained that it was already happening. He said that

where WaWa was being built, a two-story building was torn down. He stated that redevelopment would occur when people purchased property and demolished them. He noted that the private sector would dictate that and the City's job was to create incentives for private industry. He said that the City had plans for years; however, nothing was being built due to the recession. He stated that now things were being built as the recession subsided. He explained that the things being built now were not what the vision of the current 2017 community wanted, which was why now was the time to change the vision. He stated that there would be development from 2017 through 2040, and the City needed to determine how they wanted the development to look and what type of community the City wanted to be. He noted that there were two examples of very unique communities in Broward County, which were Davie and Lauderdale-By-The-Sea. He explained that Davie was Equestrian with a country western theme and a rodeo City. He said that Lauderdale-By-The-Sea was prime beach real estate and still had a 4-story height maximum with quiet, quaint boutique hotels. He stated that Margate had to be patient as development was done one property at a time for fulfillment of its vision.

COMMISSIONER CAGGIANO questioned how Arbor View was passed through the Development Review Committee (DRC).

VICE MAYOR SCHWARTZ asked how a 62 year old City had no architectural standards, when a City such as Davie had a plan and kept it.

DIRECTOR ZISKAL responded that Arbor View met all of the Code requirements. He noted that if the City did not want that type of development, the Codes needed to change. He stated that residential development was different than commercial development as it was living space and had the potential for balconies. He clarified that at Toscana that was the back of the building with the parking lot on the other side, though it was more aesthetically pleasing.

COMMISSIONER CAGGIANO asked whether a housing development would be considered commercial.

DIRECTOR ZISKAL stated that according to Land Use and Zoning, it was residential. He noted that there were discussions over the years for architectural standards. He said that both the Comprehensive Plan and the CRA Plan both encouraged the creation of architectural standards and an Architectural Review Board; however, the Board had not yet been created. He explained that in 2004, the CRA created design guidelines and architectural standards for its Façade Grant Program; however, as he was not with the City until 2005, he did not know why it was never encapsulated into new construction. He stated that the problem was that there had never been a City Center development and the City was waiting for the City Center to dictate what the architectural standards would be for the rest of the City. He further explained that when Redevelopment Management Associates (RMA) started its contract with the City in 2014, there was a presentation made to the CRA Board of different architectural styles; however, the focus was always on getting a developer to design the City Center as the catalyst for the rest of the City's architectural design.

VICE MAYOR SCHWARTZ questioned why Staff could not look at a project and discuss its appearance, rather than just saying that it fit the criteria. She understood that there was nothing to prohibit Arbor View; however, she felt that someone on City Staff could have discussed it.

MAYOR RUZZANO said that Director Ziskal explained that Arbor View met all criteria, and that the TOC would need to be eliminated to avoid that happening again.

VICE MAYOR SCHWARTZ felt that there was very little pristine property left as the City was built out, and that eventually Margate needed to look at redevelopment.

COMMISSIONER SIMONE said that without the TOC there could have been a 10 story office building on that property.

VICE MAYOR SCHWARTZ said that there was a six story moratorium.

DIRECTOR ZISKAL explained that prior to the TOC in 2007, the Arbor View property had a Commercial Land Use. He said that commercial land in Margate had a 100 foot height limit, which allowed eight to nine stories though nothing had ever been built that high. He stated that the creation of the TOC allowed the Mixed Use Residential and in creating the designations, 100 feet was reduced to six stories. He said that about 1 ½ years before Arbor View, Race Trac was under contract to build a 24 hour, 24 pump gas station. He noted that he recommended denial of that project due to noise, dust and quality of life for the surrounding residential community. He said that prior to the Arbor View submission he had many conversations with the previous owner, Michael Shuster, who was under contract to sell the property to either a residential developer building Arbor View or an Auto Dealership. He noted that both were allowed. He noted that Staff pushed the owner to sell to the residential project because it would be more compatible with the surrounding residential community as opposed to a gas station or auto dealership. He stated that it became six stories because it met the Code.

MAYOR RUZZANO asked who did not want the car dealership rather than residential.

DIRECTOR ZISKAL said that he felt that it was more compatible and residential next to residential was always more compatible.

MAYOR RUZZANO mentioned items that did not come before the Commission, and he felt he did not always know what was happening. He asked that he be informed of any businesses coming to Margate. He stated that he found out what was coming to the City from Margatenews.net because Staff was not letting him know. He felt that if a decision was being made between an Affordable Housing Senior Center rather than a car dealership the Commission needed to be informed.

DIRECTOR ZISKAL deferred to the City Attorney and felt that the Commission being involved in the early stages may be an issue.

MAYOR RUZZANO asked the Commissioner whether they wanted to know about development.

COMMISSIONER CAGGIANO said that he wanted to know.

DIRECTOR ZISKAL explained that he received frequent phone calls with regard to questions about purchases of property. He stated that there was no way to provide the Commission with all the information that was given in the phone calls and most of them did not even come to fruition.

MAYOR RUZZANO said that he wanted to change the Code to allow development that the Commission wanted, though Staff said that it was not allowed, which he felt was scaring people away.

DIRECTOR ZISKAL stated that Staff followed the law.

INTERIM CITY MANAGER SAM MAY asked whether someone could be allowed to build something that did not meet the criteria per the TOC or Zoning designation without

changing the Comprehensive Plan.

DIRECTOR ZISKAL said that could be done without changing the Comprehensive Plan, because it was a Zoning issue. He stated that every developer and every attorney knew that if it was not a permitted use, they had the ability to petition to the DRC and the Commission to allow that use. He suggested that the Commission review the list of uses for the City Center and if they did not want something it should be removed.

VICE MAYOR SCHWARTZ asked what the tallest building was in the City Center and asked whether Staff had suggested a change when reviewing Arbor Views.

INTERIM CITY MANAGER MAY explained that once submitted, it was too late.

DIRECTOR ZISKAL showed the Zoning map of all three districts, which was adopted in 2008, to further the 2003, and 2007 plans to create a Downtown. He noted that the City Center could go up to eight stories and other areas the buildings could go to six stories and four stories. He stated that the height was decided upon in 2007 and 2008; therefore, when Arbor View was going to be six stories in an area where the City wanted six story buildings, he did not ask them to go lower.

VICE MAYOR SCHWARTZ asked what stopped people from reviewing the six stories after Toscana was built, because maybe 10 years later, six stories would be higher than desired and would not aesthetically match Toscana.

DIRECTOR ZISKAL reiterated that the plan called for higher buildings in the Downtown and higher buildings at the intersections. He noted that the vision was for more intense development with more stories in the Medical Use; however, Burger King and Rising Tide Car Wash were being built on vacant parcels at one level. He said that was why discussions needed to take place regarding what the Commission wanted to see. He noted that Staff wrote the Codes to get to the long range vision. He mentioned the Code in effect since 1967, allowing 25 foot wide yards with no fences in the front yard. He noted that was a 50 year old Code.

VICE MAYOR SCHWARTZ said that the medical building was beautiful; however, Rising Tide Car Wash being located on top of the sidewalk on a pristine property blocking everything behind it surprised her. She felt that it reminded her that Margate still looked like a pass through to somewhere else, which had not changed through the years.

COMMISSIONER CAGGIANO mentioned the cross on the church at Abundant Life Christian Center on Royal Palm Boulevard, and asked whether the 100 foot cross counted as the height of the building.

DIRECTOR ZISKAL said that there was a separate Code provision that allowed church steeples to be a certain height.

MAYOR RUZZANO asked whether there was anything that could prevent people purchasing property along U.S. 441 to make a fast food restaurant when there were already two existing.

DIRECTOR ZISKAL said that those situations were reviewed based on the fact that it was a fast food restaurant, because land could not be regulated based on ownership but only based on use.

MAYOR RUZZANO noted that other Cities had the colors changed, such as the golden arches.

CITY ATTORNEY GONZALES noted that Checkers and the Pancake House would sometimes change their colors to comply.

DIRECTOR ZISKAL clarified that the golden arches were a sign and some Cities were very restrictive on their sign colors. He stated that Margate had a restrictive Code that required a shopping center with more than three businesses to match their colors unless there was a Trademark in the State of Florida or Nationally.

VICE MAYOR SCHWARTZ noted that Margate's Checkers did not have neon because it was not allowed.

MAYOR RUZZANO asked whether the City could make a business change things when submitting a rendering if it was not aesthetically liked.

DIRECTOR ZISKAL said that could be suggested during the Public Hearing. He noted that there was a Code coming before the Commission regarding Special Exceptions. He said that a lot of the uses would be in the Special Exception category. He stated that the Commission would have no say regarding Permitted Uses. He said that new review criteria were being added, and that during the Ordinance change, the Commission should bring up any changes they wanted to make or criteria changes to the uses that involve anything auto oriented.

VICE MAYOR SCHWARTZ asked whether distance could be legislated.

DIRECTOR ZISKAL replied that distance separations between like uses could be done. He stated that they were for certain uses, and that there was one for gas stations, but not for auto repair shops; however, it could be instituted. He noted that there was one for alcohol near churches and schools. He stated that 1,000 feet was a little short of ¼ mile.

MAYOR RUZZANO asked where the 1,000 feet were.

DIRECTOR ZISKAL said that one that came up a lot was alcohol distance separation that was measured by a walking pattern. He stated that there were some cases on things such as alcohol, adult uses, strip clubs and adult book stores; whereby, the walking distance was used to create the separation.

MAYOR RUZZANO questioned whether the TOC leaned more towards urban.

DIRECTOR ZISKAL said yes and noted that was the basis from 2003 and 2007, which was why reduced parking and setbacks were seen. He stated that it was going from a suburban paradigm to an urban paradigm.

MAYOR RUZZANO felt that he was more suburban, as well as many people in Margate.

VICE MAYOR SCHWARTZ noted that it was also built on the idea that there would be public transportation; however, Broward County was lacking.

COMMISSIONER CAGGIANO asked whether the Tram was planned for Margate or for all of U.S. 441.

DIRECTOR ZISKAL stated that the Tram was proposed in 1974, and Detroit had one called the People Mover; however, it was an outdated mode that was no longer built. He said that Transportation and Land Use had been the classic chicken and the egg. He

explained that until the people were living there, the extra service would not be added. He noted that U.S. 441 had the highest ridership of any Broward County Transit route in the County; however, a lot of communities, such as Fort Lauderdale, Wilton Manors and Hollywood built residential on the rail line with discussions that Tri-Rail would add a second line or move to that line. He stated that the rail line went right through the eastern part of the County through the Downtown areas. He said that now those areas would be served by Bright Line, which was the train that was going to connect Miami to Fort Lauderdale to West Palm Beach. He noted that it would be ½ hour between each of those. He stated that the terminals were built and Phase 2 was being built to connect West Palm Beach to Orlando in the next 2 or 3 years. Director Ziskal explained that the Land Use Plan in the Comprehensive Plan was the legally binding document and every City in the State had to have an approved Comprehensive Plan. He stated that the Comprehensive Plan could not be changed unless approved by Tallahassee. He noted that it was the same process as changing an Ordinance and that there would be Commission approval on a First Reading, then the County would approve it on a First Reading, and then it would go to Tallahassee and back.

MAYOR RUZZANO asked whether the County had ever denied one.

DIRECTOR ZISKAL said that the County never denied one that he was part of. He stated that the time frame was 12 to 15 months for approval and the law on the books was still binding until the change.

VICE MAYOR SCHWARTZ asked what Aztec was now considered since the change.

DIRECTOR ZISKAL stated that it was residential in the sense of the Land Use Plan; however, it was treated as commercial in the sense of Fire Assessment. He noted that there was a special section in the Statute for the Fire Assessment that dealt with mobile home parks, and that each lot was not assessed the typical residential rate.

VICE MAYOR SCHWARTZ questioned whether they were allowed to live in Aztec year round.

DIRECTOR ZISKAL said no and explained that there are restrictions in the Developer's Agreement stating that they could not use it as a permanent residence, could not put children in school and could not claim Homestead Exemption. He asked that the Commission review the documents before them and if there was something in the documents they wanted changed, it must go through a Comprehensive Plan Amendment.

MAYOR RUZZANO said that up to 1,800 dwelling units could be approved in the TOC.

DIRECTOR ZISKAL noted that was old language and that information was incorrect and would be changed during the next Comprehensive Plan update. He explained that there had been a miscalculation of how many units existed, because a building was counted as commercial square footage when it should have been counted as existing residential. He asked that the Commission focus on the policies under Objective 13, which stated what the TOC had to do. He said that if the Commission saw something happening in the City in the way of developing that had a problem, such as parking or setbacks, the Comprehensive Plan would need to be changed.

VICE MAYOR SCHWARTZ read aloud the reduced parking ratio portion of Objective 13, and felt that was where the problem was that required a change to the Comprehensive Plan.

MAYOR RUZZANO questioned whether the City Code superseded the Comprehensive

Plan.

DIRECTOR ZISKAL said no and clarified that the Comprehensive Plan superseded the City Code. He stated that the Comprehensive Plan was first through the State and the City was then required by State Statute to make the City Code comply with the Comprehensive Plan.

VICE MAYOR SCHWARTZ questioned who determined the parking reduction.

DIRECTOR ZISKAL explained that the developer would make their case, Staff would review and the Board of Adjustment would make the legally binding decision. He further explained that it was a case by case basis based on the rationale and the petition.

VICE MAYOR SCHWARTZ noted that Celebration Pointe was not in the TOC or the CRA and asked whether they were not subject to reduced parking.

DIRECTOR ZISKAL said that was correct. He explained that Celebration Pointe was meeting the regular Code of the City that was the same parking standard since the 1980's. He stated that they were exceeding the parking the same as any other apartment complex. He clarified that every Townhouse had a garage and a double car driveway with guest parking throughout.

COMMISSIONER CAGGIANO asked whether the car reduction could be changed to 1.99.

DIRECTOR ZISKAL said that something so de minimis might not actually meet the intent; therefore, the City Attorney would have to check the case law to make that determination. He stated that was the end of this presentation and he did not know what action, if any, the Commission wanted to take tonight. He felt that they needed to digest what was in the handout provided. He told them to think big and, "Make No Little Plans." He stated that the CRA had 8 years left. He suggested that the Commission not attack the Codes first until they changed the long range plan.

MAYOR RUZZANO questioned whether Director Ziskal felt that a Charrette should be done.

DIRECTOR ZISKAL said that he recommended it and noted that Manny Lugo attended the DRC meetings and was interested in providing his input, as well as other residents.

MANNY LUGO, resident, said that the City needed a revenue stream to survive and grow in the future, and he asked whether the TOC took that into account. He felt that the TOC was very limited in the range of considerations.

DIRECTOR ZISKAL explained that the TOC was the area designated to be Mixed Use. He said that the intent was to allow more intense development.

MR. LUGO asked about development and Impact Fees.

DIRECTOR ZISKAL explained that every development was reviewed and calculated based on its impact on the water, sewer, Police and Fire; therefore, Impact Fees were paid for those services.

MR. LUGO asked who decided when enough was enough and when the City could not sustain more infrastructure, water or sewer services and was just built out.

DIRECTOR ZISKAL explained that the City had a Water Plant and a Wastewater

Treatment Plant that had a rating. He said that there was so much water that the plant could treat every day to provide to the residents. He stated that if building too much, the service would not be able to be provided. He noted that the Engineering Department knows that and had factored in a long range plan with the potential of future growth to see what could be sustained and when the plants would have to be expanded. He said that the Engineering Department would be making comments on any new construction project.

MR. LUGO questioned any concerns of the Engineering Department.

MAYOR RUZZANO noted that a meeting was previously held regarding Water and Sewer.

DIRECTOR OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) REDDY CHITEPU explained that when a development came to a City the Water and Sewer Utilities Staff looked at the development and what the impact was to the City. He stated that prior to that, when the TOC was adopted, TOC had data built into it pertaining to how many residential homes, square footage of office space and commercial space. He said that each use had a certain usage of how much water the usage can take and how much wastewater was generated. He reiterated that it was already built into the TOC so that any development coming into the TOC District within what was approved in the TOC was already calculated and went through the Comprehensive Plan and been approved. He said that it was already determined previously that the City had the capacity. He noted that if not verified during the Comprehensive Plan process, the Comprehensive Plan would not be approved.

MAYOR RUZZANO asked whether Director Chitepu knew what the current capacity was.

DIRECTOR CHITEPU stated that the City was required to annually report to the District. He said that the limitation was not with the capacity of the treatment. He said that the City had treatment to treat much higher volumes than what could be drawn from the Biscayne Aquifer. He noted that the limitation was on the permit from the District, which was why the City came up with the project for reuse. He explained that in 2005 and 2006, the City went through a drought cycle, which caused the District to put on restrictions and stated that no more permits would be given. He said that if the City had developments that exceeded what was on the permit, the City would not allow water to be received from the Biscayne Aquifer. He noted that at that time, the City developed a project for reuse, which was provided to the District; however, the economy then tanked and the demand went down. He stated that conservation programs were also implemented and currently the City was at about seven million gallons a day with a capacity of 8.5 million.

MAYOR RUZZANO asked how many people that involved.

DIRECTOR CHITEPU said that it was about 4,000 single family homes.

COMMISSIONER CAGGIANO asked whether someone who purchased a piece of property could be told they could not build because there was not enough water.

DIRECTOR CHITEPU agreed and explained that it was his job to keep track of that. He said that the developer would be asked to obtain a letter from him showing he had capacity; however, he could not give that letter.

DIRECTOR ZISKAL explained that in the Comprehensive Plan process, not only would the South Florida Water Management District (SFWMD) review the Comprehensive

Plan for capacity on a case by case project, but the Florida Department of Transportation (FDOT), Environmental Protection, the School Board and any of those agencies could also weigh in. He noted that the School Board ensured that there was adequate seating in the schools. He said that any of the agencies could deem the Comprehensive Plan as inadequate, as well as deeming the project unsatisfactory. He added that Solid Waste and Waste Management also reviewed the new proposals to make sure the waste being generated could be handled.

VICE MAYOR SCHWARTZ said that in 2002, people did not understand what a Mixed Use was. She noted that coming from New York, she understood because that was what everybody there had with stores below and apartment buildings above with deep sidewalks. He asked that a better set of definitions need to be provided.

DIRECTOR ZISKAL said that the Commission needed to find out what the residents of 2017 wanted. He stated that when Mike Jones did the Parks and Recreation Master Plan, it showed different wants. Director Ziskal introduced the two Planners that would work through the process with the Commission; Andy Dietz and Andrew Pinney.

ANTONIO ARSERIO, resident, said that the TOC was an urbanization of the City with six story buildings on each end with 10 stories for the City Center and four stories in between. He said that being a full service City he was confident the water, electric etc. could be handled; however, he asked about traffic. He said that U.S. 441 was a State Road and the City had no control over what was done if the road needed to be widened. He noted the roads could not be widened if the buildings were up against U.S. 441.

DIRECTOR ZISKAL explained that the width of U.S. 441 needed to be discussed because the plan to bring the buildings to the road was precisely to eliminate the Florida Department of Transportation from ever widening it. He stated that part of the plans were to make it an eight or 10 lane road. He added that the long range plans also called for University Drive to cut through into Palm Beach County. He stated that the Palm Beach Metropolitan Planning Organization (MPO) eliminated that possibility and it will never go into Palm Beach County. He said that the result was that the furthest west connection was U.S. 441. He noted that all transportation models showed traffic going on U.S. 441; therefore, FDOT's model was to widen U.S. 441. He explained that FDOT's motto was to move cars as fast as they could and they did not care where the cars were going or whether the cars were going through the heart of the City. He added that one model actually showed another flyover at Atlantic Boulevard. He said that some of the issues pertained to having individuals drive and park once to run three errands, rather than entering U.S. 441 twice to do those same errands. He added that the bus also had to be more effective, because Margate had to be one of the highest populated metropolitan areas in the Country without a reliable transportation system. He stated that there were over six million people in the Tri-County area. He said that traffic was a major concern, but Mixed Use being put together in a denser pattern showed a reduction in trips.

VICE MAYOR SCHWARTZ noted that Margate started the Inner City Bus System because of the need to move people around who had given up driving.

COMMISSIONER CAGGIANO noted that in order to have that system survive, the City had to make it free.

DIRECTOR ZISKAL said that the population projections for the region were going up.

VICE MAYOR SCHWARTZ stated that Royal Palm Boulevard was not wider than it was because Margate did not want a thoroughfare to Coral Springs.

MAYOR RUZZANO said that Gino's Tint would have the front on U.S. 441 with the TOC.

DIRECTOR ZISKAL said that it could have a double frontage, but could not leave a blank wall facing U.S. 441. He noted that the property was very small and small lots were tough to redevelop and there were some site concerns. He noted that the Winn Dixie building could exist in perpetuity forever even with the TOC guidelines, but the question was what the Commission wanted if someone purchased it, tore it down and wanted to rebuild.

VICE MAYOR SCHWARTZ asked how often any City should review its entire focus.

DIRECTOR ZISKAL felt that an annual review of what was accomplished; however, with the big picture, five years was good. He noted that the State set a parameter that Cities were supposed to review the Comprehensive Plan every seven years to see if new State Laws were not being complied with.

MR. ARSERIO felt that the TOC was not well thought out. He noted that he did not want U.S. 441 widened either; however, as traffic increased the State would come in and widen it. He said that the TOC would prevent that and he felt that one issue was traded for another because additional traffic was still not being addressed. He felt that it was time to relook at the plan. He asked whether a moratorium could be put on gas stations and fast food chains. He stated that if setting up the City Center and the Downtown more developers may be willing to come in. He felt that the City was currently attracting low income residents and he felt that TOC needed to be eliminated or changed drastically.

DIRECTOR ZISKAL agreed that now was the time to think about what the City should look like. He said that at the time the TOC was created, the Mixed Use and a Downtown was wanted because it was a different time and a different vision with a good faith effort. He stated that it now needed to be retooled to move forward.

COMMISSIONER SIMONE stated that the idea was not to get rid of the TOC, but for the Commission to make changes they wanted within the TOC. She felt that the TOC did have some good qualities, such as not allowing expansion of U.S. 441, not allowing the flyover and not allowing 10 story buildings.

VICE MAYOR SCHWARTZ said that she heard that the TOC allowed for the most liberal Zoning. She stated that modifying it would allow the Commission to have more flexibility for what they wanted. She questioned what other Cities were adhering to a TOC Plan.

DIRECTOR ZISKAL said that approximately 10 Cities in the County had some form of Mixed Use.

COMMISSIONER SIMONE noted that the back of City Hall was facing Margate Boulevard.

MR. ARSERIO asked whether the TOC tied the City into a County agreement. He also questioned whether the City would be restricted to make changes easily by calling it the TOC.

DIRECTOR ZISKAL explained that the TOC was a Land Use designation on both the City and County Land Use Map. He stated that Broward County was a Charter County with its own Land Use Plan, which the City had to follow. He said that if changing the City Land Use Map to a TOC, the County also changed their map to a TOC. He clarified

that the City needed to stay within the intent of the TOC District, but could be flexible.

DIRECTOR ZISKAL suggested that the Commission go through the handout and read it to determine what they were in agreement with or not. He also suggested scheduling a Charrette for citizen input.

MAYOR RUZZANO asked if Commissioners attended the Charrette.

DIRECTOR ZISKAL agreed and noted that it was a multi-day event, which was done by a consultant and was a hands-on visioning exercise held at the Community Center. He explained that the moderator would walk everyone through the SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis. He said that feedback would be received about priorities and what to focus on. He added that transportation needs was a large topic and input was needed.

CITY ATTORNEY GONZALES noted that Hollywood, Miramar, Oakland Park, Davie, Margate, Dania Beach, West Park, Pompano Beach, Wilton Manors and Lighthouse Point were in the TOC. He added that Portland, Oregon was the inspiration for the TOC Districts.

MAYOR RUZZANO recommended that a Charrette Open Forum be held twice for two months with everybody being notified by water bill, etc.

COMMISSIONER CAGGIANO suggested filming it.

MAYOR RUZZANO agreed that it should be filmed and placed on Channel 78.

COMMISSIONER CAGGIANO mentioned the unit number that was a mistake and asked whether there was a list of other obvious mistakes that Director Ziskal could provide to the Commission for their review.

DIRECTOR ZISKAL said that the unit error was the big error.

VICE MAYOR SCHWARTZ suggested dividing the City into sections and find a large clubhouse to have the event with staff available to answer the questions.

MAYOR RUZZANO questioned whether there could only be 350,000 square feet of commercial for the TOC.

DIRECTOR ZISKAL replied that 350,000 square feet was a little off, but he would provide the correct language.

ASSOCIATE CITY PLANNER ANDREW PINNEY suggested setting up an exhibit at some of the City events for additional feedback as well.

COMMISSIONER CAGGIANO agreed that was a great idea.

MR. PINNEY noted that years ago the MPO put on a Workshop in Coral Springs Library for citizen input.

VICE MAYOR SCHWARTZ asked how it was decided that 500 rooms were needed for hotels.

DIRECTOR ZISKAL said that was an estimate based on the standard smaller hotels with about 250 rooms.

B. [ID 2017-438](#) ADDITIONAL IMPACT FEE ON NEW CONSTRUCTION

MAYOR RUZZANO said that there was prior discussion regarding additional Impact Fees for new construction. He stated that \$1 per square foot had been mentioned.

CITY ATTORNEY DOUGLAS R. GONZALES explained the legal standard for Impact Fees. He said that primary case where Impact Fees were discussed and approved through the State of Florida was from a Hollywood case in 1983. He said that the City needed to be careful that there must be a reasonable connection between the expenditures of funds collected for Impact Fees and the benefits arising to the development. He noted that Margate already had some Impact Fees, which included a Parks and Recreational Services Impact Fee, Police and Fire Impact Fees, Utilities Impact Fees and Water and Sewer Impact Fees. He said that \$1 per square foot would be a reasonable charge; however, it had to be connected to the particular area.

MAYOR RUZZANO felt that should be real easy and he wanted to do this as soon as possible.

CITY ATTORNEY GONZALES said that it would be done by Resolution. He noted that the Commission needed to determine what types of Impact Fees were wanted. He stated that he had a list of different Impact Fees that were approved by Courts in the State of Florida. He noted that they included new parks, roads, schools, jails, public buildings, libraries, sewer, water treatment, stormwater facilities and public safety buildings and equipment.

MAYOR RUZZANO asked whether having the whole City with wireless Internet with a Communication Plan was possible.

CITY ATTORNEY GONZALES said that was a great idea and he would have to look into that because it had not been addressed by the Courts. He stated that the City needed to be creative because it had most of the fees already listed.

INTERIM CITY MANAGER SAM MAY noted that a neighboring City also uses an Impact Fee for underground utilities.

VICE MAYOR SCHWARTZ said that would be nice.

CITY ATTORNEY GONZALES agreed because it would cross all different types of development the City might have.

ASSOCIATE CITY PLANNER ANDREW PINNEY noted that other Cities that collected an Impact Fee for public art.

CITY ATTORNEY GONZALES noted that there was currently a case that may be going to the Supreme Court out of Arizona in which a developer refused to pay the Impact Fee and the Courts had agreed with the developer so far. He asked that the Commission be very careful.

VICE MAYOR SCHWARTZ stated that she was looking at having Impact Fees for the school and support of local school projects that were not receiving support from the School Board.

CITY ATTORNEY GONZALES explained that the Impact Fee that the City had in the past was done by Ordinance and applied to two development projects. He noted that once those projects were completed and the \$150 per unit Impact Fee was received it was given to the County for the schools. He added that the City had a Board that was in charge of administering the monies; however, the Board was disbanded once the

monies were received. He stated that School Impact Fees would not apply to a commercial development. He noted that it would apply to a residential development, because building was going vertical instead of horizontal causing greater impacts to the schools.

VICE MAYOR SCHWARTZ mentioned supporting the schools for purchases, such as overhead projectors.

CITY ATTORNEY GONZALES said that there was a possibility that the current Parks and Recreation Fee did not actually apply to parks, but applied to telecom towers. He stated that he needed to look into that because if so, the City could expand that for residential properties to the parks. He explained that if someone was developing a new project, the City could require the dedication of four acres to a park or pay the Park Fee.

COMMISSIONER SIMONE asked whether the Police and Fire Impact Fees could be made specific to what it should go to, such as building a Fire Station.

CITY ATTORNEY GONZALES said that he believed it went to Capital Projects. He noted that a new Fire Station might be needed for a new area with a lot more houses. He added that a new district might come in requiring a closer Fire Station to service the needs of the residential units.

MAYOR RUZZANO asked what the average ERC charges were for Police and Fire.

ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) DIRECTOR REDDY CHITEPU explained that the calculations were done along with the water and sewer based on square footage. He noted that the charge was \$800 to \$900 for 1,000 square feet, which was an old calculation.

CITY ATTORNEY GONZALES explained that a study might be justified to relook into determining whether those fees could be increased due to the increased salaries and the cost of other items being purchased going up.

COMMISSIONER SIMONE asked whether the City could determine what other Cities in our area charged for Impact Fees.

CITY ATTORNEY GONZALES said that could be done; however, Margate's fee needed to be localized to what Margate's services would cost.

MAYOR RUZZANO asked whether the canals could also be incorporated.

CITY ATTORNEY GONZALES agreed if a development was going to be on a canal.

VICE MAYOR SCHWARTZ asked that the two Resolutions be placed on the agenda.

COMMISSIONER CAGGIANO felt that wireless Internet was a great idea.

CITY ATTORNEY GONZALES said that Margate could learn from Hollywood's mistake because he paid a lot of taxes for that; however, he still did not have City WiFi. He felt that there did have to be another City in the Country that succeeded in getting City WiFi.

DIRECTOR CHITEPU clarified that the residential units and commercial paid separate rates.

MR. PINNEY added that for City WiFi, the Telecommunication Master Plan needed to be amended.

VICE MAYOR SCHWARTZ noted that there was a current moratorium in Coral Springs on cell phone towers because the State had not decided that people could get on the tower without any approval.

CITY ATTORNEY GONZALES said that was approved by the Governor two days ago.

VICE MAYOR SCHWARTZ stated that the City lost control of City property.

CITY ATTORNEY GONZALES said that the City's Home Rule Power had been encroached upon; however, because of the newly enacted legislature, the City might not be able to do an Impact Fee on that.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:02 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 9/6/17