



City of Margate

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

Meeting Minutes City Commission Workshop

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

City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh

Wednesday, May 30, 2018

6:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
City Attorney James A. Cherof
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. [ID 2018-266](#) USES PERMITTED ON STATE ROAD 7

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY discussed the PowerPoint presentation and presented handouts to the Commission. He said that along State Road 7, there were three zoning districts that occupy all of their non-residential area. He advised that they were looking mainly at the business areas. He spoke about the three types of uses which were permitted which were allowed by right but had no policy decision. He explained that a special exception goes through a multi meeting process in the City culminating in a Quasi-Judicial hearing before the City Commission and prohibited uses that were not allowed anywhere in the City. He said that he was seeking direction on whether they should have broad umbrella term type uses or a specific use. He explained that an advantage of a broad type use was that you did not have to constantly change the Code and update every time something new came along but the disadvantage would be that there could be unintended consequences. He advised that if they took the broad approach, they would need to provide adequate definitions in the glossary. He said that they had limitations on use for the Transit Oriented Corridor (TOC) Section 9.8 which applied to the three districts which contained a number of restrictions. He asked the Commission for questions.

MAYOR ARLENE R. SCHWARTZ asked if the Corridor was the most liberal.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY replied yes.

MAYOR SCHWARTZ asked why the Corridor went up Atlantic Boulevard east of Rock Island Road.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that Atlantic Boulevard had large presence of existing commercial on there and thought that it was an opportunity to redevelop it.

Discussion ensued.

VICE MAYOR ANTHONY N. CAGGIANO asked if the bottled gas was propane. He also asked why they would not allow a dry cleaner to pickup stuff from a home and bring it back.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY confirmed that the gas was propane. He said that the restrictions were in place before the TOC.

Discussion ensued on a pickup service for dry cleaners.

DIRECTOR OF DEVELOPMENT SERVICES ROBERT J. MASSARELLI said they could prohibit large establishments from having too many trucks going in.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said it was existing language that limits how many cleaning units they could have.

VICE MAYOR CAGGIANO asked the reason that no body art studio could be located within 1,000 feet of academic school or daycare.

Discussion ensued.

VICE MAYOR CAGGIANO asked if they had the same problem with package stores at 1,500 feet.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they had a definition on their glossary for liquor stores.

Discussion ensued.

VICE MAYOR CAGGIANO spoke about the vending machine areas and that one vending machine should be permitted out. He asked what was the definition of a vending machine.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY read the definition of a vending machine and said that it was any machine or container, manual or automated and designed for the convenience storage and dispensing of merchandise for retail sale including but not limited to soda vending machines, food vending machines, ice chests, video rental machines, etc.

Discussion ensued.

VICE MAYOR CAGGIANO referred to walkway cafes less than 1,000 feet in area and asked if Wawa was classified as an outside café.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said yes and that they had to buy insurance.

Discussion ensued on restaurants putting tables outside their stores.

VICE MAYOR CAGGIANO said the Community Redevelopment Agency (CRA) was looking to allow businesses to expand their walkways.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that when they were larger than 1,000 square feet, they would be permitted as a special exception.

Discussion ensued on sidewalks being wider.

VICE MAYOR CAGGIANO referred to a carwash rack not permitted within 1,000 feet of another carwash rack. He asked if two carwashes opposite each other could not both have a drive thru carwash.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that previously, a gas station was a permitted use and in the 1990s, they became a special exception. He said that around that point, the same 1,000 feet restriction was imposed. He advised that existing ones which were already built were considered legally non-conforming. He said that for example, if the Cumberland Farms wanted to install a carwash, they would have to come for the variance of the distance and then come before this Board for approval of the use.

VICE MAYOR CAGGIANO referred to schools that must provide a dedicated drop off area for motorists. He said that Coral Bay residents complain that their street was being used as parking lot due to a nearby school.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that the school was located in Coral Springs and it was at the City's jurisdiction. He said that to his knowledge, a traffic study had not carried out.

Discussion ensued.

COMMISSIONER LESA PEERMAN said that it was now the trend for restaurants to provide curb service and drive thrus. She asked whether 750 feet away from a family dwelling such as Applebee's was far enough.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY questioned whether it was necessary to have a separate use for drive thrus when they already have one for restaurant and vehicle service. He said that they were in place before his time and he suspects that it would be an old type drive-in such as Sonic.

MAYOR SCHWARTZ said that she understood the importance of keeping a neighborhood feel and not have a drive-thru and it also depended on how late they stayed open.

Discussion ensued on curbside meal service.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked if the Commission would consider curbside such as Applebee's to go to a window as an accessory and not be subject to special exception.

COMMISSIONER LESA PEERMAN asked if it was only allowed in the corridor and not gateway or city center.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that he was there when they brought them over to the TOCs and the logic behind it was that they wanted to restrict anything vehicle oriented.

MAYOR SCHWARTZ said that Atlantic Boulevard both east and west and State Road 7 were gridlocked.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that the Walmart Shopping Center has a zoning district running right down the middle.

Discussion ensued on the positioning of Walmart.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that the plaza brings up a great topic discussion between Corridor vs City Center use and restrictions.

MAYOR SCHWARTZ asked Development Services Senior Planner to make recommendations.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that there could be some conflicts that did not make sense such as allowing commercial recreation indoors as a permitted use but a bowling alley would be a special exception.

VICE MAYOR CAGGIANO asked whether it was due to alcohol being served at a bowling alley and not often at Chuck E. Cheese.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that Chuck E. Cheese served alcohol. He said that amusement arcades had their chapter in the Zoning Code and were special exceptions due to a loophole in the gambling provision with penny arcades and gift card rewards. He advised that the loophole had since been tightened up.

MAYOR SCHWARTZ explained that when the Sports Complex was going to be constructed, the area next to it, Jack Tobin and they wanted to build an arcade and people went ballistic.

COMMISSIONER LESA PEERMAN said that the miniature golf was a great draw but it was sold for condos.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked if they wanted to be broad or specific with the uses and said that they need a definition.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that as commercial recreation indoor, they approved the Demented Escape Room at 2505 N State Road 7.

Discussion ensued on the cyber café.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that bottle clubs were permitted then restricted from the Code. He advised that there was a new concept of painting with a twist with painting as a bottle club. He said that they would need a bottle club license which is not prohibited in the City.

COMMISSIONER LESA PEERMAN asked if they could make it a special exception.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that the bottle club was where a consumer brings their own alcohol beverage and then the business would provide mixers, etc.

Discussion ensued on the concept of a bottle club.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that he would need to research state regulations which it would be difficult to regulate. He introduced the newly recruited Associate Planner, Alexia Howald, to the meeting. He asked whether they were just referring to bottle clubs within the TOCs.

Discussion ensued on bottle clubs in other cities.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY referred to caterers where they prepare the food and then go to events but was not a catering hall. He said that they were not permitted in the city center and asked if it was something they wanted to keep.

Discussion ensued concerning a nearby bakery store.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY advised that the Pain Management Clinic was another one with a problem with pill mills. He explained that the state now has much tighter control over it. He asked if they wanted to bring back that use.

NO CONSENSUS TO CHANGE

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY referred to Camp Canine and said that when they got approved, where no specific use for dog day care. He also explained that the use that they applied was that they had to go through the special exception process was for animal hospital or pet clinic. He asked the Commission if they wanted to introduce a new use.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained they had to do a special exception and a site plan amendment. He advised that they also do that for day cares for a play area. He also explained that it had certain triggers as when they amend a site plan or apply for a special exception, they look at the entire property such as the parking lot lighting, landscaping and dumpster enclosures. He said that it would trigger it for the entire plaza but it would be a big hit for a small business.

Discussion ensued.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that they need to go back specific use and asked what type of uses they were talking about in that area and advised that it would be discussed at a later date. He asked if he could recommend sound proofing for the situation with the dogs. He asked where it would be appropriate under the three TOC zones.

MAYOR SCHWARTZ said that unless there was a distance separation, it would not be appropriate within a certain foot pattern from a residential area.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that Camp Canine's outdoor was just a play area and at night, they bring the doors indoors and that it was also sound proof.

Discussion ensued on what to put in the use.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they could broaden to include pet boarding and daycare Use with a distance restriction. He also suggested restricting outdoor use only and measure from the outdoor pen.

Discussion ensued on distances from residential for pet boarding and daycare.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they could restrict the times for the outside uses.

Discussion ensued on the special exception.

COMMISSIONER JOANNE SIMONE said that some of the larger veterinary services have an indoor day boarding facility and asked whether they were not going to allow that.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they allow animal clinics and pet hospitals with adequate soundproofing and all boarding activities should be ancillary to the primary use.

Discussion ensued on day boarding for pets and soundproofing.

COMMISSIONER PEERMAN asked if they could look into Coral Springs Pet Resort and how they worded it.

Discussion ensued on the wording.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that he had been researching on how they treat churches and explained that in the three districts and other commercial districts, they restrict them to no more than 7,000 square feet of the gross area. He also advised that they do not have the same restriction applying to any other non-secular assembly. He said it was on the books before he started but it could be possibly due to a lawsuit.

COMMISSIONER PEERMAN explained that there was a church that wanted to go to Holiday Springs shopping plaza and they wanted approximately five bays.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY advised that under the Federal Act of the Religious Land Use and Institutionalized Persons Act (RLUIPA), they have to treat churches like any other non-secular assembly. They said that they could be held liable if someone claims that the City was treating them unfairly. He advised that currently, they have a couple of churches trying to expand or acquire commercial property.

Discussion ensued on the size of churches on a strip center.

CONSENSUS TO REMOVE CHURCHES AND SYNAGOGUES FROM TOC-CITY CENTER

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY spoke on vinyl graphics where they make signs or wrap vehicles and asked if they wanted to keep it on State Road 7.

Discussion ensued on this topic.

CONSENSUS TO REMOVE VINYL GRAPICS FROM TOC.

COMMISSIONER SIMONE said that a medical office was allowed on TOC-G and TOC-C, then in the TOC-city center a medical office was allowed with five or less physicians. She asked if they wanted a medical office in their city center.

COMMISSIONER PEERMAN read that it was not in correctional, mental and institutional for care of liquor patients.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that as well as what Commissioner Peerman read, it was also permitted on secondary streets only but could not be on State Road 7.

Discussion ensued on whether this should be struck out from the city center.

CONSENSUS TO REMOVE MEDICAL OFFICES WITH FIVE OR LESS PHYSICIANS FROM FROM THE TOC-CITY CENTER

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY referred to the Automobiles selling tires which was a special exception in their Corridor districts. He advised that tire shops sell much more than tires as it was a full service mechanics. He asked if they wanted to keep it that way or did they want to pull it from State Road 7 or did they want to add the use of a repair so that they were not obligated to sell tires.

MAYOR SCHWARTZ asked if Wawa could add a Tire Use.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that it was gateway and that it was not permitted. He asked if they wanted to keep auto tires or add auto repairs. He also asked if they wanted to strike it from the Corridor which would make every tire shop on State Road 7 legally non-conforming. He also confirmed that if a business burns down, their grandfathered in disappeared.

VICE MAYOR SCHWARTZ asked if he would prefer if it stayed as a special exception for those types of issues which would include hurricane damage.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they had non-confirming at by Royal Palm and State Road 7 where Tire Choice and Valero were located. He advised that they had the authority to adjust the non-confirming restrictions.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI advised that it would take a lot discussion as there were ramifications. He said that another way they could approach it would be with design standards. He advised that the draft for the design standards could come back next month. He said that he had done a lot of disaster recovery work which had taken much longer than 90 days and said it could take two years for someone to start building. He said that he would look at that section of the Code and said that there were a set of standards for disasters.

COMMISSIONER RUZZANO asked if they could no longer do car lots. He also asked who would be on the Design Board.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that they were broken up into two uses which were vehicle dealership new and vehicle sales agency.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that they were leaning towards putting an architect on the Design Review Committee (DRC) rather than having a Design Board. He said that they would present the concept to the Commission.

COMMISSIONER RUZZANO spoke about a big piece of property up for sale on 441 and Royal Palm.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that that particular property had two zoning designations which had the Gateway and the Corridor on it.

COMMISSIONER RUZZANO asked if they could duplicate an Arbor View there.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that they did not have the TOC units available but there was a use called Long Term Care facility which was permitted in the TOC Corridor.

MAYOR SCHWARTZ said that she wanted that removed.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked for consensus.

Discussion ensued on this particular use and preference on what could be built in that area.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that the Commission can decide what meets the criteria but the staff would give a recommendation. He repeated that it was their decision as it was Quasi-Judicial and that they were supposed to rely on competent substantial evidence.

Discussion ensued on the previous Brownfield item.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY recapped that they had just REMOVED LONG TERM CARE FACILITY, COMMUNITY RESIDENTIAL HOME AND TYPE 2 FROM TOC-CORRIDOR. He confirmed that they started discussing body art studies but he received no consensus to change it.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI confirmed that they would have to look at the Community Residential Home provision in more detail to check against the statutes.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked for their views on permanent make up/cosmetologist. He said that they would need a tattoo license.

COMMISSIONER PEERMAN said that they could still have it in the B district but just not on 441 or on the main corridors.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY confirmed that they could have it in B3 districts.

COMMISSIONER PEERMAN suggested if they could put those into other B districts but not on the corridor.

Discussion ensued on this item.

CONSENSUS TO REMOVE BODY ART FROM TOC CORRIDOR AND TOC-GATEWAY.

COMMISSIONER SIMONE asked why pet grooming was not allowed in the city center.

CONSENSUS TO ADD PET GROOMING TO TOC-CITY CENTER.

MAYOR SCHWARTZ asked why would they have second hand or use merchandise in the city center and gateway.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI explained that they could have very high end consignment stores.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked how they felt about the limitations that were attached in the gateway and city center for second hand. He also read through the uses.

Discussion ensued on this item.

MAYOR SCHWARTZ said that she would take out the use.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked for consensus.

Discussion ensued on the TOC-City Center, secondhand shops and Wayback When.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI explained that secondhand and antique stores have a very small profit margin and were driven to low rent areas. He advised that economics would dictate what you would see in the downtown area. He advised that they should leave it in.

MAYOR SCHWARTZ asked for a poll on secondhand Uses in TOC-City Center.

COMMISSIONER PEERMAN - LEAVE IN

COMMISSIONER SIMONE - LEAVE IN

COMMISSIONER RUZZANO - REMOVE

VICE MAYOR CAGGIANO - LEAVE IN

MAYOR SCHWARTZ - said that it was already three for remain and two to remove.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that Gas Stations were Special Exceptions in TOC-Corridor and the TOC-Gateway but not in the city center. She said that they did have existing gas stations that were not confirming and asked whether they wanted to add it into the city center or remove it from somewhere else.

COMMISSIONER PEERMAN said that she did not like gas stations in the city center.

CONCSENSUS WAS GIVEN TO REMOVE GAS STATIONS FROM THE TOC-CITY CENTER.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY confirmed that they were not

in the city center so he would leave it.

MAYOR SCHWARTZ asked about substations for utilities.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that at the west end of Winfield, Florida Power and Light (FPL) had a fenced in place with transformers which he could envisage being a substation for utilities but not the main plant.

Discussion ensued on this item.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY asked if there was direction to strike it from the city center.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that he would have the staff research the substation for utilities use.

MAYOR SCHWARTZ asked about dancehalls.

Discussion ensued on dancehalls within the City.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY read the definition of a Night Club. He said that they do not allow large night clubs or catering halls in the downtown city center.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that for the Zoning Ordinance, there were a lot of things that were out of date or modern equivalent not included. He advised that he was working on a work plan and would need to check out Building Code and Fire Safety.

Discussion ensued on having dancehalls on the second floor.

MAYOR SCHWARTZ said that there was so much that needed to be done in the City.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that the Code has been interpreted by previous Directors and said that bakeries were identified in certain zoning districts such as Bakeries-Retail and Bakeries-Wholesale but were not mentioned in the TOC. He explained that there was a conflict due to the language being used as for example asked how would you say that the grocery store umbrella applied within the TOC but it would not apply elsewhere. He said that this was why they asked if they wanted an umbrella approach or use specific. He advised that from staff and business friendly prospective, the umbrella approach was much more efficient.

MAYOR SCHWARTZ said that she would like to see certain uses disappear and said that she was tired of hearing about tint shops, pawn shops, repair shops, tire shops, etc. She said that building on top of the street in the TOC concerned her.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the TOC.

COMMISSIONER PEERMAN spoke on Homerule. She also discussed her vision of downtown.

DIRECTOR OF DEVELOPMENT SERVICES MASSARELLI said that he would come back with an update.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:25pm.

Respectfully submitted,

Transcribed by Salene E. Edwards


Joseph J. Kavanagh, City Clerk

Date: 7/12/18

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.