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Title: APPROVAL OF A TEMPORARY USE AGREEMENT BETWEEN THE MCRA AND THE MARGATE-COCONUT CREEK KIWANIS CLUB FOR THE SALE OF CHRISTMAS TREES AND RELATED ITEMS ON MCRA OWNED PROPERTY LOCATED AT 1423 NORTH STATE ROAD 7

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Attachments: 1. BACKGROUND: APPLICATION, 2. BACKGROUND: TEMPORARY USE AGREEMENT, 3. BACKGROUND: MCRA EVENT POLICY, 4. BACKGROUND: CITY CODE SECTION 3.pdf, 5. BACKGROUND: MAP

Date	Ver.	Action By	Action	Result
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TO: Margate CRA Chair and Members of the Board

FROM: Cale Curtis, CRA Executive Director

DATE: October 13, 2021

APPROVAL OF A TEMPORARY USE AGREEMENT BETWEEN THE MCRA AND THE MARGATE-COCONUT CREEK KIWANIS CLUB FOR THE SALE OF CHRISTMAS TREES AND RELATED ITEMS ON MCRA OWNED PROPERTY LOCATED AT 1423 NORTH STATE ROAD 7

BACKGROUND: The Margate-Coconut Creek Kiwanis have held its annual Christmas tree sale for the past three years on the MCRA-owned property located at 1423 North State Road 7. John Francis, President, Margate-Coconut Creek Kiwanis is once again requesting use of the property to sell Christmas trees and related items. Mr. Francis is requesting use of the property from November 17, 2021 through December 21, 2021. The property would be used as follows:

- November 17 thru November 20: 4 days for set-up
- November 21 thru December 17: Sale of Christmas trees and related items (27 days)
- December 18 thru December 21: 4 days for breakdown

The event will operate from 9:00 a.m. to 9:00 p.m. every day.

It is important to note that City Code Section 3.24 - Temporary Use Permits makes a distinction between seasonal sales and Temporary Use Permits (TUP) for all other events, the latter having set-up and tear down days.

(C) *Maximum time limit:* A maximum time limit shall be established for all TUP's based on the minimum amount of time needed to conduct the permitted activity.

- (1) TUP's related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project (issuance of the final certificate of occupancy).
- (2) Seasonal sales shall be limited to 30 consecutive calendar days.
- (3) Walkway or parking lot sales shall be limited to seven consecutive calendar days.
- (4) TUP's for all other events shall not be maintained longer than a total of 21 consecutive calendar days, such that an event may utilize up to three days for set-up prior to the commencement of an event, up to 15 days to hold the event, and up to three days after the close of an event for tear down and clean-up.
- (5) As an exception to the above, the Development Services Department may grant an extension to a TUP of not more than seven consecutive calendar days for unforeseen circumstances, such as natural disturbances, but not including economic hardships.
- (6) All events approved by TUP shall close by 10:00 p.m., unless approved for a later time by the City Commission.

In addition to the use of the property, the Margate-Coconut Creek Kiwanis is requesting a waiver of the \$2,500 event fee (fee for Sales per MCRA Event Policy).

Ingress and egress to the property will be via State Road 7. The attached map depicts the ingress with arrows but Mr. Francis explained that outgoing traffic will follow the same route and flow back out onto to State Road 7.

The MCRA Event Policy states that the use of the MCRA property shall be restricted to sponsors who have a business, non-profit organization or religious institution in the City of Margate. Further and according to the Policy, the MCRA Board may grant a reduction or waiver of fees upon written request by the sponsor and based upon the following considerations:

- The event is for one day only
- The event is sponsored by an entity other than a for-profit business, provides a specific community benefit, and is consistent with the MCRA's economic development and revitalization goals.
- The sponsoring organization demonstrates that paying the fee would create a hardship and detract from the objective of the event.

Hart-T-Tree Farms, the tree vendor, will also provide proof of liability insurance and hold harmless agreements, in addition to those provided by the Kiwanis, the sponsoring organization.

NOTE: The Broward County Fair dates of operation will overlap the tree sale dates as follows:

- Broward County Fair dates: 11/18 - 12/5/21 (set-up and breakdown not included)
- Kiwanis Tree Sale dates: 11/21 - 12/17/21 (set-up and breakdown not included)

The Broward County Fair did not request and was not granted use of the property where the Kiwanis tree sale will take place at 1423 North State Road 7.

RECOMMENDATION: For Board discussion and action. If MCRA Board wishes to grant use of the property for 35 days (27 days for sales + 8 days' set-up/breakdown), the item will need to go before the City Commission for approval since Code limits seasonal sales to 30 consecutive days.

FISCAL IMPACT: \$2,500 for waiver of the event fee for Sales per Event Policy

CONTACT PERSON: Cale Curtis, CRA Executive Director