



### City Commission

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**REGULAR MEETING OF  
THE PLANNING AND ZONING BOARD  
HYBRID VIRTUAL MEETING  
<https://us02web.zoom.us/j/83776581254>  
MINUTES**

**Tuesday, June 7, 2022  
7:00 p.m.**

City of Margate  
City Commission Chambers at City Hall

**PRESENT:**

Todd Angier, Chair  
Fred Bourdin, Vice Chair  
Catherine Yardley, Secretary  
Grant O'Donnell, Board Member

**ABSENT:**

Sloan Robbins, Board Member

**STAFF PRESENT:**

Elizabeth Taschereau, Director of Development Services  
Andrew Pinney, AICP, Senior Planner  
David Tolces, City Attorney, Weiss, Serota, Helfman, Cole, and Bierman  
Howard Pavillard, Office Manager

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:05 p.m. on Tuesday, June 7, 2022 by Vice Chair Fred Bourdin, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

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**1) APPROVAL OF MINUTES**

- A) *ID2022-263*  
APPROVAL OF MINUTES FOR THE MAY 3, 2022 PLANNING  
AND ZONING BOARD MEETING.

Mr. Bourdin made the following motion, seconded by Ms. Yardley:

**MOTION:** TO APPROVE THE MINUTES FOR MAY 3, 2022  
AS PRESENTED.

**Development Services Department**

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[www.margatefl.com](http://www.margatefl.com) • [dsd@margatefl.com](mailto:dsd@margatefl.com)

**ROLL CALL:** Mr. Angier – Yes; Mr. Bourdin – Yes; Ms. Yardley – Yes; Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

## 2) NEW BUSINESS

### A) ID2022-257

CONSIDERATION OF A SPECIAL EXCEPTION USE, TO CONVERT A CHURCH WITH PRIVATE SCHOOL TO A PRIVATE SCHOOL.

David Tolces, Interim City Attorney, explained the item before the Board was a quasi-judicial hearing and swore in those planning to provide testimony. He asked for any ex-parte disclosures from the Board. Chair Angier stated he had spoken with Stacy Angier and been on the property many times.

### Staff Presentation

Andrew Pinney, Senior Planner, presented the two (2) applications for Abundant Life Christian Centre, Inc. on behalf of staff. He provided an overview of the property, which is located at 1490 Banks Road, and makes up 11.6 acres within the Margate Community Redevelopment Agency (CRA) and is part of the Central Park of Commerce plat. He explained the zoning is M-1A Industrial Park on the north half and CF-1 Community Facility on the south half of the property, with land use also split between industrial and commercial.

Mr. Pinney provided a timeline outlining the history of Abundant Life on the property, which had been in place since 1991. He reviewed changes made over that history, including a plat note amendment in 2007 to allow 50,752 square feet of church use, 23,881 square feet of existing private school and 6,277 square feet of existing daycare. He noted Ordinance 2017-1500.626 limited the school to accessory use of the church, making the school use legally nonconforming. Continuing, he reviewed the timeline for these applications, including:

- March 9, 2021 – Development Review Committee (DRC) review of requested plat note to allow 75,000 square feet of private school and 7,0000 square feet of daycare
  - DRC determines use would change to school being no longer accessory and site plan is required for special exception application
- December 7, 2021 – Board of Adjustment (BOA) reverses staff decision that a site plan is required for Abundant Life special exception application
- April 12, 2022 – DRC recommends denial of special exception and plat note amendment
- June 7, 2022 – Planning and Zoning Board (P&Z) review and recommendation
- July 6, 2022 – City Commission hearing

Mr. Pinney highlighted the plat note request, explaining if the application were approved, the language would be changed from the 2007 language as follows:

*Lots 1, 2, and 3, Block 2 are restricted to 50,572 square feet of church use (43,330 square feet of existing and 7,422 square feet of proposed); 23,881 square feet of existing private school; and 6,277 square feet of existing daycare use.*

To the proposed 2022 language as follows:

*Lots 1, 2, and 3, Block 2 of this Plat are restricted to 75,000 square feet of private school (including 20,000 square feet of auditorium) and 7,000 square feet of daycare use.*

Mr. Pinney explained the note request did not specify, but the applicant had discussed renting the auditorium space for functions in the future.

Continuing, Mr. Pinney reviewed the four (4) CF-1 requirements, noting the school was a special exception use under Sec 11.3(B) of Margate Zoning Code. He explained the requirements and stated the applicant did not satisfy requirement two (2), which he read for the record:

*School must be located in freestanding single use structure(s), located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within and existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33 (18)(C).*

Mr. Pinney stated the acreage requirements of the School Board of Broward County are 12 acres for an elementary school, 20 acres for a middle school, and 45 acres for a high school. He noted Abundant Life offers educational services at all three (3) grade levels but is approximately 11.6 acres.

Mr. Pinney explained the applicant also did not satisfy requirement three (3) of four (4), which he read as follows:

*School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.*

Mr. Pinney stated the application satisfied requirement four (4). He noted the application had been pending for more than a year.

Mr. Pinney stated the application had included a traffic statement as required, but at the DRC meeting, three (3) different departments had issues with it. He pointed to an excerpt from page two (2) of the statement, prepared by Joaquin Vargas, P.E., Traf Tech Engineering, Inc., on February 2, 2021, which stated:

*Currently, approximately 30 percent of the student population does not attend the school campus (participate via virtual media).*

Continuing, he pointed to excerpts from page three (3) of the statement, titled Vehicle Accumulation Study, as follows:

*A vehicle accumulation study was undertaken at the school. Vehicle counts were undertaken during the morning (7-9) and afternoon (2-4) peak periods on Thursday, January 28, 2021.*

*During the above traffic count period, 254 students attended school. At maximum capacity, approximately 83 percent more students will be on site (465 divided by 254). Therefore, the maximum on-site vehicle accumulation expected at full capacity is approximately 194 vehicles (106 vehicles counted during the morning peak x 1.83).*

Mr. Pinney pointed to an excerpt on page four (4) of the traffic statement, as follows:

*The school campus has approximately 310 parking spaces. Additionally, the internal circular drive aisles, with a length of approximately 2,100 feet, can accommodate approximately 95 circulating vehicles (at 22 feet per vehicle).*

Mr. Pinney noted Mr. Vargas was anticipating 194 vehicles but stated the vehicle queue could only accommodate 95 at a time. He explained a stacking schedule for the different grade levels was also provided. Mr. Pinney reiterated that during DRC hearings, Development Services, the Police Department, and the Fire Department had issues with aspects of the traffic statement which did not mesh well. He noted as an example, the parking spaces were counted toward vehicle capacity, but the pick up and drop off queue would make the spaces inaccessible.

Continuing, Mr. Pinney explained the City has 10 Special Exception requirements, and because the application fell short of the requirements for the CF-1 District, it did not score well on that list of requirements. He stated staff could not make a positive finding that the application met requirements one (1), two (2), three (3), six (6), seven (7), nine (9), and requirement 10 was pending a decision by the City Commission.

Mr. Pinney explained the DRC had recommended denial of the applications on April 12, 2022. He noted it was difficult as staff was not saying the church or school were a bad neighbor or not an asset to the City, but in technical review the proposal fell short of Code requirements.

Mr. O'Donnell asked for a clarification on the location and whether the traffic would interfere with the Marquesa development. Mr. Pinney explained the location of the school.

Mr. O'Donnell asked whether staff felt another traffic study should be done prior to review by the P&Z. He noted there were five (5) of 10 special exception requirements not met and stated he did not want the Board to be in the position of trying to force something on the City Commission which

could have looked at better prior to review. Mr. Pinney reminded the Board the P&Z was here to make a recommendation to the City Commission, and they could make whatever decision they find based on the evidence and testimony presented.

Vice Chair Bourdin reiterated Mr. O'Donnell's comment that there were five (5) of the 10 special exception requirements which were not met, but the P&Z was to make a recommendation to the Commission. He stated given the staff report, there was a big parking and traffic issue. Mr. Pinney noted the DRC comments and minutes were included in the backup for the meeting. He stated Abundant Life is active in traffic management with cones, signs, and staff, but with the way the traffic study presented the findings, staff could not recommend approval.

Vice Chair Bourdin stated it was a tricky situation, but the fact that it had been there for 30 years also had to be taken into consideration. He asked whether there had so far been any accidents or children hurt. Mr. Pinney responded that he could not say and would rely on the Police Department for that kind of data.

Vice Chair Bourdin stated based on Mr. Pinney's comments, it sounded like the school was going the extra mile to make sure traffic flows and is working. He asked whether the staggered times of arrival were making the process functional, or whether there was a possibility the full number of vehicles would be present at the same time. Mr. Pinney stated Principal Stacy Angier would be the best person to answer operational questions.

### **Applicant Presentation**

Stacy Angier, Principal, Abundant Life Christian Centre, presented on behalf of the applicant. She opened by introducing herself and her investment in the community of Margate. She stated she had a PowerPoint presentation but did not feel she needed to show it, as Mr. Pinney's presentation had covered the same points. She noted Mr. Pinney had been very good in working with Abundant Life as they walked through the process.

Mrs. Angier provided a brief background on the school and the Abundant Life applications. She stated the school started in 1990 at 1500 State Road 7 and moved to its current location in 1992. She explained the various inspections the school undergoes each year and discussed their accreditations and partnerships. She asserted the school is well established and shared an article from Step Up for Students regarding the community served. Mrs. Angier stated when the traffic study was completed in 2021, the school's enrollment was 465. She noted that enrollment had grown over the years due to a need. She discussed school choice and scholarship programs which had begun 20 years ago and shared the stories of students who had benefited. She stated an overwhelming number of the students are low or moderate income, and asserted the school fills a vital need to serve an at-risk population in Margate and the surrounding cities. She discussed the school's leadership and its leadership succession planning. She stated the school's leaders are firm believers in improving student performance, giving parents a choice in education, and making sure they work the kids really hard.

Continuing, Mrs. Angier stated the school had hired attorneys two (2) years ago to start this process. She discussed the costs the non-profit school had accrued and explained the reasons the school was not represented by legal counsel at this time. She stated the traffic study submitted as part of the application was reprehensible and shared an explanation of the school's approach to traffic management. Mrs. Angier stated there was no animosity between the school and the Development Services staff, and asserted she appreciated their support. She explained in her mind, the Code issues with the application revolved around two (2) issues, acreage and traffic. She stated the school was not asking to grow to maximum capacity at this time,

Mrs. Angier explained the church now meets at a different location and church offices are still at the school property. She stated the school's need to use the space was greater, and discussed the enrollment of the school, noting there are currently 30 high school students with an anticipated 50 next year. She asserted the acreage provided by the School District was contemplating large high schools with full athletic programs and stated Abundant Life does not have football or other sports. She stated the requirements for elementary school acreage were passed after the school was in place and using more than 25 percent of the building.

Mrs. Angier further reviewed the traffic study, explaining the school does pick up in four (4) zones with staggered times. She stated drop-off is from 8 a.m. to 8:30 p.m. and discussed staff's effort to alleviate traffic issues. She discussed speeding issues on Banks Road and stated the school zone signs are ignored. Mrs. Angier noted the school had requested flashing lights through Broward County, but private schools are not prioritized. She stated the school is willing to do something to address the issue and explained due to staff changes in the Police Department the school had as yet been able to meet with the traffic officer. She asserted if the police came out and gave speeding tickets, the traffic situation would improve because vehicles would have less difficulty leaving the property. She addressed the issue of a deficiency in parking, stating for the most part, services are drive-through.

Continuing, Mrs. Angier discussed programs which have students on property before and after school hours, noting this helps to stagger traffic. She stated she believes Abundant Life Christian Centre has been good neighbors and discussed ways the school and its parents and staff have contributed to the community. She stated the school would like to be able to expand to use the available classrooms. Mrs. Angier noted she understood if the school added additional classrooms, they would have to go through the Building Department, and an extensive traffic study would likely be required, but at this time she was asking the P&Z to forego that requirement at this time.

Mr. O'Donnell stated he was in support of a school that had been in the community for 30 years and wants to improve itself. He asserted the presentation had left him in a position to recommend approval and give the City Commission the opportunity to iron everything out. He stated it sounded as though the school had Margate and the students right where they should be, and he believed in them.

Ms. Yardley expressed concern that “if you build it, they will come,” and asked Mrs. Angier to address that issue. Mrs. Angier stated there is not a lot of space that the school is not already currently using. She noted there are still church offices on property and explained maximum capacity was probably 600 total students, which would be an increase of just over 100.

Ms. Yardley asked whether the school would have to appeal to the City to add those 100 extra students, asserting that was 100 additional cars. Mrs. Angier stated that was not necessarily the case as families had multiple students, and some would be children of staff. She projected it would be an additional 50 cars and stated the school would continue to stagger times.

Mrs. Angier stated at this time, the primary goal is for the school to be compliant with what they are supposed to be doing, as there is a plat note that says they can use 25 percent of the building when they are currently using 65 to 70 percent. She noted an example would be that a major room is used for music, and they would like to be authorized to do so. Mrs. Angier asserted the school has no drawn plans to look to expand, and stated she understood the Board may be thinking that with education where it is there are a lot of parents looking for choice, but she did not believe that building the whole building out would allow them to exceed 600 students. She explained the school has a computer lab, science lab, etc., and they want to make sure there is room for everybody.

Ms. Yardley confirmed that Abundant Life was only asking to add 50 additional cars, maybe 100 other students. Mrs. Angier stated she did not believe they would accommodate more than that with the rooms they have at this time, and they were not asking to make any modifications to the building.

Ms. Yardley asked whether the school would have to ask permission to add more than 100 additional students. Mrs. Angier responded that in order to add more than 100 students she would have to configure the building differently, which would entail asking permission.

Ms. Yardley asked the drawing point. She stated she had been in a situation where she had to wait 45 minutes to an hour to leave a parking space at work because of pick-up lines at a public school. She asserted she was thinking of other residents. Mrs. Angier stated at this point in time, the school was not looking at building modifications, but was looking to comply with what they currently do. She stated the school does not have parking spaces blocked and explained the process to inform parents and direct traffic.

Mr. Pinney clarified that Section 3.3 of the Building Code binds the applicant’s comments during these proceedings, and the traffic statement lists the maximum capacity at 465 students. He stated if the application gets approved and in the future the school wants to grow, it would go in for a building permit and staff would make a review. He explained staff is authorized to make minor modifications but increasing capacity to that extent would require a process similar to the one currently being pursued.

Mr. Bourdin asserted the City is reducing its stringent parking regulations to attract businesses, and asked Mr. Pinney whether the requirements on this school would be changed. Mr. Pinney responded that might apply to a future expansion, but if the Code were the same, staff would look for a parking justification prepared by a traffic engineer or certified planner. He reiterated that as previously stated, this traffic statement was problematic for staff and the applicant, and while Mrs. Angier had done a good job of explaining it, staff has to go by the documents provided in the application.

Mr. Bourdin thanked Mrs. Angier for being a good Margate resident and stated what she had done for the City and the kids was extraordinary to hear. He stated the school was a beautiful option and noted while the compliance with Code did not look good, he understood the bold decision to take a shot with the P&Z and make a compelling presentation. He stated the benefit to the City of Margate made him want to ride the risky train with the school, because they are trying to bring up students to greater levels. He asserted a lot of hours had been put in to benefit the students and parents of Margate. Mrs. Angier thanked him and stated that her staff puts in a lot of hours. She discussed the need for choice to meet the purpose of each student and stated if they were not doing a good job, they would not grow.

Ms. Yardley stated she believes in what the school is doing, and asserted she loves that they are working with students who might not have otherwise had a chance. She noted her personal situation and stated she did not want to confuse the issue and indicate she did not think the work was not valid, but her concern went back to an increase in business if the school were bigger. She stated if there was a traffic issue already being discussed, it would only increase as more students started coming. She asserted this was her concern, as she would not want people talking about how Christian schools are an annoyance. Mrs. Angier stated the school down the street has a flashing sign and does not line up until 1:45 p.m. but still has cars wrapped around the block. She asserted that would never be the case at Abundant Life. Continuing, she stated she believed the traffic study was flawed from the beginning and noted she did not believe there was a traffic problem with the school. She reiterated that if they were adding students, they would be going through the Building Department process.

Ms. Yardley reiterated that added traffic on Banks Road was her concern. She stated if the school had to come to the City to ask permission for additional students, there was a legal line in place. Mrs. Angier stated adding 100 students would require a reconfiguration. She explained staff was discussing modifying school times to be creative in accommodating traffic flow. She noted safety measures in place and those being reviewed to protect her students. Continuing, Mrs. Angier stated she had recommended the City trim hedges around the school to increase visibility and explained they are looking into flashing lights to alert drivers to the school zone. She stated she did not see a huge problem on Banks Road.

Bishop Rick Thomas introduced himself, stating he had been in the community for 46 years. He stated he believed the issue was that the church did not know they were compliant until a few years ago and pursued trying to make things right. He asserted it was important for the church and school to set the example. He stated they had not built Abundant Life to be the largest

Christian school in the area but wanted to provide a quality education that would take kids who could not be reached into a place where they can find their true identity and excel. Bishop Thomas explained the ask was not to grow the school, but to be sure the facility was doing the right thing under the City Code. He stated it was important to him and to Mrs. Angier that it was important to them that when they hand over the school to the next generation of leadership, they do not hand over something that is not correct. He asked the P&Z to help them in making it right. He stated they are not looking to grow; they are focusing on quality. He discussed the school's current needs, including expansion of the office and music room.

Ms. Yardley asked why Bishop Thomas felt the traffic study was not a good study. Bishop Thomas provided additional detail. He stated he did not believe the traffic engineer was given all of the proper information, so had not provided a full view of what is happening.

Mr. Angier stated after reading the traffic study, he could understand why the City had a problem with it. He asserted as far as he was concerned, it was full of holes, with numbers not adding up. He stated he thought the engineer had done a poor job, but unfortunately for the school, they had spent a lot of money. Mr. Angier stated he had looked at a lot of traffic studies over the years, and this one was terrible.

Mr. Bourdin thanked Bishop Thomas and Mrs. Angier for making it clear what they bring to Margate. He stated he liked the fact that the school was not asking to expand but were looking to do things by the book.

Chair Angier called for public comment, and seeing none, closed the public hearing.

Mr. O'Donnell made the following motion, seconded by Mr. Bourdin:

**MOTION:** TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION USE AS PRESENTED.

**ROLL CALL:** Mr. Angier – Yes; Mr. Bourdin – Yes; Ms. Yardley – Yes; Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

B) *ID2022-258*  
CONSIDERATION OF A PLAT NOTE AMENDMENT FOR ABUNDANT LIFE CHRISTIAN CENTRE, INC. TO ALLOW EXPANSION OF THE SCHOOL USE UP TO 75,000 SQUARE FEET IN A BUILDING THAT IS CURRENTLY 73,831 SQUARE FEET IN AREA.

Mr. Angier introduced the item and asked for clarification on the discrepancy between square footages in the plat note.

David Tolces, Interim City Attorney, stated those who were planning to provide testimony on the item were sworn in, and disclosures previously made also applied to this application.

Andrew Pinney, Senior Planner, asked that all attachments and discussion on item one (1) be added to the record for this item. He clarified that plat note restrictions sometimes foresee future expansion of the building, and the requested plat note was for up to 75,000 feet of private school, allowing for some modest additions in the future.

Chair Angier called for public comment, and seeing none, closed the public hearing.

Mr. O'Donnell made the following motion, seconded by Mr. Bourdin:

**MOTION:** TO RECOMMEND APPROVAL OF THE PLAT NOTE AMENDMENT AS PRESENTED.

**ROLL CALL:** Mr. Angier – Yes; Mr. Bourdin – Yes; Ms. Yardley – Yes; Mr. O'Donnell – Yes. The motion passed with a 4-0 vote.

### 3) GENERAL DISCUSSION

Mr. O'Donnell discussed his health issues and stated he may have to step down from the Board. He stated he loves being involved and helping the City he lives in, and asserted every resident should take some responsibility for the City they live in.

Mr. Angier thanked the Board for covering him during his absence in May.

Mr. Tolces introduced Amelia Jadoo, a recent admittee to the Florida Bar and a new associate with his firm who would be assisting him

There being no further business to discuss, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Meeting minutes prepared by Prototype, Inc.

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Todd Angier, Chair