



## VARIANCE APPLICATION

Subject Property Address: 5681 W. Atlantic Blvd. Margate, FL 33063

Subject Folio Number(s): 484136060017

Description of Request:

Proposing a 3,381 SF Quick Service Fast Food Restaurant with drive-thru located in the existing Boston Market Site

### AUTHORIZED AGENT INFORMATION

Name: CPH, LLC

Address: 1992 SW 1st Street

Phone Number: 305-274-4805

Email Address: ryan.ocampo@cphcorp.com

### APPLICANT INFORMATION (IF DIFFERENT THAN THE PROPERTY OWNER)

Name: Panda Express - Joe Celento

Address: 83 Sonata Street Freeport FL 32439

Phone Number: 912-272-4811

Email Address: Joe.Celento@PandaRG.com

### PROPERTY OWNER INFORMATION

Name: SURVIVORS TR YODER INVESTMENTS %MICHAEL LEWIN

Address: 5681 W. Atlantic Blvd. Margate, FL 33063

Phone Number: (909) 793-0200

Email Address: mlewin@mechlaw.com



## VARIANCE APPLICATION DETAILS

COMPLETE THIS FORM OR ATTACH A LETTER THAT ADDRESSES ALL OF THE BELOW

Specific code section the variance(s) is (are) being requested from and description of the request:

40.554.F.4 Urban Greenways along frontage of properties that are on Arterial Roadways (Proposed) 15' wide planting strip from edge of pavement at right-of-way to the back of the curb inside Property (Variance Request) 3' less width of urban greenway planting strip along West Atlantic Blvd right-of-way

40.704.H.1.A and 2 Terminal Islands and Pedestrian Zones Around Building (Proposed) Terminal Islands: 5.89' and 7.90' landscape terminal islands at ends of parking row adjacent to the building Pedestrian zone: at east side of building with 3.94' landscaped area and 5' sidewalk, and no pedestrian zone on the west side of the building (Variance Request) 5.11' less width and 3.10' less width for landscape terminal islands at ends of the parking row adjacent to the building Pedestrian zone with 3' lesser sidewalk width and 1.06' less width for landscaped area at east side of the building, and to allow no pedestrian zone at the west side of the building

40.704.G1 Perimeter Landscape Strips (Proposed) 2.41' landscape buffer to the west and 1.19' landscape buffer to the east side of Property (Variance Request) 2.59' lesser width of perimeter landscape buffer to west and 3.81' lesser width of perimeter landscape buffer to the east

In order for the application to be considered by the Board of Adjustment, an applicant must prove that the request meets the criteria for granting a waiver. Below are the criteria from §40.323(E)(2) of the City of Margate Code of Ordinances:

a. "It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved."

The Property was formerly developed as a Boston Market restaurant with a drive-through, which is a similar use to the proposed Panda Express. The Project Variances and proposed repurposing of the existing building on the Property will allow the Applicant to transform a closed business into a new and desirable quick-service restaurant located at a prime intersection just south of the Margate City Center project. The Property, positioned in a shopping center with existing development on all sides, is constrained as to size and ability to meet current site design requirements. Literal enforcement of the City's current Code would require for the existing building to be demolished in order to create a site plan that would meet Code requirements. The Applicant is working with City staff during the site plan review process to bring the Property up to Code where feasible and to provide a safe and efficient site plan within the constraints of the ~0.60-acre Property; however, strict enforcement of the Code relative to the urban greenway, pedestrian zone and terminal islands, and perimeter landscape strip would not allow the proposed conversion and redevelopment to be accomplished.



b. "Owner's preference or economic disadvantage does not constitute a hardship. A self-created hardship does not constitute grounds for a variance."

There is insufficient space on the Property to maintain the layout of the existing building and allow for Code compliance relative to the urban greenway, pedestrian zone and terminal islands, and perimeter landscaping strip dimensional requirements. The Project Variances will allow for the conversion of a closed restaurant and drive-through building into a new and in-demand quick service Panda Express restaurant on the Property. The requested variances are not a self-imposed hardship, as the existing conditions of the site and structure are pre-existing. The Applicant is proposing to repurpose the building and incorporate as many improvements as possible relative to current Code requirements where feasible on the Property; however, the Project Variances are required in order to accomplish the development plan.

c. "No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands structures or buildings in other districts shall be considered grounds for a variance."

The requested variances are not based on the nonconforming use of neighboring lands or structures or on the permitted use of lands or structures in other districts. The proposed conversion and repurposing of the existing building to be utilized as a Panda Express quick-service restaurant with a drive-through facility is consistent with the uses in the surrounding area and is permitted in the G zoning district. The proposed use of the Property is also consistent with the former use of the building, which included a drive-through. The Project Variances are necessary for the proposed redevelopment of the site, which represents an adaptive reuse of the existing building into a desirable quick-service food option for the City's residents.



d. "It shall be demonstrated that special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other land or structures located in the same district."

The Property contains an existing, closed restaurant with drive-through building on site, which was built in the mid-1990s per the Broward County Property Appraiser. The Property is also a relatively small parcel containing ~0.6-acres of land, which is adjacent to developed properties containing a Chipotle, TD Bank, Burger King, and the parking lot for Walmart. The Applicant is proposing to re-purpose the building and drive-through and make improvements to the Property to bring the existing conditions up to the City's Code requirements where possible, except for the areas indicated in the requested Project Variances. The requested variances are necessary to accomplish the proposed redevelopment and repurposing of the existing building, due to the size and location of the Property.

e. "The Board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances, is the minimum variance possible to make reasonable use of the land or structure, and shall not constitute that granting of a special privilege. In granting a variance, the Board may prescribe appropriate safeguards and conditions in conformity with the intent of the Code."

Granting the variances will support the public interest by restoring a closed restaurant and drive-through with a new, desirable quick-service restaurant that will support the City Center. The variances are the minimum necessary to give the Applicant a realistic chance of repurposing the Property. The Applicant's site plan incorporates improvements to the site where possible on the Property while responding to the existing site conditions and constraints and includes the minimum amount of variances to accommodate the proposed redevelopment and reuse of the existing building and drive-through. For example, Applicant is proposing as large of an urban greenway as possible, albeit narrower in width than required by Code. The Applicant's site plan provides a pedestrian zone at the east side of the building where possible, with a slightly reduced sidewalk width and landscaped area. A pedestrian zone is not possible on the west side of the building due to the existing drivethrough configuration. The required landscape buffer width at the west side of the Property is also reduced due to the existing drive-through. A lesser landscape buffer width is also required along the east side of the Property, due to the existing parking conditions. The Project Variances also include a request to provide a lesser width at two (2) landscape terminal islands on the east side of the building, which are existing and provided at the current width in order to maintain the existing parking spaces. Providing the Code required pedestrian zones, landscape buffers, and terminal islands would result in a loss of parking spaces as well as the drive-through, which is a necessary and vital component of the Applicant's use for the Property.



OWNER'S AUTHORIZATION AFFIDAVIT

I hereby certify that I am the owner or authorized signatory of the property located at
5681 W. Atlantic Blvd. Margate, FL 33063
5681 W. Atlantic Blvd. Margate, FL 33063

being the subject property for this Site Plan application, and I hereby grant authorization to
CPH, LLC
CPH, LLC
to file an application with the City of Margate for approval of the same.

FRANK M. ZABALETA, CO-TEEN Mary A. Yoder, Manager Frank M. Zabaleta / Mary A. Yoder
Print owner's or authorized signatory name Signature of owner or authorized signatory

Owner/Agent Phone Number: (909)793-0200 Email Address: mlewin@mechlaw.com

Owner/Agent Address: 1806 Orange Tree Lane, Ste. C Redlands, CA 92375

STATE OF FLORIDA COUNTY OF

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online
notarization, this \_\_\_ day of \_\_\_, \_\_\_ (year), by \_\_\_ (print
name of person making statement).

\* see attached
notary

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

[ ] Personally Known OR [ ] Produced Identification

Type of Identification Produced

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

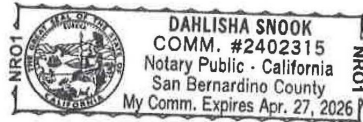
COUNTY OF San Bernardino

On 10/5/25 before me, Dahlisha Snook, Notary Public, personally appeared Frank Zabaleta, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

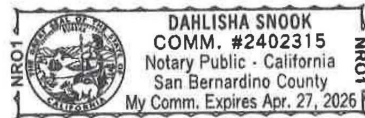
STATE OF CALIFORNIA

COUNTY OF San Bernardino

On 6/5/25, before me, Dahlissha Snook, Notary Public, personally appeared Mary A. Yoder, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Dahlissha Snook



PUBLIC HEARING SIGN AGREEMENT

Subject Property Address: 5681 W. Atlantic Blvd. Margate, FL 33063

Subject Folio Number(s): 484136060017

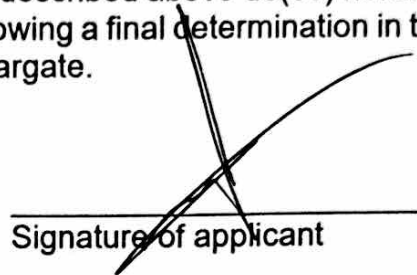
Pursuant to the requirements set forth in §40.310 of the Code of the City of Margate, Florida, the applicants(s) for the public hearing for the application described above do(es) hereby agree that failure to remove the sign(s) within two (2) business days following a final determination in the matter will result in the forfeiture of the \$150 collected by the City of Margate.

Joe Celento

Print applicant's name

Sr. Development & Entitlement Manager

Print applicant's title

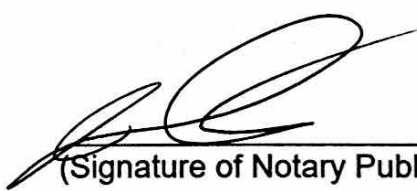
  
Signature of applicant

Panda Restaurant Group, Inc.

Print applicant's organization/company

STATE OF FLORIDA COUNTY OF Walton

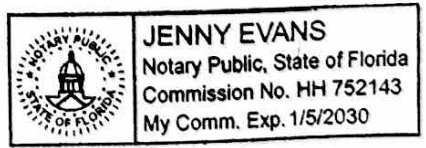
Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 19 day of February, 2026 (year), by Joe Celento (print name of person making statement).

  
(Signature of Notary Public - State of Florida)

Jenny Evans  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification

Type of Identification Produced FL Drivers License





<b>Site Address</b>	5681 W ATLANTIC BOULEVARD, MARGATE FL 33063	<b>ID #</b>	4841 36 06 0017
<b>Property Owner</b>	SURVIVORS TR YODER INVESTMENTS %MICHAEL LEWIN	<b>Millage</b>	1212
<b>Mailing Address</b>	PO BOX 9058 REDLANDS CA 91711	<b>Use</b>	22-01
<b>Abbr Legal Description</b>	MARGATE REALTY NO 1 42-42 B PT OF SHOPPING CENTER TRACT DESC AS, COMM AT E1/4 COR OF SEC 36, WLY 746.68, N 53.03 TO POB, CONT NLY 170, WLY 130, NLY 5, WLY 25, SLY 175, ELY 155 TO POB		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2025 values are considered "working values" and are subject to change.

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2025	\$529,300	\$891,010	\$1,420,310	\$1,420,310	
2024	\$529,300	\$891,010	\$1,420,310	\$1,420,310	\$30,872.14
2023	\$529,300	\$849,250	\$1,378,550	\$1,378,550	\$30,362.01

2025 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$1,420,310	\$1,420,310	\$1,420,310	\$1,420,310
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$1,420,310	\$1,420,310	\$1,420,310	\$1,420,310
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$1,420,310	\$1,420,310	\$1,420,310	\$1,420,310

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
7/30/2012	SWD-D	\$1,911,000	48992 / 728	\$20.00	26,465	SF
7/31/2007	SWD-T	\$100	44529 / 662			
5/26/2000	QCD		30531 / 1897			
3/1/1994	WD	\$575,000	21854 / 310			
12/1/1986	WD	\$200,000				
				Adj. Bldg. S.F. (Card, Sketch) 3381		
				Eff./Act. Year Built: 1995/1994		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc

Please Note: The City of Margate levies a non-ad valorem fire assessment. The fire assessment, if any, is not included in the tax amounts shown above.



Matthew H. Scott, Partner  
 PNC Building  
 200 East Broward Boulevard, Suite 1800  
 Fort Lauderdale, Florida 33301  
 Direct: 954.333.4372  
 Email: matthew.scott@gmlaw.com

February 19, 2026

**5681 West Atlantic Blvd – Panda Express  
 Variance Justification Statement**

**Tabular Summary of Requests**

Code Section	Description of Requirement	Proposed	Variance Request
40.554.F.4	Urban Greenways along frontage of properties that are on Arterial Roadways	15' wide planting strip from edge of pavement at right-of-way to the back of the curb inside Property	3' less width of urban greenway planting strip along West Atlantic Blvd right-of-way
40.704.H.1.A and 2	Terminal Islands and Pedestrian Zones Around Building	Terminal Islands: 5.89' and 7.90' landscape terminal islands at ends of parking row adjacent to the building  Pedestrian zone: at east side of building with 3.94'	5.11' less width and 3.10' less width for landscape terminal islands at ends of the parking row adjacent to the building  Pedestrian zone with 3' lesser sidewalk

		landscaped area and 5' sidewalk, and no pedestrian zone on the west side of the building	width and 1.06' less width for landscaped area at east side of the building, and to allow no pedestrian zone at the west side of the building
40.704.G1	Perimeter Landscape Strips	2.41' landscape buffer to the west and 1.19' landscape buffer to the east side of Property	2.59' lesser width of perimeter landscape buffer to west and 3.81' lesser width of perimeter landscape buffer to the east

**Project Summary**

Panda Express (“Applicant”) is proposing to repurpose the existing building located at 5681 West Atlantic Boulevard (“Property”) in the City of Margate (“City”) into a new, fast casual restaurant (“Project”). Due to existing site constraints, Applicant is unable to technically comply with all requirements of the City Code (“Code”) for the Project and hereby submits this request for variances to Code Sections 40.554.F.4, 40.704.H.1.a and 2, and 40.704.G.1, (“Project Variances”).

The Property is a ~0.6-acre parcel generally located on the north side of West Atlantic Boulevard just east of N. State Road 7 and is further identified by Broward County folio number 484136060017. The Property contains an existing ~3,381 sq. ft. building previously developed and operated as a Boston Market restaurant with a drive-through. The Boston Market restaurant has since closed, and the building

has been sitting vacant for some years. The Property has a future land use designation of Activity Center on the City and Broward County Future Land Use Maps and a zoning designation of Gateway (“G”) on the City’s Zoning Map. Applicant is proposing to repurpose the existing Boston Market restaurant building as a quick-service restaurant with a drive-through facility for Panda Express.

The Applicant has submitted a site plan application (DRC No. 25-00400066) for the proposed development. To redevelop the site and building for Panda Express, the City’s Code requires that the Property be brought up to current Code standards. While the proposed use of the Property, from a zoning perspective, is virtually identical to the former use, the conversion of an existing building and site is challenging, especially given the small size of the Property which limits where the site can feasibly be brought up to current Code. To wit, the Project Variances all arise from existing condition and/or sheer spacing issues. Applicant is seeking relief via variance from the Code’s urban greenway requirements, pedestrian zone area around the building and terminal islands standards, and perimeter landscape strips dimensions, as indicated above in the tabular summary of requests. A site plan exhibit that indicates the areas of the Project Variances is included with this application for review.

### **Board of Adjustment Criteria for Granting a Variance**

Per Section Sec.40.323(E)(2) of the Code, the Board of Adjustment shall not grant a variance unless the following criteria are met. Each of the criteria are listed below with Applicant’s justification below each in **bold**. Based on the below, Applicant respectfully requests approval of the Project Variances.

- a. It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.

**Response: The Property was formerly developed as a Boston Market restaurant with a drive-through, which is a similar use to the proposed Panda Express. The Project Variances and proposed repurposing of the existing building on the Property will allow the Applicant to transform a closed business into a new and desirable quick-service restaurant located at a prime intersection just south of the Margate City Center project. The Property, positioned in a shopping center with existing development on all sides, is constrained as to size and ability to meet current site design requirements. Literal enforcement of the City’s current Code would require for the existing building to be demolished in order to create a site plan that would meet Code requirements. The Applicant is working with City staff**

**during the site plan review process to bring the Property up to Code where feasible and to provide a safe and efficient site plan within the constraints of the ~0.60-acre Property; however, strict enforcement of the Code relative to the urban greenway, pedestrian zone and terminal islands, and perimeter landscape strip would not allow the proposed conversion and redevelopment to be accomplished.**

- b. Owner's preference or economic disadvantage does not constitute a hardship. A self-created hardship does not constitute grounds for a variance.

**Response: There is insufficient space on the Property to maintain the layout of the existing building and allow for Code compliance relative to the urban greenway, pedestrian zone and terminal islands, and perimeter landscaping strip dimensional requirements. The Project Variances will allow for the conversion of a closed restaurant and drive-through building into a new and in-demand quick service Panda Express restaurant on the Property. The requested variances are not a self-imposed hardship, as the existing conditions of the site and structure are pre-existing. The Applicant is proposing to repurpose the building and incorporate as many improvements as possible relative to current Code requirements where feasible on the Property; however, the Project Variances are required in order to accomplish the development plan.**

- c. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands structures or buildings in other districts shall be considered grounds for a variance.

**Response: The requested variances are not based on the nonconforming use of neighboring lands or structures or on the permitted use of lands or structures in other districts. The proposed conversion and repurposing of the existing building to be utilized as a Panda Express quick-service restaurant with a drive-through facility is consistent with the uses in the surrounding area and is permitted in the G zoning district. The proposed use of the Property is also consistent with the former use of the building, which included a drive-through. The Project Variances are necessary for the proposed redevelopment of the site, which represents an adaptive reuse of the existing building into a desirable quick-service food option for the City's residents.**

- d. It shall be demonstrated that special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other land or structures located in the same district.

**Response: The Property contains an existing, closed restaurant with drive-through building on site, which was built in the mid-1990s per the Broward County Property Appraiser. The Property is also a relatively small parcel containing ~0.6-acres of land, which is adjacent to developed properties containing a Chipotle, TD Bank, Burger King, and the parking lot for Walmart. The Applicant is proposing to repurpose the building and drive-through and make improvements to the Property to bring the existing conditions up to the City's Code requirements where possible, except for the areas indicated in the requested Project Variances. The requested variances are necessary to accomplish the proposed redevelopment and repurposing of the existing building, due to the size and location of the Property.**

- e. The Board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances, is the minimum variance possible to make reasonable use of the land or structure, and shall not constitute that granting of a special privilege. In granting a variance, the Board may prescribe appropriate safeguards and conditions in conformity with the intent of the Code.

**Response: Granting the variances will support the public interest by restoring a closed restaurant and drive-through with a new, desirable quick-service restaurant that will support the City Center. The variances are the minimum necessary to give the Applicant a realistic chance of repurposing the Property. The Applicant's site plan incorporates improvements to the site where possible on the Property while responding to the existing site conditions and constraints and includes the minimum amount of variances to accommodate the proposed redevelopment and reuse of the existing building and drive-through. For example, Applicant is proposing as large of an urban greenway as possible, albeit narrower in width than required by Code. The Applicant's site plan provides a pedestrian zone at the east side of the building where possible, with a slightly reduced sidewalk width and landscaped area. A pedestrian zone is not possible on the west side of the building due to the existing drive-through configuration. The required landscape buffer width at the west side of the Property is also reduced due to the existing drive-through. A lesser landscape buffer width is also required along the east side of the Property, due to the existing parking conditions. The Project Variances also include a request to provide a lesser width at two (2) landscape terminal islands on the east side of the building, which are existing and provided at the current width in order to maintain the existing parking spaces. Providing the Code required pedestrian zones, landscape buffers, and terminal islands would**

**result in a loss of parking spaces as well as the drive-through, which is a necessary and vital component of the Applicant's use for the Property.**

- f. In granting any variance, the Board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.

**Response: Applicant acknowledges that the Board of Adjustment will record the circumstances and conditions associated with the variance requests in the minutes of the meeting regarding the variance applications.**