



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, January 5, 2016

7:01 PM

City of Margate
Municipal Building

PRESENT:

Casey Ahlbum, Chair
Edward DeCristofaro, Vice Chair
Frederick Schweitzer, Secretary
Sydney King

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development
Steven S. Wherry, Esq., Greenspoon Marder Law

ABSENT:

Ruben Rivadeneira

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Casey Ahlbum at 7:01 p.m. on Tuesday, January 5, 2016. The Pledge of Allegiance followed. A roll call of the Board members was taken. There were no communications.

1) APPROVAL OF THE MINUTES FROM THE DECEMBER 1, 2015 BOARD OF ADJUSTMENT MEETING

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: SO MOVE TO APPROVE THE MINUTES AS WRITTEN

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2) NEW BUSINESS

Mr. Ziskal advised that items 2A and 2B would need to be tabled to the February meeting as the applicant had not followed the public hearing sign posting requirements in accordance with the City Code.

Economic Development Department

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- 2A) **BA-01-2016:** PERMISSION TO ERECT A WALL IN THE FRONT YARD AND SET BUILDING BEHIND THE WALL
- 2B) **BA-02-2016:** PERMISSION TO PROVIDE A 25-FOOT SETBACK TO THE WALL ON BANKS ROAD INSTEAD OF THE REQUIRED 35-FOOT SETBACK.

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: TO TABLE BOTH VARIANCES

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

Mr. Ziskal explained the format that he intended to follow for the presentation of the remainder of the variance items on the agenda, noting that they were all for one project. He said the variances were broken into five categories and after he gave an overview and recommendation for each category, the Board could take up each individual item for discussion and a vote.

All persons wishing to speak were duly sworn.

Mr. Ziskal gave an introduction of the project explaining that the new business that was proposing to move into the City of Margate was Wawa, a hybrid convenience store and gasoline service station. He said they were aggressively looking to move into South Florida and they selected 2000 North State Road 7 as a proposed location. He proceeded with a PowerPoint presentation that showed the site plan as well as renderings of the hybrid convenience store building and gasoline service station. He explained that the existing building currently housed a call center for a national moving company and it was under contract and would be demolished. He showed a map of the City which highlighted four various proposals that had been received in the past year and a half for gasoline service stations. He explained why some of the proposals had not moved forward. He noted that while RaceTrac was not approved due to it being incompatible with neighboring residential properties, it successfully proved the demand for a northbound gasoline service station in Margate. Mr. Ziskal said that the City had adopted new codes to prohibit the proliferation of gasoline service stations some years ago and that action as well as the closure of some gas stations had limited the availability of northbound gas stations. Mr. Ziskal showed the site plan and pointed out that the development was large enough to fit two phases. He explained that the item before them that night was for the Wawa gas service station and market and that the area directly west would be phase two which they propose would be for retail/restaurant/office space at some future time.

- 2C) **BA-03-2016:** VARIANCE REQUEST FOR PERMISSION TO ALLOW A NEW GASOLINE SERVICE STATION WITHIN 1,000 FEET OF ANOTHER GASOLINE SERVICE STATION.

PART 1. Ben Ziskal explained that Part 1 dealt with a variance that had to do with the location of the gasoline service station. He commented that the proposed gasoline service station was directly across from an existing Valero gasoline service station on the southwest corner of State Road 7 and Copans Road. He noted that the new service station would serve eastbound traffic but, more importantly, it would capture the demand from northbound traffic on State Road 7.

He said staff reviewed other possible sites and determined this location to be the most feasible site on the northbound thoroughfare. He said Staff recommended approval of the variance.

Mr. Schweitzer commented that the existing building was old and had very limited usage; he was in favor of having it taken down and he noted that Wawa was a good company.

Mr. Ahlbum commented that there was a Shell station on the northwest corner of that intersection at one time, directly across from the Valero gasoline service station.

Mr. Schweitzer made the following motion, seconded by Mr. DeCristofaro:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

PART 2. Mr. Ziskal explained that Part 2 consisted of four variances that were associated with the building size and its placement.

Mr. Ziskal explained that the first variance, BA-04-2016, was to deviate from the setback requirement of the primary frontage which was Copans Road. He said the build-to line for Copans Road was 20 foot from the curb of the right-of-way. The petitioner's request was to build the building 77 foot from the build-to line he said.

Mr. Ziskal explained that the second variance, BA-05-2016, was relative to the setback/build-to line from State Road 7 which in this case was 25 foot from the edge of the curb. He said the petitioner's request was to build the building at a setback of 74 foot.

Mr. Ziskal explained that any new building built in the Transit Oriented Corridor (TOC) was required to hold a corner which he said would occur naturally with a 25 foot setback and a 20 foot setback. He noted that the two previous setback variances would shift the building away from the corner. The third variance, BA-07-2016, was a deviation from the requirement to hold the corner.

Mr. Ziskal spoke about the last variance, BA-06-2016 and he explained that the Code required that all buildings built on the primary frontage occupy 70 percent of frontage within the TOC-G Gateway. He noted that since the gas pumps would be located along the roadway, it would result in a build-out of zero percent of the frontage because the Code was written for the building and not the gas pumps. Mr. Ziskal showed a series of eight slides of the site plan to illustrate the layout of the property, point out the locations of the various components and to explain how the petitioner designed the layout to maximize the space. He also commented about how the design provided full traffic circulation for vehicles using the gas pumps as well as the convenience store. He pointed out a two lane roadway that ran west and connected to the portion of the property that would be built as phase two. He said the petitioner had also provided a cross access opportunity into the bowling alley property. Mr. Ziskal said the Fire Department advised that there was a national law under the Fire Protection Prevention Code whereby the store clerks at gasoline service stations must have visibility of all pumps at all

times. He showed slides of the site plan and of the store floor plan that depicted the site triangles that showed how the design accomplished the visibility requirements. He said Staff found that it would not be feasible to operate a gas station that would meet the City Code, therefore, it recommended approval of all four variances. He asked the Board to consider each of variances individually.

2D) **BA-04-2016:** VARIANCE REQUEST FOR THE BUILDING FRONTAGE AND PLACEMENT TO BE SETBACK TO 77 FEET FROM COPANS ROAD

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2E) **BA-05-2016:** VARIANCE REQUEST FOR A BUILDING'S SECONDARY FRONTAGE SETBACK TO BE 74 FEET FROM STATE ROAD 7.

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2F) **BA-06-2016:** VARIANCE REQUEST TO ALLOW BUILDING FRONTAGE TO OCCUPY 0% OF BUILD-TO-COVERAGE ZONE.

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2G) **BA-07-2016:** VARIANCE REQUEST FOR CORNER OF BUILDING FRONTAGE CANOPY TO BE LOCATED 77 FEET FROM ROYAL PALM BOULEVARD/COPANS ROAD AND 74 FEET FROM STATE ROAD 7.

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

PART 3. Mr. Ziskal explained that in Part 3, the following two variances addressed public sidewalk improvements. In the first variance, he said the Code required a minimum 12-foot wide sidewalk or a paved pathway as part of an urban greenway that was 25-foot in overall width along State Road 7 and 20-foot in overall width along Copans Road. He said the petitioner was requesting permission to provide eight foot sidewalks along State Road 7 and Copans Road.

Mr. Ziskal explained that the second variance required a landscaped buffer between the curb and the sidewalk. He said the petitioner was requesting permission to exempt the requirement along State Road 7.

Mr. Ziskal explained that Staff had met with Engineering staff and they were in agreement that it was not feasible to go beyond an eight foot sidewalk on Copans Road because Copans Road was not curbed and widening it would provide for an inadequacy of drainage. He said Staff was in agreement with the petitioner's request to not widen the sidewalk beyond eight foot.

Mr. Ziskal spoke about how there was more flexibility along State Road 7 to provide for a different design than what currently existed. He noted that there was a large green area between the curb and the private property line which would allow the applicant to move the sidewalk to between the trees and the property line thereby putting pedestrians on the other side of the trees away from the traffic. He said it was possible that they might not be able to widen the sidewalk to 12-foot and it might need to meander slightly. Mr. Ziskal said Staff's recommendation was to allow the applicant to reduce the sidewalk from 12-foot to 10-foot and move it as close to the property line as possible.

Mr. Ziskal explained that the second variance became null and void with the approval of the prior variance and the conditions noted in the Staff recommendation which included reducing the sidewalk requirement from 12-foot to 10-foot, relocating it to be adjacent to the west property line and hugging it as closely as possible, thereby fulfilling the buffer requirement and eliminating the need for the landscape buffer variance.

2H) **BA-08-2016:** VARIANCE REQUEST TO MAINTAIN EIGHT FOOT SIDEWALKS ALONG STATE ROAD 7 AND ALONG ROYAL PALM BOULEVARD

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE WITH THE SPECIFIED CONDITIONS

Steven Wherry, Greenspoon Marder Law, on behalf of the applicant, stated that they were in agreement the recommended condition.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2I) **BA-09-2016:** VARIANCE REQUEST TO EXEMPT THE EIGHT FOOT PLANTING STRIP REQUIREMENT ALONG STATE ROAD 7 DUE TO THE EXISTING TREES

Mr. Ziskal referenced the discussion held with the preceding variance [BA-08-2016] and said that since the applicant had agreed to the preceding variance, once the sidewalk improvements were made, the property would be in compliance with this section of the Code. He recommended that the Board ask the applicant if they wished to withdraw this variance request.

Steven Wherry, Greenspoon Marder Law, on behalf of the applicant, stated that the item was not necessary due to the prior variance and they agreed to withdraw the variance request.

PART 4. Mr. Ziskal introduced Part 4 noting that it consisted of two variances that related to signage on the property. He showed a slide that identified the locations of the signs on the site plan. He explained that the Zoning Code required that any monument sign be setback a minimum of five feet from the right-a-way. In the first variance, he said the petitioner requested permission to provide a setback of 2.04 feet for a gas price monument sign.

In the second variance, Mr. Ziskal said the Code limited gasoline service stations to a single gas price monument sign. He said when the Code was written, the intent was based on the size of the gas stations at that time which were small with four to six gas pumps that did not require duplicate signage; larger gas stations like RaceTrac and Wawa did not exist then. Mr. Ziskal pointed out that three of the four signs being requested were allowed per the current Code: two regular monument signs and one gas price sign on Copans Road. Given the size of the property and that it was accessible from two major thoroughfares, he said one additional gas price sign was being requested on State Road 7.

Mr. Ziskal spoke about the setback component. He showed the location of the proposed 8-foot wide gas price sign on the site plan and noted that there was only a 10-foot landscape strip between their property and the edge of the pavement for the drive aisles which left only two foot instead of the five foot setback as required by Code. He noted the vast setback [35 foot from the curb to the property line] and said they tried to meet Code with regards to "hold the corner" and setback requirements by locating the sign back as far as feasibly possible. He said that the intent of the Code was to get the signage away from the passing vehicles. He said the vast setback from the road put the sign back far enough where it would not be in conflict with passing traffic. He said Staff recommended both variances be passed as they had been requested.

2J) **BA-10-2016:** VARIANCE REQUEST FOR SETBACK MINIMUM FROM RIGHT-OF-WAY FOR PLACEMENT OF GASOLINE MONUMENT SIGN

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

2K) **BA-11-2016:** VARIANCE REQUEST FOR AN ADDITIONAL MONUMENT SIGN

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

There was no discussion.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

PART 5. Mr. Ziskal explained that this variance request pertained to the wheel stops along the sidewalk surrounding the convenience store, not the parking spaces that abutted the landscape medians to the west. He showed a slide that highlighted the subject areas in yellow. He explained that the code required the installation of wheel stops for each parking stall directly abutting a sidewalk or above ground infrastructure. He said the petitioner's request was to install bollards instead of wheel stops. He said Staff had found that the bollards provide as much if not more safety than the wheel stops. He said the areas included were those that were adjacent to the outdoor café. He said Staff recommended approval. In addition, Mr. Ziskal said Staff had drafted an ordinance to make this a change to the Code for all properties City wide.

2L) **BA-12-2016:** VARIANCE REQUEST TO SUBSTITUTE PROTECTIVE VEHICLE BOLLARDS
IN PLACE OF WHEEL STOPS IN PARKING STALLS ABUTTING DINING AREA OR STORE

Mr. DeCristofaro made the following motion, seconded by Mr. Schweitzer:

MOTION: SO MOVE TO APPROVE

Mr. King commented about the number of vehicles crashing through windows that had been reported in the news lately and that he felt it was a good idea to implement it across the board.

ROLL CALL: Mr. Rivendeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

3) **GENERAL DISCUSSION**

Ben Ziskal commented that there would be a Board of Adjustment meeting in February to hear the first two items that had been tabled.

Rich Popovic, 6066 Winfield Boulevard, commented he was looking forward to his six-inch meatball sandwich with blueberry pie and raspberry ice tea.

Mr. Schweitzer commented about a recent article in the Sun-Sentinel about Wawa that was very complimentary.

Steve Wherry, Greenspoon Marder Law, said they were very happy about coming to the City of Margate and he thanked the Board for their support.

There being no further business, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Mr. Casey Ahlbum
Chair

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES, Engineer,
Building Director, Board of Adjustment, Petitioner(s)