



### City Commission

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Anthony N. Caggiano

Lesla Peerman

Joanne Simone

### City Manager

Douglas E. Smith

### City Attorney

Douglas R. Gonzales

### City Clerk

Joseph J. Kavanagh

## REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

**Tuesday, January 3, 2017**

**7:01 PM**

City of Margate  
Municipal Building

### PRESENT:

Edward DeCristofaro, Chair  
Paul Barasch, Vice Chair  
Frederick Schweitzer, Secretary  
Chad Dangervil  
Ruben Rivadeneira

### ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development  
Timothy Finn, Senior Planner  
Andrew Pinney, Associate Planner  
Chris Akers, Littlejohn Engineering

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Edward DeCristofaro at 7:52 p.m. on Tuesday, January 3, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

- 
- 1) APPROVAL OF THE MINUTES FROM THE SEPTEMBER 6, 2016 BOARD OF ADJUSTMENT

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

**MOTION:** SO MOVE TO APPROVE THE MINUTES AS WRITTEN

**ROLL CALL:** Mr. Rivadeneira, Yes; Mr. Dangervil, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

- 2) NEW BUSINESS

- 2A) **BA-01-17** VARIANCE REQUEST FOR BUILDING HEIGHT TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF 50 FEET FOR THE PROPOSED TOWER VERTICLE EXPANSION AT NORTHWEST MEDICAL CENTER LOCATED AT 2801 NORTH STATE ROAD 7.

### Economic Development Department

5790 Margate Boulevard, Margate, FL 33063 • Phone: (954) 935-5330 • Fax: (954) 935-5304  
[www.margatefl.com](http://www.margatefl.com) • [edevdirector@margatefl.com](mailto:edevdirector@margatefl.com)

Andrew Pinney led with a PowerPoint presentation and showed a slide of an aerial view of the subject property which he said was 27 acres and was comprised of six parcels. He showed the site plan and pointed out the locations of the proposed tower expansion, proposed Central Energy Plant (CEP) expansion, and a proposed new four-story parking garage. He said City code stated that no building or structure or part thereof shall be erected or altered to a height that exceeded four stories or 50 feet except for a steeple or tower on a church. He said the petitioner was requesting 67 feet 8 inches in total overall height for the tower addition. He explained that the tower expansion would be located directly above the emergency department expansion that the hospital completed a year or two earlier. He showed another slide and pointed out that the hospital already had a height of six stories. He said they planned to fill out the existing second floor and build it up to the existing sixth floor. He said the variance did not exceed the existing footprint; it was to fill in available space.

Mr. Pinney provided some history on the project. He explained that in 1999 the Board of Adjustment issued a height variance so that the hospital would be able to build six stories. He said the hospital was originally located in a B-2 zoning district which allowed for structures up to a height of 100-feet. When the City adopted its Comprehensive Plan in 1989, he said it created a new Community Facilities (CF-1) future land use designation. To be compliant with the Comprehensive Plan, the property was rezoned to CF-1 which had a much lower maximum height he said.

Mr. Pinney reiterated that the expansion did not increase the existing height or footprint of the building. He said Staff recommended approval.

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

MOTION: TO APPROVE FOR DISCUSSION

Mr. Schweitzer stated that the hospital needed the expansion for an increase in the ER and for more rooms because the hospital was reaching maximum occupancy.

Mr. Pinney said that the tower addition would add 61 beds to the existing facility and bring their total capacity up to 289 beds.

Mr. Barasch commented that the valet service at the hospital took up half of the available parking lot and those visitors who did not wish to use the valet had to park elsewhere and walk while 40-50 spaces remained vacant. He asked if this item would address the situation.

Mr. Pinney responded that the requested expansion included a four-story parking garage which he pointed out the site plan.

Mr. DeCristofaro advised that the purpose of variance request was to discuss the expansion and he suggested that Staff could look into Mr. Barasch's comments separately.

Mr. Pinney said he could look into it but he was not sure that the expansion would have any effect on their parking operations. He said the expansion would provide a surplus of parking.

Chris Akers, Littlejohn Engineering, said the valet service was a free service to the visitors and patients and that there were designated spaces for the valet to use for the service. He said parking was a fluid situation throughout the day as people would come and go. He said the hospital was aware of the parking situation which was why they offered valet service so no one had to walk a long distance.

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

**MOTION:** TO APPROVE

**ROLL CALL:** Mr. Rivadeneira, Yes; Mr. Dangervil, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

2B) **BA-02-17:** VARIANCE REQUEST TO ALLOW ENCROACHMENT OF THE BUILDING SETBACK INTO THE ADDITIONAL SETBACK AREA FOR THE PROPOSED PARKING GARAGE FOR NORTHWEST MEDICAL CENTER LOCATED AT 2801 NORTH STATE ROAD 7.

Andrew Pinney read the applicable sections of the Code [Section 11.6] which stated that side yards should not be less than 25 feet and that side and rear setbacks should be increased by five (5) feet for each story above the second story. Using PowerPoint, he showed a slide of an aerial view of the property and pointed out what he said used to be a seventh parcel of the hospital campus. In 1995, he explained that the hospital sold the parcel which included a panhandle shaped piece of property that was half of the driveway connection down to Colonial Drive. He explained that the area was causing a conflict with the proposed parking garage because it was creating a new side property line that cut down the middle of a campus. He said setbacks were normally provided to maintain minimum separation between buildings. However, in this situation, he said a separation was not being increased, improved or maintained. He showed a slide of the site plan and pointed out the property lines, the minimum setback area of 35 feet, and the small corner of the proposed parking garage that encroached into the setback area.

Mr. Pinney said the Staff findings were:

- 1) the irregular shape of the property with the panhandle that divided the campus
- 2) a literal enforcement of the Code would accomplish nothing for building separation, aesthetics, safety, etc.

Therefore, Mr. Pinney said Staff recommended approval.

Mr. Schweitzer made the following motion seconded by Mr. Dangervil:

**MOTION:** TO DISCUSS

Mr. Dangervil asked if the project could have been designed to make it fit within the setback.

Chris Akers, Littlejohn Engineering, explained that there was an existing electrical line that fed the medical office building that was strategically located that would need to be relocated. He said the architect and structural engineer had done a lot of work trying to twist it and turn it

and they believed the current design was the most efficient and economical shape and size. He said that it had been oriented on the site to minimize impact to the underground electrical as well as to make it fit aesthetically. He noted that if the property had been owned by the hospital, there would not be any setbacks.

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

**MOTION:** TO APPROVE

**ROLL CALL:** Mr. Rivadeneira, Yes; Mr. Dangervil, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

2C) **BA-03-17:** VARIANCE REQUEST FOR PERMISSION TO ALLOW A NEW GASOLINE SERVICE STATION WITHIN 1,000 FEET OF ANOTHER GASOLINE SERVICE STATION. PROPOSED LOCATION IS 5485 WEST ATLANTIC BOULEVARD.

Andrew Pinney advised that this variance and the next three variances were all related to Cumberland Farms. He proceeded with a PowerPoint presentation.

Mr. Pinney explained that Cumberland Farms was proposing to redevelop the existing Walgreens site at 5485 West Atlantic Boulevard. He pointed out the parcel on a site map. He said the petitioner planned to build a 4,960 square foot convenience store with six gasoline dispensing pumps. He said that several proposals previously had been brought before the Development Review Committee (DRC) on June 9, 2015; April 26, 2016; August 23, 2016; and November 22, 2016. He said that compromises between the petitioner and Staff had brought the current proposal as close as possible to Code for building a gas station use.

Mr. Pinney explained that the variance was for distance and he showed a close-up of the site plan and the exterior elevations of the project. He read the section of the Code [3.18(A)] that applied which said that no plot of ground should be used for a filling station which was within one thousand (1,000) feet, by direct airline measurement, of any other plot presently occupied as a filling station. He said the petitioner had a specific-purpose survey done which showed an exact airline measurement of 985.32 feet at the closest measurement between the two property lines. A more practical look at it from gas canopy to gas canopy showed it was about 1,100 feet he said. He provided a brief history noting that the City once had an abundance of gas stations that dominated its major intersections so it adopted the Code regulation to disperse the use. Thereafter, he said a State law was passed that required double-lined tanks and many independent gasoline service stations could not afford the cost and the City saw the closure of several service stations.

Mr. Pinney said Staff found that the request and its location met the intent of the Code and it recommended approval.

Mr. Dangervil commented that the negative impact on traffic needed to be considered on the main roads like State Road 7 and Atlantic Boulevard particularly during hurricane season.

Mr. DeCristofaro asked if the petitioner had a traffic study done.

Ben Ziskal interjected that the traffic impact was outside the scope of the item. He explained that the item still needed to go before the City Commission for approval of the project. He said Staff was recommending approval because the difference was only 15 feet and, if the variance was denied, the petitioner could proceed through the City and the County to have the property line changed to comply with the Code. He said Staff thought it was the more efficient and smarter way to proceed for this particular variance request. He said the recommendation might have been different if the building was on the property line or if there was not an alternative way to get around the Code.

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

**MOTION:** TO APPROVE

**ROLL CALL:** Mr Rivadeneira, Yes; Mr. Dangervil, No; Mr. Schweitzer, Yes; Mr. Barasch, No; Mr. DeCristofaro, Yes. The motion passed with a 3-2 vote.

- 2D) **BA-04-17:** VARIANCE REQUEST TO REDUCE THE BUILDING FRONTAGE BUILD-OUT FOR THE PROPOSED CUMBERLAND FARMS CONSTRUCTION LOCATED AT 5485 WEST ATLANTIC BOULEVARD.

Andrew Pinney advised that section 9.7(H) of the Code required frontage build-out of 70 percent in the TOC-C and TOC-G districts. He showed the site plan and said the only credits for this project were from the convenience store and the wall connecting the dumpster because it was located on the build-to line. He said the gas canopy did not count towards the 32 percent frontage build-out.

Mr. Pinney explained that gasoline service stations would likely always struggle to meet the Code requirement because their functions primarily were done outdoors. He noted that the petitioner had made a good attempt by extending the frontage as much as possible with a wall connecting to the dumpster enclosure, providing enhanced streetscape by presenting a faux two-story gas station, and providing pedestrian amenities including the urban greenway, the pedestrian zone around the entrances, and outdoor seating/dining.

He said Staff's findings were: operational characteristics being primarily outdoors; design elements incorporated into the fourth design; and, the pedestrian amenities being provided. Mr. Pinney said Staff recommended approval.

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

**MOTION:** TO APPROVE

**ROLL CALL:** Mr Rivadeneira, Yes; Mr. Dangervil, No; Mr. Schweitzer, Yes; Mr. Barasch, No; Mr. DeCristofaro, Yes. The motion passed with a 3-2 vote.

- 2E) **BA-05-17:** VARIANCE REQUEST TO DEVIATE FROM THE REQUIRED LANDSCAPING TREE DISTANCE ON THE STREET FRONTAGE FOR THE PROPOSED CUMBERLAND FARMS CONSTRUCTION LOCATED AT 5485 WEST ATLANTIC BOULEVARD.

Andrew Pinney advised that Code required redevelopments such as this one to provide an eight-foot wide landscaped buffer between the travel lanes of the road and a new 12-foot wide sidewalk, and within the planting strip, one shade tree planted for every 30 lineal feet of frontage. He showed the petitioner's landscaping plan which showed the areas where they were seeking relief in the spacing of the trees, rather than with the quantity of the trees. He said the largest gap was up to 70 feet versus the 30 feet required by Code. He said the reason for the spacing variance was to enhance site lines so that passing traffic could see and identify the building better. He said Staff understood their desire to have people see their two-story building; however, the intent of the Code was to provide additional beauty to the streetscape as well as shade and a physical buffer for safety.

Mr. Pinney said Staff was recommending approval subject to the condition that the petitioner provide an architecturally pleasing arbor structure over the 12-foot wide, multi-modal path along Atlantic Boulevard. He showed slides of two examples of what the City would like to see to fill in the large gaps between the trees.

Matthew Scott, Tripp Scott law firm, representing Cumberland Farms, said they were not opposed to the idea of the condition but they hoped the condition could be limited to the area between the sidewalk and the outdoor seating area instead of along the entire length of the over 100-foot sidewalk area. He said the reason for the variance was to allow for visibility of the building and security from the street so that police and others driving by could see customers using the gas services. He said putting a trellis over the entire frontage would defeat the purpose of their requesting the variance. He said they hoped for a compromise where a trellis would be provided over the outdoor seating area which would create connectivity and invite more people from the sidewalk to the outdoor seating area. Mr. Scott acknowledged that they were requesting variances and he pointed out some of the things they were providing which included a 12-foot sidewalk whereas the rest of the shopping center did not have them, sidewalks that were setback ten feet from the road while the existing sidewalk was not setback, and an outdoor seating on Atlantic Boulevard. He said requiring a trellis along the entirety of the frontage would defeat the variance they were requesting. He also pointed out that they were providing the required number of trees; they were asking only to space them differently.

Mr. Pinney commented that the trellis examples he provided would not block the roof and he did not think a trellis would be obtrusive. He said he thought it would be easier to look through than a shade tree canopy. He said he understood the significant cost for the entire 150 foot run but he did not think it would block visibility.

Mr. Scott asked for clarification as to whether Staff was requesting the trellis feature for only those areas where there were gaps for which he said they could agree. Mr. Pinney asked him to consider a compromise where the trellis would be provided from the outer edge of both gaps leading into the outdoor seating area. Mr. Scott said they were happy with that recommendation.

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

**MOTION:** TO APPROVE WITH THE AGREED UPON TRELLIS CONDITION

**ROLL CALL:** Mr Rivadeneira, Yes; Mr. Dangervil, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

- 2F) **BA-06-17:** VARIANCE REQUEST TO ALLOW FOR A BOLLARDS CONFIGURATION IN LIEU OF A STEP-UP FOR THE PROPOSED CUMBERLAND FARMS CONSTRUCTION LOCATED AT 5485 WEST ATLANTIC BOULEVARD.

Andrew Pinney advised that the Code required the use of wheelstops for each parking stall directly abutting a sidewalk that was less than seven feet wide and was not elevated at least six inches higher than the abutting parking spaces, and when any parking space was directly abutting an outdoor seating area, walkway café, wall, or any utility infrastructure located above ground. He showed the site plan that showed the location of where the petitioner proposed placement of the bollards. He said the elevation of the bollards showed that the concrete parking space was at grade of the sidewalk in front of the store so there would be no vertical separation between parking space and sidewalk. He pointed out the location of the bollards on the plan noting that they averaged about one and one-half or two bollards per space.

Mr. Pinney said that Staff findings were that bollards would provide enhanced safety from over speed vehicles and would eliminate potential tripping hazards from grade or elevation changes. He said Staff recommended approval.

Mr. Schweitzer made the following motion, seconded by Mr. Dangervil for discussion:

**MOTION:** TO APPROVE

Mr. Schweitzer commented that this request was similar to what was done for the Wawa proposal. He said bollards were a better option because they eliminated tripping and provided better safety by preventing cars from hitting pedestrians or the store.

**ROLL CALL:** Mr Rivadeneira, Yes; Mr. Dangervil, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Yes; Mr. DeCristofaro, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

There was no discussion.

There being no further business, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Edward DeCristofaro, Chair