



OFFICIAL MINUTES

CITY OF GREENACRES, FLORIDA

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

TUESDAY, March 7, 2017

1. **Call to Order and Roll Call.**

The Zoning Board of Adjustments and Appeals Meeting was called to order at 7:00 p.m. on Tuesday, March 7, 2017 with Chairwoman Dannette Fitzgerald presiding. Melody Larson, Assistant to the City Clerk, called the roll.

ROLL CALL:

Present

Dannette Fitzgerald, Chairwoman
Betty Anne Litowsky, Vice Chairwoman
Arthur Harrell
James Paglialungo

Staff Present

James D. Stokes, City Attorney
Kara L. Irwin-Ferris, Director/Planning & Engineering
Osniel Leon, Senior Planner
Melody Larson, Assistant to the City Clerk

Public Attendance: 3

Press Attendance: 0

2. **Pledge of Allegiance to the Flag**

Chairwoman Fitzgerald led the Pledge of Allegiance to the Flag.

3. **Agenda Approval - Additions, Deletions, Substitutions to the Agenda.**

Chairwoman Fitzgerald called for additions, deletions, or substitutions to the agenda; hearing none, she called for a motion.

MOTION: Mr. Harrell made a motion to approve the Agenda as presented. Ms. Litowsky seconded the motion.

VOTE ON **In Favor:** Chairwoman Fitzgerald, Vice Chairwoman Litowsky,
THE MOTION: Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

4. Approval of Minutes – November 29, 2016.

Chairwoman Fitzgerald called for additions, deletions, or substitutions to the minutes; hearing none, she called for a motion.

MOTION: Mr. Harrell moved to approve the ZBAA minutes of November 29, 2016. Mr. Paglialungo seconded the motion.

VOTE ON THE MOTION: **In Favor:** Chairwoman Fitzgerald, Vice Chairwoman Litowsky, Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

5. Cases:

- A. BA-16-06 Target (5900 Lake Worth Road)** - The petitioner is requesting a variance from Article VIII, Off-street Parking and Loading Regulations, Section 16-1336 Parking and Loading Requirements to reduce the required number of parking spaces in order to expand the development of the site.

Planning and Engineering Director Kara L. Irwin-Ferris announced that board members were being handed a revised variance staff report in strike-through and underline format as well as a revised staff report for a site plan amendment, because changes to the site plan directly affect the original variance request.

Director Ferris provided a brief history of the existing Target retail building that was approved in 1996 with two outparcels. One outparcel was approved for a 5,040 sq. ft. restaurant and the second outparcel was for a 3,500 sq. ft. drive-thru restaurant. The Target building and Garden Center were built; however, the outparcels were never developed. In 2008, and 2013, the applicant was granted variances to reduce the number of parking spaces; however, the accompanying site plan amendments did not receive approval and the variances expired and/or were withdrawn.

The proposed variance is to reduce the required number of parking spaces from 618 spaces to 512, a 12.5% reduction.

Director Ferris emphasized that the proposed parking demand requested for the Target retail building is 2.7 spaces/1,000 sq. ft. The parking for the two (2) outparcels will be pursuant to Code. The parking study for the retail Target building was based on demand during peak season/times.

The City's traffic engineering consultant reviewed this variance request and had no objections to the proposed demand study. The proposal meets the six (6) variance criteria and two (2) general findings criteria; therefore, staff recommends approval of BA-16-06, subject to staff's three (3) conditions of approval.

Chairwoman Fitzgerald called on Board members for comment; hearing none, she called on the applicant's traffic engineer for comment.

Chairwoman Fitzgerald asked if the Garden Center was included in their traffic study.

Shaun McKenzie, Traffic Engineer for McKenzie Engineering, explained that the November 2015 parking study divided the site into 11 areas establishing where vehicles are parking and where spaces are available. Regardless of where vehicles were parking, the study included both the Garden Center and the Target Store. He noted that the counts were adjusted to include peak seasons and times.

Chairwoman Fitzgerald asked if the applicant was in agreement with staff's three (3) conditions of approval.

Angelina Rosenberg of the Target Corporation stated she was in agreement with staff's conditions of approval.

Chairwoman Fitzgerald called for a motion.

MOTION: Mr. Harrell moved to approve BA-16-06 (Target), subject to staff's three (3) conditions of approval. Mr. Paglialungo seconded the motion.

VOTE ON THE MOTION: **In Favor:** Chairwoman Fitzgerald, Vice Chairwoman Litowsky, Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

- B. BA-17-01** **KFC (6712 Forest Hill Blvd)** - The petitioner is requesting a variance from Article VI Sign Regulations, Division 4 Sign Standards, Section 16-985(5) Identification Signs to allow a (10'x10'6") free-standing monument sign with a (63'6") copy area. The Code allows outparcels and outbuildings within a unified development one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

Senior Planner Osniel Leon described the subject site located on the southwest corner of Forest Hill Boulevard known as Outparcel #4 of the River Bridge Centre. In January 1999, the site received special exception and site plan approval for a KFC fast-food restaurant with a drive-thru. On January 5, 1999, the Zoning Board of Adjustments and Appeals denied a request for a third building sign. On April 27, 1999, a variance request was granted to increase the maximum copy area to 38 sq. ft. for a menu board sign.

Senior Planner Leon explained that the applicant is requesting to exceed the maximum height of 8 ft. with a 40 sq. ft. copy area, to 10 ft. high monument sign with 63'6" of copy area. There are other commercial establishments within the plaza that meet the maximum allowed sign height. The granting of this variance would grant special privileges not provided to other properties in the same zoning district; therefore, staff recommends denial of BA-17-01.

Chairwoman Fitzgerald called on the applicant for comment.

Karie Andrade of ME Signs, agent for KFC, noted that other outparcel business signs exceed the sign code requirements. The proposal is to exceed the height by 2 feet and an additional five (5) feet in length for a total of 8-9 sq. ft. of additional copy area.

Chairwoman Fitzgerald asked the reason for requesting a larger sign.

Ms. Andrade explained that with a new design, it was difficult to shrink it to the new look. She explained that KFC is rebranding and in order to keep with the new look the extra copy area was needed.

Mr. Paglialungo disclosed that he had visited the site and had compared the variance request with other existing signs in the plaza that meet Code. He agreed that a newer sign could be beneficial and suggested reducing the base of the sign to conform with Code.

Vice Chairwoman Litowsky agreed with reducing the base.

Director Ferris pointed out that a non-conformity in another sign does not justify granting a variance.

Mr. Harrell opined that the black base actually takes away from the sign.

Vice Chairwoman Litowsky asked staff if the sign could be move closer to the sidewalk.

Director Ferris noted that setback requirements must be met.

Chairwoman Fitzgerald called for a motion.

MOTION: Mr. Harrell made a motion to deny BA-17-01. Vice Chairwoman Litowsky seconded the motion.

VOTE ON THE MOTION: **In Favor:** Chairwoman Fitzgerald, Vice Chairwoman Litowsky, Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

6. **Election of Officers**

Chairwoman Fitzgerald called for nominations for Chairperson. Mr. Paglialungo nominated Betty Anne Litowsky who declined the nomination and nominated Danette Fitzgerald to continue as Chairperson. No other nominations were put forth; therefore, Dannette Fitzgerald was nominated by acclamation. She accepted the nomination.

Chairwoman Fitzgerald then called for nominations for Vice Chairperson. Mr. Paglialungo nominated Arthur Harrell seconded by Mrs. Litowsky. Mr. Harrell was nominated by acclamation.

7. **Department Report.**

Director Ferris announced the review of two (2) new variance applications and the possibility of holding a March 28th ZBAA meeting and called for a quorum check. All confirmed their availability.

City Attorney Stokes announced the recent promotion of Kara L. Irwin Ferris to Director of Planning and Engineering.

8. **ZBAA Members' Comments.** – None.

9. **Adjournment.**

Mrs. Litowsky moved to adjourn the meeting, seconded by Vice Chairman Harrell. The meeting adjourned at 7:42 p.m.


**ZONING BOARD OF ADJUSTMENTS
AND APPEALS**


Dannette Fitzgerald, Chairwoman



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Respectfully submitted,


Kara L. Irwin-Ferris, Planning and Engineering Director


Joanna Cunningham, MMC, City Clerk

Date of Approval: 6/7/17