

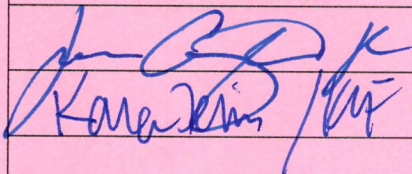
CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: Zoning Board of Adjustments & Appeals
Meeting Date: 7-14-17
Transcribed by: mef No. of Pages: 8 Transcription Time: 7.75

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
	7/14/17	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Karen King / K	8/15/17	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: 8-28-17
Motion By: Harrel Seconded By: Litowsky
Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 5/0

Changes requested by Council or Board? ☐ Yes ☐ No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



OFFICIAL MINUTES
CITY OF GREENACRES, FLORIDA
ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING
TUESDAY, July 11, 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, July 11, 2017 with Chairwoman Dannette Fitzgerald presiding. Melody Larson, Assistant to the City Clerk, called the roll.

ROLL CALL:

Present

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

Staff Present

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

Public Attendance: 4
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: Vice Chairman Harrell made a motion to approve the Agenda as presented. Mr. Paglialungo seconded the motion.

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

Motion carried: 5 - 0.

4. Approval of Minutes -

Chairwoman Fitzgerald asked for any corrections, deletions or substitutions to the minutes of April 4, 2017; hearing none, she called for a motion.

MOTION: Ms. Litowsky made a motion to approve the minutes of April 4, 2017 as presented. Vice Chairman Harrell seconded the motion.

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

Motion carried: 5 - 0.

Chairwoman Fitzgerald asked for any corrections, deletions or substitutions to the minutes of June 6, 2017; hearing none, she called for a motion.

MOTION: Vice Chairman Harrell made a motion to approve the minutes of June 6, 2017 as presented. Ms. Litowsky seconded the motion.

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

Motion carried: 5 - 0.

5. Cases:

Board Attorney James Stokes reported that Board Members will notice that the concluding language in the Staff Reports has been modified to reflect recent court decisions relating to staff determining if the facts presented meet variance criteria, versus the Board's quasi-judicial responsibility to establish compliance based on the facts presented. Staff will continue to make recommendations for approval or denial based on knowledge of the Code requirements. Board Attorney Stokes swore in those who would be providing testimony.

Chairwoman Fitzgerald called for disclosure of ex-parte communications by Board Members. Ms. Litowsky disclosed driving by the site as did Chairwoman Fitzgerald. Mr. Buist disclosed walking his dog through the parking lot of the subject site.

A. BA-17-07 **RaceTrac** - A request by the owner for a variance (BA-17-07) to exceed the permitted monument sign height, copy area, LED area, number of building signage per frontage and canopy lit stripe. The site is located at 5900 Lake Worth Road.

Senior Planner Osniel Leon described the two-part variance request from Article VI, Division 4 to exceed Code requirements for signage. He provided a brief history of the site originally

approved as a pharmacy and the recent variance, site plan, and special exception approvals to convert the site into a RaceTrac fuel station and convenience store.

He explained that the petitioner is requesting variances from Sec. 16-985 to exceed the maximum monument sign height from 11'6" to 14'; to exceed the maximum square footage of LED copy area of the monument sign from 12 s.f. to 45 s.f., and allow one (1) building sign and one (1) canopy sign fronting Lake Worth Road (one (1) is permitted per Code).

Senior Planner Leon explained that the applicant is requesting a 14 ft. monument sign with a 100 s.f. copy area. Code allows a 12 ft. monument sign with 70 s.f. of copy area and 12 s.f. of LED changeable copy area, adequate to see from the adjacent right-of-way. The applicant states that the City's stringent landscaping requirements limit visibility, thus the much larger LED changeable copy area is necessary (A1-Exhibit 10). The 45 s.f. of LED changeable copy area being requested would more than double the allowable copy area and represents a significant deviation from Code requirements (N1-Exhibit 10).

The petitioner is also requesting a variance from Sec. 16-934(28) to allow for a lit stripe with the RaceTrac logo around the canopy which is not permitted by Code (I1 and J-Exhibit 10). The proposed illuminated stripe around the canopy is an LED strip with no copy area and a RaceTrac logo (J-Exhibit 10). The red-striped canopy was not part of the approved site plan elevations.

Senior Planner Leon noted that surrounding commercial establishments including convenience stores with fuel sales have complied with the City's sign regulations with no other businesses being granted similar variances; therefore, staff recommends denial of BA-17-07.

Chairwoman Fitzgerald called on Board Members for comments.

Board Members and staff discussed the number of signs being requested; staff had recommended height reductions for similar monument sign requests in the past; and the applicant must choose either one (1) building sign and one (1) canopy sign or two (2) building signs, since canopies are considered accessory structures.

Chairwoman Fitzgerald called on the applicant for comment.

Kristen Hutton of Wantman Group, Inc., agent for the applicant, explained she would be reviewing their original variance requests with changes.

Ms. Hutton reported that the applicant is seeking approval for the monument, wall building and canopy signs. She explained that the applicant is concerned with a lack of visibility of the canopy sign due to the City's landscaping requirements and is therefore requesting a second wall building sign on the eastern elevation. Code allows 148 s.f. of wall signage, the applicant is proposing 39 s.f. (for one wall sign) plus 54 s.f. of canopy signage which totals 93 s.f.

The request for a box sign on the eastern elevation is being withdrawn.

The variance request for the lit strip is also being withdrawn with the condition that the RaceTrac logo can remain on the canopy sign.

Ms. Hutton stated that the proposed height for the monument sign is also being withdrawn, reducing the sign to the allowable 11'6" height. However, the applicant is concerned that once the proposed landscaping matures (5-7 years), it will impede visibility of the LED changeable copy area. Based on that fact, the applicant requests 100 s.f. of copy area with 45 s.f. of LED changeable copy area, since 12 s.f. would only allow for one pricing wherein RaceTrac shows three (3) prices. That is 22 s.f. less than the maximum permitted square footage Code allows for two (2) wall signs.

Board Members and staff commented that shrubs can be trimmed; the LED changeable copy area for pricing could be the same size for all three (3) prices; the name RaceTrac could be made smaller; approval of this variance would set a precedence; consider submitting a variance from landscaping requirements; number of parking spaces; has the City granted similar variances from landscaping requirements, and the responsibility of the Board is not to grant special privileges.

Brian Terry of Wantman Group, Inc., explained that the applicant is willing to work with the City. Architecturally and aesthetically speaking, the petitioner could obtain a larger wall building sign to increase visibility while remaining within the Code requirements; however, that does not make the most sense. It is more beneficial to reduce the height of the monument sign and increase the LED changeable copy area to 45 s.f., and remove the lit strip around the canopy. Mr. Terry emphasized that the applicant has withdrawn several of the original variance requests and is focusing on one (1) wall building sign, one monument sign with an increased LED changeable copy area of 40 s.f. and one (1) canopy sign with a corporate logo.

Chairwoman Fitzgerald called on staff for comments.

Director Ferris emphasized that following staff analysis and a thorough review of the variance criteria, our analysis still stands that requires a special condition relative to the site or building that warrants the variance.

MOTION: Ms. Litowsky moved to grant approval of BA-17-07 for the southern wall sign and the unlit canopy sign. No one seconded the motion.

Motion died for lack of a second.

Board Members discussed delaying the variance request for further staff analysis to reach a mutual resolution; the correct number of signs being requested; lit versus non-lit canopy signs.

Mr. Terry clarified that the applicant is requesting one wall sign on the southern elevation (A1) and the canopy sign (I1) facing Lake Worth Road with the RaceTrac logo internally illuminated.

The Board Attorney and Board Members discussed alternatives and action.

Ms. Hutton proposed granting a variance for the canopy sign only, all other variance requests could be withdrawn. Because this variance request is for a fuel station with a convenience store, the canopy is an accessory structure that other uses such as laundromats, hardware stores do not have.

Director Ferris pointed out that due to the canopy being close to the road, the Code allows for businesses to choose a wall sign or a canopy sign.

Chairwoman Fitzgerald opened the meeting to the public. She asked if anyone was in favor of, or opposed to BA-17-07 to come forward. Seeing no one come forward, she closed the meeting to the public.

Board Attorney Stokes suggested that the applicant withdraw the variance request.

Ms. Hutton formally requested postponement of BA-17-07.

MOTION: Ms. Litowsky made a motion to postpone BA-17-07 to the Zoning Board of Adjustments and Appeals Meeting of August 28, 2017. Vice Chairman Harrell seconded the motion.

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

Motion carried: 5 - 0.

- B. BA-17-08** **RaceTrac** - A request by the owner for a variance (BA-17-08) to allow sanitation vehicle to traverse loading space to access dumpster area. The site is located at 5900 Lake Worth Road.

Senior Planner Leon described the variance request to allow sanitation vehicles to traverse the loading area to access the dumpster area of the proposed RaceTrac site. A minor modification to the site plan could have been submitted during the site plan review process eliminating the need for this variance request.

Code Sec 16-1335(9) does not allow interference with internal circulation of the site. The 70 ft. loading area could have been reduced in size by relocating the dumpster slightly to the west of the site. Granting this variance would provide the applicant a special privilege and would interfere with the internal circulation pattern of the site. This variance request does not comply with the established variance criteria; therefore, staff recommends denial of BA-17-08.

Chairwoman Fitzgerald called on board members for comments.

Ms. Litowsky asked for clarification of why the applicant does not believe rear access to the dumpster is feasible (Exhibit 5). She asked if the variance was not warranted, how would the applicant gain access to the dumpster location?

Senior Planner Leon explained either from Sherwood Forest Boulevard or Lake Worth Road.

Mr. Buist suggested reducing the size of the loading area.

Chairwoman Fitzgerald called on the applicant.

Ms. Hutton of Wantman Group, Inc., requested approval to allow the dumpster to be co-located within the loading area facing west. She explained that during the initial site plan review, the proposed dumpster faced east. City staff determined that co-locating the dumpster within the loading area did not meet Code. However, the applicant was under contract to purchase the property at the time and the City did not allow sufficient time to identify an alternative location.

The applicant grew concerned for pedestrian safety in relation to the outdoor seating. Ms. Hutton stated that 53' tractor trailers entering from Lake Worth Road traversing internally through the site to the dumpster area in the rear would block vehicle traffic entering from Sherwood Forest Boulevard. Additionally, the tractor trailers would not have sufficient curb radius to gain access to the dumpster. To alleviate access, a variance request was submitted to change the orientation of the dumpster to face west. Decreasing the loading zone to 35 feet as recommended by staff would negatively impact the size of the loading zone. The variance request is to allow sanitation vehicles to traverse the loading space to access the dumpster area.

Chairwoman Fitzgerald called on Board Members for comments.

Board Members and staff discussed Exhibit 6 (dumpster access from Sherwood Forest Boulevard); the size of dump trucks versus tractor trailers; sanitation trucks will not wait for deliveries; the applicant was aware of staff's recommendation; staff provided the alternative of reducing the loading zone.

Ms. Hutton emphasized that decreasing the loading zone to 35 ft. would negatively impact the space needed for tractor trailer deliveries. She submitted a letter for the record, from RaceTrac, guaranteeing delivery vehicles would be scheduled on days not scheduled for sanitation collection.

Chairwoman Fitzgerald asked Ms. Hutton for proof from Advanced Disposal (sanitation company) that access to the dumpster is not feasible.

Ms. Hutton explained that until a building permit is issued, Advanced Disposal would not provide any determination. She concluded by stating that in light of the multiple pedestrian conflicts created and the insufficient radius needed for sanitation collection, facing the dumpster west and accessing the dumpster via the loading zone from Lake Worth Road was preferred (Exhibit 8), regardless of the proposal meeting Code. Other design alternatives were explored. The applicant is willing to make this a condition of approval.

Chairwoman Fitzgerald pointed out that the applicant had the opportunity to move the dumpster 11 feet to the west during site plan review and without confirmation from Advanced Disposal confirming the inability to collect waste; by granting this variance it would bestow a special privilege on the applicant.

Ms. Hutton confirmed running various scenarios in C.A.D. to verify sufficient radius. She confirmed there was not sufficient space to access the dumpster from Sherwood Forest Boulevard.

Vice Chairman Harrell asked staff if the dumpster location was identified during site plan review.

Director Ferris stated during initial site plan review, staff commented on the location and orientation of the dumpster. The applicant has since changed it. The applicant was requested to provide the City with maneuverability diagrams showing that emergency vehicles, sanitation vehicles and delivery trucks had sufficient access; and these were submitted. However, following approval of the site plan, the applicant changed the orientation of the dumpster from what was originally approved.

Ms. Litowsky asked if the dumpster could be moved closer to Sherwood Forest Boulevard.

Mr. Terry explained it could be moved there; however, the applicant prefers that the dumpster not be placed in a publicly visible location. The letter from RaceTrac was to instill confidence that they can control their deliveries to avoid any concerns the City had. The intent of the Code is to avoid a timing conflict for deliveries and garbage collection. Mr. Terry reported speaking with the City's garbage franchisee, Advanced Disposal; however, confirmed they do not conduct access analyses. By co-locating the dumpster and loading zones he agreed it does not meet Code; but the applicant believes it creates a safer area for pedestrians.

Ms. Litowsky commented on the possibility of reconfiguring the rear curbing.

Mr. Terry explained that the curbing was located outside RaceTrac's property line, and therefore RaceTrac cannot make those modifications. He offered a list of stores and their delivery schedules. He emphasized that the letter from RaceTrac was offering an operational solution. Based on the discussions, he asked the Board to consider postponement of this case to August.

Chairwoman Fitzgerald opened the meeting to the public. She asked if anyone was in favor of, or opposed to BA-17-08 to come forward. Seeing no one come forward, she closed the meeting to the public and called for a motion.

MOTION: Vice Chairman Harrell moved to postpone BA-17-08 to the Zoning Board of Adjustments and Appeals Meeting of August 28, 2017. Ms. Litowsky seconded the motion.

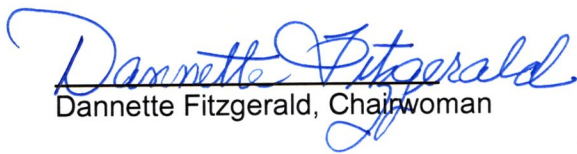
VOTE ON THE MOTION: **In Favor:** Chairwoman Fitzgerald, Vice Chairman Harrell, Ms. Litowsky, Mr. Paglialungo, and Mr. Buist.

Motion carried: 5 - 0.

6. **Department Report.**
7. **ZBAA Members' Comments.** – None.
8. **Adjournment.**

Vice Chairman Harrell moved to adjourn the meeting at 8:50 p.m., seconded by Chairwoman Fitzgerald.

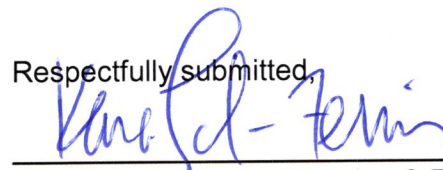
**ZONING BOARD OF ADJUSTMENTS
AND APPEALS**


Dannette Fitzgerald, Chairwoman

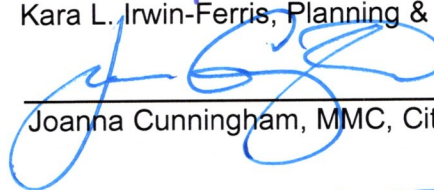


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Respectfully submitted,



Kara L. Irwin-Ferris, Planning & Engineering Director



Joanna Cunningham, MMC, City Clerk

Date of Approval: 8-28-17