



## OFFICIAL MINUTES

### CITY OF GREENACRES, FLORIDA

#### ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

TUESDAY, APRIL 4, 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, April 4, 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  
Melody Larson, Assistant to the City Clerk

Public Attendance: 6

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

**Motion carried: 5 - 0.**

**4.      Approval of Minutes - None.**

Chairwoman Fitzgerald called for ex-parte communication disclosure, if applicable. She disclosed visiting the subject site.

City Attorney James Stokes swore in those who would be providing testimony.

**5.      Cases:**

- A.    BA-17-02      5450 10<sup>th</sup> Avenue N.** - A request by the owner for a variance from Article VIII, Section 16-1336 of the Zoning Code. Code Section 16-1336 which states that for non-residential uses, the minimum number of parking spaces shall be determined by the commercial use(s); and for mixed uses, each use shall provide its proportional share of the required parking. The applicant is requesting approval to utilize the existing highest and best permitted uses in the Mixed-Use – Original Section zoning district.

Planning and Engineering Director Kara L. Irwin-Ferris described the variance request for the .5971-acre site. The site was platted in 1925 and in 1960, four lots were combined to create the current parcel. The existing 10,800 sq. ft. warehouse building was built in 1975. Director Ferris noted that historical records are limited. In 2001, a joint planning charrette was held with business owners, residents, governmental entities and City officials to create a vision for the area, which resulted in the “10<sup>th</sup> Avenue North Corridor.” The Corridor is located from South Haverhill Road, west to the Lake Worth Drainage District E-3 Canal and for a depth of 300 feet north and south of 10<sup>th</sup> Avenue North. The subject site is located within the Corridor.

As part of the 10<sup>th</sup> Avenue North Corridor concept, a new list of permitted and special exception uses was established. Some existing uses were affected and became non-conforming. Director Ferris explained that the subject site was impacted by this change and several uses along the Corridor remain non-conforming.

As noted previously, due to the age of the site, an original site plan does not exist. The warehouse building currently has garage bay doors to the west surrounded by 21 parking spaces and the front consists of office space and another bay door.

Director Ferris noted that in evaluating the variance criteria, some special conditions were identified relative to the site. She noted that when interested parties inquire about possible uses for the site a zoning determination letter is issued listing the permitted uses. Because the current tenant is a roofing contractor, if another roofing contractor wanted to lease the space, it would be allowed. She explained that even though the City allows certain uses, financiers get concerned over the non-conformity.

This variance request is from the parking requirements. For warehouses 1 parking space per 1,000 sq. ft. is required versus 1 parking space per 200 sq. ft. for retail. There is no other option for the current owner than to maintain the warehouse use, hence the owner



filed the variance to address the parking issue. The City would prefer the owner make site improvements which would allow more uses. Staff believes a special condition exists; therefore, staff recommends approval of BA-17-02, subject to staff's two (2) conditions of approval.

Chairwoman Fitzgerald called on board members for comments.

Mr. Paglialungo asked how can more parking be added.

Director Ferris explained with a conversion of some of the bays additional parking can be created in the rear. More striping would also be needed. The owner wishes to keep the existing uses and allow for some limited retail or office use. She explained that 21 spaces are currently on the site with approximately 3,000 sq. ft. of warehouse space, with the variance granted, the owner could double his number of spaces to 40 to meet the parking requirement for other uses.

Chairwoman Fitzgerald called on the wife of the applicant.

Mrs. Lois Welles confirmed she was acting on behalf of her husband Howard Alan Welles who she conferred with the by cell phone.

Chairwoman Fitzgerald asked if on her husband's behalf, she accepted staff's conditions of approval.

Mrs. Welles stated they were in acceptance of staff's two (2) conditions of approval.

Chairwoman Fitzgerald opened the meeting to the public. She asked if anyone was in favor of, or opposed to BA- 17-02 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 grant approval of BA-17-02 including staff's two (2) conditions of approval. Mrs. Litowsky seconded the motion.

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

**Motion carried: 5 - 0.**

- B. BA-17-03 Bright Acres Shopping Center (f.k.a. Crossroads Shopping Center)**  
A request by the owner for a variance (BA-17-03) to increase the number of wall signs allowed for a shopping center outparcel to allow for a third sign on the west elevation of the building. The existing retail building will be re-modeled to accommodate a single tenant. The total site is approximately 6.27 acres in size located at the southwest corner of Lake Worth Road and South Jog Road within the Bright Acres Shopping Center. The project outparcel is located at 6548 Lake Worth Road.

Chairwoman Fitzgerald called for ex-parte communication disclosure, if applicable. None were disclosed.

Director Ferris described the variance request to allow a third wall sign on the west elevation of a small retail building located on the southeast corner of the Bright Acres Shopping Center site. She provided a brief history of the commercial center that consisted of seven parcels with a Marathon Gas Station, Mattress Firm, Boston Market, Einstein Bagels, Metro PCS, Red Lobster Restaurant, Domino's Pizza and various retail shops. In February 2016, six of the seven parcels were annexed into the City and were demolished to build a Wawa. Director Ferris noted that outparcel buildings with street frontage are allowed one wall sign per user, per right-of-way. The applicant is requesting an additional wall sign on the west elevation that does not face a street. However, due to the triangular shape of the site, the western elevation is visible from Lake Worth Road.

Director Ferris noted that the applicant has been issued a permit to upgrade the elevations, with the intent to bring in a single tenant. Code allows wall signs on street frontage and the applicant currently has north and east wall signs and is requesting a third wall sign for the western elevation. When a tenant is part of a larger parcel, multiple signs are permitted. Considering the unusual shape of the site, staff recommends approval of BA-17-03, subject to staff's two (2) conditions of approval.

Director Ferris requested that a modification to staff's Condition #2 should read:

- 2. A sign permit for the western elevation shall be obtained within six (6) months of the date of approval of the variance. (Planning)*

Chairwoman Fitzgerald called on board members for comments.

Mr. Paglialungo asked if the proposed sign will meet code requirements.

Director Ferris confirmed that it would and the size of the sign would be limited to 1.5 x the linear frontage of the building.

Chairwoman Fitzgerald called on the applicant for comments.

Attorney Dwayne Dickerson of Dunay, Miskel and Backman, LLP, agent for the owner, stated he is in agreement with staff's two (2) conditions of approval as amended.

Chairwoman Fitzgerald opened the meeting to the public. She asked if anyone was in favor of, or opposed to BA-17-03 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 grant approval of BA-17-03 subject to staff's two (2) conditions of approval as amended. Mrs. Litowsky seconded the motion.

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

**Motion carried: 5 - 0.**

**6. Department Report.** None.

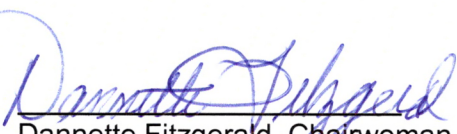


7. **ZBAA Members' Comments.** – None.

8. **Adjournment.**

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

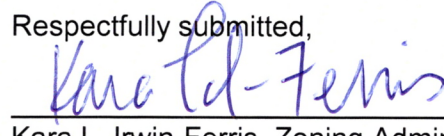
**ZONING BOARD OF ADJUSTMENTS  
AND APPEALS**

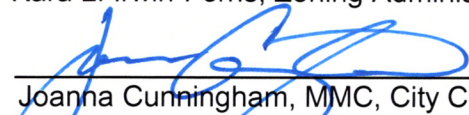
  
Dannette Fitzgerald, Chairwoman



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Respectfully submitted,

  
Kara L. Irwin-Ferris, Zoning Administrator

  
Joanna Cunningham, MMC, City Clerk

Date of Approval: 7/11/17