



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, March 1, 2016

7:01 PM

City of Margate
Municipal Building

PRESENT:

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

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development
Andrew Pinney, Associate Planner
Sergio Bertot, Professional Signs
Adam Ginder, North American Development Group
Andy Garcia, Ross Dress for Less
Jacqueline P. Gee, Ross Dress for Less

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 7:35 p.m. on Tuesday, March 1, 2016. The Pledge of Allegiance was recited. A roll call of the Board members was taken. There were no communications.

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- 1) **APPROVAL OF THE MINUTES FROM THE FEBRUARY 2, 2016 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. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 5-0 vote.

- 2) **NEW BUSINESS**

- 2A) **HEARING BA-13-2016:** PERMISSION TO INSTALL A MAIN IDENTIFICATION WALL SIGN THAT IS 420 SQ. FT. IN AREA ON A BUSINESS WITH 120 LINEAR FEET OF FRONTAGE. SECTION 39.6 OF THE MARGATE ZONING CODE ALLOWS 1 SQ. FT. OF SIGN AREA PER

Economic Development Department

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LINEAR FOOT OF FRONTAGE. PETITIONER IS REQUESTING PERMISSION TO INSTALL TWO "WALL PLAQUES" ON THE PRIMARY FAÇADE IN ADDITION TO THE MAIN IDENTIFICATION WALL SIGN. CODE LIMITS WALL SIGNS TO ONE MAIN IDENTIFICATION WALL SIGN ON A QUALIFIED FRONTAGE.

All those speaking on the item were duly sworn.

Andrew Pinney proceeded with a PowerPoint presentation. He explained the relevant section of the Sign Code (39.6) and showed a slide of the subject property. He then showed a slide of the requested sign and noted that the storefront was 120 feet wide and the proposed sign was for 420 square feet, in addition to two additional wall plaques that were requested. He presented another slide that showed a detailed comparison between the Code's permitted sign size and the requested sign size. He explained that Lakewood Phase III was built with what City staff deemed to be an excessive setback from Atlantic Boulevard. When it was developed, he said the minimum setback was 35 feet, but it was developed at 380 feet from the front of the building to the property line. He commented how the sign area of one square foot per linear foot of frontage did not work in this case. He said it was beyond what the Code envisioned for identification wall signs when it was written, noting that the building was at ten times the minimum set back. In addition to the excessive setback, however, he said a review was done of previous sign waivers and there had been one done for the previous tenant, Staples. In 2006, he said Staples went before the CRA Board and it was deemed that the setback was excessive and a waiver was granted for 250 feet.

Mr. Pinney said Staff was recommending approval of the variance application subject to the condition that the main identification wall sign was no larger than 250 square feet and that the two additional sign plaques were not included with the sign waiver.

Mr. Schweitzer commented that the reason for the large setback was because Winn-Dixie previously occupied that space and it wanted to be set far back.

Sergio Bertot, Professional Signs, explained that all the other cities they were in allowed them to do the signs at 10% of the store façade which he said was less than what they had applied for in Margate. He said they were grateful for the granting of 250 feet, the same as Staples had been granted; however, Staples had only seven letters in their logo. He said their [dd's] logo had a lot of words and the sign would not be visible if they followed the Code. He said their logo was trademarked and dd's Discounts wanted to keep the same size and proportion so as to be visually equal to their other stores. He referenced a slide showing the sign and sign specs used at other stores in Florida.

Mr. Schweitzer asked if their sign was trademarked and whether trademarked signs were exempt [from the Sign Code].

Ben Ziskal responded that he believed it was trademarked and that the sign presented was exactly the same design as their other stores. He said they actually had two designs: one with two lines of copy; another with three lines of copy. He said there was no exemption for being trademarked. He said the decision that needed to be made was impacted by the fact that the City had previously given a 250 square foot sign to a previous business in that space, Staples.

He explained that the request was not for a free-standing building, but for a space that was within a major shopping center with other major tenants such as Ross, Marshalls, Wal-Mart, etc. He said the legalities of granting the additional sign square footage had to be taken into account because granting a 450 square foot sign to dd's Discounts would set a precedent on this property to allow the other tenants to have increased signage because they had the exact same setback.

Mr. DeCristofaro asked if the square footage of the Ross Dress For Less sign was known. Mr. Pinney responded that their sign was 150 square foot.

Jacqueline Gee, Ross Stores, commented on the differences between the Ross sign and dd's Discounts, noting that dd's logo had additional words that specified their product lines, i.e., Ladies, Mens, Kids, etc. He said the sign would be a blur when driving down Atlantic Boulevard at 35-40 miles per hour. She said they looked forward to coming to Margate and providing jobs. She said they needed name recognition. She commented that in addition to having Ross, they were making a substantial investment in the community with the opening of dd's Discounts.

Adam Ginder, North American Development Group, owners of Lakewood Shopping Center, said that the increase in signage was important because it was consumer and community friendly. He said dd's Discounts reached a wide demographic of people who needed to be able to see where it was located. He said they needed visibility in order to have access and be successful. He said he drove down Atlantic Boulevard to view dd's Discounts and he said it was dangerous to slow down to try to find the store that was set back so far. He commented on the fact that Staples had seven letters in their logo while dd's Discounts had 34 letters.

The slide showing the sign's dimension was shown again. Mr. Pinney stated that the requested dimension for the dd's Discounts portion was 72 inches and the lower level was 32 inches.

Mr. DeCristofaro asked if the dimensions of the dd's Discounts sign in Tamarac were known. Mr. Pinney said they were not. Mr. DeCristofaro said it did not appear to be as large as the one being requested. Ms. Dee said it was probably 72 /33 inches which was their typical size sign. Mr. Bertot said he thought their logo did not have the cabinet at the bottom with the additional words. Ms. Dee said that the cabinet was not done when they initially did the signage at the Tamarac store; she said it was going to be added. She said currently the Tamarac sign had the 72-inches for the dd's letters and 36-inches for the word 'Discounts'; it did not have the cabinet on the bottom like their other stores nationwide which identified the type of products they sold.

Andy Garcia said he was responsible for overseeing the properties in South Florida. He commented that dd's Discounts was a growing company that was new to Florida and the East Coast. He spoke about the importance of having their customers know about the type of merchandise they carried. He said they anticipated employing 40-50 people when they opened plus several managers. He supported the idea that the sign needed to be bigger for visibility from the road.

Mr. Ziskal spoke about several options that were available to the Board. He said the request was two-fold: in addition to the size of the main wall sign, they were also requesting two more signs on the building. He said Staples previously had similar signs which identified two major services they offered. He said the Board might want to think about giving concession to one

component of the request and not to the other, i.e., to allow a larger size wall sign but not smaller signs that might not be visible from Atlantic Boulevard anyway. He noted that while the Staples sign had fewer letters, the letters may have been the same size. He pointed out that if the words underneath were removed, the size of the sign would be significantly smaller. Also, he commented that there were a number of other signs on that particular building that had smaller letters and they could be the same 32-inch height. He said it might behoove the Board to ask to have the item tabled so it could see what the 32-inch letter looked like on that building. He said they [the City] wanted the business to succeed and to give it the maximum amount of signage without setting a precedent or presenting clutter. He explained that every retailer wanted maximum signage, but the City had to limit the Code at some point. Rather than make a rash decision without all the information, he suggested that the Board ask additional questions of the petitioner and/or that they seek the information from the landlord or staff.

Mr. Schweitzer agreed with Mr. Ziskal's decision, and he made the following motion, seconded by Mr. DeCristofaro:

MOTION: TO TABLE TO THE APRIL MEETING

Mr. DeCristofaro asked the petitioner if it were possible to take the cabinet portion of the sign and put that information in the two smaller signs on the sides of the building which would allow them to have the dd's Discounts sign at the maximum 250 square feet.

Mr. Bertot handed out a diagram of another sign option which had individual letters instead of the cabinet which he said was not their typical layout. He said that the square footage was closer to what the Code allowed since only the letters would count towards the square footage instead of the entire cabinet. Ms. Gee said a possible compromise would be to eliminate the cabinet and measure only the individual letters which would bring it to 222 square feet.

Mr. Ziskal said he had not seen the diagram that was given to the Board. However, he said that the way the Code dictated how to measure signage was with a box around all the letters, regardless of whether the letters were in a cabinet; it was one box around the entire signage area. He said his recommendation would be to table the item and to have City staff and the petitioner sit down and discuss other alternatives. He said this would result in a more positive outcome for the petitioner and the City.

Mr. Bertot commented that they would lose a lot of square footage if they had to measure their sign in the manner stated by Mr. Ziskal. He said most of the other cities allowed them to measure by the letter instead of the sign as a whole.

ROLL CALL: Mr. Rivendeneira, Yes; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Chair Ahlbum announced that he would be moving out of Margate and that this would be his last meeting. He said it had been a privilege to serve.

There being no further business, the meeting was adjourned at 8:02 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)