



**REGULAR MEETING OF
THE BOARD OF ADJUSTMENT
REGULAR MEETING
<https://us02web.zoom.us/j/85760799981>
MINUTES**

**Tuesday, February 6, 2024
6:30 p.m.
City of Margate
City Commission Chambers at City Hall**

City Commission

Mayor Tommy Ruzzano
Vice Arlene R. Schwartz
Antonio V. Arserio
Anthony N. Caggiano
Joanne Simone

City Manager

Cale Curtis

City Attorney

Weiss Serota Helfman
Cole & Bierman

City Clerk

Jennifer M. Johnson, MMC

PRESENT:

Joao D. Brandao, Chair
Fred Bourdin, Vice Chair
Erin Enright, Secretary
Barbara Farias, Board Member

ALSO PRESENT:

Amelia Jadoo, Weiss, Serota, Helfman, Cole, & Bierman, Interim City Attorney
Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Angelina Applys, Notary, Permit Specialist II
Gina Penney, Director of Permitting, Atlas Sign Industries, Agent for Publix Supermarkets, Inc.

The regular meeting of the Board of Adjustment (BOA) of the City of Margate, having been properly noticed, was called to order at 6:31 p.m. on Tuesday, February 6, 2024, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063. The Pledge of Allegiance was recited.

1) APPROVAL OF MINUTES

- A) *ID2024-033*
APPROVAL OF MINUTES FOR SEPTEMBER 12, 2023, BOARD OF ADJUSTMENT (BOA) MEETING

Mr. Bourdin made the following motion, seconded by Ms. Farias:

MOTION: TO APPROVE THE MINUTES FOR THE SEPTEMBER 12, 2023, BOA MEETING AS PRESENTED.

ROLL CALL: Mr. Brandao – Yes; Mr. Bourdin – Yes; Ms. Enright – Yes; Ms. Farias – Yes. The motion passed with a 4-0 vote.

Development Services Department

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Item 2 was addressed prior to Item 1.

2) NEW BUSINESS

- A) *ID2023-2386*
SIGN WAIVER APPLICATION NO. 23-400058
PERMISSION TO INSTALL 15 TEMPORARY BANNER SIGNS FOR PALM LAKES PLAZA TENANTS FOR SIX (6) MONTHS.
PETITIONER: GINA PENNEY, ATLAS SIGN INDUSTRIES, AGENT FOR PUBLIX SUPERMARKETS, INC.
ADDRESS: 7210-7388 WEST ATLANTIC BOULEVARD

Amelia Jadoo, Weiss, Serota, Helfman, Cole, & Bierman, Interim City Attorney, advised the Board, applicant, and public of the rules and process for quasi-judicial hearings. She asked if there were any ex-parte disclosures from the Board, and there were none to disclose.

City Attorney Jadoo opened the public hearing, however there being no one to speak, she closed the public hearing.

City Attorney Jadoo directed the Board, individually and collectively, that their decision at the end of the hearing is to be based on competent, substantial evidence related to the City's Code and not generalized support or opposition that is not fact-based.

Angelina Applys, Notary, Permit Specialist II, swore in the witnesses, including Andrew Pinney, Senior Planner, Gina Penney, Agent for the Applicant, and Elizabeth Taschereau, Director of Development Services.

Andrew Pinney, Senior Planner, presented on behalf of staff. He explained the applicant was requesting to install 15 temporary banners during renovations to the Palm Lakes Plaza shopping center at the southwest corner of Rock Island Road and West Atlantic Boulevard. He stated there are two (2) Code issues that do not allow this. He advised that banners are generally prohibited in the Sign Code with the exceptions of grand openings, special event permits, schools, and churches. He stated the Code also limits the number of temporary signs on a property to no more than five (5) at any given time.

Mr. Pinney shared an aerial photo of the subject property, which is roughly 12.5 acres at 7210-7388 West Atlantic Boulevard in the B2 Zoning District. He noted the proposed plan for the property went through the public hearing process in 2022 and through permitting in 2023, and permits were issued in late 2023. He stated construction fence has been erected and demolition work has started. He summarized the project briefly, advising the east side of the shopping center will be demolished, and a larger Publix will be built in place of the existing, with a drive-thru pharmacy and other improvements. He noted tenant spaces to the west of Publix would remain, and at the northwest corner of the site, a rough 21,000 square foot space would be demolished and an outparcel created for future development.

Mr. Pinney shared an image of the west section of the shopping center and advised there are roughly 15 businesses located on the site that will operate through the construction activity. He noted the project will also include roof and façade improvements where the businesses are located, which will result in temporary loss of signage. He stated all the banners are three (3) feet by eight (8) feet, and where a business does have a customized logo and colors, which will be on the banner, while others will be plain blue letters on a white background.

Mr. Pinney reviewed the waiver criteria for the Board's consideration, as follows:

1. There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
2. The granting of a waiver is not contrary to the intent of the sign code, the aesthetics of the area, or does not create a nuisance or adversely affect any neighboring properties.
3. Literal enforcement of this article would result in unreasonable and undue hardship upon the petitioner.

Mr. Pinney advised that the City allows several types of temporary signs, but none are particular to this situation, where a business is staying open during construction. He stated banners would be allowed if the businesses closed down. He stated staff found the banners would not have any negative impact on the area aesthetics and agrees it would be an undue hardship to not have a wall sign for customers to locate the business. He commented that staff recommends approval of the signs until such time as Publix receives its Certificate of Occupancy for the project, rather than the six (6) months requested by the applicant.

Vice Chair Bourdin asked when the banners would be installed. Mr. Pinney stated there would be a demolition period in a few months when the businesses lose their wall signs, and the banners would be installed at that time. He added that some tenants in the 21,000 square foot area being demolished on the northwest corner are relocating to the center of the plaza and may install their banners earlier in the process.

Vice Chair Bourdin inquired as to how the number 15 was reached. Mr. Pinney advised there are 15 tenants, and that was the number of banners requested by the applicant.

Vice Chair Bourdin asked if this was the first Publix Ms. Penney had worked with in Margate. Ms. Penney replied that this was her first time.

Vice Chair Bourdin stated he had worked with Planning and Zoning, and now the BOA, and staff gives great presentations, answer the questions, and make it easy for the Board to understand. Ms. Penney stated staff had been great to work with. She noted she had worked with other staff that were not helpful.

Mr. Bourdin made the following motion, seconded by Ms. Farias:

MOTION: TO APPROVE THE SIGN WAIVER APPLICATION AS PRESENTED.

ROLL CALL: Mr. Brandao – Yes; Mr. Bourdin – Yes; Ms. Enright – Yes; Ms. Farias – Yes. The motion passed with a 4-0 vote.

3) **GENERAL DISCUSSION:** None.

4) **ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 6:47 p.m.

Respectfully submitted,



Joao D. Brandao, Chair