CITY OF NORTH LAUDERDALE

COMMISSION MEETING

TUESDAY, FEBRUARY 23, 2016

REGULAR MEETING – 6:00 p.m.

AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Hilton

2. ROLL CALL

   Mayor Jack Brady
   Vice Mayor David G. Hilton
   Commissioner Jerry Graziose
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES

   a. [February 9, 2016]

4. PRESENTATIONS

5. PROCLAMATIONS

   a. [Women’s History Month - March]

6. PUBLIC DISCUSSION
7. QUASI-JUDICIAL ITEMS

a. **SUBJECT:** Site Plan - SPR 15-06
   BURGER KING/ MATTRESS FIRM
   McNab Road and Avon Lane, Outparcel #5
   (New Walmart Plaza)

Final site plan review to permit development of a Burger King restaurant (2,402 square feet building) and a MattressFirm retail store (3,982 square feet building) in a General Business, (B-3) Zoning District.

**APPLICANT:** ERIK WILCZEK

- All interested parties wishing to speak on this item are sworn in
- Staff presentation (Tammy Reed-Holguin)
- Public Hearing opened
- Public comments
- Public Hearing closed
- Commission discussion
- Commission motion and vote

**MOTION:** To approve the final site plan subject to the thirteen (13) conditions listed in staff memorandum.

8. ORDINANCES SECOND READING

a. **Ordinance – Second Reading – Charter Amendment – Redistricting**

- Motion, second and vote to read the ordinance
- Attorney reads title
- Staff presentation
- Public Hearing opened
- Public discussion
- Public Hearing closed
- Commission motion and second to adopt
- Commission discussion
- Commission vote

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE 3, ENTITLED “LEGISLATIVE FORM OF GOVERNMENT,” AND IN PARTICULAR AMENDING SECTION 3.2 ENTITLED “CITY COMMISSION; COMPOSITION; ELIGIBILITY; ELECTION AND TERM OF OFFICE”; PROVIDING FOR REDISTRICTING FOR THE CITY EVERY TEN (10) YEARS FOLLOWING THE CENSUS; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT
OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2016 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

9. OTHER BUSINESS

a. **RESOLUTION: Sign Waiver - SWAV 16-01 - MATTRESS FIRM**
   McNab Road and Avon Lane Outparcel #5
   (New Walmart Plaza)
   - Motion, second and vote to read
   - Attorney reads title
   - Staff presentation (Tammy Reed-Holguin)
   - Commission motion and second to adopt
   - Commission discussion
   - Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR MATTRESS FIRM TO BE LOCATED AT MCNAB ROAD AND AVON LANE SPECIFICALLY OUTPARCEL FIVE OF THE WALMART DEVELOPMENT, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF A WALL SIGN THAT IS 56.7 SQUARE FEET IN SIGN AREA WHERE 50 SQUARE FEET MAXIMUM ARE ALLOWED BY SECTION 94-16 (C) (1) (a) AND DISPLAYS 28 INCH HIGH LETTERS FOR THE “M” AND “FIRM” AND 23 INCH HIGH LETTERS FOR “ATTRESS” WHERE A MAXIMUM OF 16 INCH HIGH LETTERS IS ALLOWED BY SECTION 94-16 (C) (1) (c) WITHIN A GENERAL BUSINESS (B-3) ZONING DISTRICT.

b. **RESOLUTION: Sign Waiver - SWAV 16-02**
   BURGER KING
   McNab Road and Avon Lane, Outparcel #5
   (New Walmart Plaza)
   - Motion, second and vote to read
   - Attorney reads title
   - Staff presentation (Tammy Reed-Holguin)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR TWO WALL SIGNS AND TWO MENU BOARDS WITH A SQUARE FOOTAGE OF 50.4 SQUARE FEET FOR BURGER KING TO BE LOCATED AT MCNAB ROAD AND AVON LANE SPECIFICALLY OUTPARCEL FIVE OF THE WALMART PLAZA, NORTH LAUDERDALE, FLORIDA, WHERE A MAXIMUM OF ONE WALL SIGN IS ALLOWED BY 94-16 (C) AND WHERE ONE MENU BOARD SIGN WITH A MAXIMUM OF 16 SQUARE FEET IS ALLOWED BY SECTIONS 94-14 (13) (a) and (b) WITHIN A GENERAL BUSINESS (B-3) ZONING DISTRICT.

10. REPORTS

11. COMMISSION COMMENTS

12. CITY MANAGER COMMENTS
   a. Upcoming Events
      - Employee Appreciation Day – Saturday, February 27 – 11:00-3:00
      - Broadview/Pompano Park Bazaar – Saturday, March 5 – 2:00-8:00

13. CITY ATTORNEY COMMENTS
   a. Certificate of Recognition to former Councilman Frank Del Vecchio

14. ADJOURNMENT
The North Lauderdale City Commission met at the Municipal Complex on Tuesday, February 9, 2016. The meeting convened at 6:00 p.m.

1. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Commissioner Wood gave the invocation and led the pledge.

2. **ROLL CALL** – Clerk called roll. All present.
   Mayor Jack Brady
   Vice Mayor David G. Hilton
   Commissioner Jerry Graziose
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. **APPROVAL OF MINUTES**
   a. **January 26, 2016** – Commissioner Wood moved to approve the Minutes as submitted. Seconded by Vice Mayor Hilton. Minutes approved unanimously by voice vote.

4. **PRESENTATIONS**
   a. **Davidson Fixed Income Management Report** – Glenn Scott, Chief Investment Officer for Davidson Fixed Income, 5313 Ghandi Drive, Boulder, CO, gave a PowerPoint presentation of the City’s Market Update and Portfolio Review which is a snapshot of how public funds are invested and regulated by state statute. A copy of the presentation is available in the City Clerk’s office.
5. **PROCLAMATIONS**

   a. **National African American History Month** – Clerk read Proclamation into the record recognizing February as National African American History Month with the theme “Hallowed Grounds: Sites of African American Memories”.

6. **PUBLIC DISCUSSION**

   **Dee Lewis Ricketts** – 1904 SW 84 Avenue – Ms. Ricketts showed pictures and voiced concerns that the Burnham Woods residents have regarding hazardous conditions of 1901 SW 83rd Avenue. She indicated that the house has been in a state of disrepair for over a year and the residents are concerned about safety of children playing near the building in the event it may collapse. She also asked if Code Compliance can address bulk trash that is being put out after collection and left at curbside until the next pickup day at 8207 SW 19th Street that is an eyesore. Mayor Brady and City Manager commented that Code will look into it and may have already cited these properties and they may be going through the magistrate process. Vice Mayor Hilton thanked Ms. Ricketts for coming and bringing up this item. He said his concern is that this house is on a corner with direct access to a pool and there are safety concerns. Tammy Reed-Holguin, Community Development Director, reported that there is a lien on the house which has been cited as a public nuisance and an abandoned property and will see if it needs to go to the next step as an unsafe structure.

7. **QUASI-JUDICIAL ITEMS**

   a. **SUBJECT:** Site Plan SPR 15-01  
   827 S State Road 7 (Off Lease Only)

   Final site plan approval to redevelop an existing commercial property, including the paving of 7.89 acres, new landscaping, building façade upgrades and customer parking lot improvements to operate a used car dealership in a General Business (B-3) zoning district.

   **APPLICANT:** Off Lease Only, Inc.

   Attorney Goren read the item and all interested parties were duly sworn. Tammy Reed-Holguin, Community Development Director, presented the item based on backup memorandum. She indicated that the preliminary site plan was approved by the City Commission on January 12, 2016, with direction to the applicant that they insure all conditions are met and tonight it is presented for final approval. Any previous violations must be brought into compliance and remain in compliance prior to opening for business. The applicant purchased the old Palm Pontiac car dealership from Calvary Chapel and will operate a pre-owned car dealership employing over 100 employees and are proposing renovations to the property including façade
improvements; landscaping upgrades; parking lot improvements and paving of the adjacent rear vacant lots for their inventory, requiring site plan approval. Ms. Reed-Holguin provided a PowerPoint presentation showing an aerial of the property highlighting the proposed site plan; project designs; proposed landscaping and a color rendering of the elevations. A copy of the PowerPoint is available in the City Clerk’s office. The business plan is for advertising the cars online and bringing cars into the bays to be seen by people wishing to purchase the cars. Ms. Reed-Holguin commented that some painting has already been done with the corporate color which has already been an improvement to the property. Ejola Cook, Chief Administrative Officer for the Applicant, was present and acknowledged that she has the authority to bind the Applicant to the eleven (11) conditions outlined in staff memorandum. Public hearing opened.

No one spoke. Commissioner Moyle asked about the drainage after all the paving with regard to pervious green area. Ms. Cook replied that they have been working with water management and the South Florida Water Management pre-con meeting has already been performed. They are in the midst of doing the engineering which takes this into consideration. Commissioner Moyle moved to approve the final site plan subject to the eleven (11) conditions outlined in staff memorandum. Vice Mayor Hilton seconded the motion. No Commission discussion. Motion passed unanimously by voice vote.

b. SUBJECT: Site Plan - SPR 15-03
1198 S State Road 7 (Circle K)

Final site plan approval to permit development of a Circle K gas station, and a 5,881 square foot convenience store in a General Business, (B-3) Zoning District.

APPLICANT: Bowman Consulting, Inc.

Attorney Goren read the item and all interested parties were duly sworn. Tammy Reed-Holguin, Community Development Director, presented the item based on backup memorandum. She indicated that on January 12, 2016 the City Commission approved the preliminary site plan with no additional recommendations. The applicant is proposing to build the Circle K on approximately .82 acres of land located on the east side of 441 north of SW 12th Street. The subject property is a combination of two formerly individually owned lots located at 1198 S. State Road 7 and 1190 S. State Road 7. Miami Subs located at 1198 will be demolished, and Dandy Wheels located at 1190 is also scheduled for demolition. The two lots will then be combined to build the new Circle K and then there is another portion of the lot that remains that will have a different development on it at some future time. Ms. Reed-Holguin presented a PowerPoint presentation, a copy of which is available in the City Clerk’s office, showing the proposed gas pumping stations and canopy fronting State Road 7 with the proposed store in the back of the site. The project includes landscaping features and colored awnings in a similar palette to the surrounding development. Water and sewer accommodations will be provided by the City of North Lauderdale. Staff recommends approval of the final site plan subject to the thirteen conditions outlined in the backup memorandum. Bill Pfieffer, Bowman Consulting, 401 East Las Olas Blvd., the applicant’s authorized agent stated that they have read and agree to the conditions outlined by staff. Commissioner Moyle asked when they anticipate completion and Mr. Pfieffer replied that permits have been applied for and they expect to break ground in 60-90 days.
days with a four month construction process. Public hearing opened. No one spoke. Commissioner Wood moved to approve the final site plan subject to the thirteen (13) conditions outlined in staff memorandum. Seconded by Commissioner Moyle. Motion passed unanimously by voice vote.

c. SUBJECT: Site Plan - SPR 15-08
AREN A SHOPPES (old Walmart site)
7300 W. McNab Road

Preliminary and final site plan approval to permit redevelopment of an existing shopping plaza in a Commercial, General Business, (B-2) Zoning District.

APPLICANT: Sebastian Roiter, Arena Capitol Holdings Co.

Attorney Goren read the item and all interested parties were duly sworn. Tammy Reed-Holguin, Community Development Director, presented the item based on backup memorandum. She indicated that Arena Capitol Holdings Co. is proposing to redevelop the old Walmart site located at 7300 W. McNab Road. The approximately 120,000 square foot site has been vacant for some time and redevelopment of this site will facilitate the opening of seven new retailers who will provide jobs and create activity in the center to support the other tenants. Ms. Reed-Holguin presented a PowerPoint presentation, a copy of which is available in the City Clerk’s office, showing an aerial view of the site. She indicated that the existing garden center will be demolished to accommodate visibility for three tenants on the northwest end of the building. Ross Department Store will be the anchor tenant and the other storefronts will be smaller retailers and a gym. There are currently 989 parking spaces, where 742 are required for this development. Attention has been given to on-site traffic circulation and improvements have been made with the addition of shopping cart corrals. Applicant is continuing to work with staff on an improved landscape plan. Some depth has been added to the façade by staggering the heights of the storefronts. The applicant is working on a master signage plan for the plaza and if any sign waivers are needed they will be brought back at a later time. The Development Review Committee met on December 15, 2015 and recommended approval of the preliminary and final site plan to the Planning and Zoning Board who met in a special meeting on January 28, 2016. The Planning and Zoning Board recommended approval to the City Commission with the addition of a new condition that was presented during their meeting, as explained in the memorandum. This condition was for the repair of a wall on the south end of the property between the commercial property and Player’s Place. Ms. Reed-Holguin stated that on subsequent review, they found that the wall does not belong to the Walmart property, but belongs to North Lauderdale Associates who owns the long building along the south end of the property. They have been cited and may have a lien running for the maintenance of that wall. Although the Planning and Zoning Board suggested this condition be added, it is not included for approval as it is not the applicant’s wall. Staff does recommend approval of the preliminary and final site plan for the redevelopment of this commercial property subject to the thirteen conditions listed in the backup memorandum. Mr. John Flynn, Grace Engineering, 5311 SW 87th Avenue, Cooper City, was present to represent the applicant. The owners and architect were also present. Mr. Flynn indicated that they are excited to get this project under way and thanked
the Community Development Department and Review Committee for the extensive time spent with the applicants to work out a site plan to bring to the Commission and asked for consideration and approval. Mr. Flynn stated that they have read and agree to the conditions outlined by staff in the backup memorandum. Public hearing opened. No one spoke. Commissioner Graziowe commented that six of the storefronts are named, but do they have the seventh? Mr. Flynn replied that they are still waiting for that last piece. Commissioner Wood asked about the anticipated dates and Mr. Flynn replied that they would like to start as soon as possible once the necessary permits are done and the anticipated goal is to be opened by the end of the year. Commissioner Graziowe moved to approve the preliminary and final site plan subject to the thirteen (13) conditions outlined in staff memorandum. Seconded by Commissioner Moyle. Motion approved unanimously by voice vote.

8. OTHER BUSINESS

a. RESOLUTION – Law Enforcement Trust Fund Purchases

Vice Mayor Hilton moved to read. Seconded by Commissioner Wood.

Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING THE RECOMMENDATION OF THE CITY ADMINISTRATION AND THE BROWARD SHERIFF’S OFFICE AND AUTHORIZING EXPENDITURE NOT TO EXCEED $46,500.00 FROM THE LAW ENFORCEMENT TRUST FUND FOR A DONATION TO THE NORTH LAUDERDALE RECREATION FOUNDATION AND THE NORTH LAUDERDALE BOYS & GIRLS CLUB; THE PURCHASE OF LAW ENFORCEMENT TACTICAL GEAR; AND SPONSORING AND FUNDING A “GUN-BUY BACK PROGRAM” AND PROVIDING AN EFFECTIVE DATE.

Captain Faer presented the item based on the backup memorandum. He stated he is seeking approval of a donation to the North Lauderdale Recreation Foundation of $25,000 from the Law Enforcement Trust Fund which comes from forfeiture funds to be used by children in the community for scholarships, summer programs and after-school programs. A donation of $5,000 is also being requested to be utilized as a donation to the North Lauderdale Boys and Girls Club for their programs which keep the youth productive, involved and out of the criminal justice system. Captain Faer also stated that they would like utilize $11,500 to purchase tactical equipment needed to address emergency crisis situations. Also, they would like to use $5,000 for a “Gun Buy Back Program” for North Lauderdale residents as an incentive to turn in unwanted guns to prevent them from getting lost or stolen. Commissioner Moyle moved to adopt. Seconded by Commissioner Wood. No Commission discussion. All in favor by voice vote.

RESOLUTION NO. 16-02-6262 PASSED AND ADOPTED UNANIMOUSLY
b. ORDINANCE – First Reading - Charter Amendment – Redistricting

Commissioner Wood moved to read. Seconded by Vice Mayor Hilton.
Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE 3, ENTITLED “LEGISLATIVE FORM OF GOVERNMENT,” AND IN PARTICULAR AMENDING SECTION 3.2 ENTITLED “CITY COMMISSION; COMPOSITION; ELIGIBILITY; ELECTION AND TERM OF OFFICE”; PROVIDING FOR REDISTRICTING FOR THE CITY EVERY TEN (10) YEARS FOLLOWING THE CENSUS; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2016 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Goren presented this item based on the backup memorandum and indicated that this matter was discussed at the last meeting. City Administration is about to engage FAU to provide for a redistricting analysis as required by the Charter. The Charter requires this to be done currently every four (4) years and by doing this every ten (10) years, following a decennial census review, it would result in a cost savings to the City. Attorney Goren stated that staff and administration recommends this ordinance for consideration and approval. Commissioner Moyle moved to adopt. Seconded by Commissioner Wood. All in favor by voice vote.

PASSED AND APPROVED UNANIMOUSLY ON FIRST READING

c. RESOLUTION - EMS Transport Accounts Receivable Write-Off

Commissioner Wood moved to read. Seconded by Vice Mayor Hilton.
Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO WRITE-OFF UNCOLLECTED EMERGENCY MEDICAL TRANSPORT CHARGES PRIOR TO OCTOBER 2010; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Susan Nabors, Finance Director, presented the item based on the backup memorandum. She indicated that they are requesting approval to write off some old EMS receivables from the period of October 1998 through September 2010. Back in 1998 we contracted with ADPI to do the EMS billings, which are for transports for medical care. Over that period of time, approximately $8.2 million was invoiced and about half of that was collected at $4.2 million. There is currently approximately $4 million that has not been collected for a number of reasons, including Medicare/Medicaid accounts which does not pay the full amount charged; some patients pass away; and approximately 30% of the transports are considered to be self-pay. Of the self-pays, approximately 3% are actually collected. Ms. Nabors stated approval is being sought to write off $4 million dollars which has already been reserved on the books so that there is no fiscal impact and will be a booking keeping entry. She indicated that this does not mean that they are forgiving the debt, but that if we do get payment or can collect from another source we will do that. **Commissioner Wood moved to adopt. Seconded by Vice Mayor Hilton. All in favor by voice vote.**

**RESOLUTION NO. 16-02-6263 PASSED AND ADOPTED UNANIMOUSLY**

d. **SUBJECT - Reinstatement and Extension of Site Plan 13-01 and Second Amendment to Repurchase Agreement for Habitat for Humanity**

Commissioner Wood moved to read. Seconded by Vice Mayor Hilton. Attorney read the item. He advised that the reason this item is coming before the Commission is that the Commission has approved this before and it is being presented for modification. Tammy Reed-Holguin presented the item based on the backup memorandum. She advised that Perry Ecton, the Executive Director of Habitat for Humanity is present this evening. The item presented is for consideration of two motions related to the Habitat for Humanity Townhouse project that is located at SW 74th Avenue and Kimberly Boulevard. The first motion is to approve the reinstatement and extension of Site Plan 13-01 that expired on January 15, 2016. The second motion is to approve a Second Amendment to the Repurchase Agreement between the City and Habitat for Humanity of Broward, Inc. extending the time to obtain Certificates of Occupancy on the proposed townhomes to September 30, 2017. Ms. Reed-Holguin reminded the Commission that in 2012, Habitat purchased three City owned lots and the common area. This property, located at the cul-de-sac of SW 74th and Kimberly, was escheated to the City from the County. Habitat’s purpose is to build townhomes for income eligible families. Site plan approval was obtained on July 15, 2014 and Habitat has been active in pursuing the building permits. As of writing of the backup memorandum, the permits have been approved and they are waiting to be issued. Because of the timing of the expiration a month ago, the Repurchase Agreement needs to be renewed for the issuance of the permits. Habitat informed that they have selected a contractor who is ready to pull permits. Ms. Reed-Holguin stated that since they have been actively pursuing building permits the Site Plan should be reinstated and there have been no changes in the Site Plan itself, which was previously approved. Also, when the property was sold to Habitat the City had a Repurchase Agreement that within a certain period of time they would build the townhomes and have certificates of occupancy issued or the City would have an option to repurchase the property for the same price that it was sold for. This was extended once before and Habitat is making progress and they fully intend to build the townhomes for the purpose that
it was slated, so staff is requesting Commission’s consideration to extend the Repurchase Agreement for the second time, extending it through September 30, 2017. Habitat feels that the project should be done several months before that and certificates of occupancy would be issued before that time. Perry Ecton, addressed the Commission stating that he has the authority to speak for the organization and thanks the Commission for their support. He advised of a similar project that Habitat just completed in Hallandale. Mr. Ecton said they are excited about bringing that replica here to North Lauderdale. They have selected a general contractor who is submitting documents and is ready to pull permits. Mr. Ecton reported that they have seven of the eight families that will be going into this build, and they are working on identifying the eighth family. He stated that the contractor feels that this is a 6-8 month build, but he feels that it may be a year, but they are excited to get started and assures the community and the City that they are ready to go forward. Motion No. 1) Commissioner Moyle moved to approve the reinstatement and extension of Site Plan 13-01. Seconded by Commissioner Wood. Motion passed unanimously by voice vote. Motion No. 2) Commissioner Moyle moved to approve the Second Amendment to Repurchase Agreement for Habitat for Humanity. Seconded by Vice Mayor Hilton. Motion approved unanimously by voice vote.

Commissioner Graziose asked Mr. Ecton if his organization looks into properties that are vacant or demolished for possible construction of houses. Mr. Ecton replied yes, they love working with the City and they have done four Neighborhood Stabilization Projects in North Lauderdale under the leadership of Tammy Reed-Holguin, and would like the opportunity of coming back as a partner with the City to rebuild and put families into homes. Commissioner Graziose commented on a lot where the home was torn down after Hurricane Wilma that has incurred a number of liens and asked if Habitat has the capability of working with agencies to remove those liens. Mr. Ecton replied that they do on City liens and County liens and have had some success; the largest being in Oakland Park on a bank owned foreclosed property where they were able to reduce a $4.5 million dollar lien to $50,000, and paid $100,000 to the bank and they are in the process of architectural design and completing that project. So, he said that it would be a meeting of the minds. Mr. Ecton spoke of projects in Collier County and Pompano they are currently in escrow with, and they would be happy to work with the City.

WALK ON ITEM:
SUBJECT – Awarding Contract for the Demolition and Disposal of 630 SW 80 Terrace – Bid #15-08-358

Commissioner Graziose moved to read. Seconded by Vice Mayor Hilton. Attorney read:

1. RESOLUTION – Accepting the bid quotes provided and recognizing Paragon Construction as the lowest and the most responsible, responsive bidder

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ACCEPTING THE EVALUATION OF BIDS FOR THE DEMOLITION AND DISPOSAL OF 630 SW 80 TERRACE RECOGNIZING PARAGON
CONSTRUCTION AS THE LOWEST AND THE MOST RESPONSIBLE, RESPONSIVE BIDDER; AND PROVIDING AN EFFECTIVE DATE.

Tammy Reed-Holguin, Community Development Director, stated that this is a townhouse project on SW 80th Terrace that has been in bad shape for a number of years and has gone through different ownerships, bankruptcy and a lot of reasons that the City was not able to move forward with addressing it until the past year. This item was prepared to come forward in November with the demolition of 137 San Remo, which was bid at the same time, but after checking just before the meeting, the ownership had changed once again. Therefore, the item had to be re-noticed to the new property owner and taken back to the Unsafe Structures Board for authorization to move forward with the demolition. Paragon, the low bidder, is continuing to honor their bid and staff is recommending to move forward with the contracting with them. Commissioner Moyle moved to approve. Seconded by Vice Mayor Hilton. All in favor by voice vote.

RESOLUTION NO. 16-02-6264 PASSED AND APPROVED UNANIMOUSLY

2. RESOLUTION - Authorizing the City Manager or her designee to enter into contract with Paragon Construction and issue a Purchase Order in an amount not to exceed $45,000 for the demolition and disposal

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH PARAGON CONSTRUCTION FOR THE DEMOLITION AND DISPOSAL OF 630 SW 80 TERRACE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Moyle moved to approve. Seconded by Commissioner Wood. All in favor by voice vote.

RESOLUTION NO. 16-02-6265 PASSED AND APPROVED UNANIMOUSLY

9. REPORTS

a. Update on Public Works Projects

Mike Shields, Public Works Director and George Krawczyk, Assistant Public Works Director, gave updates on the following projects:

- Water Tank – Structure is up; contractor coming back tomorrow to do piping work and is about two weeks away from being painted and banding is ordered. Water Plant project should be 100% complete by April.
- 17st Street Reconstruction – Nearly complete; some lighting fixtures came in damaged which delayed the project a little bit. Paving was finished last week; final striping due in 30 days. Traffic circulation seems to be doing well.
Kimberly Boulevard – A geo-tech company is on board to look at Kimberly Boulevard and as soon as that report is in, they will determine the best option; project should be started in early summer but they are not sure which end, east or west will be started first. Commissioner Graziose suggested they ask the School Board to assist in relocating any summer programs and this would be a good time to ask the County to replace some lights with the new solar models.

Waste Pro – They will be negotiating a renewal contract which will be brought back to Commission.

Lining of Basins – This project is continuing to reduce inflow and help out the sewer system.

10. COMMISSION COMMENTS

Commissioner Moyle - commented that he is pleased with the redevelopment going on and commended Administration and staff for all the improvements to the business community. He said we are going in the right direction and the residents should be happy as well.

Commissioner Wood – echoed the comments of Commissioner Moyle. Also commented on his attendance at the Cleveland Clinic event last night which was attended by other officials and communities and commented on a new cancer facility that houses 150 patients and the miraculous work they do. He said the City of Coral Springs will be designated to have a program which will have a Nurse Practitioner in a wagon that will be able to visit the elderly and will they will also have a standalone clinic. Commissioner Wood said he spoke with some of the doctors and introduced our City and they said they would work with us to get information to our residents that this facility is coming. Commissioner Wood also reported that the Honor Flight will have two flights coming up this year. He also thanked Mr. Sargis for the upcoming movie nights honoring Black History month.

Commissioner Graziose – commented that we are the only City that submitted a letter recommending improvements to Superintendent Runcie at the meet and greet last year. He said he is pleased to report that upon the recommendation to change the name of Coconut Creek High School, and based on a School Board Workshop he attended today, it may be submitted to the School Board Boundary Committee and may be changed to Coconut Creek Technical Academy. They will be setting up a magnet program which will cover medical, public service and law. Commissioner Graziose also commented that he suggested including an emergency management program. If this is approved at the Boundary meeting later this month it will start in August. All our students will be eligible to enroll in these magnet programs. North Lauderdale was recognized for passing a Resolution supporting the program. Also, Commission Graziose reported that of the students attending the Atlantic Technical Center magnet programs, they had a 100% graduation rate.

Mayor Brady – reminded the Commission of the ribbon cutting on Saturday February 13th at 10:45 am for the Burning Oak which is located in Shoppes of McNab.
11. CITY MANAGER COMMENTS

   a. City Manager reported the following upcoming events:

      • Presidents Day – Monday, February 15 – City Hall is Closed
      • Movie Nights on the Front Lawn of City Hall -
        o Friday, February 19 – Cool Runnings
        o Saturday, February 20 – The Tuskegee Airmen
        o Friday, February 26 – Selma
      • Leap Day 5K – Hampton Pines Park – Saturday, February 27 - 8:00 a.m.
      • Broadview/Pompano Park Bazaar – Saturday, March 5 – 2:00 p.m. to 9:00 p.m.

12. CITY ATTORNEY COMMENTS

   Attorney Goren thanked those who were able to attend the Ethics Training hosted in Tamarac on January 29th. He advised that he has been hired as the General Counsel for the Charter Review Commission who has a new Director, Carlos Verney, and will report updates as information becomes available.

13. ADJOURNMENT – There being no further business, the meeting adjourned at 7:22 p.m. and convened to the North Lauderdale Recreation Foundation meeting.

   Respectfully submitted,

   Patricia Vancheri, City Clerk
WHEREAS, The National Women’s History Month theme for 2016 honors women who have shaped America’s history and its future through their public service and government leadership; and

WHEREAS, throughout the country, we depend on effective leaders, innovators, and visionaries in the public sector, and this year we honor their service and dedication to the public good; and

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background continue to serve as leaders in the forefront of every major progressive social change movement; and

WHEREAS, often overlooked and undervalued, collectively women have dramatically influenced our public policy and the building of viable institutions and organizations, from championing basic human rights to ensuring access and equal opportunity for all Americans, they have led the way in establishing a stronger and more democratic country.

NOW, THEREFORE, We, the City Commission of the City of North Lauderdale, Florida hereby proclaim the month of March as

WOMEN’S HISTORY MONTH

and encourage all citizens to observe Women’s History Month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have sent my hand and seal this 23rd day of February, 2016.

_________________________________
MAYOR JACK BRADY
CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhaty, City Manager
BY: Tammy L. Reed-Holguin, Community Development Director
DATE: February 23, 2016
SUBJECT: Site Plan - SPR 15-06
BURGER KING/ MATTRESS FIRM
McNab Road and Avon Lane, Outparcel #5 (New Walmart Plaza)

Final site plan review to permit development of a Burger King restaurant (2,402 square feet building) and a MattressFirm retail store (3,982 square feet building) in a General Business, (B-3) Zoning District.

APPLICANT: ERIK WILCZEK

Tonight we are presenting the final site plan for Burger King and MattressFirm who are proposing to build a combined storefront on approximately 1.2 acres of land located on the south side of McNab Road, west of Avon Lane. The subject property is an outparcel (No. 5) on the newly developed Walmart site. This item was approved on January 26 for the preliminary site plan with direction from Commission to incorporate a new condition.

In an effort to build a project consistent with the City’s plan for the McNab Road Commercial Redevelopment Overlay District; the applicant has included several features to enhance the proposed stores that would complement the existing Walmart. The project will include additional islands to provide more landscape features, colored awnings, an arched façade and a color pallet similar to the new Walmart.

As presented at the last meeting, the proposed building will be split for a Mattress Firm showroom and a Burger King restaurant. The bays will be utilized with 2,402 square feet allocated to the Burger King restaurant and 3,982 square feet to MattressFirm. There is no outdoor seating on the Burger King site and MattressFirm has stated that there will be no storage of inventory on-site and that this location will be a showroom store only. The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.

The Development Review Committee met on December 3rd, 2015 and after considerable review and discussion by the committee, staff recommended approval of the preliminary and final site plan to the Planning and Zoning Board.

The Planning and Zoning Board met on January 5th, 2015 and unanimously recommended approval of the proposed the site plan to the City Commission.
The City Commission approved the preliminary site plan on January 26, 2016 and requested that a condition be added to prohibit the parking of delivery trucks on-site. The applicant stated that this storefront is a showroom only and agreed to the new condition. It has been incorporated into the conditions of site plan approval.

Staff has also continued to work with the applicant on the façade of the building, not only in terms of the signage but also to incorporate additional features from the existing Walmart building. Sign waivers are still being requested for both businesses and are also being presented for consideration tonight.

Administration recommends approval of the final site plan subject to the conditions listed in this memorandum.

**Recommendation:**
If the City Commission concurs with this recommendation from Administration, a motion is in order for approval of the final site plan subject to the following conditions:

1. The applicant shall comply with applicable City Codes and Florida Building Codes.

2. All terms, conditions and provisions imposed by the Planning and Zoning Board, City Commission, DRC and Staff including all life, health and safety Codes pertaining to this development shall be met prior to the issuance of building permits.

3. The DRC, Planning and Zoning Board and City Commission reserve the right to impose any additional requirements deemed necessary during subsequent approval reviews.

4. Copies of all applicable permits and approvals by other regulatory agencies shall be provided to the City prior to issuance of building permits.

5. All conditions required by Code and/or set forth by the City engineer shall be met.

6. In the event that any problems arise, as a result of the operation of this establishment, such as noise, parking, traffic, and/or other nuisances, the applicant shall make all improvements required to mitigate these nuisances so as not to negatively impact adjacent areas.

7. Photometric Plan approval by staff is required.

8. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit detailed landscaping plans for landscaping permit.

9. Prior to the issuance of building permits, the applicant shall provide a written verification that all County impact fees associated with this project have been paid.
10. Prior to the issuance of the Certificate of Occupancy by the City Building Department, the applicant shall pay all applicable assessment and impact fees to the City.

11. Staff will continue to work with the applicant to make sure the color palette is consistent with the existing look of the plaza and that the façade of the building incorporates an arched architectural feature to mirror the existing structures on the site prior to issuance of the building permit.

12. If necessary, proper easements will be dedicated to the City of North Lauderdale.

13. No delivery trucks may be parked overnight on the property and there will be no delivery trucks used for customer pick-up or drop off.
December 18, 2015

City of North Lauderdale
Community Development Department
444 SW 2nd Ave., 8th Floor
Miami, FL 33130

RE: Outparcel No. 2

Dear Sir/Madam,

I am writing this letter on behalf of Preferred Developers, LLC regarding the outparcel #2 project at the Walmart on McNab Road. Please accept this letter as a request to review our plans for site plan approval.

The proposed project includes the development of a single story, two tenant retail building with a square footage of 6,400. The development includes parking, landscaping, drive aisles, a drive through lane, dumpster enclosure, and utility connections.

The restaurant will be open 7 days a week, 365 days (we will open Christmas Day if there is a demand). The hours of operation for the restaurant will be:

- Mon-Thu 6am-12am
- Fri-Sat 6am-2am
- Sun 7am-12am

Both tenants will employ approximately 35-40 total employees.

Thank you for your consideration and please contact me if you have any questions or need additional information.

[Signature]

Erik Wilczek, P.E. (FL)
Project Manager
Keen Engineering Inc.
UPDATE: At the City Commission Meeting on February 9, 2016, the City Commission voted unanimously to approve the attached Ordinance on first reading. The Ordinance is being presented tonight for consideration on second reading and final adoption.

As a follow-up to the January 12, 2016 City Commission meeting, the City Attorney’s Office has drafted an ordinance proposing an amendment to the City Charter which would require the City to redistrict every ten (10) years following the decennial census. If adopted by the City Commission, the item would appear as a referendum question on the November 8, 2016 general election ballot.

Section 3.2(e) of the City Charter currently requires the City to engage a four-year college or university to redistrict every four (4) years, commencing in July 2004. The City is currently undergoing a redistricting analysis pursuant to this section. Based on recent City Commission discussions and conversations with the City Administration, the City Attorney’s Office has prepared the attached ordinance, which proposes to redistrict every ten (10) years following the decennial census, or sooner if required by law. The City would still be legally required to engage an independent college or university to perform this function.

The City Attorney’s Office and the City Administration have reviewed the current and expected development within the City and do not anticipate any significant population shifts. The proposed Charter amendment language is consistent with the process and procedures that a number of other municipalities are either considering or have recently adopted.

Please let us know if there is any additional information that we can provide.
ORDINANCE NO. ________________________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE 3, ENTITLED “LEGISLATIVE FORM OF GOVERNMENT,” AND IN PARTICULAR AMENDING SECTION 3.2 ENTITLED “CITY COMMISSION; COMPOSITION; ELIGIBILITY; ELECTION AND TERM OF OFFICE”; PROVIDING FOR REDISTRICTING FOR THE CITY EVERY TEN (10) YEARS FOLLOWING THE CENSUS; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2016 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of North Lauderdale, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Council of the City of North Lauderdale, Florida, in an ordinance format; and

WHEREAS, the City Commission has recommended modifications to Article III, “Legislative Form of Government,” and in particular has recommended the amendment of Section
3.2, “City Commission; Composition; Eligibility; Election and Term of Office” to provide for city-wide redistricting every ten (10) years; and

WHEREAS, the City Commission deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article III, entitled “Legislative Form of Government,” shall be revised by amending Section 3.2 entitled “City Commission; Composition; Eligibility; Election and Term of Office” of the Charter of the City of North Lauderdale, as follows:

Section 3.2 City Commission; composition; eligibility; election; and term of office; and redistricting

(e) Geographic boundaries shall be designated, prepared and identified not later than the first day of July, 2004, and every four (4) years thereafter by contract to the City of North Lauderdale with a four-year college or university or education research institution located within the State of Florida to be selected by the City Council [Commission] of the City of North Lauderdale, Florida. The election districts shall be of equal population, compact, proportional and logically related to the natural internal boundaries of the neighborhoods within the City. The principal of nondiscrimination and one man/one vote shall be adhered to strictly. In the event no candidate qualifies for election for any designated election district seats, then a special qualifying period shall be opened for five (5) calendar days after the close of the regular qualifying period and anyone from anywhere within the City may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.
(e) Redistricting: Following the decennial census in 2020, and every ten (10) years thereafter, or sooner if it is determined by the Commission that districts shall have become unbalanced due to population shifts, the City Commission shall contract with an accredited four (4) year college or university located within the State of Florida for the purpose of identifying and designating the four (4) election districts within the City of North Lauderdale. The City Commission shall adopt the redistricting plan as designated, provided that the plan incorporates the principles of nondiscrimination and fairness. In the event an elected commission member no longer resides in the district from which he or she is elected as a direct result of the revisions to district boundaries in accordance with this section, that Commission member shall complete his or her term. Nothing contained within this section shall be construed to alter residence requirements for any candidate including incumbents, during subsequent regular elections. In the event no candidate qualifies for election for any designated election district seats, then a special qualifying period shall be opened for five (5) calendar days after the close of the regular qualifying period and anyone from anywhere within the City may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.

Section 3. The Ballot Title shall be as follows:

TIMEFRAME FOR REDISTRICTING THE CITY OF NORTH LAUDERDALE

Section 4. At the General Municipal Election on November 8, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the City of North Lauderdale, Florida, and shall read as follows:

The City Charter currently requires the City to redistrict every four (4) years. In an effort to remain consistent with state and federal voting district boundaries, should the Charter be amended to require the City to conduct a redistricting analysis and provide for redistricting every 10 years following the decennial census, or sooner, if mandated by law?

This proposed Charter amendment will have no financial impact to the City.

YES ☐ NO ☐
Section 5. Advertisement. The City Clerk of the City of North Lauderdale is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of North Lauderdale, Florida, as well as the State of Florida Election Code.

Section 6. Codification. It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading by the City Commission of the City of North Lauderdale, Florida the 9th day of February, 2016.
PASSED and ADOPTED on second reading by the City Commission of the City of North Lauderdale, Florida this _____ day of ____________________, 2016.

APPROVED AS TO FORM:

___________________________________
CITY ATTORNEY SAMUEL GOREN

___________________________________
MAYOR JACK BRADY

___________________________________
VICE MAYOR DAVID G. HILTON

ATTEST:

___________________________________
PATRICIA VANCHERI, CITY CLERK
CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhatty, City Manager
BY: Tammy L. Reed-Holguin, Community Development Director
DATE: February 23, 2016
SUBJECT: Sign Waiver SWAV 16-01
MATTRESS FIRM
McNab Road and Avon Lane Outparcel #5 (New Walmart Plaza)

To allow a wall sign with 28 inch tall letter “M” and “FIRM” capital letters and to allow “attress” with 23 inch tall letters whereas 16 inch tall letters are permitted by code Section 94-16 (c) (1) (c) and that the same wall sign is 56.7 square feet where 50 square feet is permitted by Section 94-16 (c) (1) (a) of the City code within a B-3 General Business zoning district.

APPLICANT: Deena Pacelli Gray, Esq., Greenspoon Marder Law

Background

Burger King and MattressFirm are proposing to build a combined storefront on approximately 1.2 acres of land located on the south side of McNab Road, west of Avon Lane. The subject property is one outparcel on the newly developed Walmart site. The City Commission recommended approval of the preliminary site plan on January 26, 2016, however the sign waiver requests were not submitted in time for consideration. Tonight the Commission considered approval of the final site plan in conjunction with the sign waiver requests for both businesses. The space occupied by MattressFirm is shown as 50 linear feet of the total building frontage. MattressFirm is requesting a wall sign with 23 inch high lowercase letters “attress,” 28 inch high capital letter “M” and “FIRM” where 16 inch letters are permitted by Code. The applicant is also requesting a waiver on the size of the sign since the sign is 56.7 square feet, where 50 square feet is permitted by Code.

The applicant indicated that approval of this request is necessary to business operations and would provide favorable exposure to their business along the McNab Road corridor. This storefront is located adjacent to McNab Road, approximately 125 feet from the roadway. The specific details of the request are contained in the attachments and made a part of this report.

Section 94-43 of the sign code makes a provision where the City recognizes that the commercial areas located adjacent to McNab Road and Rock Island are established business areas serving a regional population base and that certain requirements of the sign code may not be applicable.
The City Commission, therefore upon recommendation of the Planning and Zoning Board, may waive the requirements of the sign code.

It is always the staff’s objective to review any application in the best interest of business viability and success. Staff also has the responsibility to review the aesthetic and other impacts of any signage in the City.

The criteria that staff uses to consider sign waivers include how far the business sits from the roadway, if there are any obstructions to see the store from the road, if signage other than the wall sign is available and can be used additionally, and if the larger letter size does not increase the size of the sign beyond that which is allowed by Code in terms of square footage. In the case of Mattress Firm, the business sits 125 feet from McNab Road, there are no site obstructions and there is no history of approved sign waivers for larger letters that create the need for a waiver of square footage also. There is a monument sign on the property that may have advertising space available to allow additional exposure.

Historically, sign waivers have been approved for larger letters only where the sign size remained within the amount of available square footage. For example, the Autozone sign in the same plaza has 30” high letters but their total sign square footage did not exceed the size permitted by Code. Also, Autozone is a much larger store and their sign is proportional to the area of the storefront.

On February 2nd, 2016 the Planning and Zoning board met and approved of the sign waiver request for recommendation of approval to the City commission.

**Recommendation:**
Staff acknowledges that the proposal before you tonight is a revision of the applicant’s original request which was for a much larger sign and that the applicant has worked diligently with staff to reduce the size and letter heights. However, the waiver request is still not within the parameters that have been historically approved. The letter size requested creates a sign that is larger than the square footage allowed by Code. The burden of justification for additional square footage and letter height lies with the applicant.

**Motion**
Should the City Commission concur with the applicant’s request and the Planning and Zoning Board’s recommendation and find that the proposed sign would benefit the business, then a motion is in order to grant waivers for the letter size and the square footage of the wall sign. The recommendation would be subject to the condition that all applicable codes of the City regarding the installation of signs shall be adhered to and the terms, conditions and provisions imposed by the City Commission, Planning and Zoning Board, and staff shall be met.
RESOLUTION NO. __________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR MATTRESS FIRM TO BE LOCATED AT MCNAB ROAD AND AVON LANE SPECIFICALLY OUTPARCEL FIVE OF THE WALMART DEVELOPMENT, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF A WALL SIGN THAT IS 56.7 SQUARE FEET IN SIGN AREA WHERE 50 SQUARE FEET MAXIMUM ARE ALLOWED BY SECTION 94-16 (C) (1) (a) AND DISPLAYS 28 INCH HIGH LETTERS FOR THE “M” AND “FIRM” AND 23 INCH HIGH LETTERS FOR “ATTRESS” WHERE A MAXIMUM OF 16 INCH HIGH LETTERS IS ALLOWED BY SECTION 94-16 (C) (1) (e) WITHIN A GENERAL BUSINESS (B-3) ZONING DISTRICT.

WHEREAS, Section 94-43, of the City's Sign Code, allows the City Commission the option to waive the requirements of the sign code relating to commercial areas adjacent to Rock Island Road, Southgate Boulevard, State Road 7, McNab Road and S.W. 81st Avenue; and

WHEREAS, MattressFIRM is located at the new Wal- MART plaza on McNab Road and Avon Lane, Outparcel number 5 as shown in figure A, North Lauderdale, Florida; and

WHEREAS, MattressFIRM feels that the provisions of the sign code for letter size and overall square footage allowed on a wall sign is inadequate for their needs; and

WHEREAS, MattressFIRM, is requesting a sign waiver to allow the installation and maintenance of a wall sign with 28 inch high letters for the “M” and “FIRM” and 23 inch high letters for the “attress” whereas a maximum of 16 inch high letters are allowed by section 94-16 (C) (1) (c); and

WHEREAS the proposed sign is 56.7 square feet where 50 square feet are allowed per Section 94-16 (C)(1)(a) within a General Business (B-3) zoning district; and

WHEREAS, the Planning and Zoning Board recommended approval of said request at their meeting on February 2nd, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:

Section 1: That the waiver of the sign code be and the same are hereby granted to MattressFIRM to allow the installation and maintenance of a wall sign with 28 inch high letters “M” and “FIRM” and 23 inch high letters “attress” whereas a maximum of 16 inch high letters are allowed by Section 94-16 (C) (1) (c) within a General Business (B-3) Zoning District.
Section 2: That the waiver of the sign code be and the same are hereby granted to MattressFIRM to allow the installation and maintenance of a wall sign 56.7 square feet whereas a maximum of 50 square feet are allowed by Section 94-16 (C) (1) (a) within a General Business (B-3) Zoning District.

Section 3: That the waiver granted by this Resolution shall not excuse the applicant from compliance with each and every term, condition and provision of the City's Sign Code, the Code of Ordinances of the City of North Lauderdale, Florida, the conditions outlined in the staff’s memorandum for approval, as well as the obtainment of the necessary permits.

Section 4: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 23rd day of February 2016.

APPROVED AS TO FORM:

______________________________
CITY ATTORNEY SAMUEL GOREN

___________________________
MAYOR JACK BRADY

___________________________
VICE MAYOR DAVID HILTON

ATTEST:

______________________________
CITY CLERK PATRICIA VANCHERI
**CHANNEL LETTERS W/BACKPLATE - RACEWAY MOUNT**

**QTY:** 1

**SPECs:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>LETTER BACK</td>
<td>3/4&quot; Acrylic, White</td>
</tr>
<tr>
<td>SMOOTH FACE</td>
<td>3/4&quot; Acrylic, 2015 Veiled/Backlit</td>
</tr>
<tr>
<td>TALKER</td>
<td>Jameson - Black</td>
</tr>
<tr>
<td>REVERSAL</td>
<td>3&quot; Black Acrylic</td>
</tr>
<tr>
<td>BACK</td>
<td>Acrylic Backer</td>
</tr>
<tr>
<td>LETTER HEEL</td>
<td>LED - White</td>
</tr>
<tr>
<td>SMOOTH HEEL</td>
<td>LED - White</td>
</tr>
<tr>
<td>IDENTIFICATION</td>
<td>Acrylic / Black</td>
</tr>
</tbody>
</table>

**NOTES:**
- If not otherwise specified, 3/4" thick acrylic letters shall be used unless indicated in the site instruction of DWH.
- See Cut Sheet, Raceway Mount Text Only application for backup/backup letters or back up.

**50'-0''**

**OVERLAY:**
- Overlays are for illustrative purposes only. Final result, size of sign, & scale may vary slightly.

**Site and dimensional info provided by customer. Field survey is required prior to fabrication. Size/Style of signs may be subject to change based on final measurements & code restrictions.**

**SPECIAL NOTE:**
- Per client email, max allowed letter height increased to 28''. Only calculate letters for area of sign; omit logo & backer.

**SF AS SHOWN (Letters only) - 490.0 SF**
**SF AS SHOWN (Letters & logo) - 567.0 SF**
**MAX SF ALLOWED - 50 SF**
**MAX LETTER HEIGHT ALLOWED - 28''**

Size constrained by - Code
January 7, 2016

To Whom It May Concern:

We hereby authorize Greenspoon Marder, P.A. to act as agents in connection obtaining governmental permits and approvals necessary for the property located in North Lauderdale, Florida, commonly known as Outparcel 2 containing 1.20 acres.

Sincerely,

WAL-MART STORES EAST/LP

By:

[Signature]

ITS: Director of Land Development

DATE: 1/7/16

STATE OF )

COUNTY OF ) ss

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by [Name], who is personally known to me or who has produced [Known to me] as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of January, 2016.

[Signature]

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires 9/16/25
EW North Lauderdale, LLC
2875 NE 191 Street, Suite 800
Aventura, Florida 33180

December 31, 2015

To Whom It May Concern:

We hereby authorize Greenspoon Marder, P.A. to act as agents in connection obtaining governmental permits and approvals necessary for the property located in North Lauderdale, Florida.

Sincerely,

EW North Lauderdale, LLC

By: Rod Sheldon, mg.

STATE OF FLORIDA

COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Rod Sheldon, who has produced FL DRIVER LICENSE as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of DECEMBER, 2015.

Notary Public

MIRANDA SCOTT
Typed, printed or stamped name of Notary Public

My Commission Expires:

MIRANDA L. SCOTT
Commission # FF 936693
My Commission Expires November 17, 2019
SIGN WAIVER NARRATIVE/JUSTIFICATION

MATTRESS FIRM SIGN

Burger King and Mattress Firm are proposed tenants in a proposed two tenant building on the property within folio number 4941-11-28-0024 which is generally located near the southwest corner of McNab Road and Avon Lane ("Property") in the City of North Lauderdale ("City"). Burger King will be located in 2,402 square feet of fast food restaurant space. Mattress Firm will be located in 3,582 of retail space. Each Tenant is requesting sign waivers from the City's Code of Ordinances ("Code") pursuant to Chapter 94 of the Code to accommodate the necessary signage for the proposed store and restaurant through separate sign waiver applications. Mattress Firm is requesting the following waivers from the sign Code:

1. A waiver from the maximum sign area in square footage allowed for the front façade. Applicant is requesting 56.7 square feet (as shown on the attached front elevation of the sign plan) where Section 94-16(c)(1)(a) of the Code allows 50 square feet.

2. A waiver from the maximum height of the sign lettering. Applicant is requesting a maximum sign lettering height of 28 inches (as shown on the attached front elevation of the sign plan) where Section 94-16(e)(1)(c) of the Code allows a maximum of 16 inches.

The City recognizes that the commercial and industrial areas located adjacent to McNab Road have established business areas serving a regional population base and in which certain requirements of Chapter 94 of the Code may not be applicable and that the City may waive these requirements. As a result of the Property being surrounded by and in close proximity to commercial businesses and industrial uses with similar signage along McNab Road, the requested sign waivers would be in harmony with the general purposes of the Code and would not be contrary to the public interest, health, welfare, or morals taking into account the character and use of buildings in the vicinity along McNab Road and traffic conditions in the vicinity. The requested sign waivers for the proposed Mattress Firm is compatible with the surrounding buildings, zoning districts and uses. Special care has been exercised by the Applicant to provide Mattress Firm with signage that identifies them in an easily visible manner. As such, the requested sign waivers are
directly in harmony with the general purposes of the zoning ordinances of the City and are also in harmony with the neighboring community.

The main function of signage is to allow for passing motorist to easily view the signs while causing the least amount of distraction. The best way to achieve this goal is to factor in the size of the building and distance from the adjacent road and then design signage that is large enough to accomplish that goal. The Applicant has hired a sign consultant to take all of the necessary factors into consideration while designing the proposed signage for the building. The Applicants' sign consultant has designed the proposed signs in such a way that they can be seen by passing motorist that will not cause hazardous conditions which will result if signs are too small to be easily read from the adjacent right-of-way. Moreover, the requested sign waivers will greatly enhance motorist safety due to increased visibility, legibility, and compatibility with one another.

Mattress Firm has created a successful model within their respective companies and throughout the country with regard to signage. Mattress Firm utilizes uniform signs, in terms of, size, area, height, font types, and sign materials on a vast majority of their stores. This uniformity practice increases sign recognition and brand recognition for Mattress Firm stores throughout the country. Sign recognition is extremely important for enhanced motorist safety due to increased visibility and legibility. The Mattress Firm customers across the country have become accustomed to the identifying signs that the Mattress Firm is requesting for this North Lauderdale location. The requested signage allows customers and passing motorist to quickly and efficiently identify the Mattress Firm while causing the least amount of distraction. Quick and efficient store recognition substantially enhances motorist safety and greatly improves traffic circulation in the parking area. Sufficient signage is anticipated to result in a more successful business for the Mattress Firm which will also benefit the economic impacts of the City.

Mattress Firm has requested the minimum waivers necessary to effectively and safely direct motorist to the building and the signs otherwise comply with the requirements of the Code. Additionally, any alleged hardship has not been self-created by any person having an interest in the Property nor is it the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the City. The City’s Code does not have regulations that allow for the necessary signage of the Mattress Firm. Therefore, it is necessary for the Applicant to request these waivers which will permit the safest and most effective signage for the building. The aforementioned general justification applies to all of the waivers requested for Mattress Firm.
CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Tammy Reed-Holguin, Community Development Director

DATE: February 23, 2016

SUBJECT: Sign Waiver SWAV 16-02  
BURGER KING  
McNab Road and Avon Lane, Outparcel #5 (New Walmart Plaza)

To allow:
- Two menu boards with 50.4 square feet in area and one Order Confirmation Unit whereas a maximum of one menu board sign with 16 square feet in area is allowed per Section 94-14 (13) (a), (b)
- Two wall signs totaling 19.62 square feet where one wall sign is allowed by section 94-16 (c) within a Community Business (B-3) Zoning District.

APPLICANT: Deena Pacelli Gray, Esq., Greenspoon Marder Law

Background

Burger King is proposing to build a combined storefront with MattressFirm on approximately 1.2 acres of land located on the south side of McNab Road, west of Avon Lane. The subject property is an outparcel on the newly developed Walmart site. The City Commission recommended approval of the preliminary site plan on January 26, 2016, however the sign waiver requests were not submitted in time for consideration. Tonight the Commission considered approval of the final site plan in conjunction with the sign waiver requests for both businesses. Burger King is requesting three sign waivers; one for number of wall signs, one for the number of menu boards and one for size of menu boards.

Burger King’s store front is 30 feet in width which would allow them 30 square feet in sign face area. The size of the proposed wall signs and the lettering on the signs meets the Code, however, Burger King is proposing two wall signs totaling 19.62 square feet where only one wall sign is allowed by Code 94-16 C. Additionally, the applicant is requesting two menu board signs where only one menu board sign is allowed and a total
of 50.4 square feet of menu board signage is being proposed where 16 square feet is allowed by Code Section 94-14 (13 a & b). The requested waivers are summarized in the table below.

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Required</th>
<th>Proposed</th>
<th>Waiver Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article I, Section 94-14 (13) (a) &amp; (b) Menu Board</td>
<td>(a) Such signs shall be limited to one per restaurant.</td>
<td>(a) Two (2) Menu Board Signs;</td>
<td>(a) One additional menu board sign for total of 2.</td>
</tr>
<tr>
<td></td>
<td>(b) Such signs shall not be permitted to exceed 16 square feet in area.</td>
<td>(b) One sign 31.92 sq. ft. and one 18.48 sq. ft. for a total of 50.4 square feet and OCU unit.</td>
<td></td>
</tr>
<tr>
<td>Article I, Section 94-16(c). Wall signs for B-3 zoning districts</td>
<td>(a) One wall sign is permitted except when the place of business faces two major thoroughfares</td>
<td>Front Elevation: Round Wall Sign 3ft East Elevation: Round Wall Sign 4 Ft</td>
<td>(a) One additional wall sign facing interior driveway; not major roadway.</td>
</tr>
</tbody>
</table>

The applicant indicated that approval of this request would provide favorable exposure to their business along the McNab Road corridor. The specific details of the request are contained in the attachments and made a part of this report.

Section 94-43 of the sign code makes a provision where the City recognizes that the commercial areas located adjacent to McNab Road are established business areas serving a regional population base and that certain requirements of the sign code may not be applicable. The City Commission, therefore upon recommendation of the Planning and Zoning Board, may waive the requirements of the sign code.

It is always the staff’s objective to review any application in the best interest of business viability and success. Staff also has the responsibility to review the aesthetic and other impacts of any signage in the City.

The applicant has worked diligently with City staff to create signage that will meet the needs of the business yet conform to City Code as closely as possible. They have reduced the square footage of the proposed walls signs so the size falls well within the limits of the code. They are proposing 19.62 square feet where 30 square feet are allowed and the lettering size also falls within the parameters of the Code. They are requesting that they be allowed two wall signs although they do not face two major roadways as is normally the criteria. The second wall sign is on the east side of the building facing the interior driveway and will provide exposure to drivers travelling west on McNab Road or entering the plaza.

In addition, the applicant is requesting two more sign waivers related to their menu boards. The first is to allow two menu boards where one menu board is allowed. The second sign
waiver is regarding the total square feet of menu board signage. They are requesting one menu board that is 31.92 sq. ft. and a second that is 18.48 sq. ft. for a total of 50.4 square feet where a maximum of 16 square feet in area and one menu board sign is allowed by code. Their justification is that the double menu boards and order confirmation unit (OCU) will accommodate the drive through. Staff concurs that the signage will facilitate traffic movement and access through the property while being aesthetically pleasing.

The Planning and Zoning board met on February 2, 2016 and recommended approval of the item to the City Commission.

**Recommendation:**
It is staff’s determination that the three sign waivers requested by the applicant are the minimum required to provide adequate exposure for the business and that the request will not create public welfare issues or injuries to other properties or improvements in the vicinity and it will benefit the business and its customers.

**Motion**
If the City Commission concurs with the applicant’s request, staff’s determination and the recommendation of the Planning & Zoning Board, then a motion is in order to approve waivers for the proposed signs subject to the condition that all applicable codes of the City regarding the installation of signs shall be adhered to and the terms, conditions and provisions imposed by the City Commission, Planning and Zoning Board, and staff shall be met.
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR TWO WALL SIGNS AND TWO MENU BOARDS WITH A SQUARE FOOTAGE OF 50.4 SQUARE FEET FOR BURGER KING TO BE LOCATED AT MCNAB ROAD AND AVON LANE SPECIFICALLY OUTPARCEL FIVE OF THE WALMART PLAZA, NORTH LAUDERDALE, FLORIDA, WHERE A MAXIMUM OF ONE WALL SIGN IS ALLOWED BY 94-16 (C) AND WHERE ONE MENU BOARD SIGN WITH A MAXIMUM OF 16 SQUARE FEET IS ALLOWED BY SECTIONS 94-14 (13) (a) and (b) WITHIN A GENERAL BUSINESS (B-3) ZONING DISTRICT.

WHEREAS, Section 94-43, of the City's Sign Code, allows the City Commission the option to waive the requirements of the sign code relating to commercial areas adjacent to Rock Island Road, Southgate Boulevard, State Road 7, McNab Road and S.W. 81st Avenue; and

WHEREAS, Burger King is located at the new Wal-Mart plaza on McNab Road and Avon Lane, Outparcel number 5, as shown in Figure A, North Lauderdale, Florida; and

WHEREAS, Burger King feels that the provisions of the sign code for letter size and overall square footage allowed on a wall sign is inadequate for their needs; and

WHEREAS, Burger King, is requesting a sign waiver to allow the installation and maintenance of two menu board signs where one is allowed per sections 94-14 (13) (a); and

WHEREAS, the proposed menu board signs are a total of 50.4 square feet where a maximum of 16 square feet is allowed per Section 94-14 (13) (b) within a Community Business (B-3) zoning district; and

WHEREAS, Burger King is also requesting two wall signs where a maximum of one wall sign is allowed by Section 94-16 (C); and

WHEREAS, the Planning and Zoning Board recommended approval of said request at their meeting on February 2nd, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:
Section 1: That the waiver of the sign code be and the same is hereby granted to allow two wall signs where a maximum of one wall sign is permitted by Section 94-16 (C) within a General Business B-3 zoning district.

Section 2: That the waiver of the sign code be and the same is hereby granted to allow two menu board signs with a total square footage of 50.4 square feet, whereas one menu board sign is permitted by Section 94-14 (13) (a) and 16 square feet maximum is allowed by 94-14 (13) (b) within a General Business (B-3) zoning district.

Section 3: That the waiver granted by this Resolution shall not excuse the applicant from compliance with each and every term, condition and provision of the City's Sign Code, the Code of Ordinances of the City of North Lauderdale, Florida, the conditions outlined in the staff's memorandum for approval, as well as the obtainment of the necessary permits.

Section 4: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 23rd day of February 2016.

APPROVED AS TO FORM:

______________________________
CITY ATTORNEY SAMUEL GOREN

______________________________
MAYOR JACK BRADY

______________________________
VICE MAYOR DAVID HILTON

ATTEST:

______________________________
CITY CLERK PATRICIA VANCHERI
SIGN WAIVER NARRATIVE/JUSTIFICATION

BURGER KING

Burger King and Mattress Firm are proposed tenants in a proposed two tenant building on the property within folio number 4941-11-28-0024 which is generally located near the southwest corner of McNab Road and Avon Lane ("Property") in the City of North Lauderdale ("City"). Burger King will be located in 2,402 square feet of fast food restaurant space. Mattress Firm will be located in 3,982 of retail space. Each Tenant is requesting sign waivers from the City's Code of Ordinances ("Code") pursuant to Chapter 94 of the Code to accommodate the necessary signage for the proposed store and restaurant through separate sign waiver applications. As shown on the attached sign plans, Burger King is requesting the following waivers from the sign Code:

1. A waiver from the maximum number of menu board signs allowed per restaurant. Applicant is requesting two menu boards and one digital Order Confirmation Unit ("OCU") where Section 94-14(13) allows one menu board per restaurant.

2. A waiver from the maximum square footage allowed for menu board signs. Applicant is requesting 31.92 square feet (an additional 15.92 square feet) for the main menu board and 18.48 square feet (an additional 2.48 square feet) for the preview menu board and one digital OCU where the Section 94-13(b) allows a maximum of 16 square feet.

3. A waiver from the maximum number of wall signs allowed. Applicant is requesting 2 wall signs which are "Burger King" logo signs where Section 94-16(c) allows for one wall sign.

The City recognizes that the commercial and industrial areas located adjacent to McNab Road have established business areas serving a regional population base and in which certain requirements of Chapter 94 of the Code may not be applicable and that the City may waive these requirements. As a result of the Property being surrounded by and in close proximity to commercial businesses and industrial uses with similar signage along McNab Road, the requested sign waivers would be in harmony with the general purposes of the Code and would not be contrary to the public interest, health, welfare, or morals taking into account the character and use of buildings in the vicinity along McNab.
Road and traffic conditions in the vicinity. The requested sign waivers for the proposed Burger King are compatible with the surrounding buildings, zoning districts and uses. Special care has been exercised by the Applicant to provide Burger King with signage that identifies them in an easily visible manner. As such, the requested sign waivers are directly in harmony with the general purposes of the zoning ordinances of the City and are also in harmony with the neighboring community.

The main function of signage is to allow for passing motorist to easily view the signs while causing the least amount of distraction. The best way to achieve this goal is to factor in the size of the building and distance from the adjacent road and then design signage that is adequate to accomplish that goal. The Applicant has hired a sign consultant to take all of the necessary factors into consideration while designing the proposed signage for the building. The Applicant's sign consultant has designed the proposed signs in such a way that they can be seen by passing motorist that will not cause hazardous conditions which will result if adequate signage is not available from adjacent right-of-way. The second Burger King logo sign is necessary in order to provide safety measures for motorists who are travelling eastbound. The requested sign waivers will greatly enhance motorist safety due to increased visibility, legibility, and compatibility with one another.

The requested additional square footage for the main menu board and preview menu board are necessary for patrons to adequately read the menu item choices from inside their vehicles. The purpose of the preview menu board sign is to improve circulation and traffic flow through the parking area. The preview menu board allows patrons to quickly view their options while waiting in line prior to driving up to the OCU to order their food while viewing the main menu board. The preview menu board will move vehicles along quicker thereby enhancing motorist safety and significantly improving traffic circulation throughout the parking area.

Burger King has created a successful model within their respective companies and throughout the country with regard to signage. Burger King utilizes uniform signs, in terms of, size, area, height, font types, and sign materials on a vast majority of their stores. This uniformity practice increases sign recognition and brand recognition for Burger King throughout the country. Sign recognition is extremely important for enhanced motorist safety due to increased visibility and legibility. The Burger King customers across the country have become accustom to the identifying signs that the Burger King is requesting for this North Lauderdale location. The requested signage allows customers and passing motorist to quickly and efficiently identify the Burger King while causing the least amount of distraction especially for motorists who are travelling eastbound. Quick and efficient Burger King recognition substantially enhances motorist safety and greatly improves traffic circulation in the parking area. Sufficient signage is anticipated to result in a more successful business for the Burger King which will also benefit the economic impacts of the City.

Burger King has requested the minimum waivers necessary to effectively and safely direct motorist to the building and the signs otherwise comply with the
requirements of the Code. Additionally, any alleged hardship has not been self-created by any person having an interest in the Property nor is it the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the City. The City’s Code does not have regulations that allow for the necessary signage of the Burger King. Therefore, it is necessary for the Applicant to request these waivers which will permit the safest and most effective signage for the building. The aforementioned general justification applies to all of the waivers requested for the Burger King.