



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 6-1-00 Michele C. Mellgren, petitioner/AP Adler Oakes, Ltd., owner - 4350 Oakes Road/ Generally located at the southwest corner of State Road 7 (441) and Oakes Road.

REPORT IN BRIEF:

The petitioner is requesting three variances: 1) to reduce the minimum separation between freestanding monument signs as required by Section 12-241, 2) to reduce the minimum separation between freestanding monument signs as required by Section 12-242(A)(4), and 3) to reduce the minimum horizontal dimension of the support structure casing of a sign, where parallel to the sign face as required by Section 12-242(A)(9).

The petitioner is proposing to locate a single freestanding monument sign on each side of the entranceway located off Oaks Road, and a separate freestanding monument sign just west of the same entrance on the interior of the site, adjacent to the building entrance (see enclosed plot plan). Code allows a maximum sign height of 15 feet and a maximum sign face area of 50 square feet. The two monument signs to be located at the entrance are proposed at 2.4 feet in height with a sign face of 19.2 square feet in area each. The third free standing sign to be located west of the entrance is proposed at 15 feet in height and 50 square feet in area for the sign face (see attached signage details).

Based on the limited visibility of the site to passing traffic on SR 7/441 and the configuration of Oaks Road, staff finds that there are unique circumstances which apply to the land and building which can be considered to be hardships and which warrant the reduction in separation between the free standing signs. The requests are further mitigated by the minimal signage area proposed by the petitioner, and the voluntary stipulation by the petitioner to prohibit placement of an identification sign or tenant directory sign on the face of the building at the entrance. However, staff finds the request for reduction in the minimum horizontal dimension of the support structure casing does not satisfy the criteria for the granting of the variance.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board recommended approval of all three variance requests, subject to the voluntary amendment to the application to restrict wall signs and tenant directory signs on the face of the building, if the variances are approved (motion carried 4-0, Mr. Davis absent, January 12, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve variance request numbers 1 and 2, and deny request number 3.

Attachment(s): Planning Report, Petitioner's Justification Letter, Plot Plan, Sign Exhibits, Land Use Map, Subject Site Map, and Aerial.

Application #: V 6-1-00

Revisions:

Exhibit "A":

Original Report Date: 7/5/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Agent:

Name: AP Adler Oakes, Ltd.
Address: 1400 NW 107 Avenue
City: Miami, FL 33172
Phone: (305) 392-4027

Name: Michele C. Mellgren
Address: 300 SW 2nd Street. Ste 3
City: Fort Lauderdale, FL 33312
Phone: (954) 467-2322

BACKGROUND INFORMATION

Notification Date: 7/5/00

Number of Notifications: Twenty-three (23)

Application Request: 1) to reduce the minimum separation between freestanding monument signs as required by Section 12-241, 2) to reduce the minimum separation between freestanding monument signs as required by Section 12-242(A)(4), 3) to reduce the minimum horizontal dimension of the support structure casing of a sign, where parallel to the sign face as required by Section 12-242(A)(9).

Address/Location: 4350 through 4380 Oakes Road/Generally located at the southwest corner of State Road 7 (441) and Oakes Road.

Future Land Plan Use Designation: Industrial

Zoning: M-1, Limited Manufacturing and Industrial District (County), M-2, Medium Industrial (Hacienda Village), M-3, Intense Manufacturing Industrial District (County) and

Existing Use: Warehouse/Office (Flex Space)

Proposed Use: Warehouse/Office (Flex Space)

Parcel Size: 10.7 acres (466,092 square feet)

Surrounding Uses:
North: Industrial Warehouse Building
South: Street Vending

Surrounding Future Land Use:
Industrial
Industrial

East: 84 Lumber and Broward County Industrial
Resource Recovery Center, across
State Road 7 (441).

West: Storage Yard. Industrial

Surrounding Zoning:

North: M-3, Intense Manufacturing and Industrial District (County) and M-3, General Industrial (Hacienda Village)

South: M-2, Medium Industrial (Hacienda Village)

East: B-3, General Business District (Hacienda Village) and M-3, General Industrial District (Hacienda Village)

West: M-3, Intense Manufacturing and Industrial District (County), and M-4, Limited Heavy Industrial District (Hacienda Village)

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: On July 15, 1998, a site plan was approved for a total of 148,289 square feet of commercial flex space, within four separate buildings.

DEVELOPMENT PLAN DETAILS

The approved development for the site, described as “flexspace”, allows for 20% of office use with the remaining percentage utilized as warehousing. To date, all buildings have been constructed, although, this site has not received a final certificate of occupancy (CO). A final inspection is required prior to issuance of the CO.

The petitioner states, “the subject site and flex space facility are unique with regard to their relationship to both Oakes Road and to SR 7/441. The main entrance to the development is located on the east side of the central portion of the site, with access from Oakes Road. Beyond the entrance and Oakes Road is a storm water retention pond and beyond that, roughly 150 feet to the east of the property, is State Road 7/441. This entrance to the site provides visibility to the flex space development from SR 7/441. In order to provide adequate identification of the development from both Oaks Road and SR 7/441, while preserving the architectural integrity of the building, the petitioner is requesting three variances to accommodate the necessary signage at the main entrance (see attached petitioner’s justification letter).” More specifically, the petitioner is proposing to locate a single freestanding monument sign on each side of the entranceway located off Oaks Road, and a separate freestanding monument sign just west of the same entrance on the interior of the site, adjacent to the building entrance.

Code allows a maximum sign height of 15 feet and a maximum sign face area of 50 square feet. The two monument signs to be located at the entrance are proposed at 2.4 feet in height with a sign face of 19.2 square feet in area each. The third free standing sign to be located west of the entrance is proposed at 15 feet in height and 50 square feet in area for the sign face (see attached signage details). Therefore, the proposed signs will meet code requirements for sign height and sign face area. However, code also requires a minimum 200 foot separation between freestanding monument signs. The two proposed signs to be located at the entrance are proposed at no less than 60 feet apart. Also, the third sign to be located west of the same entrance is proposed at no less than 50 feet from either of the two monument signs proposed

at the entranceway.

Please note, during review of the applicable codes for signage, staff identified a conflict in the code which requires both a 100 foot separation between freestanding monument signs and a 200 foot separation between freestanding monument signs. Therefore, the petitioner is required to request variances from both code requirements to achieve the same goal. Staff has made a note of this conflict and will include it within future planned amendments to the sign code ordinance. The third request for a variance is specific to the monument sign to be located west of the proposed entrance signs as this sign is to be elevated above the ground by a support structure at the base. Code requires the support structure casing of the sign be no less than 1/3 the maximum horizontal dimension of the sign face. In this case, the horizontal dimension of the sign face is 10 feet. This requires that the support structure be at least 3-feet 3-inches in width. The proposed support structure width is only 2 feet in width, for a total of 20% of the horizontal dimension of the 10-foot sign face. Thus, a variance is required.

Applicable Codes and Ordinances

- 1). Section 12-241, which states, freestanding center identification signs shall be located a minimum of 100 feet from other freestanding signs.
 - 2). Section 242(A)(4), which states, no freestanding sign may be located closer than 200 feet from another freestanding sign within the same center or complex when said freestanding sign is visible from a public street right-of-way.
 - 3). Section 12-242(A)(9), which states, freestanding signs shall be designed so that the minimum combined horizontal dimension of the support structure casings, where parallel to the sign faces, are at least one-third the maximum horizontal dimension of the sign faces.
-

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. This area includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flex has been applied to industrial land use plan designated lands on both sides of the Davie Road corridor between State Road 84 and Nova Drive. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 58. This request has no affect on Broward County or Town concurrency requirements.

Staff Analysis

Staff has visited the site and finds that there are circumstances that can be considered to be unique to this site due to the recent roadway improvements to Oakes Road and the reconfiguration of the Oakes Road entrance at the SR 7/441 intersection. Although this site is considered to be a large development, most of the site does not have direct roadway frontage and is impeded by the existing 84 Lumber Company which almost completely blocks out the view of this site when traveling northbound on SR 7/441. When traveling southbound on SR 7/441, identification of the site is substantially limited by the off ramp from I-595 which merges with the southbound lanes of SR 7/441, the width of the roadway retention area between Oaks Road and SR 7/441, and the configuration of the Oaks Road entrance.

The main access entrance to this site is located directly off Oakes Road at the intersection of SR 7/441, which curves to the north then to the west in an S-type movement. The curvature of Oakes Road at these locations, along with the height of the perimeter landscape berm along Oakes Road, limits clear visibility of the access points to the site. Therefore, staff believes these circumstances warrant the additional signage, and that the proposed signage meets the general intent of the code given the minimal signage area proposed. Therefore, staff believes there are unique circumstances which apply to the site which may not apply to other sites within the same zoning district and that the requests for reduction in distance separation are in harmony with the general intent of the code. Staff finds the request for reduction in the minimum horizontal dimension of the support structure casing does not satisfy the criteria for the granting of a variance.

Findings of Fact

Variances:

Section 12-309(B)(1):

Variance 1) reduction of 100 foot separation requirement between free standing signs (Section 12-241), and 2) reduction of 200 foot separation between free standing signs (Section 12-242(A)(4):

(a) There are special circumstances and conditions applying to the land and building for which the variances are sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variances are sought, although can be considered not to be self-created.

(b) The granting of the variances are not necessary for the reasonable use of the land or building but can be considered to be necessary for reasonable and effective identification of the development, and that the variances as requested are the minimum variances that will accomplish this purpose;

(c) Granting of the requested variances are in harmony with the general purpose and intent

public welfare.

Variance 3) reduction in the minimum horizontal dimension of the support structure of a sign as required by Section 242(A)(9).

(a) There are not special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and can be considered to be self-created.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose;

(c) Granting of the requested variance is not in harmony with the general purpose and intent of this chapter and may be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval**, of variance requests number 1 and number 2, to reduce the distance separation between free standing signs, subject to the condition that the petitioner may not utilize wall signage for center identification or tenant directory purposes along the Oakes Road/SR 7(441) frontage, as the third free standing sign closest to the building entrance is meeting the intent of the permitted wall signage.

Based upon the above and the finding of facts in the negative, staff recommends **denial** of variance request number 3, for reduction of the horizontal dimension of the support structure casing of a sign.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of all three variance requests, subject to the voluntary amendment to the application to restrict wall signs and tenant directory signs on the face of the building, if the variances are approved (motion carried 4-0, Mr. Davis absent, January 12, 2000).

Exhibits

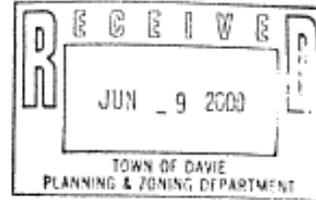
1. Proposed Sign Exhibits
2. Land Use Map
3. Subject Site Map

4. Aerial

Prepared by: _____

Reviewed by: _____

ADLER DEVELOPMENT
VARIANCE APPLICATION



Variations Requested

The applicant is seeking two variances from the sign code to provide an attractive and functional signage package for its new flex space development proximate to Oakes Road and SR 7/441. The first request is from Section 12-242(A)(4) of the Town of Davie Code that requires a distance separation between free standing signs of 200 feet, to reduce the distance separation to no less than 60 feet between the two monument style signs at the entrance and no less than 50 feet between the two monument style signs at the entrance and the westerly sign at the same entrance. The second request is from Section 12-242(A)(9) of the Town of Davie Code that requires a sign support width to be one-third of the length of the sign face for increased support area, to reduce the overall sign support area for the westerly sign by reducing the width of the support to 20 percent of the length of the sign face.

Justification for Request

The subject site contains approximately 10.7 acres located west of SR 7/441. The northern portion of the site is situated immediately south of the main curve of newly realigned Oakes Road. The general area is planned, zoned and developed in a variety of industrial uses. The subject site has been recently developed with a flex space development that is an attractive, valuable asset to the tax base of the Town.

The site, together with the flex space development, is unique with regard to its spatial relationship to Oakes Road and to SR 7/441. The main entrance to the development is located on the east side of the central portion of the site, with access on Oakes Road. Beyond the entrance and Oakes Road is a storm water retention pond and beyond that, roughly 150 feet to the east of the property, is State Road 7/441. This entrance to the site provides visibility to the flex space development from SR 7/441. In order to provide adequate identification of the development from both Oakes Road and SR 7/441 while preserving the architectural integrity of the building, the owner of the property is requesting two variances to accommodate the necessary signage at the main entrance.

The first variance will allow the placement of two very low profile monument style identification signs that will frame the main entrance and address visibility from Oakes Road, as well as placement of an additional taller sign proximate to this entrance to address visibility from SR 7/441. At this site, the Code allows freestanding identification signs that are 50 square feet in area and 15 feet tall. While the number of signs is not limited, a separation of 200 feet between them is required. The two low profile monument style signs that will frame the entrance are only 2.5 feet tall and 8 feet long for a total area of 20 square feet each; well below the allowed 50 square feet of area and 15 feet of height for each sign. Because these are proposed to frame the entrance, however, the separation between them will be not less than 60 feet. These two signs will have a north-south orientation so that they will be readable to

northbound and southbound traffic on Oakes Road, thereby providing adequate identification. Note that while this entry has a small median, it is not large enough to place any signage. As a result, these two signs, properly oriented on each side of the entry, are necessary to provide safe and adequate identification from Oakes Road. One additional sign is proposed immediately west of the two monument style signs. This sign will face in an easterly direction to provide adequate identification from SR 7/441, and will be located not less than 50 feet from each of the two monument style signs.

The second variance requests addresses the architectural design of the westerly located sign that will provide identification from SR 7/441. This sign will have a face that is five feet tall and ten feet long, mounted on a decorative column. The Code would otherwise require the column to be as wide as one-third of the length of the sign, or 36 inches wide. The applicant seeks to reduce this width to 24 inches so that the necessary and adequate signage can be provided without detracting from the architectural design of the building.

Consideration of a variance request should be made under the three criteria contained in the Code. These are discussed below.

Criterion (a): Whether there are special circumstances applying to the land or building and whether strict application of the Code would create a hardship that is not self-created.

- A) Distance Separation - As noted above, the subject site and flex space facility are unique with regard to their relationship to both Oakes Road and to SR 7/441, so that the three signs are necessary. Additionally, the median at the entrance, where identification signage would ordinarily be located for visibility to Oakes Road, is too small to support any type of sign. The size of this median was ultimately the result of the roadway realignment project. As a result, a strict application of the Code would not allow for adequate, readable signage at this main entrance from each of these roadways, each of which presents differing requirements. All businesses of this type require adequate signage that is reasonably visible to the public. A strict application of the Code would deny the property owner the business benefits derived from signage thereby creating a hardship. Such hardship would result from the ultimate design of Oakes Road and the unique relationship of the subject site to both Oakes Road and SR 7/441 and, therefore, is not self-created. This variance application meets this criterion.
- B) Column Reduction - The newly completed flex space structure incorporates architectural details in design to produce a building that is aesthetically pleasing and a visual asset to this area. The sign and the subject column will be oriented toward SR 7/441 and, as a result, will be parallel to the building. A strict application of the Code in this circumstance, however, would detract from the appearance of the building and project by requiring a column that is overly dominant. The sign is necessary to provide adequate identification to the roadway, and its parallel orientation is a result of the unique location of the subject site relative to the surrounding streets. These are circumstances that are not self-created and, therefore, this variance application meets this criterion.

Criterion (b): Whether the granting of the variance is necessary for a reasonable use of the land or building and is the minimum necessary.

The granting of this variance is necessary for a reasonable use of the land and building by providing for adequate, readable signage for the flex space business. The signs proposed are of differing orientation and height to address the distance from which the public will be viewing them. The two monument signs proposed for the entry will be considerably smaller than allowed by code, but oriented so as to be visible and readable to the northbound and southbound traffic on Oakes Road. The westerly sign will be oriented so as to be visible and readable to traffic on SR 7/441. The two proposed monument style signs and the proposed westerly sign, with a reduced support column size, are in scale with the entrance and the building facades, and are the minimum necessary to provide visibility, given the various distance and directions from which they will be read. This variance request meets this criterion.

Criterion (c): Whether the granting of the variance will be in harmony with the intent and purpose of the code and will not be injurious to the neighborhood or detrimental to the public welfare.

The intent and purpose of the Code is to provide businesses with signage that is visible to the public. The Code does not address circumstances such as the ones affecting the subject site with regard to sign visibility from differing roadways and impact on architectural details of proximate buildings. The subject variance request is in harmony with the purpose and intent of the Code, as it will allow visible signage, while preserving the architectural details of the development. The requested variances will promote the public welfare by providing adequate project identification while promoting architectural compatibility. As a result, this variance request meets this criterion.

A comparison of this variance application to the criteria contained in the Code of Ordinances shows that the subject request is consistent with Code requirements. As a result, this request merits positive consideration.



WESCO SIGNS INCORPORATED

1026 WASHINGTON STREET
 CHICAGO, ILLINOIS 60607
 PHONE: 312.329.1000
 FAX: 312.329.1001

LEGEND
 *ALL DIMENSIONS ARE IN INCHES
 *ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED



PRODUCT
 Flex Space

LOCATION
 Clark Co.
 Illinois, IL

DATE
 February 28, 2000

REVISION
 A

REVISIONS

COMP FILE

PROJECT NUMBER
 FLEX/00/4

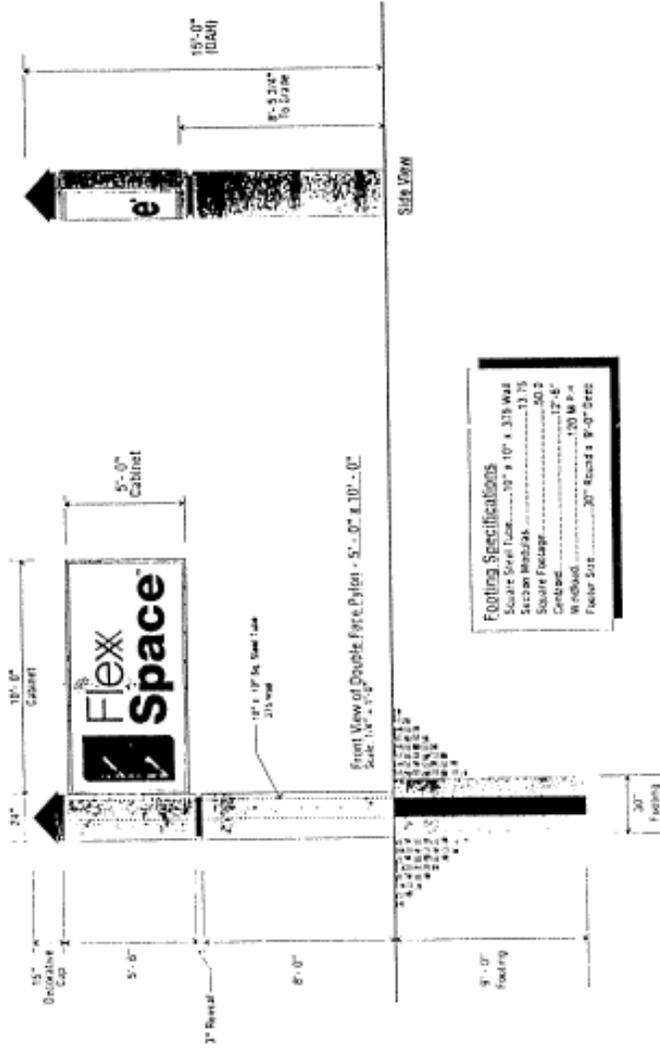
DRAWING NUMBER
 1 OF 2



15" x 20" Decorative Cap

14" Deep Cabinet

Top View



Footings Specifications

Square Footing	10' x 10' x 30" Wall
Section Modulus	13.75
Section Modulus	50.2
Concrete	175#
Rebar	175#
Factor Size	30" Round x 9'-0" Area



WESCO SIGNS INCORPORATED

**1000 BROADWAY, SUITE 1000
NEW YORK, NY 10018
TEL: 212-512-1000
FAX: 212-512-1001**

REVISIONS
1.00 - Initial Design
1.01 - Final Design
1.02 - Final Design



UL LISTED
UL 1988 E-1988

LOCATION
Flex Space

DATE
08/14/00

PROJECT NO.
1000

SCALE
1/8" = 1'-0"

REVISIONS

DATE

BY

APPROVED BY

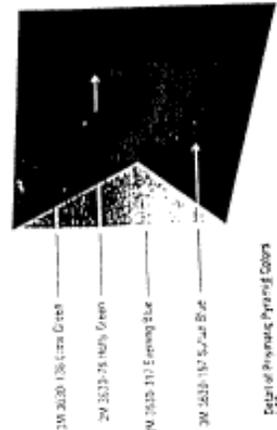
DATE

PROJECT NUMBER
FLEX/00/4

SHEET NUMBER
2 OF 2



Respective Color
NTS



- 3M 3020 (36) Cream Green
- 3M 3020 (36) Navy Green
- 3M 3020 (37) Evening Blue
- 3M 3020 (37) Silver Blue

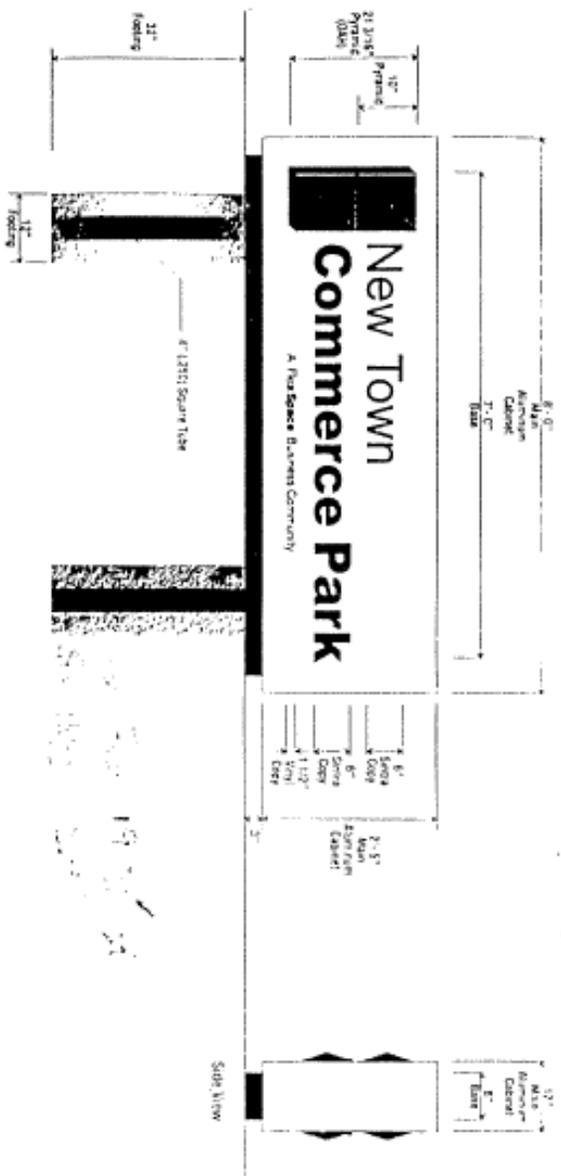
Detail of Pyramid Colors
NTS



Detail of Leg/Sign - 6' x 12'
Scale: 1/8" = 1'-0"

Color Roles:	
Face, Back and Cabinet	Painted to Match
Associated Aluminum Pyramatic Cover and Cabinet	3M 43020-01 Silver Gray
Legs and Sign	Painted to Match
Legs and Sign	3M 43020-01 Silver Gray
3 1/4" Foam Face #1225 White
Legs Background #1225 White
Color #1225 White
Color 3M 43020-01 Silver Gray
Engraved Pyramatic Pyramids	See Pyramatic Color Chart

Sig. F. (4)



Front View of Double Face Monument
Scale 3/4" = 1'-0"

	PMS #359-C LL Green		PMS #349-C DK Green		PMS #2748-C DK Blue		PMS #2716-C LL Blue
Pyramide Pyramids							

NOTES:

- 12" Deep Aluminum Cabinet.....Painted Light Gray to Match SM 2630-51 Silver Gray Vinyl
- 8" Deep Aluminum Base.....Black
- 1/2" Satin Cutout Copy.....Black
- 1/2" Satin Surface Vinyl.....Black
- Pyramide Pyramids.....See best

WESCO SIGNS INCORPORATED
 1000 W. 10th Street
 Suite 100
 Lincoln, NE 68502
 Phone: (402) 441-1111
 Fax: (402) 441-1112
 Email: sales@wescosigns.com
 Website: www.wescosigns.com

CONTACTS:
 Sales: (402) 441-1111
 Fax: (402) 441-1112
 Email: sales@wescosigns.com

PRODUCTS:
 Signs, Banners, Billboards, Vehicle Graphics, Window Graphics, Trade Dressing, etc.

FINISHES:
 Gloss, Matte, Satin, etc.

INSTALLATION:
 New Town 2
 Omaha, NE

DATE:
 September 30, 1999

SCALE:
 As Shown

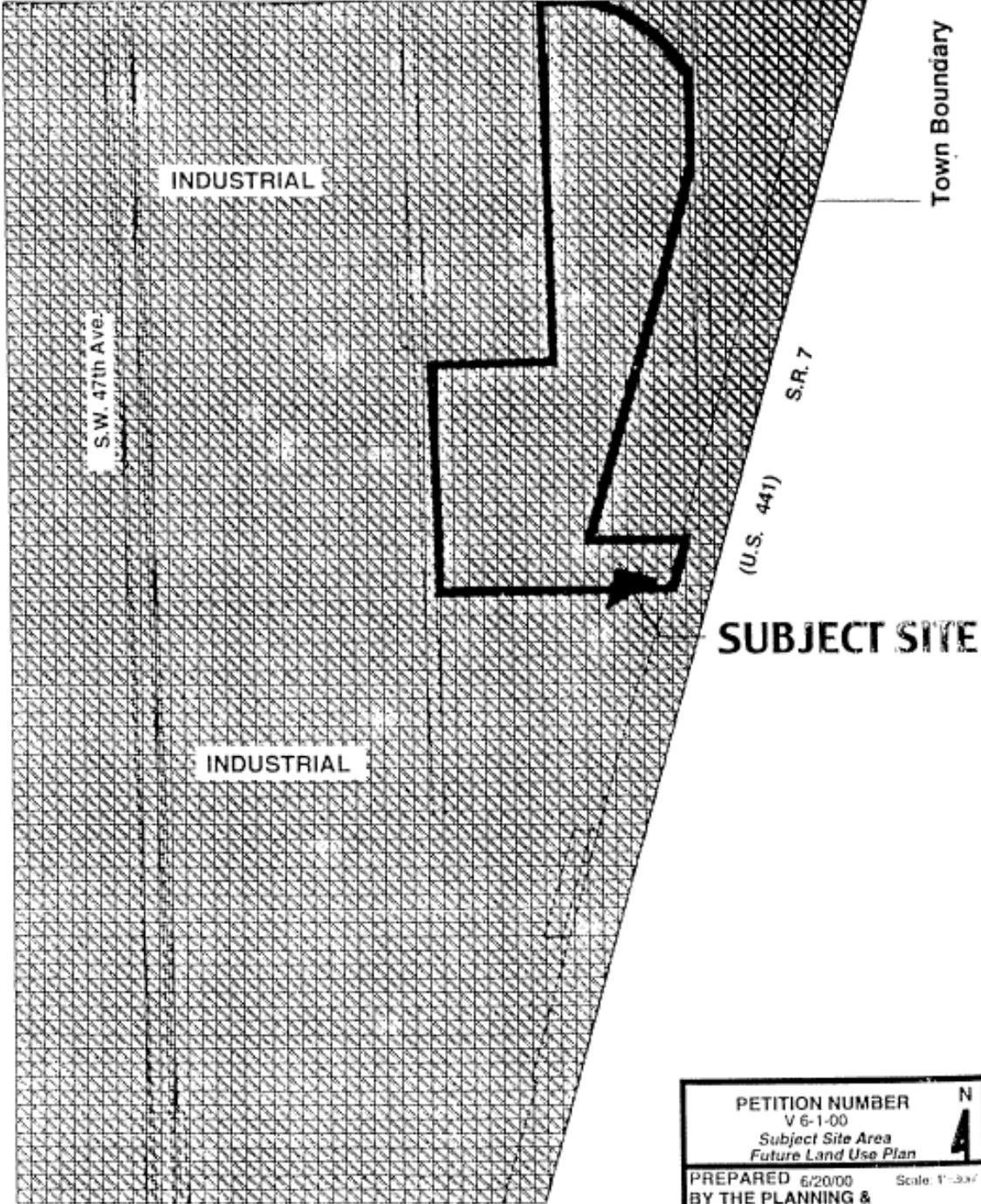
DESIGNER:
 W

APPROVED:
 [Signature]

DATE:
 9/30/99

PROJECT:
 FLEX/99/3/5

SCALE:
 1/4" = 1'-0"



INDUSTRIAL

S.W. 47th Ave.

S.R. 7

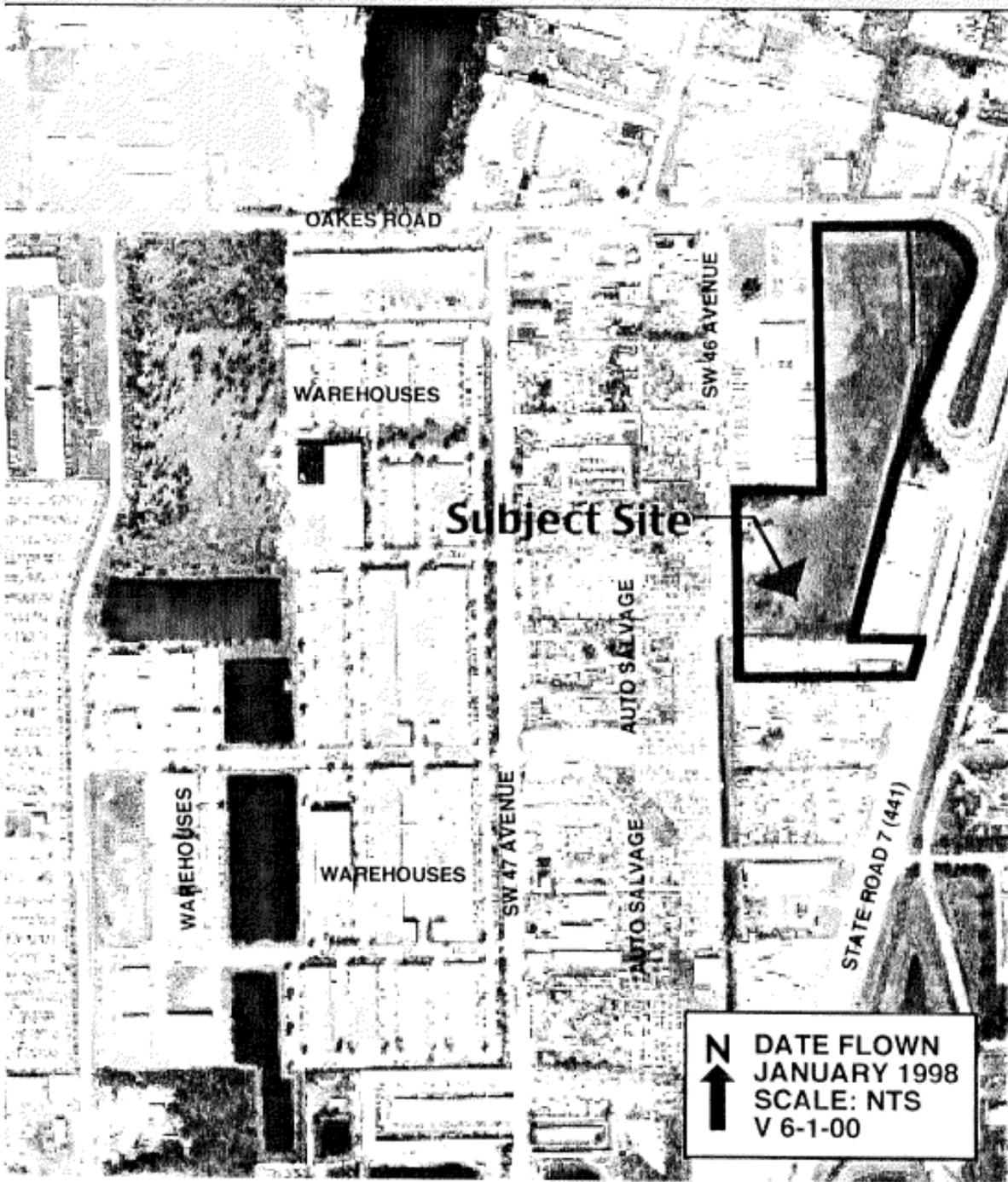
(U.S. 441)

Town Boundary

INDUSTRIAL

SUBJECT SITE

PETITION NUMBER V 6-1-00 <i>Subject Site Area Future Land Use Plan</i>		N 
PREPARED 6/20/00 BY THE PLANNING & ZONING DIVISION	Scale: 1"=500'	



OAKES ROAD

WAREHOUSES

Subject Site

SW 46 AVENUE

AUTO SALVAGE

WAREHOUSES

WAREHOUSES

SW 47 AVENUE

AUTO SALVAGE

STATE ROAD 7 (441)

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
V 6-1-00