



Town Council Agenda Report

SUBJECT: Variance

Application No. and Location: V 10-3-00, 1801 S. University Drive, former Service Merchandise located at the northwest corner of the Town and Country Shopping Center.

CONTACT PERSON/NUMBER: Mark Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM: N. Kalis/Ireland Davie, Ltd.

REPORT IN BRIEF: The applicant proposes to occupy the north end of the Davie Town and Country Shopping Center as a Bed, Bath & Beyond retail store. The allowable wall sign area for a multi tenant building is subject to a maximum of two square feet of the tenant's building frontage. The store will have two street frontages, one along University Drive to the east and one along State Road 84 to the north. The greater lineal frontage of the two will be used to calculate the allowable square footage. A total of 173.5 lineal feet along University Drive will give the tenant the opportunity to install a maximum of 347.5 square feet of wall signage. The owner is requesting a variance to increase the total building sign area by 272.5 square feet beyond what the code permits. This would allow the installation of one 310 square foot sign on both the north and east side elevations of the building.

PREVIOUS ACTIONS: Town Council tabled the application from the December 5, 2000 meeting to the December 20, 2000 meeting (motion carried, 5-0).

CONCURRENCES: PLanning and Zoning Board Recommendation: Motion to approve (motion carried 5-0, December 13, 2000).

RECOMMENDATION(S): *Based upon the above, staff recommends denial of application V 10-3-00.*

Attachment(s): Planning report, Applicant's Justification Letter, Land use map, Subject site map, Aerial,

Item No.

Application #: V 10-3-00
N. Kalis/Ireland Davie, Ltd.
Exhibit "A":

Revisions:

Original Report Date: 12/1/00

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

APPLICANT INFORMATION

Owner:

Agent:

Name: Ireland Davie, Ltd.
Address: 12000 Biscayne Blvd.
City: Miami, Fl. 33181-2720
Phone: (954) 421-1001

Name: Neal Kalis
Address: 7320 Griffin Road
City: Davie, FL 33314
Phone: (954)791-0477

BACKGROUND INFORMATION

Application Request: To increase the maximum allowable wall signage of 347.5 square feet to 620 square feet, for an additional 272.5 square feet of wall signage.

Address/Location: 1801 S. University Drive, former Service Merchandise located at the northwest corner of the Town and Country Shopping Center.

Land Use Plan Designation: Commercial

Zoning: B-2, Community Business Center District (Old Code)

Existing Use: Vacant tenant space within retail plaza

Proposed Use: Bed Bath and Beyond retail store within the retail plaza

Parcel Size: 11.66 acres

Surrounding Land Use:

North: State Road 84

South: Cocos Locos restaurant

East: Tower Shoppes across University Drive

West: Valencia Village Town homes

Surrounding Zoning:

North: B-2, Community Business District (Old Code)

South: R-4A, Planned Apartment District (Old Code), B-2 Community Business District

East: B-2, (Community Business Center District) (Old Code)

West: R-4A, Planned Apartment District (Old Code)

ZONING HISTORY

Related Zoning History: None

Previous Requests on same property:

* The shopping center was originally approved by Town Council on November 2, 1977.

* A site plan modification was approved by Town Council on July 7, 2000.

DEVELOPMENT PLAN DETAILS

The applicant proposes to occupy the north end of the Davie Town and Country Shopping Center as a Bed, Bath & Beyond retail store. The allowable wall sign area for a multi tenant building is subject to a maximum of two square feet of the tenant's building frontage. The store will have two street frontages, one along University Drive to the east and one along State Road 84 to the north. The greater lineal frontage of the two will be used to calculate the allowable square footage. A total of 173.5 lineal feet along University Drive will give the tenant the opportunity to install a maximum of 347.5 square feet of wall signage. The owner is requesting a variance to increase the total building sign area by 272.5 square feet beyond what the code permits. This would allow the installation of one 310 square foot sign on both the north and east side elevations of the building.

Applicable Codes and Ordinances

1. LDC, Section 12-242 (a) which states that multi tenant building signage may be provided not to exceed two (2) square feet of a tenant's storefront facade length.
2. LDC, Section 12-242 (B) (1) when a building has more than one street frontage or more than one storefront facade, the larger of the two shall be used to determine the total amount of permitted signage.

Comprehensive Plan Considerations

Planning Area: The proposed project is in Planning Area No. 4. This planning Area is bordered by S.R. 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, S.W. 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and S.R. 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge,

the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an unincorporated area between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: This property falls within flexibility Zone 99. No county actions are required at this time.

Staff Analysis

Signage along State Road 84 and I-595 is desirable in this location, and would be appropriate given the limited access and visibility of the site. The proposed signage area is greater than necessary for identification of the proposed use, although it is of appropriate scale relative to the mass of the building facades it will be located upon.

The multi-tenant signage standard allows for more than enough signage area to adequately identify a commercial retail use, even with signage on two sides of a building. In this instance, the applicant would be allowed more than twice the signage area as would a single-occupant building. Therefore, although the variance request is reasonable and of appropriate scale, staff does not find that the request satisfies the criteria for the granting of a variance.

Findings of Fact

Variances:

(a) There may be special circumstances and conditions applying to the land and building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district however, 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 that the alleged hardship is not self created by any person having an interest in the property;

There may be special circumstances relating to limited sight visibility due to the elevation of I-595 and the orientation of the plaza fronting University Drive in lieu of State Road 84. The project was planned and built prior to the conception of I-595 which resulted in losing access from State Road 84 after the taking for road construction.

(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 variances is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance will allow signage along two facades which will enhance the ability of passersby on SR 84 and I-595, as well as University Drive. to identify the use. The proposed increase in signage area is proportionate to the

building on which it would be located.

Staff Recommendation

Recommendation: Based upon the above and certain finding of facts in the negative, staff recommends **denial** of petition V-10-3-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval (motion carried 5-0, December 12, 2000).

Exhibits

1. Applicant's Justification Letter
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____



**Reason for Requesting a Variance
to Permit the Placement of a Sign on the North Elevation
of the Proposed Bed Bath & Beyond Store
Facing Interstate Highway 595**

Variance Request:

The owner is requesting a variance to permit a prospective national tenant to install a sign on the north wall of the west "wing" of the Town and Country Shopping Center on University Drive as shown in Exhibit B. The prospective tenant is Bed, Bath and Beyond, a national housewares retailer. Bed, Bath and Beyond is considering a location on the north end of the shopping center adjacent to State Road 84 and I-595. In addition to a sign over their proposed main entranceway on the east side of the building as shown in Exhibit C, the retailer has requested another sign on the side or north elevation of the building and its proposed store. That sign is the subject of this request, and the following reasons are offered to show that this request is in harmony with the Town's zoning code and of benefit to the public.

- 1. There are special circumstances and conditions peculiar to this site and building that do not generally apply to other sites and buildings in the (old code) B-2 zoning districts in Davie.***

Road construction activities by the Florida Department of Transportation ("FDOT") resulted in a constant loss of customers and tenants over a prolonged period of time.

The Town and Country Shopping Center was originally constructed in the early 1970s at the southwest corner of State Road 84 and University Drive. It enjoyed good visibility from adjacent roadways, was easily accessible and was approximately two acres larger in size than it is today. In the mid to late 80s, the FDOT took a significant amount of the site for the construction of I-595, and the widening of University Drive and State Road 84. All of these major roads are immediately adjacent to the center. The taking resulted in a significant loss of parking.

In addition to the loss of parking, FDOT closed two accessways from State Road 84. The loss of accessways made it unusually difficult for customers to enter and leave the center and this resulted in a flight of local and national tenants from the center. Walgreens and Service Merchandise were among the larger stores to leave the center because of the constant loss of customers and sales income.

The massiveness of the I-595 overpass with two access ramps adjacent to the center, including a fly-over made this a virtual invisible shopping center to passing motorists. The profusion of associated directional signs, sign poles, street lighting poles and signals produced confusion and contributed to the loss of customers, which in turn hastened the flight of tenants from the center.

As if this were not enough, in 1999 when the center was only half occupied, FDOT initiated another road construction project without notification to Davie, the remaining tenants, or the owner of the center. FDOT planned and retained a contractor to close one of the two remaining accessways from University Drive at the northeast corner of the center. When the owner discovered the construction it was able to negotiate a settlement with FDOT which left the northeast corner of the center with only one in-bound lane from University Drive. The out-bound lane, which provided egress from the center especially for larger truck traffic, was closed. The attempt by FDOT to close the accessway indirectly resulted in the loss of a national tenant that was considering a store in the center at that time.

All of this happened at what is the geographic population center of the tri-county South Florida area—and a major gateway into Davie.

As a result of these limitations the Center's ability to operate a viable business consistent with the aims of the B-2 zoning district have been in jeopardy for some time. The current limitations on adequate ingress and egress, and the overwhelming distractions for motorists caused by the presence of elevated roadways, fly-overs and directional signs are peculiar only to this location in Davie.

2. *There are special circumstances that deprive the owner of a reasonable use of the site and building if strict application of the sign code were applied.*

The above description of the road construction projects have had a profound negative affect on the center and its ability to compete for customers and quality tenants. These are special circumstances not caused by the owner of this center or any of the former or current tenants.

The owner has devoted a considerable amount of time and effort into attracting national tenants into the center. The access limitations currently evident in the center do not meet the access criteria of such tenants. However, one tenant felt that this might be overcome if customers were drawn to the center on the strength of the company's national brand. Bed, Bath & Beyond offers an attractive assortment and variety of household

merchandise sought by a wide segment of the motoring public. The company feels that a strong visual presentation of their nationally recognized brand on the north side of the center will counter the limitations inherent in this shopping center.

Strict application of the sign code to this unusual situation would prevent the owners from a reasonable use of this property which is enjoyed by similar B-2 zoned centers in other parts of Davie.

3. *This hardship is not self created*

It is clearly evident from this presentation that the owners of Davie's Town and Country Shopping Center did not create the accessway restrictions and the external environment of intermingled roadways that make it extremely difficult to operate a retailing center at this location.

4. *This variance is the minimum necessary for the reasonable use of the building.*

There are two sides of the proposed Bed, Bath & Beyond store under consideration. The main entrance is located on the east elevation; it is the front of the store and faces University Drive. The side north elevation of the proposed store is on the side of the building facing State Road 84 and 595.

The sign code allows a maximum of 347.5 square feet of signage allocated between both east and north elevations. This number represents 2 square feet of sign area for each of the 173.75 foot of store width as measured on the store's longest side.

Bed, Bath & Beyond's current prototypical sign design exceeds 400 square feet. The company has designed a 310 square foot sign to fit into both the east and north elevations. This is 37 square feet less than the maximum allowed if allocated to the east elevation sign only, but allows the company to keep the same proportions of length and width as the larger design. This request is for a sign of the same size on the north elevation.

The perimeter of the 310 square foot sign is measured by the ebony colored tiles that frame the background for a 196 square foot sign composed of the letter logo image of "Bed Bath & Beyond." in white letters.

The relative sizes of the two portions of the sign were designed to fit into the relative scale of the architectural design of the facade of this proposed store.

Given the demonstrated and evident limitations on operating a store in the center and the relative size and location of the proposed store, the requested sign is the minimum necessary to make this a viable and attractive enterprise in Davie.

5. *The proposed variance would be in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood or detrimental to the public welfare.*

In general, the purpose of zoning is to protect property from incompatible uses that may be located on adjacent properties. This is accomplished by creating different districts or zones of similar properties. Uniform standards relating to each district are applied to all uses in each district.

The original purpose of the old B-2 zoning district was to allow the construction and operation of a shopping center. This was accomplished in the manner described by the zoning code at that time. However, external influences brought internal changes to the shopping center that were not foreseen at the time the code was adopted or the center was constructed. Furthermore, the current code did not foresee the unique situation and conditions associated with the healthy functioning of this center.

The proposed north-facing sign is located on the north boundary of Davie, facing three separate roadways. Eastbound State Road 84 is at-grade next to the center. An eastbound off-ramp descending from 595 is also present in front of the proposed store. An elevated and upward sloping, eastbound section of 595 is also present. These roadway uses are the only uses facing the proposed sign and the side of the building.

Consequently, the proposed sign is in harmony with the center, does not negatively affect any adjoining or nearby property, and is a direct economic benefit to Davie by ensuring the continuation of a healthy tax base. As such, it is in conformity with the purpose and intent of Davie's Zoning Code and Davie's Comprehensive Plan.

N. New River Canal

State Rd. 84

TRANSPORTATION

RESIDENTIAL
10 DU/AC

COMMERCIAL
RECREATION

SUBJECT
SITE

COMMERCIAL

Valencia Dr

University Drive

PETITION NUMBER
V 10-3-00
Subject Site Area
Future Land Use Plan

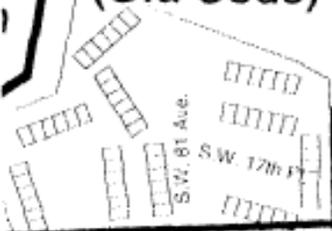
N
4

PREPARED 11/2/00 Scale: 1" = 100'
BY THE PLANNING &
ZONING DIVISION

N. New River Canal

B-2A
(Old Code)

State Rte. 84



R-4A
(Old Code)

Town & Country
Addition No. 1
(114-26)

**SUBJECT
SITE
B-2**
(Old Code)

B-3



R-4A
(Old Code)

Parcel "B"
"M.E.H.
Plat"
(111-1)
Parcel "A"

B-3



B-2
(Old Code)

Davie Towne Centre
Plat (133-33)



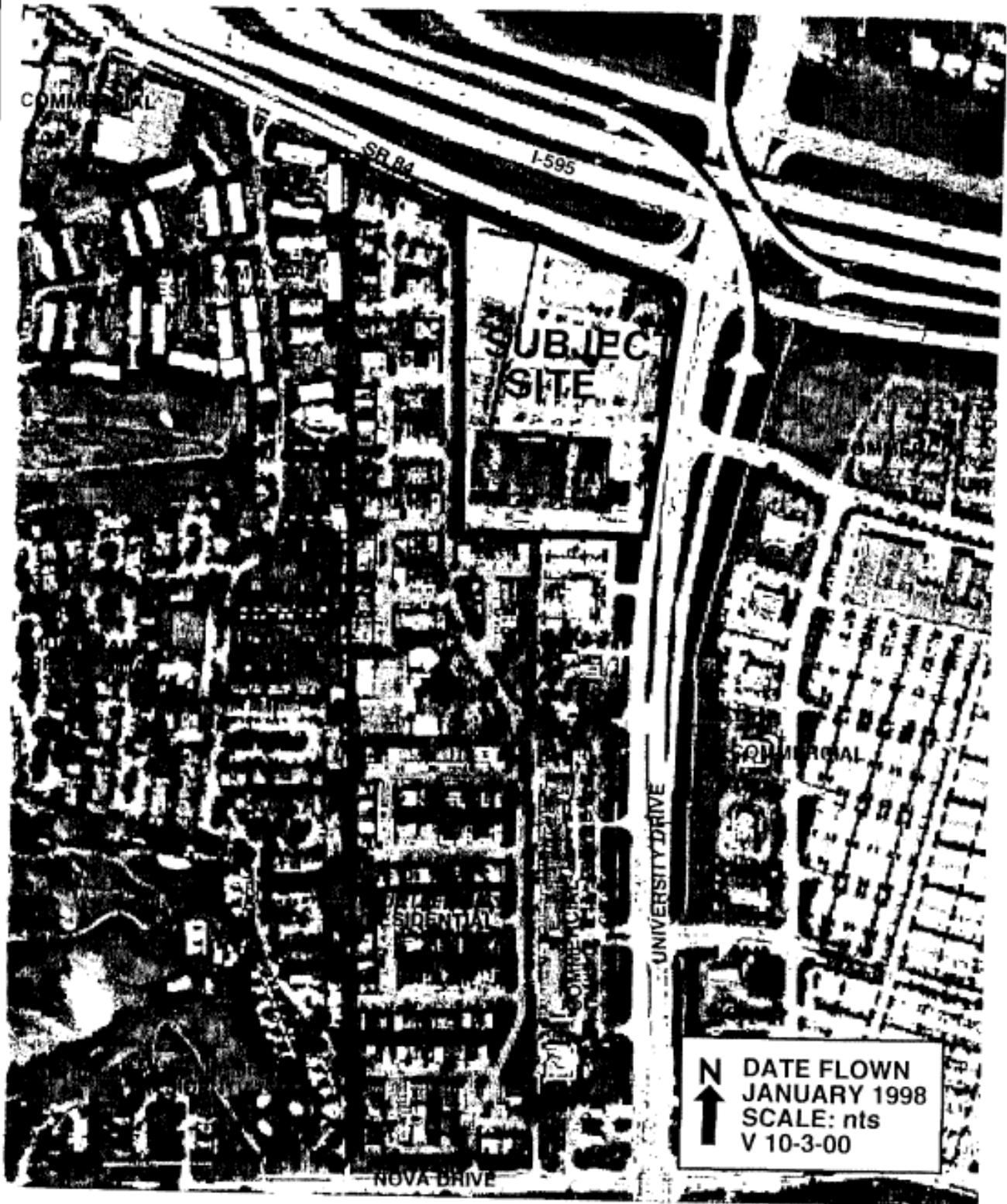
PETITION NUMBER **N**
V 10-3-00

Subject Site Area Zoning Map

PREPARED 11/2000 **Scale** 1" = 300'

BY THE PLANNING & ZONING DIVISION

Vertical text on the left margin, likely a scale or reference note.



SUBJECT
SITE

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
V 10-3-00