

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark Kutney, AICP, (954) 797-1101
SUBJECT: Quasi Judicial Hearing: Variance

TITLE OF AGENDA ITEM:

V 9-2-01, C. William Laystrom, Petitioner/Willow Acquisitions, LLC, Owners, 15700 Pointe West Drive/Generally located on the north side of Griffin Road, between Weston Road and I-75.

REPORT IN BRIEF:

The petitioner has requested increase the height and area of the ground sign from 15' in height and 160 square feet in area to 65' in height and 196 square feet in area, and increasing the allowable wall sign area from 150 square in area for single occupant buildings to 648 square feet in area, associated with the development of the new Rick Case Honda dealership.

Based upon the codes rationale of 2 square feet per lineal foot of building at the street frontage, the total allowable sign area for the proposed request is 766 square feet for 388 lineal feet of building length, which may be distributed throughout all of the building walls. The applicants request for 648 square feet of wall sign area, therefore, is consistent with the intent of the code to review signage in relationship to the sites architecture. However, its noted that the code further restricts single occupant building wall signage to a maximum of 150 square feet of sign area.

It has been Town Council's policy, that ground signage should be of low profile and not "attention gathering" in nature. The applicant is requesting a 65' sign height and sign area of 196 square feet with the rationale that the sign could only be seen by vehicle traffic on I-75 at this height. It is staff's opinion that at 65-70 miles per hour on I-75 the visible utility of the sign will be compromised.

Therefore, staff finds the ground sign to be excessive and should be reduced to the code requirement of 15' in height and would recommended that the number of wall signs along the east elevation be reduced as well.

PREVIOUS ACTION: None

CONCURRENCES:

Planning and Zoning Board Recommendation: Motion to approve (Motion Carried: 4-0, Motion By: Mrs. Moore, Seconded By: Mr. Waitkus, Chair Stahl abstained, November 28, 2001).

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to deny.

Attachment(s): Justification Letters with back-up, Land Use Map, Subject Site Map, and Aerial.

Application #: V 9-2-01

Revisions:

Exhibit "A":

Original Report Date: 11/7/01

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

APPLICANT INFORMATION

Owner:

Agent:

Name:	Willow Acquisitions, LLC	Name:	C. William Laystrom
Address:	875 N. St. Rd. 7	Address:	1177 SE 3 Avenue
City:	Plantation, FL 33317	City:	Ft. Lauderdale, FL 33316
Phone:	(954) 234-1022	Phone:	(954) 762-3400

BACKGROUND INFORMATION

Notification Date: November 21, 2001 **Number of Notifications:** 5

Application History: None

Application Requests: (1) **From:** Section 12-242(A)(1) which limits the height of a freestanding sign to a maximum height of 15' with an area of 160 square feet for sites containing property frontage of 1,200 feet or more; **to** exceed the allowable sign height from 15 feet to 65 feet and **to** exceed the allowable sign area from 160 square feet to 196 square feet. (2) **From:** Section 12-242(B)(1)(b) which permits a maximum of 150 square feet of wall signage for single occupant buildings; **to** increase allowable wall sign area from 150 square feet to 648 square feet in area.

Address/Location: 15700 Pointe West Drive/Generally located on the north side of Griffin Road, between Weston Road and I-75.

Future Land Plan Use Designation: Commercial

Zoning: BP, Business Park District

Existing Use: Vacant land

Proposed Use: Proposed for construction is a 60,000 square foot automobile dealership.

Parcel Size: 8.92 acres (388,966 square feet)

Surrounding Land Use:

North: Lake and vacant parcel
South: Lake, vacant land and FPL
substation
East: Vacant land and I-75
West: Pointe West Drive and Martin
Square Shopping Center

Land Use Designation:

North: Commercial
South: Commercial
East: Transportation
West: Commercial

Surrounding Zoning:

North: BP, Business Park District
South: T, Transportation and U, Utilities Districts
East: T, Transportation District
West: BP, Business Park District and U, Utilities District

ZONING HISTORY

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

Previous Request on same property: The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 45 of the Broward County records.

On October 4, 2000, Town Council approved plat amendment DG 8-2-00 amending the restrictive note to provide for a 57,338 square foot decrease of commercial use and to also provide for 60,000 square feet of auto dealership for lands within the “ICW South Plat”.

On November 2, 2000, Town Council approved a special permit allowing the filling of a lake with material obtained from off-premises in excess of 3,000 cubic yards.

On November 15, 2000, Town Council approved Ordinance No. 2000-37 which allowed the vacation of portions of road right-of-way, utility easements together with lake bank and lake maintenance easements.

On January 3, 2001, Town Council approved Ordinance No. 2001-8 which rezoned the subject site from BP, Business Park District to BP, Business Park District amending the approved conceptual master plan.

A variance request is being considered at the May 2, 2001 Town Council meeting, to reduce the width of four landscape medians for double parking from 10 to 0 feet, and to reduce the width of one terminal island from 10 to 6.92 feet.

On May 2, 2001, Town Council approved a site development plan which provided for the

construction of a 60,000 square footage automobile dealership together with parking and associated landscaping.

APPLICATION DETAILS

The petitioner has requested a ground sign 65' in height and 196 square feet in area, together with 10 wall signs totaling 648 square feet in area associated with the development of the new Rick Case Honda dealership. The site development plan was approved earlier in the year with the assistance of several applications as noted above in "Application History". It is noted that at the time of site development review the applicant was informed of the serious concerns staff had with the related signage and how it would affect the surrounding developments within the same "BP, Business Park District". It is further noted that staff has met with the petitioner several times in an attempt to reduce the signage request, however, the petitioner has indicated that the signage is as required by the Honda Corporate Office and has not been willing to customize the requested signage.

APPLICABLE CODES AND ORDINANCES

Section 12-242(A)(1) which limits the height of a freestanding sign to a maximum height of 15' with an area of 160 square feet for sites containing property frontage of 1,200 feet or more.

Section 12-242(B)(1)(b) which permits a maximum of 150 square feet of wall signage for single occupant buildings.

COMPREHENSIVE PLAN CONSIDERATIONS

Planning Area: The subject site is in Planning Area 1, which constitutes the southwestern most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

BROWARD COUNTY PLAN CONSIDERATIONS

This property falls within Flexibility Zone 113. The subject site is a portion of platted property which has met the concurrency requirements and is in compliance with all restrictions of the approved plat. Therefore, concurrency is unaffected by the proposed petition.

STAFF ANALYSIS

The ground sign at 65' in height and 196 square feet in area, together with the 10 wall signs totaling 648 square feet area as requested by the petitioner, is excessive when considering the request as a package and in relation to the impact on surrounding developments.

In reviewing the related sign code sections, the wall sign area is determined based upon 2 square feet per lineal foot of building at the street frontage and further restricts the allowable wall signage to a maximum of 150 square feet in area for a single occupant building. The codes rationale is written to maintain the scale of wall signage in concert with the building. The sign code was adopted when retail buildings were of smaller scale in size and not of the scale the applicant is constructing.

Based upon the code rationale of 2 square feet per lineal foot of building at the street frontage the total allowable sign area for the proposed request is 766 square feet for 388 lineal feet of building length, which may be distributed throughout all of the building walls.

When applying this rationale of 2 times the lineal frontage of the building, the applicant is requesting the following:

East elevation is 388' in length with the rationale would allow 766 square feet in area, the applicant is requesting 317 square feet.

North elevation is 180' in length with the rationale would allow 360 square feet in area, the applicant is requesting 211 square feet in area.

South elevation is 180 in length with the rationale would allow 360 square feet in area, the applicant is requesting 120 square feet.

Again, the code does further restrict single occupant building to a maximum of 150 square feet of sign area.

Staff Conclusion

The codes rationale is to maintain the scale of the wall signage in concert with the building. The applicants request of 648 square feet of sign area therefore is consistent with the intent of the code to review signage in relationship to the sites architecture. However, Town Council may find that ten (10) wall signs along the east elevation are excessive.

It has been Town Council's policy, that ground signage should be of low profile and not "attention gathering" in nature. The applicant is requesting a 65' sign height with the rationale that the sign could only be seen by vehicle traffic on I-75 at this height. It is staff's opinion that at 65-70 miles per hour on I-75 the visible utility of the sign will be compromised.

The petitioner indicates in both justification letters that the site configuration and the speed of the traffic on I-75 together with Honda Corporation specifications makes it difficult to design a sign package in conformance with the Town's sign regulations. The speed of I-75 and Honda's specifications alone do not constitute justification of a variance.

In conclusion, the size of the auto dealership and the wall signage in and of itself will draw attention to the public. Therefore, staff would consider any hardship to be self created, and based upon past Council consensus, staff finds the ground sign to be excessive and should be reduced to the code requirement of 15' in height and would recommended that the number of wall signs along the east elevation be reduced as well.

FINDINGS OF FACT

Variances:

Section 12-242(A)(1) and

Section 12-242(B)(1)(b):

The following findings of fact apply each of the variances requested.

(a) There are no special circumstances and conditions applying to the land and building for which the variances are 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; any 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; the alleged hardship is self-created by any person having an interest in the property;

(b) The granting of the variances are not necessary for the reasonable use of the land or building;

(c) Granting of the requested variances are not in harmony with the general purpose and intent of this chapter, and are injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the overall findings of fact in the negative, staff recommends denial of the variance requested.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to approve (Motion Carried: 4-0, Motion By: Mrs. Moore, Seconded By: Mr. Waitkus, Chair Stahl abstained, November 28, 2001).

Exhibits

Justification Letter, Proposed Variance Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: _____

Reviewed by: _____

MONUMENT SIGN
VARIANCE REQUEST

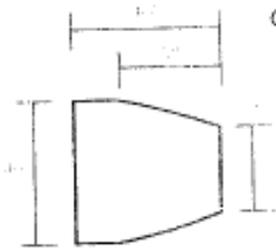
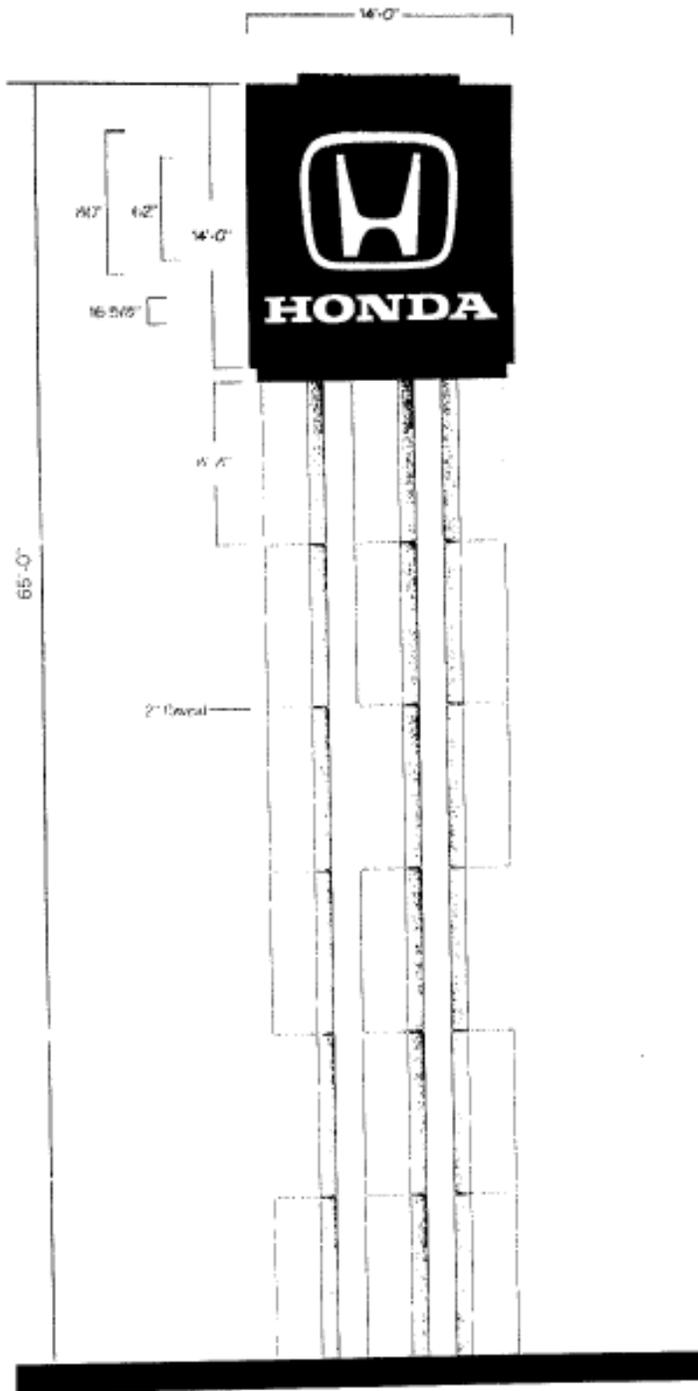
This variance request is: FROM: Section 12-242(A)(1), which limits the height of a free standing sign to 15 feet and area to 160 square feet; TO: allow a 65 foot tall free standing monument sign of 196 square feet at Interstate 75.

JUSTIFICATION FOR REQUEST

The subject site is a 8.93 acre parcel that is currently being developed as a new and used car sales facility with a retail and wholesale parts department and a complete service department. The site lies immediately north of Griffin Road and immediately west of Interstate 75, and at the eastern end of Pointe West Drive. The site is in essence a triangular shape with access only from Pointe West Drive, having no access whatsoever from Griffin Road or Weston Road. Obviously, there is no access from either Interstate 75 or its exit ramp. While the west side of the site consists of an essentially straight north-south line, the north and south sides of the site going east taper to a point at the eastern edge along the exit ramp to Interstate 75. The applicant is requesting this variance to allow for the placement of a 65 foot tall freestanding monument sign at the entrance ramp to Griffin Road from Interstate 75. Further, the applicant requests a variance to allow the sign to be 196 square feet. The applicant has 1445.3 feet of frontage which would only allow for a 160 square foot sign.

It is absolutely essential to the success of this enterprise that adequate signage be allowed along Interstate 75 to identify both the brand and the location of the dealership to the general public. Because of the poor visibility from Interstate 75 and the 65+ speed by which vehicles will be passing, a much larger sign than is contemplated by the Code is necessary to alert traffic to the location of the dealership with sufficient notice so that traffic may exit on the Griffin Road exit from Interstate 75. The 15 foot free standing monument sign allowed by the Code is clearly inadequate for this unique circumstance. The proposed 65 foot tall free standing monument sign of 196 square feet would allow for adequate recognition and identification of a dealership by occupants of fast moving vehicles which are a great distance away. Further, this sign will be designed in such a fashion as to assure safety in that it will allow high winds to pass through the 17" spaces in the sign while providing the attractive appearance of a monument sign, rather than a pole sign.

These signs comprise the minimum standard signage for a dealership of this size and nature providing this degree of services.



Cross Section

Fab. .090 alum., finish
White glossy finish.

SEP 17 2001

The subject site and site plan approved buildings are unique with regard to their spatial relationship to Interstate 75. The north side of the site is visible only to southbound interstate traffic, although visibility is minimal at best. From the eastern most point of the site, the property slopes south and west following the curve of the Interstate 75 southbound exit ramp onto Griffin Road West. As a result, there is virtually no visibility whatsoever on northbound Interstate 75 because the dealership is shielded by the Interstate 75/Griffin Road Interchange and the aforementioned exit ramp. The dealership comes into view after northbound traffic passes under the Griffin Road overpass when it is then too late for vehicles to exit to reach the dealership. There is no visibility from the west because the site is shielded by other commercial developments and has no road frontage except the northwest point where Pointe West Drive ends into the dealership entrance.

For purposes of comparison, it should be noted that the applicant's dealership located within the City of Plantation on State Road 7 has five freestanding monument signs, although it is not located on a fast-moving interstate highway. Further, the applicants newest dealership located in Cleveland, Ohio has utilized and installed a comparable 65 foot tall sign to that requested here. The Cleveland dealership is located on a major interstate highway, but has greater visibility in that it is approximately 700 feet closer to the highway than the subject site.

Consideration of a variance request should be made under the three criteria identified in the Town of Davie Code of Ordinances. These criteria are:

Criterion (1): Whether there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are 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 alleged hardship is not self-created by any person having an interest in the property.

As noted above, the subject site and dealership are unique with regard to the relationship to Interstate 75. A strict application of the code would not allow for adequate, readable signage at this location. All businesses of this type are entitled to adequate signage as reasonably visible to the public. A strict application of the code would deny the owner the necessity of signage due to

the distance from Interstate 75, thereby creating a hardship. Such hardship would result from the property location in relation to Interstate 75 and, therefore, is not self-created.

As a result this request satisfies this criterion.

Criterion (2): Whether the granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

The granting of these variances is necessary for a reasonable use of the land and building by providing for adequate, readable signage for the business. The proposed sign is necessary to address the distance from which the public will be viewing it, while adequately identifying the site. Given the unusual shape of the subject site, the location of the site in relation to Interstate 75, and the access difficulties, the variance requested is absolutely necessary for the reasonable use of the land as an automobile dealership and is the minimum necessary to accomplish these ends. Finally, the proposed signage is in scale to the size of the highway and has been used on other Honda dealerships, including one of the applicant's, as standard signage to be placed adjacent to an interstate highway to mark the location of the dealership.

As a result, this request satisfies this criterion.

Criterion (3): Whether granting the variance will be 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 intent and purpose of this chapter and the code is to provide businesses with signage of adequate size that is visible to the public without being excessive or unsightly. The maximum of 15 foot freestanding monument sign may be adequate for traditional business along local streets, but does not address businesses set back this far along an interstate highway. In addition to the distance from which the public is removed from the dealership and the sign, the speed of the vehicles passing the sign is a consideration as well. Considering that most vehicles will pass this location at speeds of 65 miles per hour or greater, a larger sign is necessary to notify these vehicles of their approach to the dealership and the appropriate exit. Further, the height of the Griffin Road overpass obscures the site from northbound traffic on Interstate 75. The subject variance requests are in harmony with

the purpose and intent of the code in that it will allow visible signage for the facility that has no access whatsoever from either Griffin Road or Weston Road. A height and square footage variance will have no effect on the neighborhood nor will it be detrimental to the public welfare because the dealership is located within the Davie Business Center and is zoned "BP" .

As a result, this request satisfies this criterion.

As has been demonstrated, the requested variances are consistent with and satisfy the criteria contained in the Town's Code of Ordinances. As a result, this request merits favorable consideration.

WALL SIGNS
VARIANCE REQUEST

This variance request is: FROM: Section 12-242(B)(1)(b), which provides that wall signage may be provided not to exceed a maximum of 2 square feet of signage per lineal foot of building frontage at the street right-of-way to a maximum of 150 square feet of total sign area; TO: allow several small signs totaling a maximum of 648 square feet.

JUSTIFICATION FOR REQUEST

The subject site is a 8.93 acre parcel that is currently being developed as a new and used car sales facility with a retail and wholesale parts department and a complete service department. The site lies immediately north of Griffin Road and immediately west of Interstate 75 at the eastern end of Pointe West Drive. The site is in essence a triangular shape with access only from Pointe West Drive, having no access whatsoever from Griffin Road or Weston Road. Obviously, there is no access from either Interstate 75 or its exit ramp. While the west side of the site consists of an essentially straight north-south line, the north and south sides of the site going east taper to a point at the eastern edge along the exit ramp to Interstate 75. The applicant is requesting this variance to allow for the placement of signage totaling 648 square feet. Due to the nature of the many services provided at an auto dealership, numerous signs are required to identify the services available and their location on the site.

The specific proposed signs are as follows:

<u>Proposed Signs</u>	<u>Square Footage</u>
Rick Case Honda	120
Used Cars	91
Rick Case Honda	120
Rick Case	65
Honda "H" logo	80
Honda	58
Service Reception	16
Express Change	16
Express Wash	16
<u>Service Center</u>	<u>66</u>
TOTAL	648

These signs comprise the minimum standard signage for a dealership of this size and nature, providing this degree of services. At least four of the signs listed above are informational signs for

customers once they are on-site already and are not intended as any type of advertising or to create visibility by the general public off-site.

The subject site and site plan approved buildings are unique with regard to their spatial relationship to Interstate 75. The north side of the site is visible only to southbound interstate traffic, although visibility is minimal at best. From the eastern most point of the site, the property slopes south and west following the curve of the Interstate 75 southbound exit ramp onto Griffin Road West. As a result, there is virtually no visibility whatsoever on northbound Interstate 75 because the dealership is shielded by the Interstate 75/Griffin Road Interchange and the aforementioned exit ramp. The dealership comes into view after northbound traffic passes under the Griffin Road overpass when it is then too late for vehicles to exit to reach the dealership. There is no visibility from the west because the site is shielded by other commercial developments and has no road frontage except the northwest point where Pointe West Drive ends into the dealership entrance.

Signage is needed wherever possible for both identification and recognition. The building frontage totals approximately 348 lineal feet, which would provide for 696 square feet of signage pursuant to the code. The applicant, however, is limited by the cap of 150 square feet of signage provided by the same code section. The applicant would not require the granting of a variance but for the cap of 150 square feet, which is unrealistic in this application. The code required maximum of 150 square feet would make the signs so small as to be unreadable. The proposed signs are within a desirable scale and proportion to the building facades in which they would be placed, and are designed to be minimally visible from the aforesaid roadways.

Consideration of a variance request should be made under the three criteria identified in the Town of Davie Code of Ordinances. These criteria are:

Criterion (1): Whether there are special circumstances or conditions applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are 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 alleged hardship is not self-created by any person having an interest in the property.

As noted above, the subject site and dealership are unique with regard to the relationship to Interstate 75. A strict application of the code would not allow for adequate, readable signage at this location. All businesses of this type are entitled to adequate signage as reasonably visible to the public. A strict application of the code would deny the owner the necessity of signage due to the multifaceted services of an auto dealership, thereby creating a hardship. Such hardship would result from the property location in relation to Interstate 75 and, therefore, is not self-created.

As a result this request satisfies this criterion.

Criterion (2): Whether the granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

The granting of this variance is necessary for a reasonable use of the land and building by providing for adequate, readable signage for the business. The proposed signs are of differing sizes to address the distance from which the public will be viewing them, while adequately identifying the different aspects of the services available. Each of the proposed signs has been designed so as to meet the minimum requirements for the operation of the standard Honda automobile dealership. Given the unusual shape of the subject site, the location of the site in relation to Interstate 75, and the nature of an automobile dealership where numerous services are provided at varying locations throughout the site, the variance requested is absolutely necessary for the reasonable use of the land as an automobile dealership and is the minimum necessary to accomplish these ends. Finally, the proposed signage is in scale to the building facades and is the minimum necessary to provide visibility given the distance from which the signs must be read by the public.

As a result, this request satisfies this criterion.

Criterion (3): Whether granting the variance will be 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 intent and purpose of this chapter and the code is to provide businesses with signage of adequate size that is visible to the public without being excessive or unsightly. The maximum of 150 square feet may be adequate for traditional business along local

serving streets, but does not address businesses set back this far along an interstate highway. Further, the code does not contemplate the rather unique nature of an automobile dealership and the numerous services to be provided on the site. The subject variance request is in harmony with the purpose and intent of the code in that it will allow visible signage for the facility that has no access whatsoever from either Griffin Road or Weston Road. An increase in the total area of all signs combined will have no effect on the neighborhood nor will it be detrimental to the public welfare because the dealership is located within the Davie Business Center where access is confusing at best.

As a result, this request satisfies this criterion.

As has been demonstrated, the requested variance is consistence with and satisfies the criteria contained in the Town's Code of Ordinances. As a result, this request merits favorable consideration.

WESTON ROAD

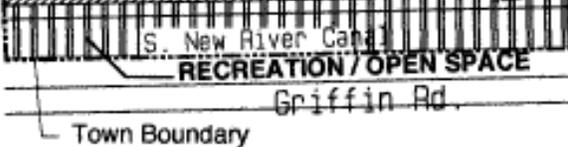
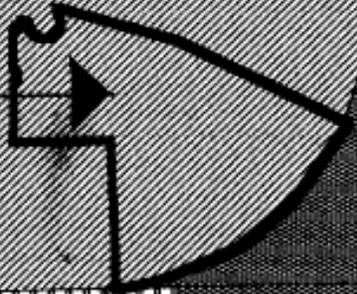
COMMERCIAL

RESIDENTIAL
1 DU/AC

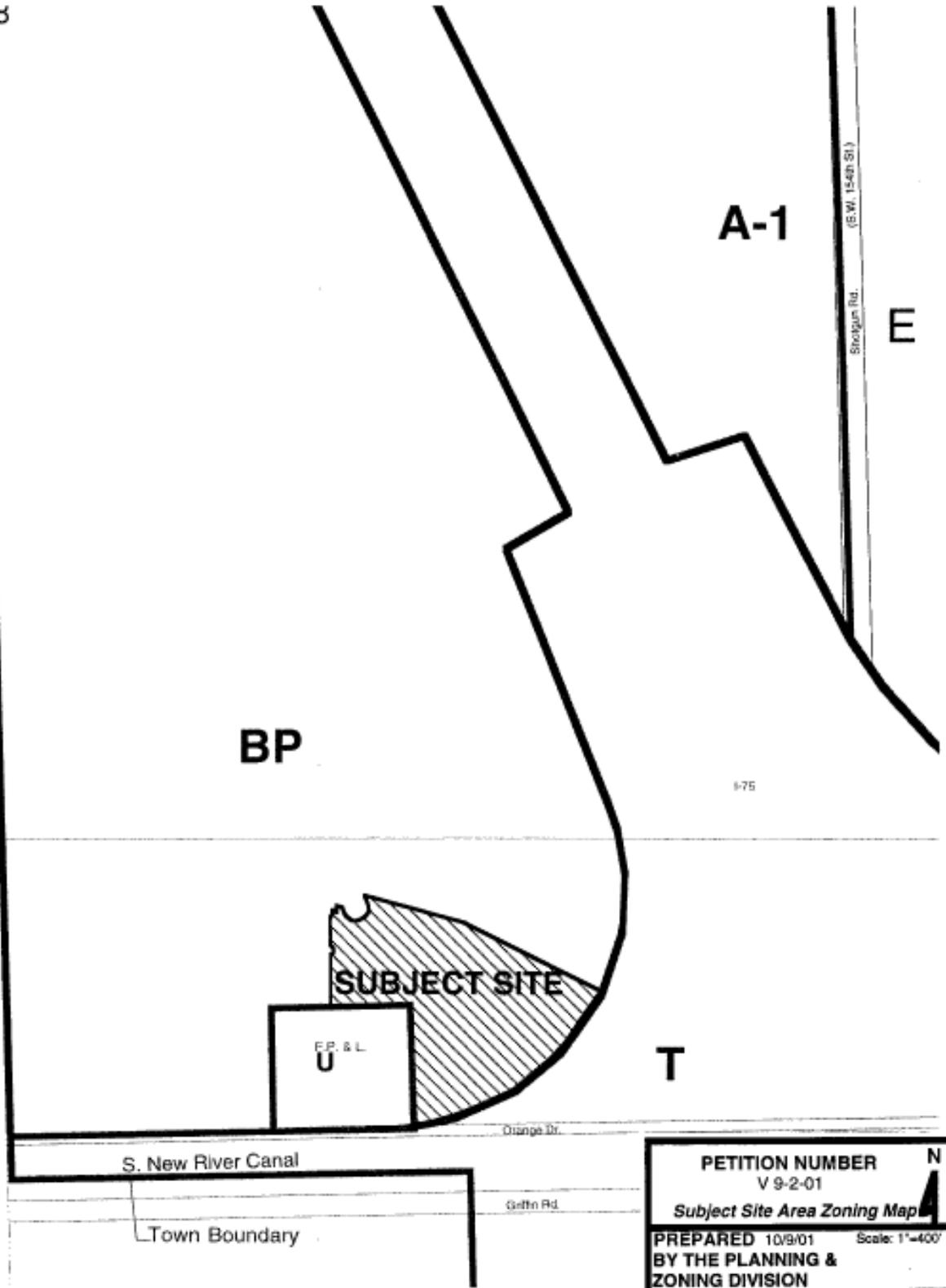
TRANSPORTATION

I-75

SUBJECT SITE



PETITION NUMBER		N ▲
V 9-2-01		
<i>Subject Site Area Future Land Use Plan</i>		
PREPARED 10/9/01	Scale: 1"=400'	
BY THE PLANNING & ZONING DIVISION		



PETITION NUMBER
 V 9-2-01
Subject Site Area Zoning Map

PREPARED 10/9/01 Scale: 1"=400'
 BY THE PLANNING &
 ZONING DIVISION



COMMERCIAL

WESTON ROAD

SHOTGUN ROAD

75

COMMERCIAL

SUBJECT SITE

GRIFFIN ROAD

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
V 9-2-01