

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Variance
V 9-4-01 Home Depot USA/Ruden, McClosky, Smith, Schuster & Russell, P.A., 5801 South University Drive/Generally located on the west side of University Drive 700 feet north of Stirling Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

V 9-4-01 Home Depot USA/Ruden, McClosky, Smith, Schuster & Russell, P.A (B-2)

REPORT IN BRIEF: The petitioner has requested 4 wall signs totaling 559 square feet in association with the development of the new Home Depot at University Creek Plaza. A site plan has been approved in accordance with the 3 variances that were granted. Representatives of Home Depot previously assured staff and the Planning and Zoning Board that variances related to signage would not be requested for this development.

Relative to the 4 walls signs totaling 559 square feet requested by Home Depot, staff believes that the 3 signs proposed for the storefront elevation are at an appropriate scale for a 136,467 square foot structure. The Land Development Code's restriction of 150 square feet of signage is intended to ensure that structures have signage on the building's facade that is at an appropriate scale. This limitation is deficient and goes against the intent of the Code because it does not account for "big box" users. Staff recommends evaluation and revision of the sign regulations to provide for larger structures.

Staff also believes that the proposal to place signage on the east elevation, which is approximately 35 feet from University Drive, is a completely unreasonable request. The proposed signage is not on the building facade and is intensely visible from the public right-of-way. The size of the retail center in and of itself will draw attention and the proposed monument sign which meets Code and is adequate to identify the business from the public right-of-way.

PREVIOUS ACTIONS: Waiver of the one year time limit on the hearing of a variance on the same property was granted by Town Council on August 1, 2001 (Motion carried 5-0).

CONCURRENCES: At the January 9, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to deny

Attachment(s): Planning report, Justification letter, Signage proposal, Land use map, Subject site map, Aerial

Application #: V 9-4-01
Exhibit "A"

Revisions:
Original Report Date: 2/1/02

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

APPLICANT INFORMATION

Owner:		Agent:	
Name: Home Depot USA		Name: Ruden, McClosky, Smith, Schuster & Russell, P.A.	
Address: 2455 Paces Ferry Road		Address: 200 East Broward Boulevard	
City: Atlanta, GA 30339		City: Fort Lauderdale, FL 33301	
Phone: (770)384-2926		Phone: (954)764-660	

BACKGROUND INFORMATION

Date of Notification: January 2, 2002 **Number of Notifications:** 18

Application History: Waiver of the one year time limit on the hearing of a variance on the same property was granted by Town Council on August 1, 2001.

Application Request: Variance **FROM:** Section 12-242(B)(1)(b) of the Land Development Code which allows a maximum of 150 square feet of wall signage; **TO:** allow 559 square feet of wall signage.

Address/Location: 5801 South University Drive/Generally located on the west side of University Drive 700 feet north of Stirling Road.

Future Land Use Plan Designation: Commercial

Zoning: B-2, Community Business District

Existing Use: Vacant structure (former Winn Dixie)

Proposed Use: Home Depot

Parcel Size: 15.338 acres (668,126 square feet)

Surrounding Uses:

North:	Davie Square Shopping Center, Vacant
South:	University Creek Plaza
East:	Agricultural
West:	Agricultural, Vacant

Surrounding Land Use Plan Designation:

Commercial
Commercial
Commerce/Office
Residential (3 DU/AC)

Surrounding Zoning:

North:	B-2, Community Business District and B-1, Neighborhood Business District
South:	B-2, Community Business District
East:	CC, Commerce Center District
West:	CF, Community Facilities District and B-2, Community Business District

West: CF, Community Facilities District and B-2, Community Business District

ZONING HISTORY

Related Zoning History: No related zoning history.

Previous Request on same property: The site plan for the University Creek Plaza was approved by Town Council on May 5, 1985.

Variance petition, V 11-1-00 Michael Gai/Home Depot, which requested three (3) variances **FROM:** Section 12-55, which limits individual building size in B-2, Community Business Districts to 40,000 square feet, **TO:** allow a 136,467 square-foot freestanding retail store; **FROM:** Section 12-55, which limits the size of shopping centers in B-2, Community Business Districts to 100,000 square feet, **TO:** allow a 207,764 square foot shopping center; **FROM:** Section 12-208, which requires 971 parking spaces on the subject site, **TO:** reduce the number of required parking spaces by 83 for a total of 888 was approved by Town Council on March 7, 2001.

Rezoning petition, ZB 10-1-00 Geiserman/Home Depot, which rezoned a portion of the Home Depot site for parking, retention and landscaping from A-1, Agricultural to B-2, Community Business District was approved by Town Council on April 4, 2001.

The site plan, SP 10-5-00 Home Depot at University Creek Plaza, was approved by Town Council on May 16, 2001.

APPLICATION DETAILS

The petitioner has requested 4 wall signs totaling 559 square feet in association with the development of the new Home Depot at University Creek Plaza. A site plan has been approved in accordance with the 3 variances that were granted. Representatives of Home Depot previously assured staff and the Planning and Zoning Board that variances related to signage would not be requested for this development.

Applicable Codes and Ordinances

Section 12-242(B)(1)(b) of the Land Development Code, Wall Signs, Single-Occupant Buildings, states signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of building frontage at the street right-of-way to a maximum of one hundred fifty (150) square feet of total sign area.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale

development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives and Policies: Policy 17-4 Land Development regulations shall address the size, quantity, location and character of on-premises and off-premises signs, to promote community aesthetics and protect the health, safety and welfare of Town residents. The Town shall evaluate and revise the sign regulations as necessary to provide for the elimination of existing signage that is inconsistent with the community character.

Staff Analysis

Relative to the 4 walls signs totaling 559 square feet requested by Home Depot, staff believes that the 3 signs proposed for the storefront elevation are at an appropriate scale for a 136,467 square foot structure. The Land Development Code's restriction of 150 square feet of signage is intended to ensure that structures have signage on the building's facade that is at an appropriate scale. This limitation is deficient and goes against the intent of the Code because it does not account for "big box" users. Staff recommends evaluation and revision of the sign regulations to provide for larger structures.

Staff also believes that the proposal to place signage on the east elevation, which is approximately 35 feet from University Drive, is a completely unreasonable request. The proposed signage is not on the building facade and is intensely visible from the public right-of-way. The size of the retail center in and of itself will draw attention and the proposed monument sign which meets Code and is adequate to identify the business from the public right-of-way.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

(a) There are no special circumstances or conditions applying to the land or building for which the variances are sought, which circumstances or conditions are 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 such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought, and that alleged hardship is self-created by any person having an interest in the property.

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

(c) Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will be injurious to the neighborhood or otherwise

and intent of this chapter and will 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 negative, staff recommends denial, of petition V 9-4-01.

Planning & Zoning Board Recommendation

At the January 9, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve (Motion carried 5-0).

Exhibits

1. Justification letter
2. Signage proposal
2. Land use map
3. Subject site map
4. Aerial

Prepared by: _____

Reviewed by: _____

Justification Narrative The Home Depot Sign Variance

Home Depot USA, Inc. ("Home Depot") previously obtained site plan approval for a home improvement store and garden center on the parcel of property generally located at the northwest corner of the intersection of University Drive and Stirling Road within the University Creek Plaza (the "Property"). In connection with the development of the project, Home Depot now seeks a variance from §12-242(B)(1)(b) of the Town's Sign Performance Standards which provide that the maximum area of wall signage cannot exceed 150 square feet of total sign area.

Home Depot is one of several buildings within the University Creek Plaza. The front of the home improvement and garden store faces south toward the existing in-line commercial plaza. The storefront itself is more than 500 feet from Stirling Road and is obstructed from view by other buildings in the shopping plaza. Home Depot's only direct road frontage, along University Drive, is actually the east-side elevation of the store and is not an entrance.

The Town Code of Ordinances ("Code") permits two square feet of wall signage per lineal foot of building frontage adjacent to the street right-of-way up to a maximum of 150 square feet of total sign area. Based on the store's 722 lineal foot building frontage, Home Depot would be permitted 1444 square feet of wall sign area. However, this amount exceeds the maximum 150 square feet of total sign area permitted by the code.

Due to its location and visibility, Home Depot is requesting 4 wall signs totaling 559 (558.86) square feet. A strict interpretation of §12-242(B)(1)(b) requires a variance of 409 square feet. The signage is necessary to appropriately direct customers and contractors to the appropriate entrances, as well as to provide identification signage for those seeking the store from Stirling Road or northbound University Drive.

The 4 proposed wall signs include (see sign package):

- 1) a 210.83 s.f. "Home Depot" sign along the University Drive frontage, consisting of 5' channel letters;
- 2) a 290 s.f. "The Home Depot" sign above the main entrance, consisting of 5' channel letters;
- 3) a 28.7 s.f. directional sign above the subject door reading "Contractor Pick-Up", consisting of 2' letters; and
- 4) a 29.33 s.f. directional sign above the subject entrance reading "Nursery", consisting of 2' letters.

As discussed below, approval of these variances will adhere to the variance review criteria set forth in Section 27-804(g) of the Code of Ordinances. Home Depot will demonstrate: (1) that peculiar circumstances warrant the proposed variance and said conditions do not apply to other properties in the same district; (2) that the proposed variance is the minimum variance that will accomplish Home Depot's stated purpose; (3) that allowing the requested variance will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or detrimental to the public welfare.

A. Unique and special circumstances or conditions

Special circumstances exist that warrant the granting of the requested variance. The location of the Home Depot store in relation to the remainder of the University Creek Plaza restricts visibility of the storefront, causing confusion to patrons seeking the store. Additionally, the size of the shopping center and of the Home Depot store itself, creates the need for a form of directional signage, identifying entrance locations. Departmentalization of the Home Depot home improvement store and garden center creates a situation similar to that of a multi-tenant shopping center, causing the need for identification of individual entrances. Secondary entrances for the garden center, contractor pick-up and tool rental with the provision of separate cash registers at these doorways, eliminates the need for persons using these specific services to utilize the main entrance. Therefore, the need for more than one sign is necessary.

B. Variance Requested in the Minimum Variance Required

The proposed wall signs are a part of the architectural design of the building and the minimum necessary to maintain an aesthetic and well-balanced theme given the building size. The Town's generalized sign code does not distinguish between large "big box" retailers typically having facades over 300' in length and small retailers typically having under 150' in length. The proposed signage has been designed in proportion to the building façade.

C. Granting the Variance will be in Harmony with General Intent of the Code and Not Detrimental to the Neighborhood or Public Welfare

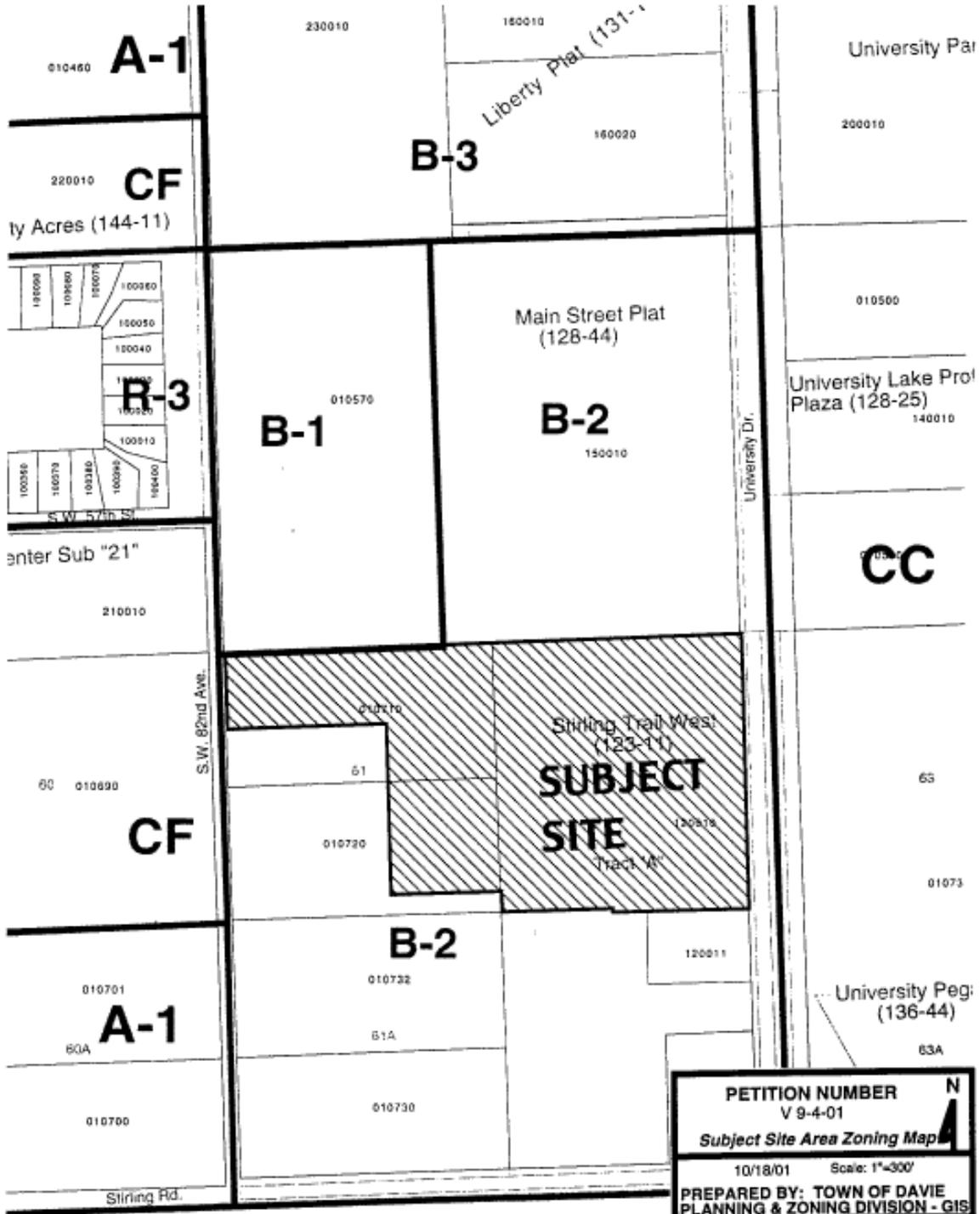
The Property is located within the University Creek Plaza. With the exception of the "The Home Depot" identification sign, the other proposed signage will not be readily visible from adjacent public rights-of-way, but is necessary to direct patrons once in the shopping center. The Property is a substantial distance from residential property and will not negatively impact residential communities.

Home Depot
Sign Variance Justification Narrative

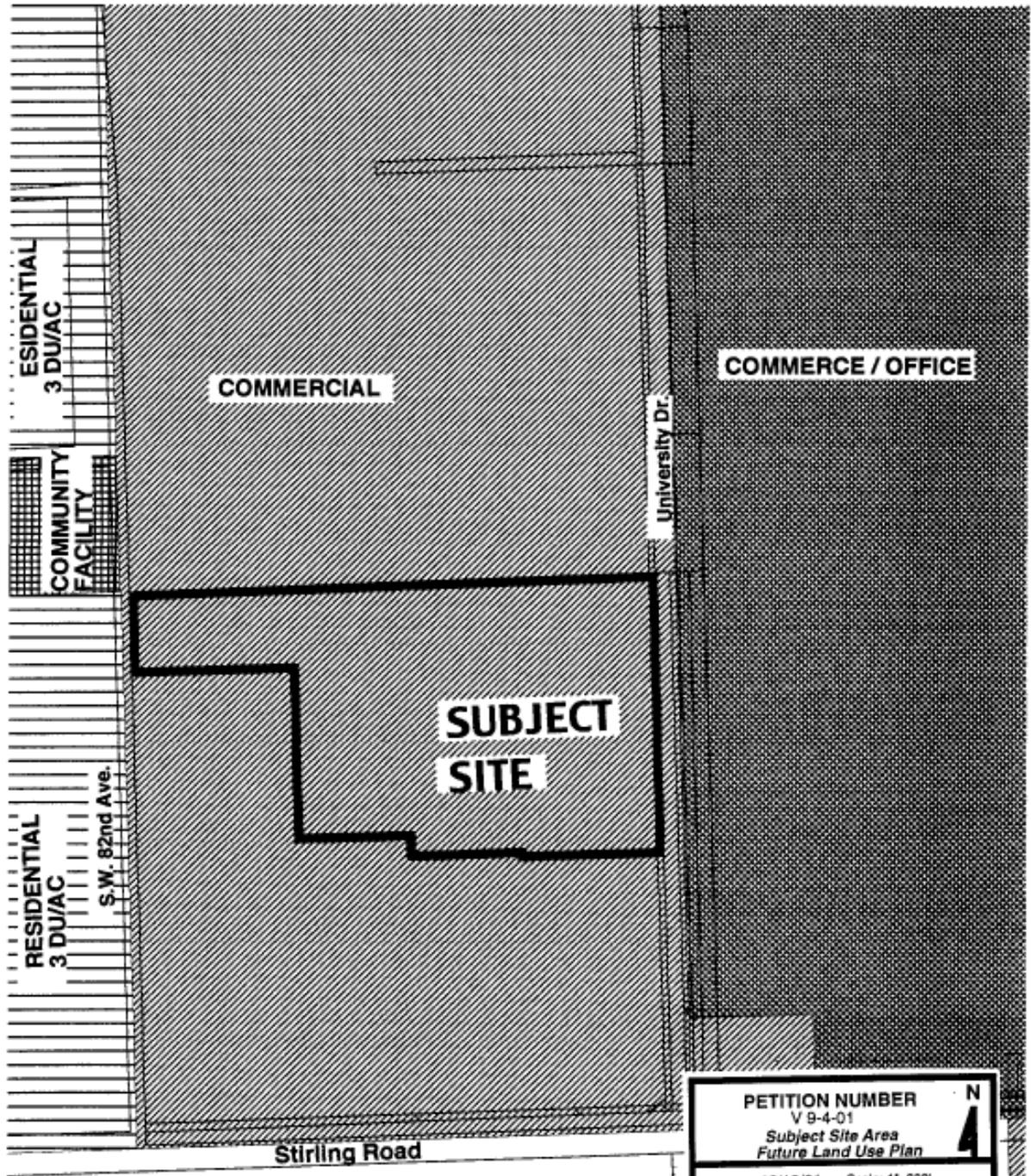
Page 3

Therefore, based on the store front's distance from the Stirling Road and the manner in which the store is oriented within the University Creek Plaza, the size of the building, the proposed signage design and the distance from residential property, the proposed variance is consistent with Section 12-309(B)(1)(a),(b) and(c) of the Town's Code regarding variances.

Home Depot respectfully requests approval of four wall signs, which when combined, exceed the maximum 150 square foot sign area permitted by code. A variance of 409 (408.86) square feet is requested to allow four wall signs totaling 559 (558.86) square feet.



PETITION NUMBER
 V 9-4-01
Subject Site Area Zoning Map
 10/18/01 Scale: 1"=300'
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS



ESIDENTIAL
3 DU/AC

COMMUNITY
FACILITY

RESIDENTIAL
3 DU/AC

S.W. 82nd Ave.

COMMERCIAL

University Dr.

COMMERCE / OFFICE

SUBJECT
SITE

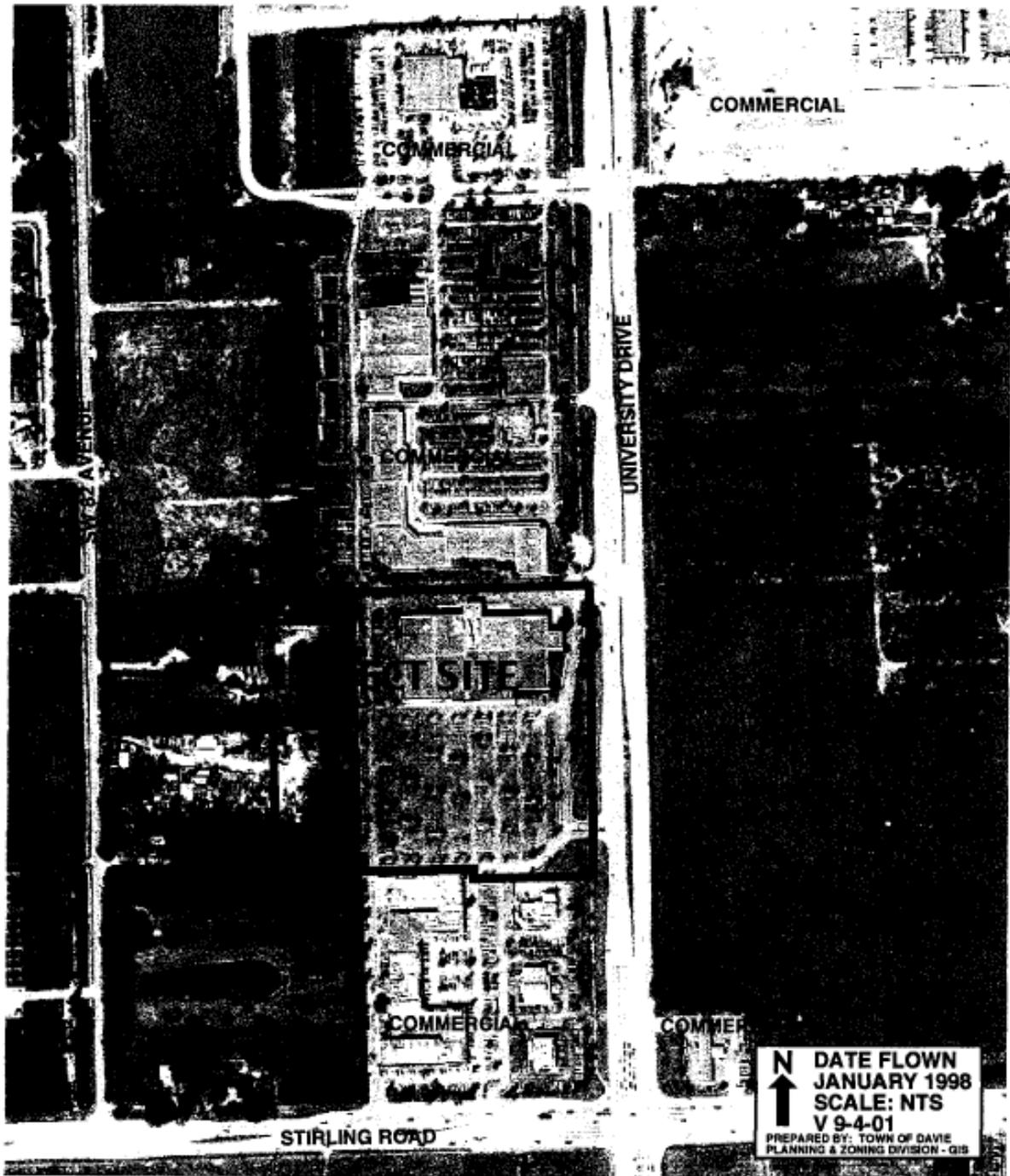
Stirling Road

PETITION NUMBER
V 9-4-01
Subject Site Area
Future Land Use Plan

10/16/01 Scale: 1"=300'

PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS





COMMERCIAL

COMMERCIAL

COMMERCIAL

SITE

COMMERCIAL

COMMER

STIRLING ROAD

UNIVERSITY DRIVE

STIRLING AVENUE

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
V 9-4-01
PREPARED BY: TOWN OF DAVIS
PLANNING & ZONING DIVISION - GIS