

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Document prepared by: Roberta Moore, Planner I

**SUBJECT:** Variance, V 10-6-02 Maroone Toyota, 4050 Weston Road/ Generally located on the west side of Interstate 75, north of Griffin Road.

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** V 10-6-02 Maroone Toyota, 4050 Weston Road

**REPORT IN BRIEF:** The applicant is requesting approval of a variance for the following:

- Entrance Sign
  - To reduce the required minimum 15 foot setback of a proposed entrance sign to the property line (0 foot).
  
- Interstate Signs
  - To increase the height of an interstate sign from the maximum permitted height of 15 feet to allow a 65 foot high interstate sign. The proposed sign would have a face area of 196 square feet.
  - To increase the total square footage of freestanding signs from the permitted 120 square feet to 272.41 square feet, thus requesting a variance for 152.41 square feet. There is currently an entrance sign with a sign face area of 41.7 square feet; a proposed entrance sign with a sign face area of 34.71 square feet; and, a proposed freestanding interstate sign with a sign face area of 196 square feet.
  - To reduce the setback of the proposed interstate sign to allow a 15 foot setback. The proposed interstate sign is 65 feet in height which would require a 65 foot setback, thus requesting a variance for 50 feet from the required setback.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** At the January 8, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. Waitkus to deny (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Planning Report, Justification, Land Use Map, Zoning and Aerial Map

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

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**Applicant Information**

**Owner**

**Name:** MS & S Toyota, Inc.  
**Address:** 110 S.E. Sixth Street  
**City:** Fort Lauderdale, Florida 33301  
**Phone:** (954) 769-8936

**Agent:**

**Name:** AutoNation, Inc.  
**Address:** 110 S.E. Sixth Street  
**City:** Fort Lauderdale, Florida 33301  
**Phone:** (954) 769-8936

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**Background Information**

**Date of Notification:** December 4, 2002      **Number of Notifications:** 11

**Application History:** No deferrals have been requested.

**Application Request:**

**Entrance Sign:** Variance

**FROM:** Section 12-238(B) of the Land Development Code which requires setbacks from any existing right-of-way or property line a distance equal to or greater than the sign height. The proposed sign is 15 feet in height and would require a minimum setback of 15 feet. **TO:** Reduce the minimum setback of freestanding signs to the property line (0 feet).

**Interstate Sign:** Variance

**FROM:** Section 12-242(A)(1) of the Land Development Code which restricts all signs to a maximum of 15 feet in height. A new freestanding sign is proposed with a total of 65 feet in height and a sign face area of 196 square feet. **TO:** Increase the height of the sign by 50 feet from the permitted height requirement.

**FROM:** Section 12-242(A)(1) of the Land Development Code which limits the total square footage of freestanding sign area to 120 square feet. **TO:** To increase the total square footage of freestanding signs from the permitted 120 square feet to 272.41 square feet, thus requesting a variance for 152.41 square feet. There is currently an entrance sign with a sign face area of 41.7 square feet; a proposed entrance sign with a sign face area of 34.71 square feet; and, a proposed freestanding interstate sign with a sign face area of 196 square feet.

**FROM:** Section 12-238(B)(3) of the Land Development Code which requires freestanding signs to provide a setback from any existing right-of-way or property line a distance equal to or

greater than the sign height. The proposed Interstate sign is 65 feet in height and would require a 65 foot setback. **TO:** Allow a 15 feet setback to the property line for the proposed Interstate sign. A variance of 50 feet from the setback requirement is requested.

**Address/Location:** 4050 Weston Road/ Generally located on the on the west side of Interstate 75, north of Griffin Road.

**Future Land Use Plan Designation:** Commercial

**Zoning:** BP, Business Park

**Existing/Proposed Use:** Auto Dealership

**Parcel Size:** 21.97 acres (957,130.67 square feet)

<b><u>Surrounding Uses:</u></b>		<b><u>Surrounding Land Use Plan Designation:</u></b>	
<b>North:</b>	Nissan – Volvo	Commercial	
<b>South:</b>	Maroone Toyota	Commercial	
<b>East:</b>	Interstate 75	Transportation	
<b>West:</b>	Weston Road	Transportation	

**Surrounding Zoning:**

<b>North:</b>	BP, Business Park District
<b>South:</b>	BP, Business Park District
<b>East:</b>	T, Transportation
<b>West:</b>	T, Transportation

### Zoning History

**Previous Requests on same property:** Town Council approved a rezoning (ZB 9-2-98, Ordinance 99-03) of the subject site from AG, Agricultural District to BP, Business Park District for 3.55 acres with the utilization of the Broward County “5% residential-to-commercial” flexibility rule on the second reading on December 15, 1999.

### Application Details

Maroone Toyota is located west of Interstate 75, north of Griffin Road along Weston Road. Maroone Toyota currently has a Site Plan modification (SP 10-8-02) in for review for the addition of a used car building. The variance application is for two signs; an entrance sign and an interstate sign. The entrance sign is proposed to be located along Weston Road and the interstate sign is proposed to be located along Interstate 75.

**Entrance Sign:**

The entrance sign is proposed to be located along the western property line. The variance application requests to reduce the required minimum setback from the existing right-of-way or property line from 15 feet to 0 feet. Abutting the right-of-way is Tract 3 of the ICW North Plat which provides a 64 foot Canal Easement.

**Interstate Sign:**

The interstate sign is proposed to be located along the eastern property line adjacent to Interstate 75. The maximum sign height permitted by Town of Davie Land Development Code is 15 feet. The variance application requests to increase the permitted sign height to allow a 65 foot sign to the north of an existing lake along Interstate 75, fifteen feet (15) to the property line. The proposed sign setback area is adjacent to a 15 foot utility easement. The applicant is requesting to increase the total permitted square footage of freestanding sign area from a permitted 120 square feet to 272.41 square feet, thus requesting a variance for 152.41 square feet.

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**Applicable Codes and Ordinances**

Section 12-238(B) of the Land Development Code which requires setbacks from any existing right-of-way or property line a distance equal to or greater than in sign height. Section 12-242(A)(1) of the Land Development Code which restricts all signs to a maximum of 15 feet in height. Section 12-242(A)(1) of the Land Development Code which limits the total square footage of freestanding sign area to 120 square feet. Section 12-238(B)(3) of the Land Development Code which requires freestanding signs to provide a setback from any existing right-of-way or property line a distance equal to or greater than the sign height.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 1. Planning Area 1 constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of Southwest 148 Avenue. This planning area is bisected by I-75 which is accessed at Griffin Road and Sheridan Street. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the northern and southern ends of the Ivanhoe development at the intersections of I-75 with Sheridan and Griffin Roads, and Orange Drive. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West. Development in this planning area shall continue in accordance with the program for the Ivanhoe development.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations*

shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living environments.

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### Staff Analysis

The location of the proposed entrance sign is along the western property line along Weston Road. Although the applicant is requesting a 0 foot setback, existing is a 64 foot setback to the right-of-way due to a Canal Easement. The location of this sign will not impact the safety and welfare of residents, as technically the sign is setback 64 feet from the road.

The location of the proposed interstate sign is 15 feet from the property line, adjacent to a 15 foot utility easement. Per Town of Davie Land Development Code, the proposed 65 foot high interstate sign would require a 65 foot setback. The Land Development Code restricts all signs to 15 feet in height and the applicant has proposed a 65 foot high sign. The proposed interstate sign would have a sign face of 196 square feet; however, the maximum permitted square footage of freestanding sign area is 120 square feet. This sign variance is being requested to increase sign visibility from Interstate 75. The speed of the cars traveling along the roadway is the justification being used by the applicant for sign height and copy area. The sign height request then triggers the setback variance. Along the Interstate 75 corridor, variance requests have been submitted and approved to increase both the copy area and the overall sign height.

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### Findings of Fact

#### Variances:

#### **Section 12-309(B) (1):**

**The following findings of facts apply to the variance request:**

- (a) There are 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;

*The property is adjacent to Interstate 75 on the west and a canal easement along Weston Road. There is a 64 foot canal easement along Weston Road; the 0 foot setback for the proposed entrance sign would not cause harm to the safety and welfare of residents. The proposed interstate sign is requested for visibility of the sign for traffic along Interstate 75.*

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

*The applicant can achieve reasonable use of the land without a variance, and as such the variance is not the minimum needed.*

- (c) Granting of the requested variances are not in harmony with the general purpose

and intent of this chapter, and are not injurious to the neighborhood or otherwise detrimental to the public welfare.

*The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the setback of the entrance sign to be reduced to 0 feet will not be detrimental to the neighborhood since it is technically located 64 feet from the platted road easement. Allowing the setback of the interstate sign to be reduced to 15 feet and allowing the freestanding sign face area of 196 square feet will not be detrimental to the neighborhood as the adjacent landowner is, in fact, the I-75 interstate roadway.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board for further consideration.

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### **Planning and Zoning Board Recommendation**

At the January 8, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. Waitkus to deny (Motion carried 5-0).

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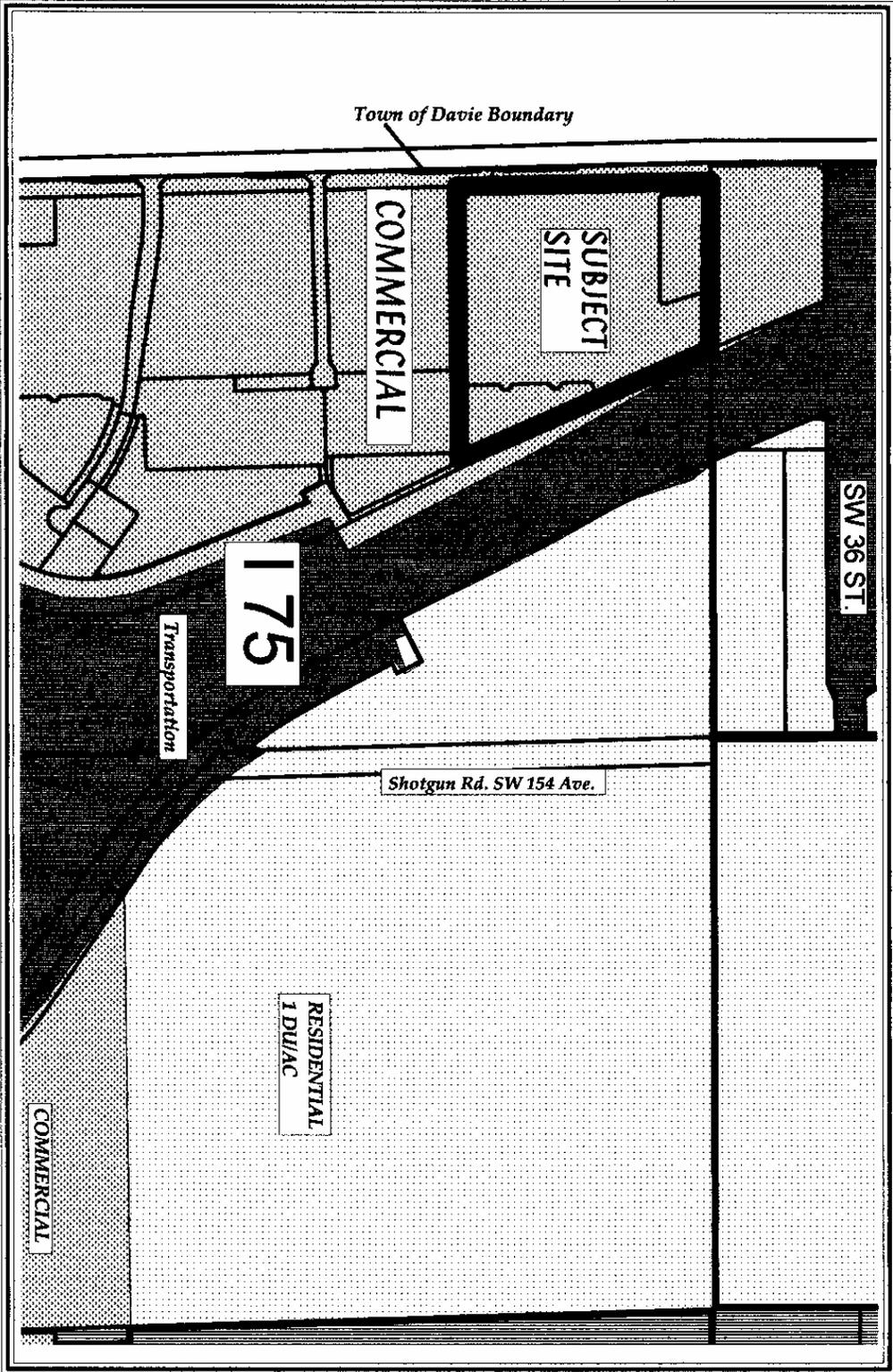
### **Exhibits**

1. Justification
2. Land Use Map
3. Zoning and Aerial Map
4. Survey

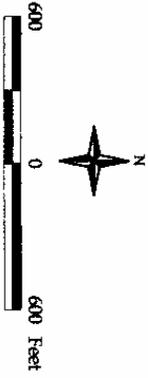
Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

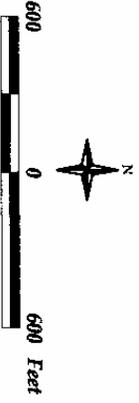
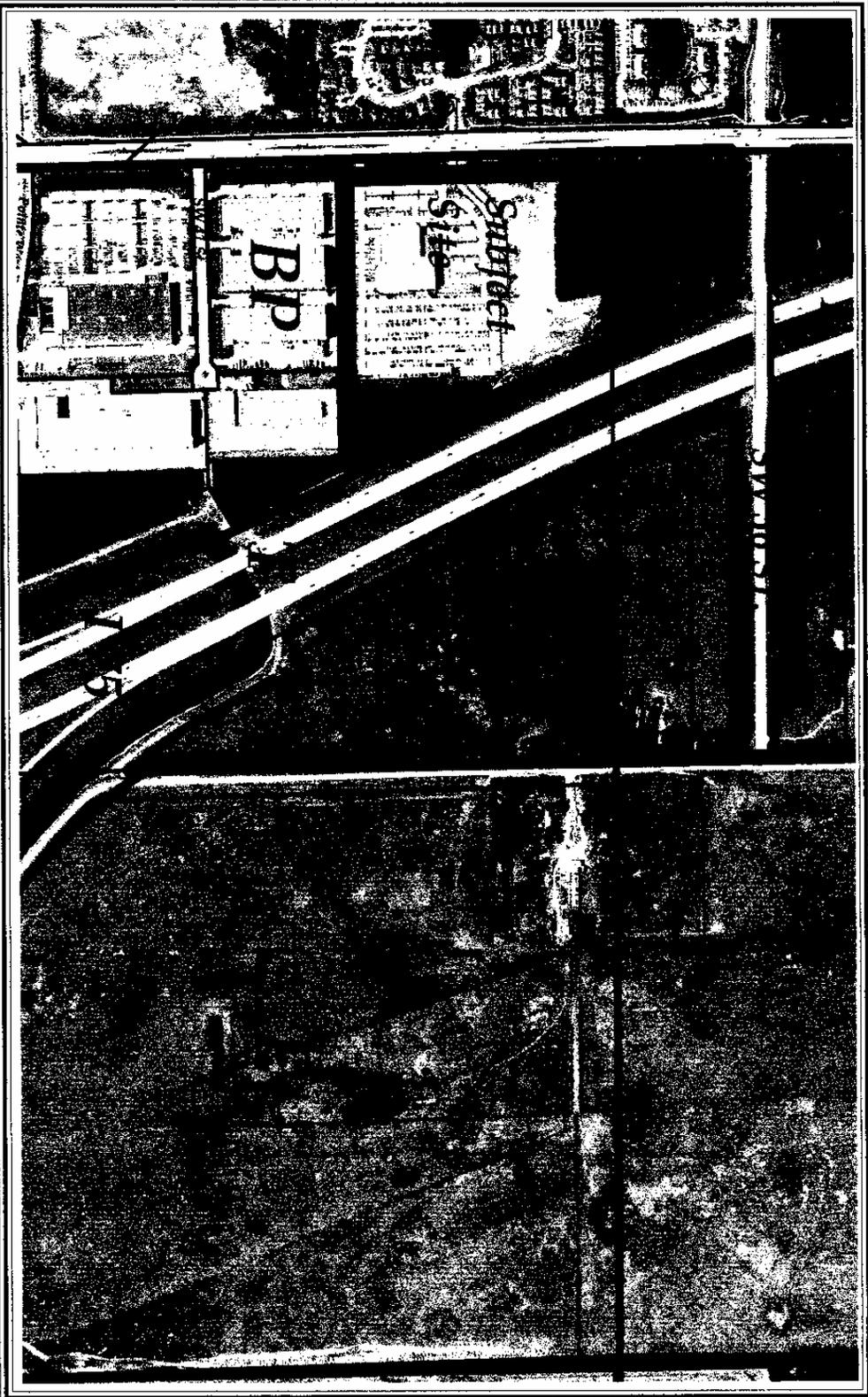




Planning & Zoning Division - GIS



Variance  
 V 10-6-02  
 Existing Future Land Use Map



Planning & Zoning Division - GIS



Variance  
V 10-6-02  
Subject Site and Aerial Map

Date Flown: 12/31/01