

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: Christopher M. Gratz, Planner II

SUBJECT: Variance, V 1-2-03 Davie Nissan-Volvo, 3650 Weston Road/Generally located at the southeast corner of Weston Road and SW 36 Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: V 1-2-03 Davie Nissan-Volvo, 3650 Weston Road (BP)

REPORT IN BRIEF:

The petitioner has requested to reduce the required minimum separation between freestanding signs visible from a public street right-of-way from 200' to 60'. The freestanding monument sign is approximately 4' in height and 42 square feet in size.

PREVIOUS ACTIONS: None.

CONCURRENCES: At the March 26, 2003, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus to approve (Motion carried 4-1 with Mrs. Lee opposed).

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, Site Plan, Future Land Use Map, Zoning and Aerial Map

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

Applicant Information

Owner/Agent:

Name: Mike Hooley, Jr.
Davie Nissan-Volvo
Address: 707 North State Road 7
City: Plantation, FL 33317
Phone: (954) 888-6800

Background Information

Date of Notification: March 19, 2003 **Number of Notifications:** 4

Application History: No deferrals have been requested.

Application Request: Variance **FROM:** Section 12-242(A)(4) of the Land Development Code which requires that freestanding signs visible from a public street right-of-way be located a minimum of 200' from another freestanding sign; **TO:** reduce the minimum separation to 60'.

Address/Location: 3650 Weston Road/Generally located at the southeast corner of Weston Road and SW 36 Street.

Future Land Use Plan Designation: Commercial

Zoning: BP, Business Park District

Existing/Proposed Use: Davie Nissan-Volvo

Parcel Size: 8.675 acres (377,919 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	SW 36 Street	Transportation
South:	Vacant	Commercial
East:	I-75	Transportation
West:	Emerald Courts, City of Weston	Residential (10 DU/AC)

Surrounding Zoning:

North: T, Transportation District
South: BP, Business Park District
East: T, Transportation District
West: PDD, Planned Development District, City of Weston

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 Requests on same property: Town Council approved the “ICW North Plat” on July 17, 1996. The subject plat was recorded by Broward County on October 30, 1997 in Plat Book 163, Page 48 of the Broward County Records.

On March 6, 1996, Town Council approved rezoning request ZB 11-3-95 on second reading which rezoned the 115 acre site consisting of the ICW North and ICW South Plats from A-1, Agricultural District, to BP, Business Park District.

On January 8, 1997, Town Council approved rezoning request ZB 10-1-96 on second reading amending the conceptual master plan to provide for common areas, lake parcels and proposed uses of land for the “ICW North Plat.”

Town Council approved DG 7-1-99 on July 21, 1999, a plat amendment which amended the restrictive note to provide for an increase of 45,000 square feet of commercial use for land within the “ICW North Plat.”

The site plan, SP 10-4-99 Davie Nissan-Volvo, was approved on December 15, 1999.

Application Details

The petitioner has requested to reduce the required minimum separation between freestanding signs visible from a public street right-of-way from 200’ to 60’. The freestanding monument sign is approximately 4’ in height and 42 square feet in size.

Applicable Codes and Ordinances

Section 12-242(A)(4) of the Land Development Code, Sign performance standards, Freestanding Signs states: Distance of sign to other objects or property. No freestanding sign shall be closer than a distance equal to the height of the sign to any other sign, building, structure or property line. No freestanding sign may be located closer than two hundred (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.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. 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 southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

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.

Staff Analysis

The intent of the 200' separation between freestanding signs visible from the public right-of-way required by the Land Development Code is to prevent signage from visually cluttering a site. The subject site is located directly south the overpass for SW 36 Street. The applicant states that sign will not be visible to south bound I-75 traffic if the sign is placed near the north end of the site, 200' from the existing sign.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are special circumstances or conditions applying to the land or 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; and that said circumstances or conditions are not 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.

The subject site is located directly south of the SW 36 Street overpass; the conditions do not generally apply to land in the same district; the circumstances would not deprive the applicant of reasonable use of the land since it has already been achieved without a variance; the variance request is created by the petitioner's desire add additional signage adjacent to I-75.

- (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 the minimum variance that will accomplish this purpose.

Granting of the variance is not necessary for reasonable use of the land, since reasonable use has been achieved without a variance. The request is the minimum needed to place the sign in a location visible to south bound I-75 traffic.

- (c) Granting of the requested variances will be 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.

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 separation between freestanding signs to be reduced from 200' to 60' will visually clutter the site and may be detrimental to the neighborhood.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the March 26, 2003, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus to approve (Motion carried 4-1 with Mrs. Lee opposed).

Exhibits

1. Justification
2. Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

DAVIE NISSAN-VOLVO

VARIANCE REQUEST – 60' SIGN SEPARATION

REASON FOR REQUEST:

We have received permit approval for all signs on our property. We have also received approval for size and design of all signs on our property. The current permit approval requires a 200' separation between signs on the East side of the property facing I-75. With a 200' separation between signs, the sign at the North end of the property will be too close to the South Post Road overpass. Furthermore, with a 200' separation the sign positioned at the North end of the property will have little or not visibility for South Bound traffic on I-75 due to the overpass. The circumstances of the overpass being in close proximity to the signs are specific to our property and require us to ask for a variance.

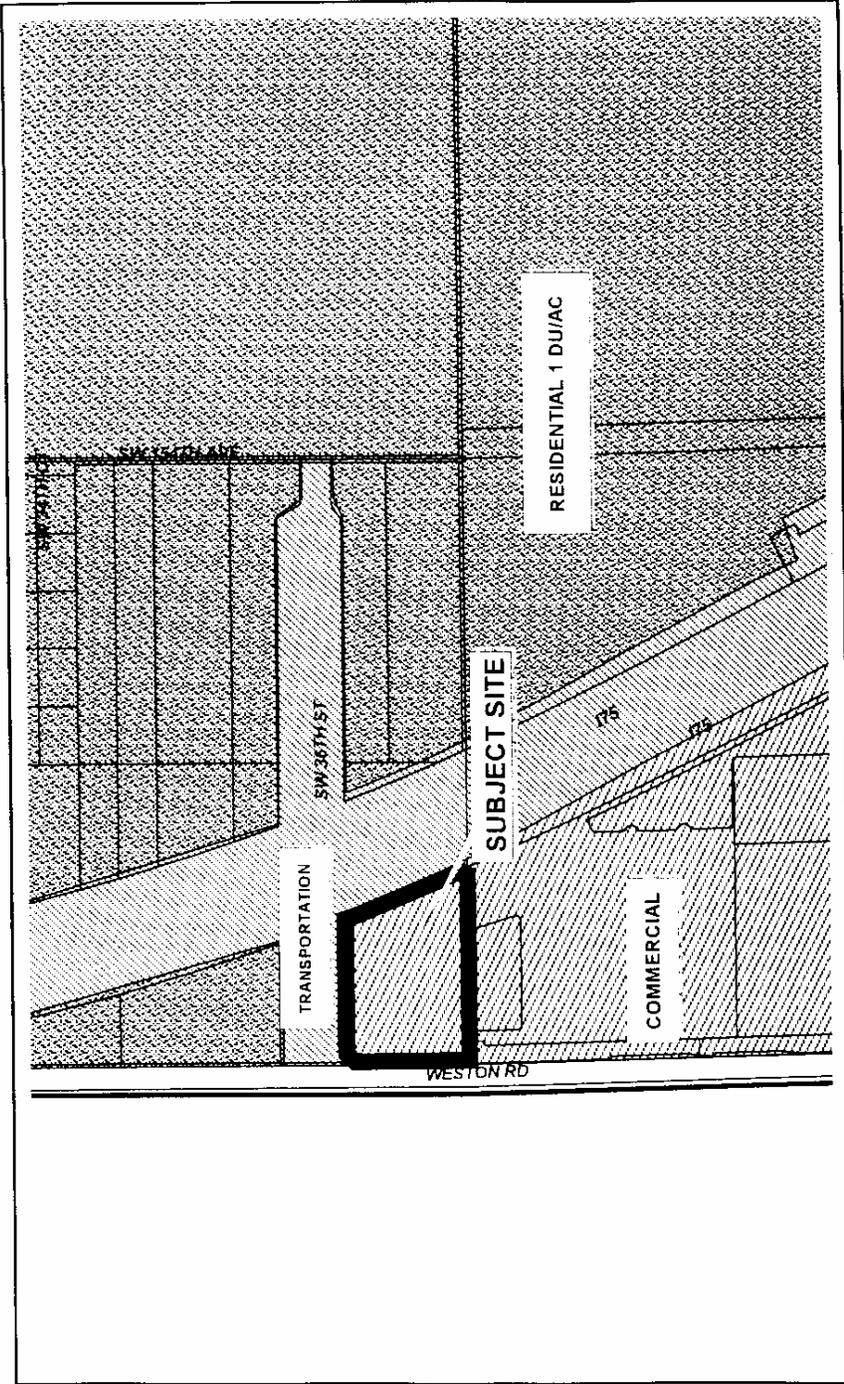
The variance we are requesting is for a 60' separation between the signs on the East side of the property facing I-75. The 60' separation is the minimum distance that will accomplish reasonable visibility of the sign on the east side of the property. The approval of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. I noted the attached survey to show approximately where the signs will be placed with a 60' separation.

Sincerely,



Mike Hooley Jr

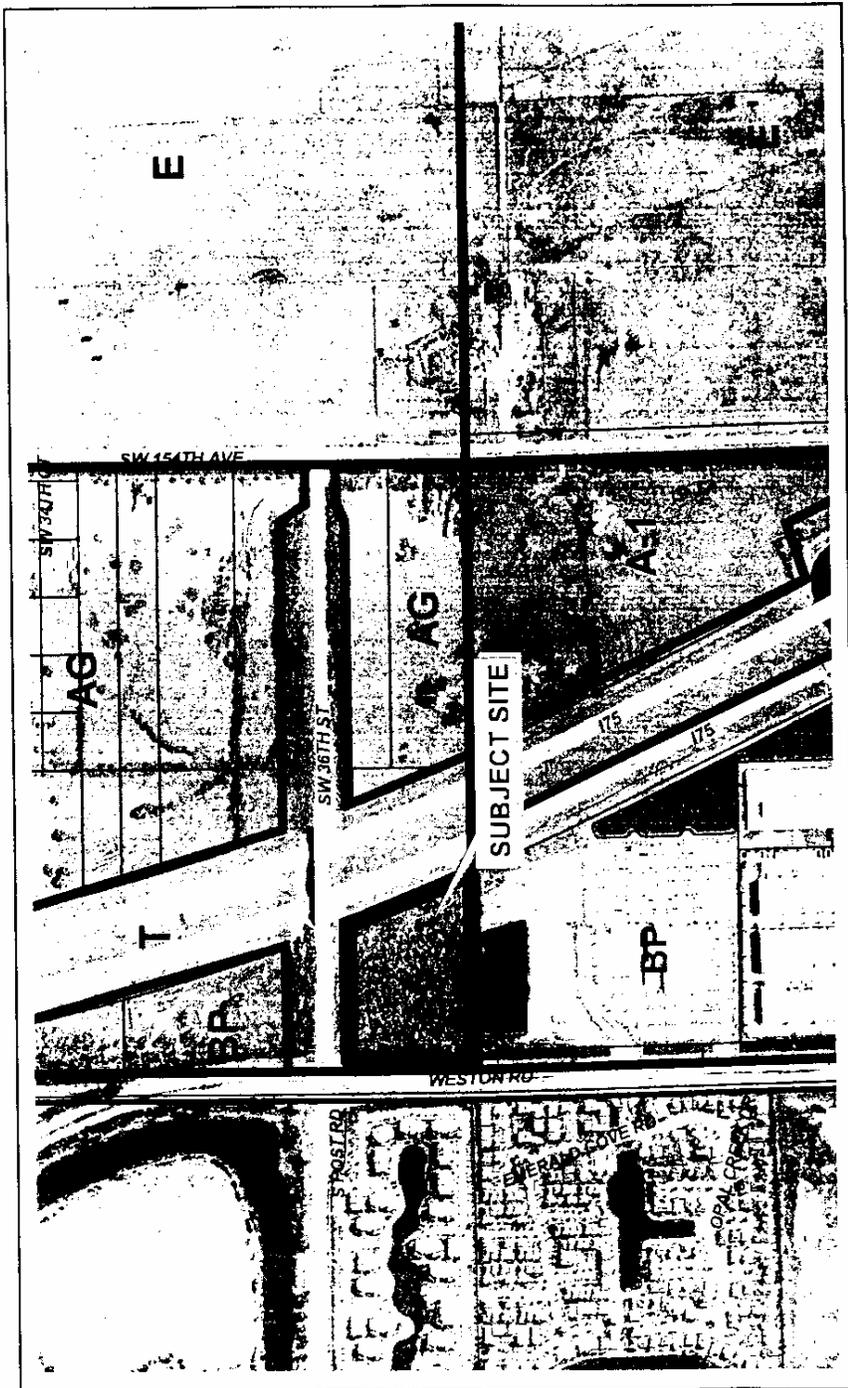
owner



**VARIANCE
V 1-2-03
Future Land Use Map**

Date Prepared 3-10-03
Prepared By ILD

Planning & Zoning Division - GIS



**VARIANCE
V 1-2-03**

Zoning and Aerial Map

Date Prepared 3/10/03
Prepared By JLD



Date Flown:
12/31/00



Planning & Zoning Division - GIS