DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM
PZ 03-09-05

TO: Mayor and Councilmembers
Chris Kovanes, Interim Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Marcie O. Nolan, AICP, Deputy Planning and Zoning Manager

FROM: Christopher M. Gratz, Planner II

DATE: March 10, 2005

RE: V 2-2-05 & V 2-3-05 Rick Case Hyundai

REQUEST: Staff is requesting that the above referenced item, currently advertised for the March 16, 2005, Town Council meeting be tabled to April 20, 2005.

HISTORY: The item was tabled from the March 9, 2005, Planning and Zoning Board meeting to the April 13, 2005, meeting because the item could not be considered due to the lack of a quorum. It was determined that a quorum cannot be reached on these applications because three (3) board members (Chair Mr. Bender, Mrs. Lee and Mr. McLaughlin) must abstain from voting due to conflicts in interest.

JUSTIFICATION: The Code of Ordinances requires these items to be tabled. Part 1 Charter, Section 7 (H) Council and Board Procedure and Quorum. In all matters, no less than three (3) members of the council shall be required to make any determination or effect any action, and all action to be valid must be voted upon affirmatively by no less than three (3) members. With three (3) council members present, a two (2) to one (1) vote automatically tables the question until the next regular meeting.

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 2-2-05 Rick Case Hyundai, 3550 Weston Road/Generally located on the north side of SW 36 Street, between Weston Road and I-75

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: V 2-2-05 R&R Davie, LLC 3550 Weston Road (BP)

REPORT IN BRIEF: This request is for a variance from the Land Development Code's 150 square foot limit on wall signage for single occupant buildings. Four (4) signs that total 289.5 square feet are being requested.

The intent of the Land Development Code's 150 square foot size limitation for signage on single occupant buildings is for structures to be created so that they are recognized by their design, or use; rather than be identified by signage or serve as an advertising device for the occupant.

The structure in which the signs are requested for is a single occupant building; however it is a facility that is designed for multiple uses and services. If this facility contained multiple tenants, then 600 square feet of signage would be allowable since the building has 300 feet of frontage. While, the request is for just over twice the allowable signage on a single occupant building, it appears to be reasonable in order to provide identification for a facility that is located adjacent to I-75 and provides multiple services.

PREVIOUS ACTIONS: None

CONCURRENCES: The item was tabled from the March 9, 2005, Planning and Zoning Board meeting to the April 13, 2005, meeting because the item could not be considered due to the lack of a quorum. It was determined that a quorum cannot be reached on these applications because three (3) board members (Chair Mr. Bender, Mrs. Lee and Mr. McLaughlin) must abstain from voting due to conflicts in interest.

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

TOWN OF DAVIE

Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:
Name: R & R Davie, LLC
Address: 875 North State Road 7
City: Fort Lauderdale, FL 33317
Phone: (954) 377-7400

Background Information

Date of Notification: March 4, 2005 Number of Notices: 7

Application History: The item was tabled from the March 9, 2005, Planning and Zoning Board meeting to the April 13, 2005, meeting because the item could not be considered due to the lack of a quorum. It was determined that a quorum cannot be reached on these applications because three (3) board members (Chair Mr. Bender, Mrs. Lee and Mr. McLaughlin) must abstain from voting due to conflicts in interest.

Application Request: Variance **FROM:** §12-242(B)(1)(b), which provides that wall signage may be provided not to exceed a maximum of two (2) square feet 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 signs that have a total sign area of ~~312~~ 289.5 square feet.

Address/Location: 3550 Weston Road/Generally located on the north side of SW 36 Street, between Weston Road and I-75.

Future Land Use Plan Map Designation: Residential (1 DU/AC)
Commercial Flexibility was applied

Zoning: BP, Business Park District and AG, Agricultural District

Existing/Proposed Use: Auto dealership (under construction)

Net Parcel Size: 9.555 acres (416,215.8 square feet)

	Surrounding Uses:	Surrounding Land Use Plan Designation:
North:	I-75	Transportation
South:	SW 36 Street, Davie Volvo-Nissan	Transportation, Commercial
East:	I-75	Transportation
West:	Vacant/Meridian Business Campus	Industrial within Irregular (1.83) Residential

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

Zoning History

Zoning History: The rezoning, ZB 9-2-98, Ordinance 99-03, of the southern portion of the subject site from AG, Agricultural District to BP, Business Park District for 6.45 acres with the utilization of the Broward County "5% residential-to-commercial" flexibility rule was approved on February 3, 1999.

The rezoning, ZB 8-1-99, Ordinance 99-44, of the northern portion 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 was approved on December 15, 1999.

Plat History: The plat, P 12-1-98 Pointe West Center North, was approved on January 5, 2000, with a note restricting the plat to 55,000 square feet of auto dealership use, and was subsequently recorded in Plat Book 172, Page 136, of the official records of Broward County on June 9, 2003.

The delegation request, DG 5-6-02 Pointe West Center North, was approved on July 3, 2002, to amend the restrictive note on the plat from "This plat is restricted to 55,000 square feet of auto dealership use"; to "This plat is restricted to 100,000 square feet of retail". The request was not considered by the Broward County Board of County Commissioners and has expired.

The delegation request, DG 9-2-04 Pointe West Center North, was approved on December 15, 2004, to amend the restrictive note on the plat from "This plat is restricted to 55,000 square feet of auto dealership use"; to "This plat is restricted to 110,000 square feet of auto dealership use and 215,000 square feet of auto storage use". This request must be considered by the Broward County Board of County Commissioners.

Site Plan History:

The site plan, SP 11-11-99 Davie Dealership, was approved on February 16, 2000.

The site plan, SP 9-5-02 Rick Case Hyundai, was approved on January 15, 2003.

The site plan modification, SPM 9-2-04 Rick Case Hyundai, was approved on September 22, 2004.

The site plan modification, SPM 2-1-05 Rick Case Hyundai, was submitted on February 8, 2005, and is currently in the review process.

Applicable Codes and Ordinances

§12-242. Sign performance standards. (B) *Wall Signs:*
(1) *Maximum sign size for wall, fascia and awning or canopy signs.* The maximum sign size is expressed in terms of square feet and relates to the maximum sign area that may be devoted to a particular business, notwithstanding the number or combination of wall, fascia, awning or canopy signs. Where a building has more than one (1) street frontage or a tenant has more than one (1) storefront facade, the larger of the two (2) shall be used to determine the total amount of permitted signage.

> (a) Multi-tenant Buildings: Signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of tenant storefront facade length. Only the first-floor occupants of such buildings with individual separate entrances from the exterior of the building shall be allowed wall, fascia or canopy signage. Office buildings where there are multiple tenants that do not have individual separate entrances to the exterior of the building shall not be considered multiple-tenant buildings for the application of these standards.
>
> (b) Single-Occupant Buildings: 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. Office and/or industrial buildings where there are multiple tenants that do not have individual separate entrances to the exterior of the building shall be considered single-tenant buildings for the application of these standards.

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 Street and Griffin Road, 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 17-3*: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

This request is for a variance from the Land Development Code's 150 square foot limit on wall signage for single occupant buildings. Four (4) signs that total ~~312~~ 289.5 square feet are being requested.

Staff Analysis

The intent of the Land Development Code's 150 square foot size limitation for signage on single occupant buildings is for structures to be created so that they are recognized by their design, or use; rather than be identified by signage or serve as an advertising device for the occupant.

The structure in which the signs are requested for is a single occupant building; however it is a facility that is designed for multiple uses and services. If this facility contained multiple tenants, then 600 square feet of signage would be allowable since the building has 300 feet of frontage. While, the request is for just over twice the allowable signage on a single occupant building, it appears to be reasonable in order to provide identification for a facility that is located adjacent to I-75 and provides multiple services.

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;

The parcel is triangular in shape and located adjacent to I-75. It appears that the signage allowable by the Code is not adequate to identify a business of this type at this location.

which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district;

All of the automobile dealerships in the area have requested and have been granted some type of variance relating to signage.

and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variances are sought;

Without an increase in signage area the building will be more difficult to identify from I-75.

and that alleged hardship is self-created by any person having an interest in the property.

The variance request is created by the owner's need to identify the business and the services provided from the adjacent roadway.

(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.

This parcel can be reasonably used with a single occupant building that has only 150 square feet in signage; however the request is the minimum needed by the owner to identify this automobile dealership.

(c) Granting of the requested variances 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 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. The granting of a variance to allow the signage area to be increased on this structure will not be detrimental to the adjacent properties.

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

The item was tabled from the March 9, 2005, Planning and Zoning Board meeting to the April 13, 2005, meeting because the item could not be considered due to the lack of a quorum. It was determined that a quorum cannot be reached on these applications because three (3) board members (Chair Mr. Bender, Mrs. Lee and Mr. McLaughlin) must abstain from voting due to conflicts in interest.

Town Council Action

Exhibits

1. Justification

2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____

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 289.5 square feet.

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JUSTIFICATION FOR REQUEST

The subject site is a 10.6 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 east of Weston Road, immediately north of South Post Road and immediately west of Interstate 75. The site is in essence a triangular shape with access only from Weston Road, having no access whatsoever from I-75 or South Post Road. The applicant is requesting this variance to allow for the placement of signage totaling 289.5 square feet. Due to the nature of the many services provided at an auto dealership, signs are required to identify the services available and their location on the site.

The specific proposed signs are as follows:

Proposed Signs	**Square Footage**
Rick Case	55 – permit applied for
Hyundai with "H" logo (western exposure)	126.6
Hyundai with "H" logo (northern exposure)	75. – permit applied for
Service	32.9
TOTAL	**289.5**

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

The subject site and site plan approved buildings are unique with regard to their spatial relationship to Interstate 75. The south side of the site is visible only to southbound interstate traffic. As a result, there is virtually no visibility whatsoever on northbound Interstate 75 because the dealership is shielded by the South Post Road overpass. The dealership comes into view after northbound traffic passes under the South Post Road

Signage is needed wherever possible for both identification and recognition. The building frontage totals approximately 300 lineal feet. 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. If this was a multi-tenant building, the Code would allow 600 square feet of signage as it is 300 feet long. 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 Hyundai 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 in strip centers. 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 I-75 or South Post 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.

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.

RECEIVED
FEB 09 2005
TOWN OF DAVIE
PLANNING & ZO

PATTISON SIGN GROUP
300 YORK BLVD., HAMILTON, ONTARIO L8R 3K6
905-570-1110 FAX 905-570-0710

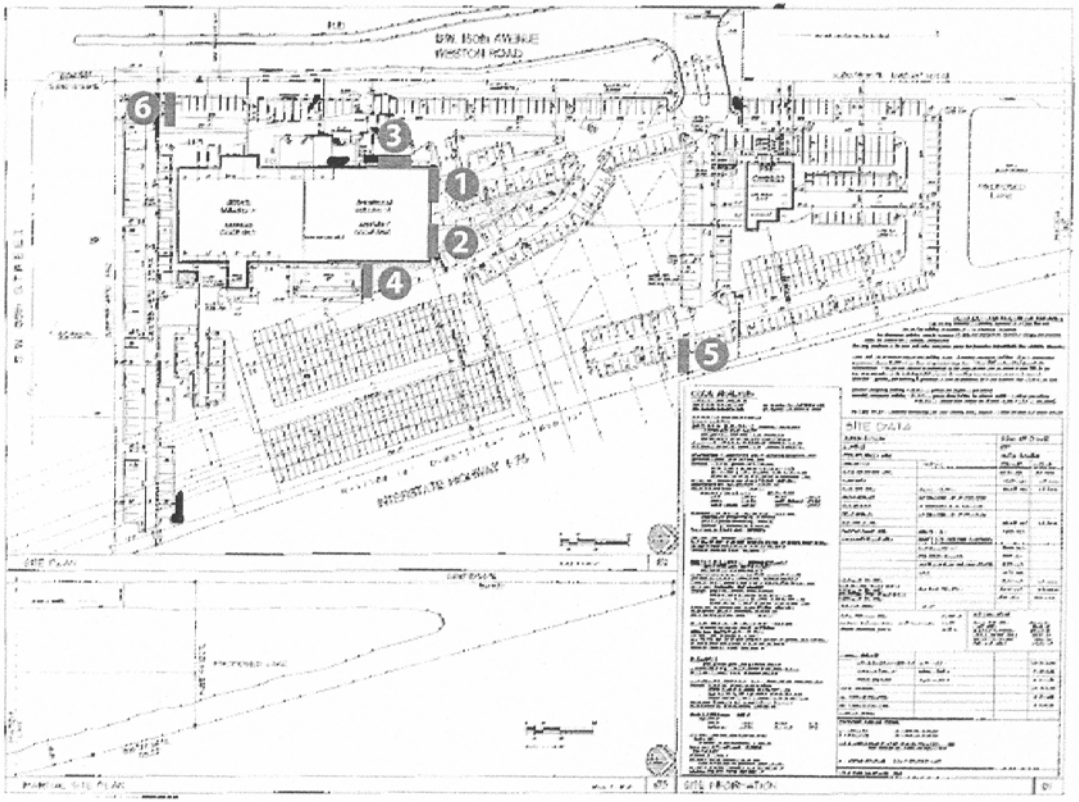
SALES Ron Stewart	DESIGNER J Scarpelli	SCALE	CUSTOMER APPROVAL	
DATE November 17, 2004	REVISION		DATE SIGNED	
NOTES				

HYUNDAI

FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida

PAGE 7 OF 7

FL000

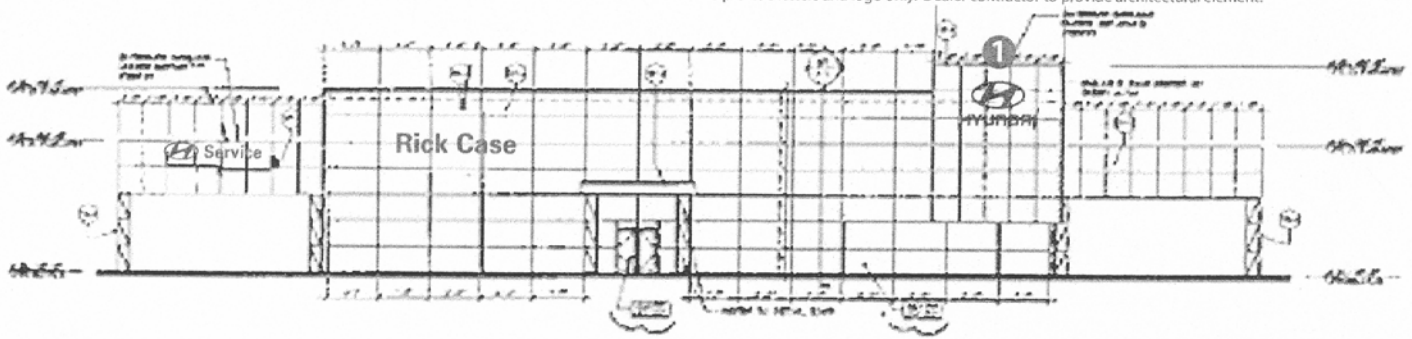


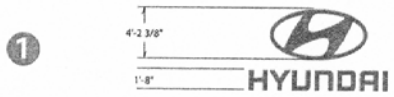
PATTISON SIGN GROUP
300 YORK BLVD., HAMILTON, ONTARIO L8R 3K8
905-570-1110 FAX 905-570-0710

SALES Ron Stewart	DESIGNER J Scarpelli	SCALE 1/8" = 1'-0"	CUSTOMER APPROVAL
DATE November 17, 2004	REVISION		DATE SIGNED
NOTES			

HYUNDAI | FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida | PAGE 1 OF 7 | FL000

PSG to provide letters and logo only. Dealer contractor to provide architectural element.





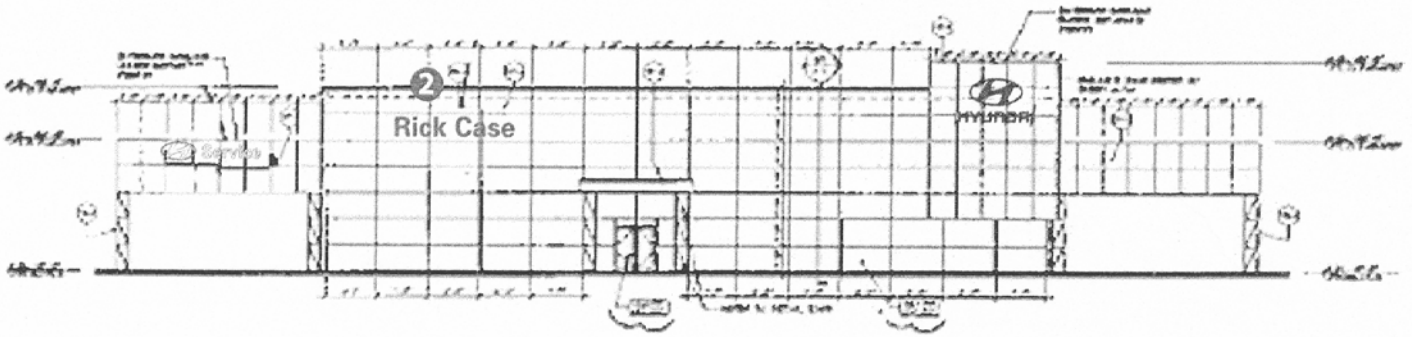
SPECIFICATIONS

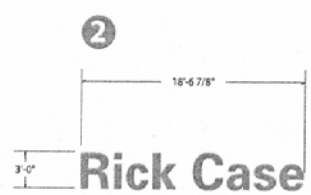
INDIVIDUAL NEON ILLUMINATED SYMBOL (moulded)	INDIVIDUAL NEON ILLUMINATED LETTERS
WHITE NEON ILLUMINATION	WHITE NEON ILLUMINATION (TWO ROWS)
MOULDED WHITE ACRYLIC FACE	WHITE ACRYLIC FACE
METAL FABRICATED RETURN PREPAINTED WHITE	METAL FABRICATED RETURN PREPAINTED WHITE
OCTOPUS INSTALLATION MOUNTED ON PINS 1 1/2" OFF BACKGROUND	OCTOPUS INSTALLATION MOUNTED ON PINS 1 1/2" OFF BACKGROUND
BACKGROUND 3MM ACM PANELS IN 4' X 4' MODULES (PANTONE288C)	BACKGROUND 3MM ACM PANELS IN 4' X 4' MODULES (PANTONE288C)
SILVER BANDS TOP & BOTTOM SILVER 877C	SILVER BANDS TOP & BOTTOM SILVER 877C

HAE400L

PATTISON SIGN GROUP 300 YORK BLVD., HAMILTON, ONTARIO L8R 3X8 905-570-1110 FAX 905-570-0710	SALES Ron Stewart	DESIGNER J Scarpelli	SCALE 1/8" = 1'-0"	CUSTOMER APPROVAL
	DATE November 17, 2004	REVISION		DATE SIGNED
	NOTES			

HYUNDAI | FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida | PAGE 2 OF 7 | FL000





DN36B

SPECIFICATIONS

INDIVIDUAL NEON ILLUMINATED LETTERS

WHITE NEON ILLUMINATION (TWO ROWS)

ACRYLIC FACE
WITH 3M BLUE VINYL 3630-157 APPLIED
(PANTONE 288-C)

METAL FABRICATED RETURN
FINISH TO MATCH BLUE PANTONE 288C

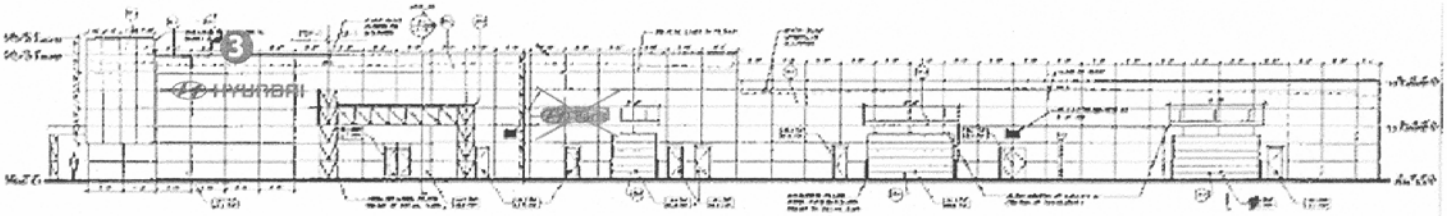
OCTOPUS INSTALLATION
MOUNTED ON PINS 1 1/2" OFF WALL

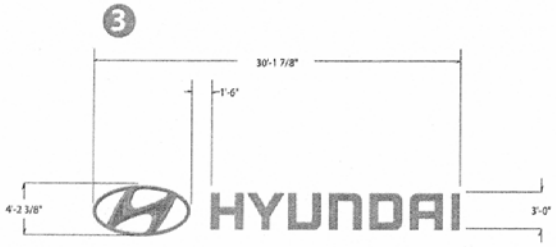
THIS DRAWING HAS BEEN REVISED 1

Date: January 14 2005
Revised by: J Cooper
Revision: (1) Change to DN36B
(2)
(3)
(4)

PATTISON SIGN GROUP 300 YORK BLVD., HAMILTON, ONTARIO L8R 3K6 905-570-1110 FAX 905-570-0710	SALES Ron Stewart	DESIGNER J Scarpelli	SCALE 1/8" = 1'-0"	CUSTOMER APPROVAL
	DATE November 17, 2004	REVISION		DATE SIGNED
	NOTES			

HYUNDAI FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida PAGE 3 OF 7 FL000





HLL36B

SPECIFICATIONS

INDIVIDUAL NEON ILLUMINATED SYMBOL (moulded)

WHITE NEON ILLUMINATION

MOULDED ACRYLIC FACE
WITH BLUE 3M SCOTCHCAL 3630-157 APPLIED TO FACES
(pantone 288C)

METAL FABRICATED RETURNS
FINISH TO MATCH BLUE PANTONE 288C

OCTOPUS INSTALLATION
MOUNTED ON PINS 1 1/2" OFF WALL

INDIVIDUAL NEON ILLUMINATED LETTERS

WHITE NEON ILLUMINATION (TWO ROWS)

ACRYLIC FACE
WITH BLUE 3M SCOTCHCAL 3630-157 APPLIED TO FACES
(pantone 288C)

METAL FABRICATED RETURNS
FINISH TO MATCH BLUE PANTONE 288C

OCTOPUS INSTALLATION
MOUNTED ON PINS 1 1/2" OFF WALL

THIS DRAWING HAS BEEN REVISED 1

Date: January 14 2005
Revised by: J Cooper
Revision: (1) Change to HLL36B
(2)
(3)
(4)

PATTISON SIGN GROUP
300 YORK BLVD., HAMILTON, ONTARIO L8R 3G6
905-570-1110 FAX 905-570-0710

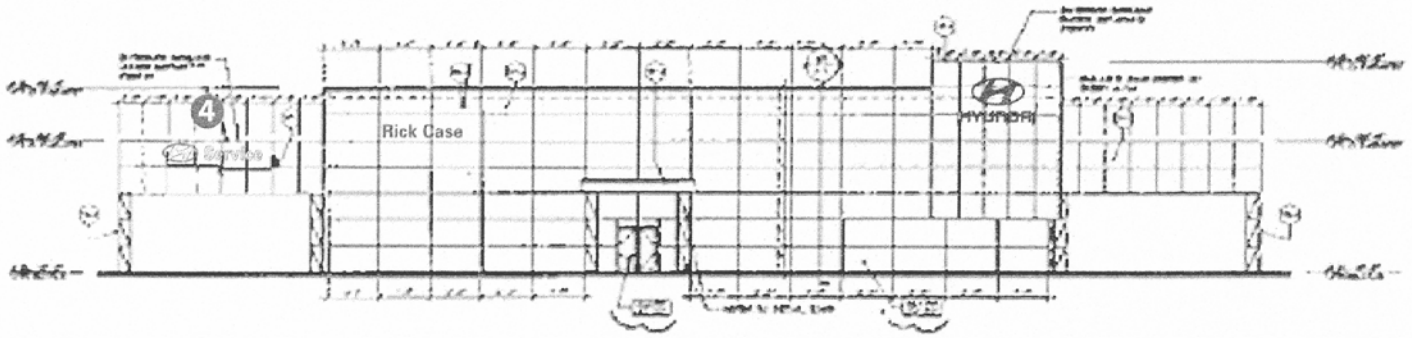
SALES Ron Stewart	DESIGNER J Scarpelli	SCALE 1/8" = 1'-0"	CUSTOMER APPROVAL
DATE November 17, 2004	REVISION		DATE SIGNED
NOTES			

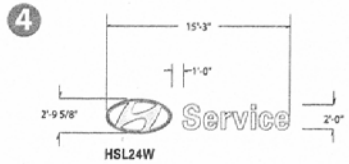
HYUNDAI

FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida

PAGE 4 OF 7

FL000

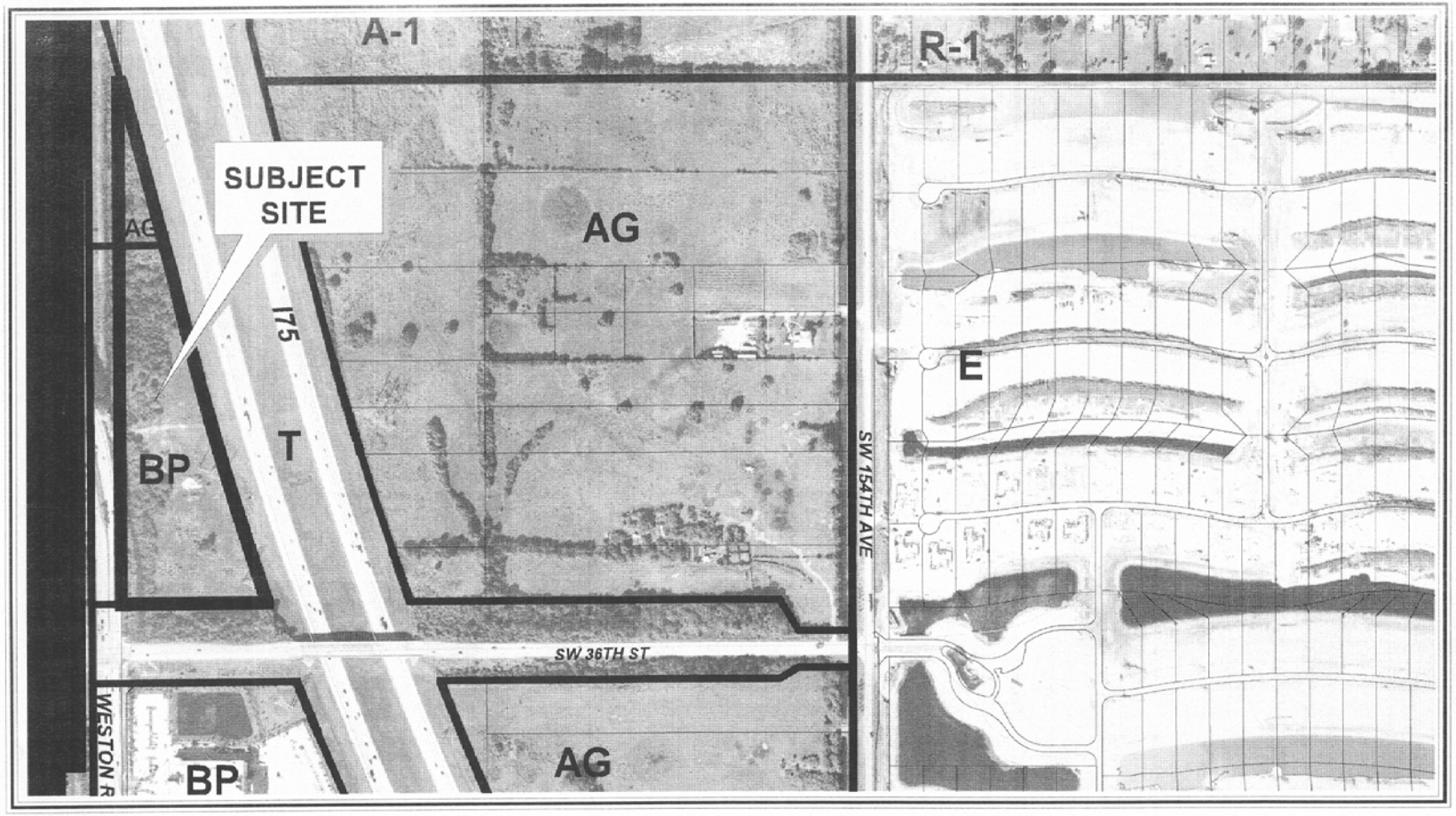




SPECIFICATIONS

INDIVIDUAL NEON ILLUMINATED SYMBOL (moulded)	INDIVIDUAL NEON ILLUMINATED LETTERS
WHITE NEON ILLUMINATION	WHITE NEON ILLUMINATION
WHITE MOULDED ACRYLIC FACE	WHITE ACRYLIC FACES
METAL FABRICATED RETURN WHITE FINISH	METAL FABRICATED RETURN WHITE FINISH
OCTOPUS INSTALLATION MOUNTED ON PINS 1 1/2" OFF WALL	OCTOPUS INSTALLATION MOUNTED ON PINS 11/2" OFF WALL

SUBJECT SITE
I75
Residential 1 DU/AC
Residential 1 DU/AC
Residential 1 DU/AC
SW 154TH AVE
SW 36TH ST
Transportation
Commercial
N
500
0
500 Feet
Prepared by the Town of Davie GIS Division
TOWN OF DAVIE FLORIDA
VARIANCE
V 2-2-05
Future Land Use Map
Prepared By: ild
Date Prepared: 3/4/05



Date Flown:
12/31/02

N

500 0 500 Feet

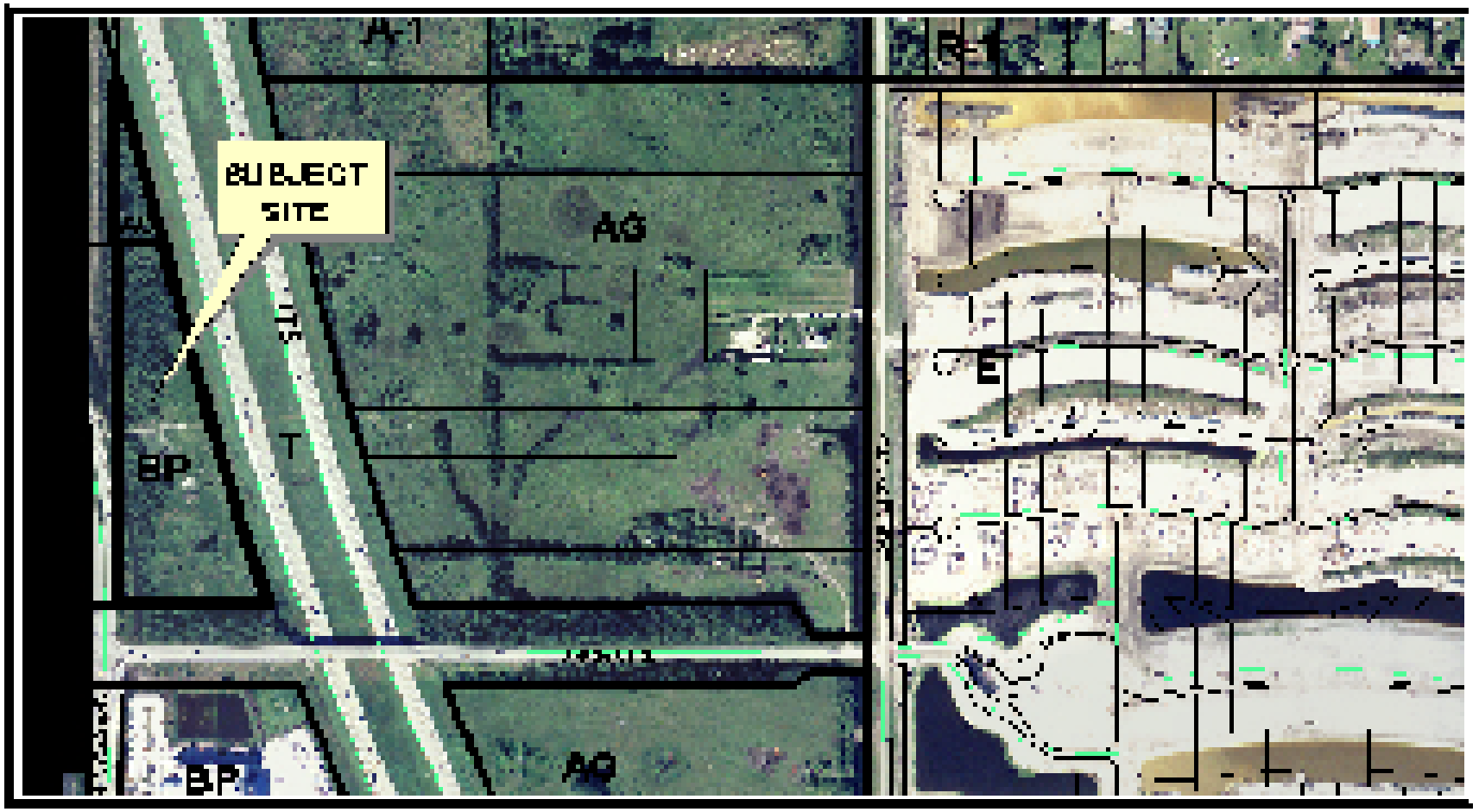
Prepared by the Town of Davie GIS Division

TOWN OF DAVIE FLORIDA

VARIANCE
V 2-2-05
Zoning and Aerial Map

Prepared By: ild
Date Prepared: 3/4/05

SUBJECT
SITE
VARIANCE
V 2-2-05
Future Land Use Map



VARIANCE
V 2-2-05
Zoning and Aerial Map