# DEVELOPMENT SERVICES DEPARTMENT

## Planning & Zoning Division

**MEMORANDUM**
**PZ 04-08-05**

**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 items, currently on the April 20, 2005, Town Council agenda be tabled to the May 4, 2005, meeting.

**HISTORY:** The item was tabled from the March 16, 2005, Town Council meeting, to the April 20, 2005, meeting, at the request of staff.

The item could not be considered at the March 9, 2005, Planning and Zoning Board meeting due to the lack of a quorum.

**JUSTIFICATION:** The Office of the Town Attorney is currently working on an amendment to the Code of Ordinances to remedy the Planning and Zoning Board voting issue. The first reading of this Ordinance is scheduled for the April 20, 2005, meeting, with the second reading to be held on May 4, 2005. The variance requests may be considered by Town Council subsequent to the adoption of this amendment.

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 2-3-05 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 2-3-05 R&R Davie, LLC 3550 Weston Road (BP)

**REPORT IN BRIEF:** This request is for a variance from the Land Development Code's limitation of 160 square feet maximum sign area and 15 feet maximum height for a free standing sign. One (1) free standing monument sign that is has 208 square feet maximum sign area and is a maximum height of 59 feet is being requested adjacent to I-75.

The intent of the Land Development Code's limitation for free standing signage is to prohibit bulky signage from being placed within the Town. Large signs are considered to be a visual blight, that when left unregulated can be detrimental to the surrounding area.

The precedent for granting such a sign variance request was set three years ago with the approval of the 65 foot tall monument sign for the Rick Case Honda dealership, and then reinforced a year later with the approval of a similar sign for the Maroone Toyota dealership. This request is in line with these requests, with this sign being slightly less in height.

**PREVIOUS ACTIONS:** The item was tabled from the March 16, 2005, Town Council meeting, to the April 20, 2005, meeting, at the request of staff.

**CONCURRENCES:** The item could not be considered at the March 9, 2005, Planning and Zoning Board meeting due to the lack of a quorum.

**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 could not be considered at the March 9, 2005, Planning and Zoning Board meeting 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(A)(1), which limits the height of free standing signs to 15 feet and the maximum sign area to 160 square feet; **TO:** allow a 59 foot tall free standing sign with a maximum sign area of 208 square feet adjacent to I-75.

**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) |

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## 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.

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## Applicable Codes and Ordinances

§12-242. Sign performance standards. (A) *Freestanding Signs:*

(1) *Maximum sign size (square feet) and height (feet).* When a site has more than 1200 feet of frontage at the right-of-way, the maximum sign area is 160 square feet, and the maximum height is15 feet.

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## 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.

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## Application Details

This request is for a variance from the Land Development Code's limitation of 160 square feet maximum sign area and 15 feet maximum height for a free standing signs. One (1) free standing monument sign that is has 208 square feet maximum sign area and is a maximum height of 59 feet is being requested adjacent to I-75.

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## Staff Analysis

The intent of the Land Development Code's limitation for free standing signage is to prohibit large signage from being placed within the Town. Large signs are considered to be a visual blight, that when left unregulated can be detrimental to the surrounding area.

The precedent for granting such a sign variance request was set three years ago with the approval of the 65 foot tall monument sign for the Rick Case Honda dealership, and then

reinforced a year later with the approval of a similar sign for the Maroone Toyota dealership. This request is in line with these requests, with this sign being slightly less in 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 or conditions applying to the land or building for which the variance is sought;

*The parcel is triangular in shape, located adjacent to I-75, and the SW 36 Street overpass obstructs view of the site from northbound traffic. The owner states that the signage allowable by the Code is not adequate to identify a business of this type at this location, and must therefore have taller and larger sign.*

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 monument sign area and height the sign will be more difficult to identify from a vehicle traveling at 65 miles per hour on 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 monument sign that his only 160 square feet in size and is 15 feet in height; 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 a monument sign of this size and character will not be detrimental to the adjacent properties, as the closest residential use more than 500' away across I-75.*

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## Staff Recommendation

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

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## Planning and Zoning Board Recommendation

The item could not be considered at the March 9, 2005, Planning and Zoning Board meeting 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.

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## Town Council Action

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## 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(A) (1), which limits the height of a free standing sign to 15 feet and area to 160square feet; TO: allow a 59 foot tall free standing monument sign of 208 square feet at Interstate 75.

### 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. Obviously, there is no access from either Interstate 75 or its exit ramp. The applicant is requesting this variance to allow for the placement of a 59 foot tall freestanding monument sign at the eastern edge of the property nearest to Interstate 75. Further, the applicant requests a variance to allow the sign to be 208 square feet. The applicant has 1280.25 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 or the Arvida Parkway exit from Interstate 75. The 15 foot free standing monument sign allowed by the Code is clearly inadequate for this unique circumstance. The proposed 59 foot tall free standing monument sign of 208 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.

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 and the aforementioned exit ramp. The dealership comes into view after northbound traffic passes under the South Post Road overpass when it is then too late and therefore necessary for vehicles to exit at Arvida Parkway to reach the dealership.

For purposes of comparison, it should be noted that Rick Case Honda dealership and the Maroone Toyota Dealerships in Davie have installed a comparable 65 foot tall sign to that requested here.

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 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 if 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

South Post 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 I-75 or South Post 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 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

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

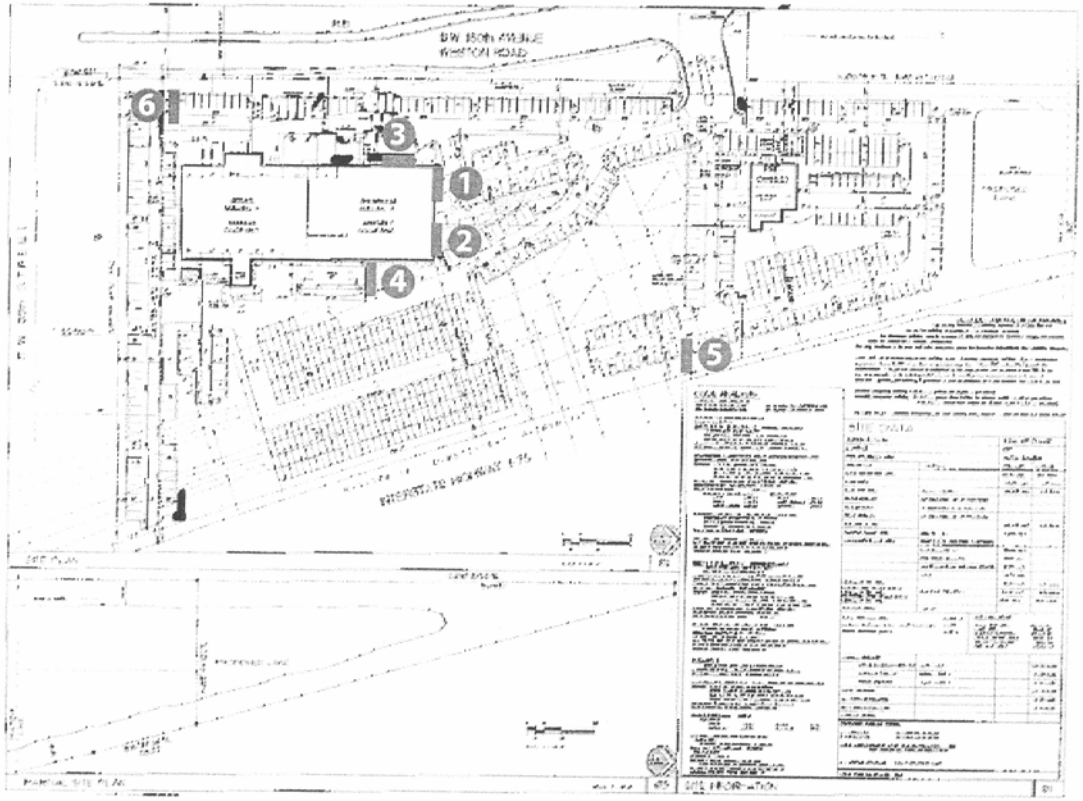
| | | | |
|---|---|---|---|
| SALES Ron Stewart | DESIGNER J Scarpelli | SCALE | CUSTOMER APPROVAL |
| DATE November 17, 2004 | REVISION | | DATE SIGNED |
| NOTES | | | |

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 3K6
905-570-1110 FAX 905-570-9710

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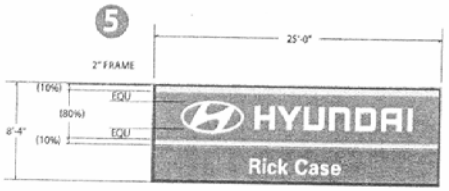
| SALES Ron Stewart | DESIGNER J Scarpelli | SCALE 1/8" = 1'-0" | CUSTOMER APPROVAL |
| DATE November 17, 2004 | REVISION | | DATE SIGNED |
| NOTES | | | |

HYUNDAI | FL000 RICK CASE HYUNDAI Weston Rd. and S.W. 36 St., Davie, Florida | PAGE 5 OF 7 | FL000




**HF200** (Flex face proportionate to an HP150)

***NEW DOUBLE FACE ILLUMINATED PYLON REQUIRED***
***PYLON BASE TO MATCH EXISTING TOYOTA PYLON***

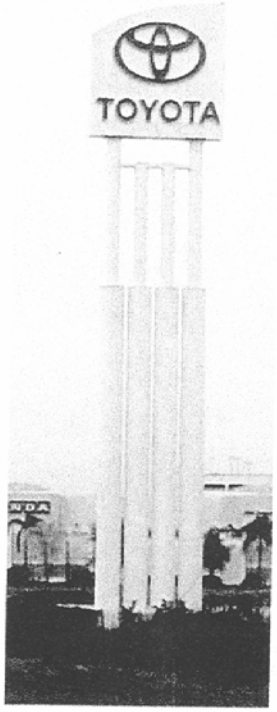
COLOR STANDARDS:

HYUNDAI LOGO NAME:WHITE
HYUNDAI LOGO SIGN FACE:BLUE 3M SCOTCHCAL 3630 157 (PANTONE 288C)
ACCENT STRIP: 3M SCOTCHCAL 3630-121 (PANTONE 877C) OPAQUE SILVER
DEALER NAME:WHITE
BACKGROUND: 3M SCOTCHCAL VT 7166 (PANTONE 425C) OPAQUE

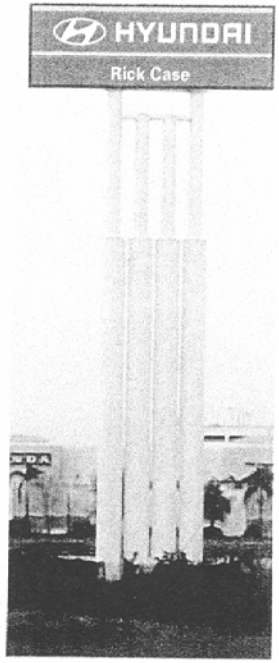
CABINET & FACE RETAINER : PANTONE 425C
ALL PAINT DUPONT OR EQUIVALENT

SIGN CONSTRUCTION:
CABINET:STEEL FRAME / ALUMINUM FLEX FACE RETAINER
FACES: FLEX FACE FABRIC MATERIAL

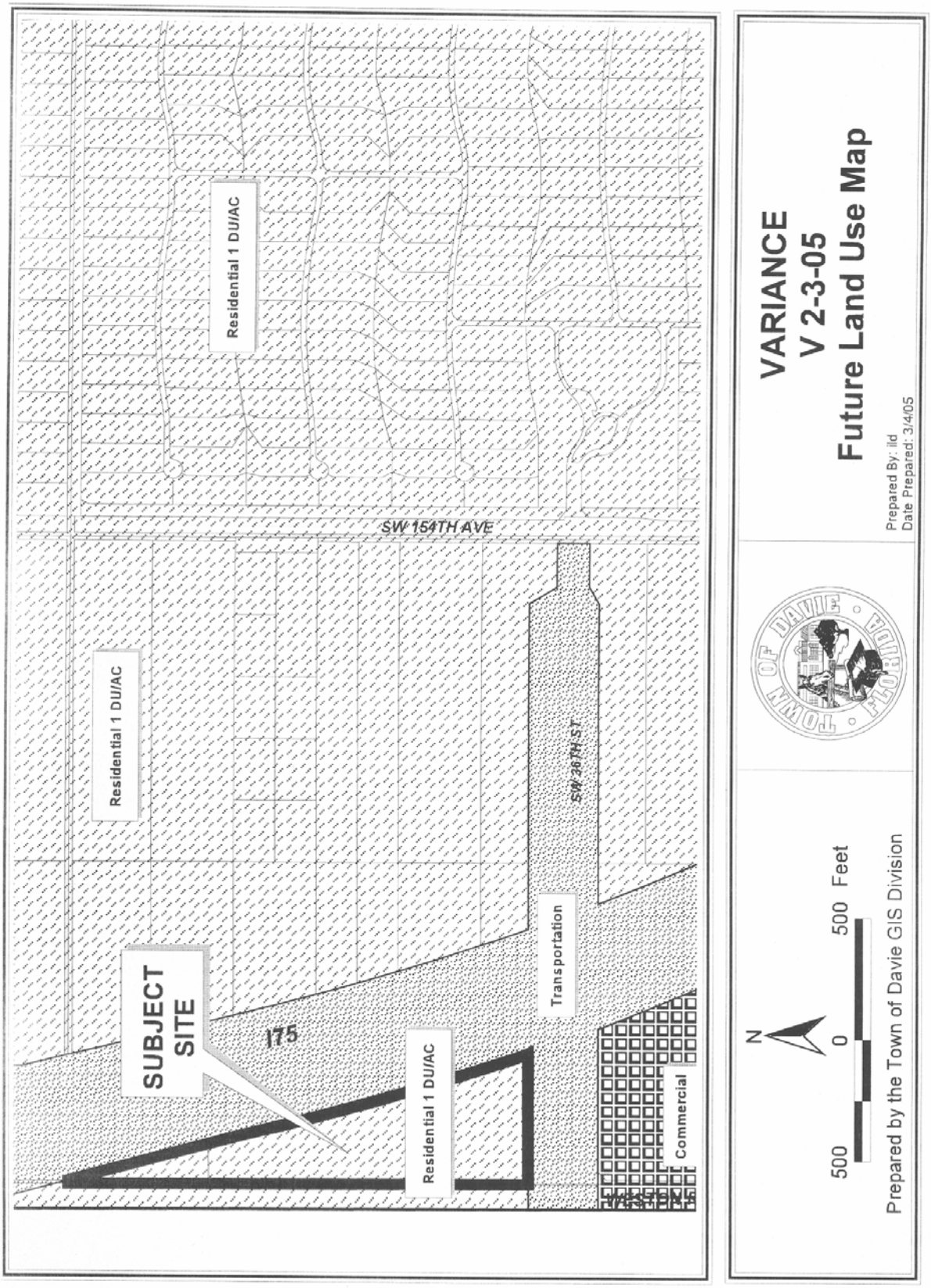
THIS DRAWING HAS BEEN REVISED 1
Date: January 06 2005
Revised by: J Cooper
Revision: (1) Changed sign #5
(2)
(3)
(4)




EXISTING TOYOTA PYLON




PROPOSED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Residential 1 DU/AC
SW 154TH AVE
SW 38TH ST
Transportation
SUBJECT SITE
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Commercial
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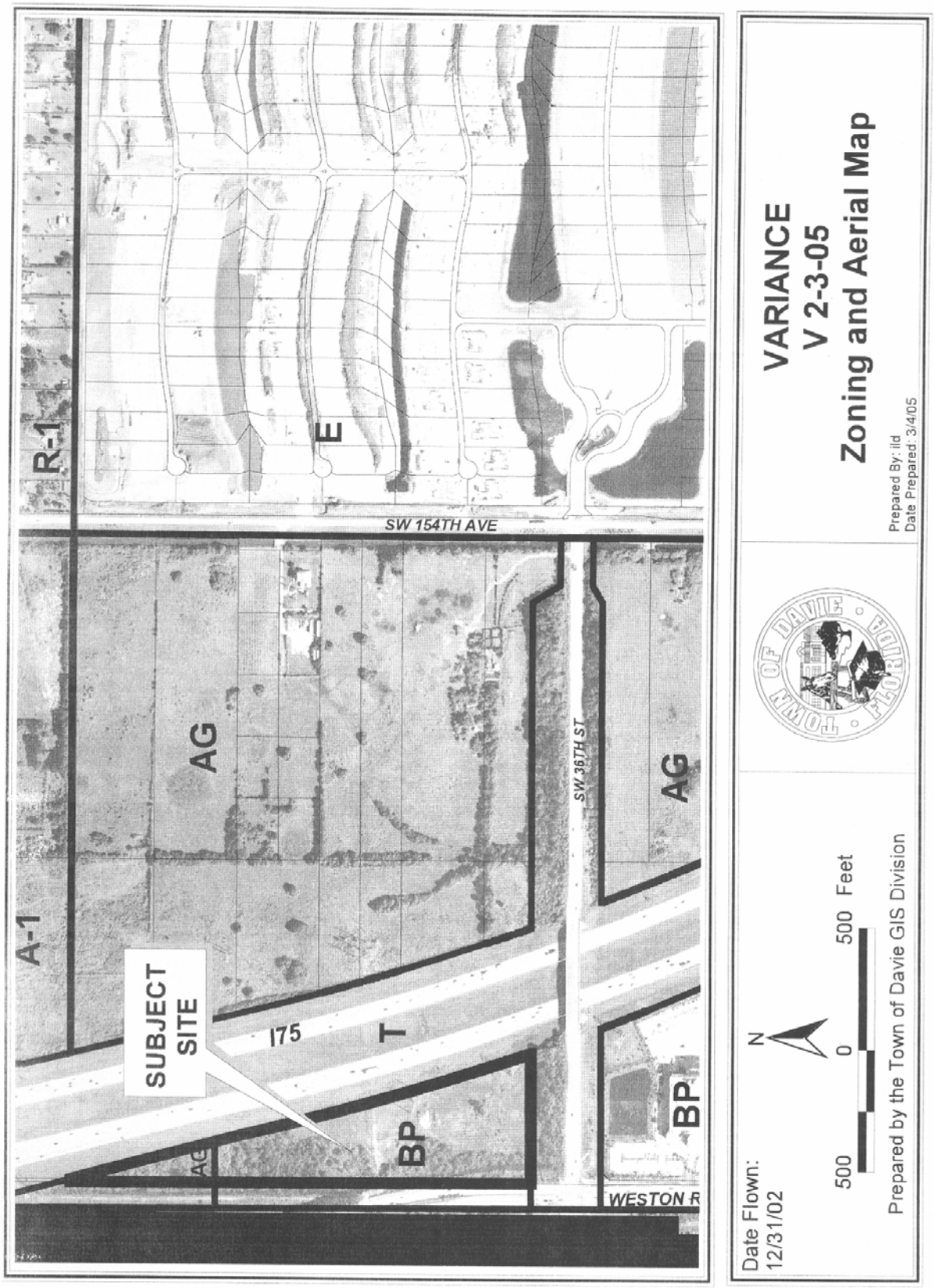
500 Feet
Prepared by the Town of Davie GIS Division
TOWN OF DAVIE FLORIDA
VARIANCE
V 2-3-05
Future Land Use Map
Prepared By: ild
Date Prepared: 3/4/05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Zoning and Aerial Map
Prepared By: ild
Date Prepared: 3/4/05
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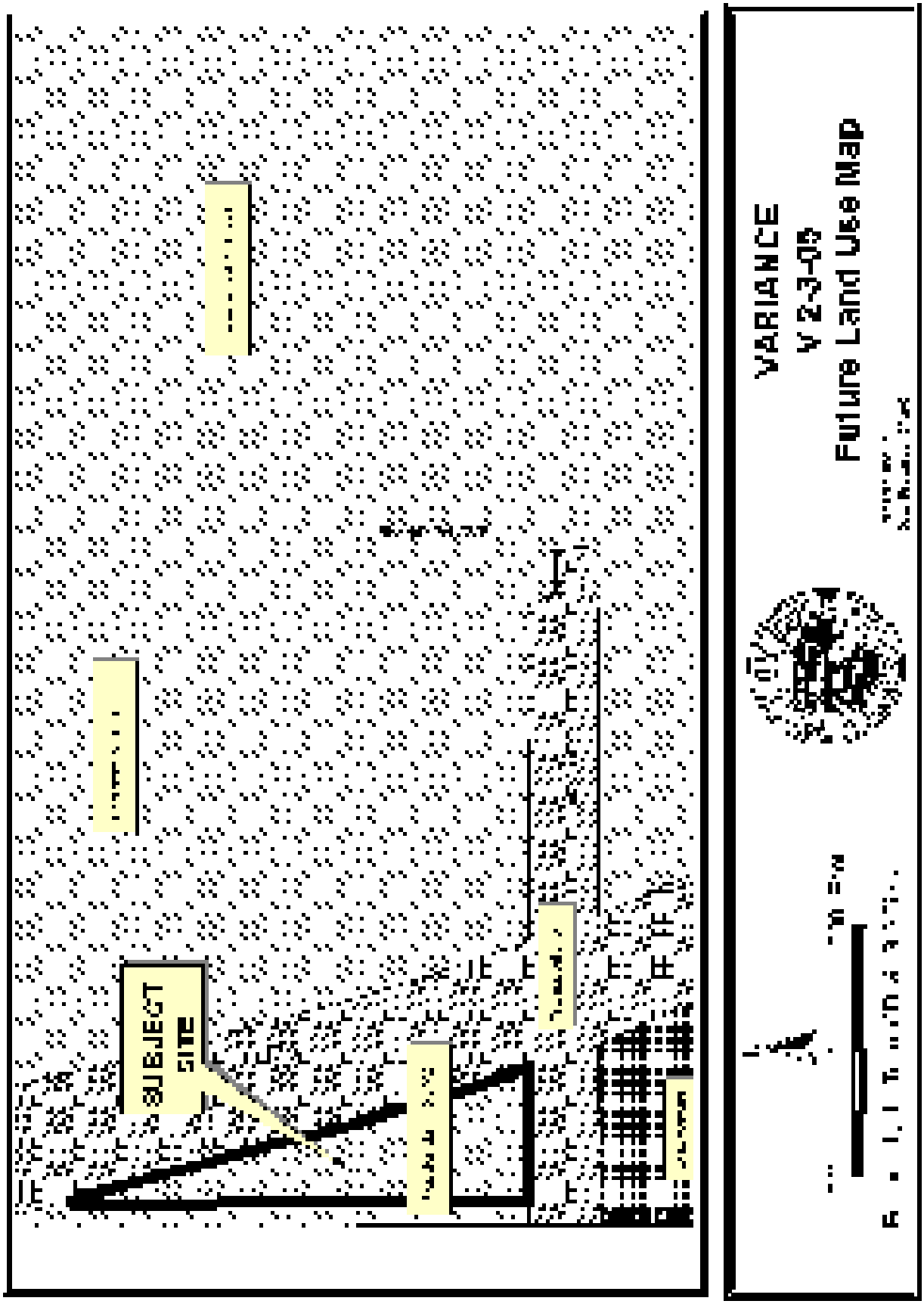
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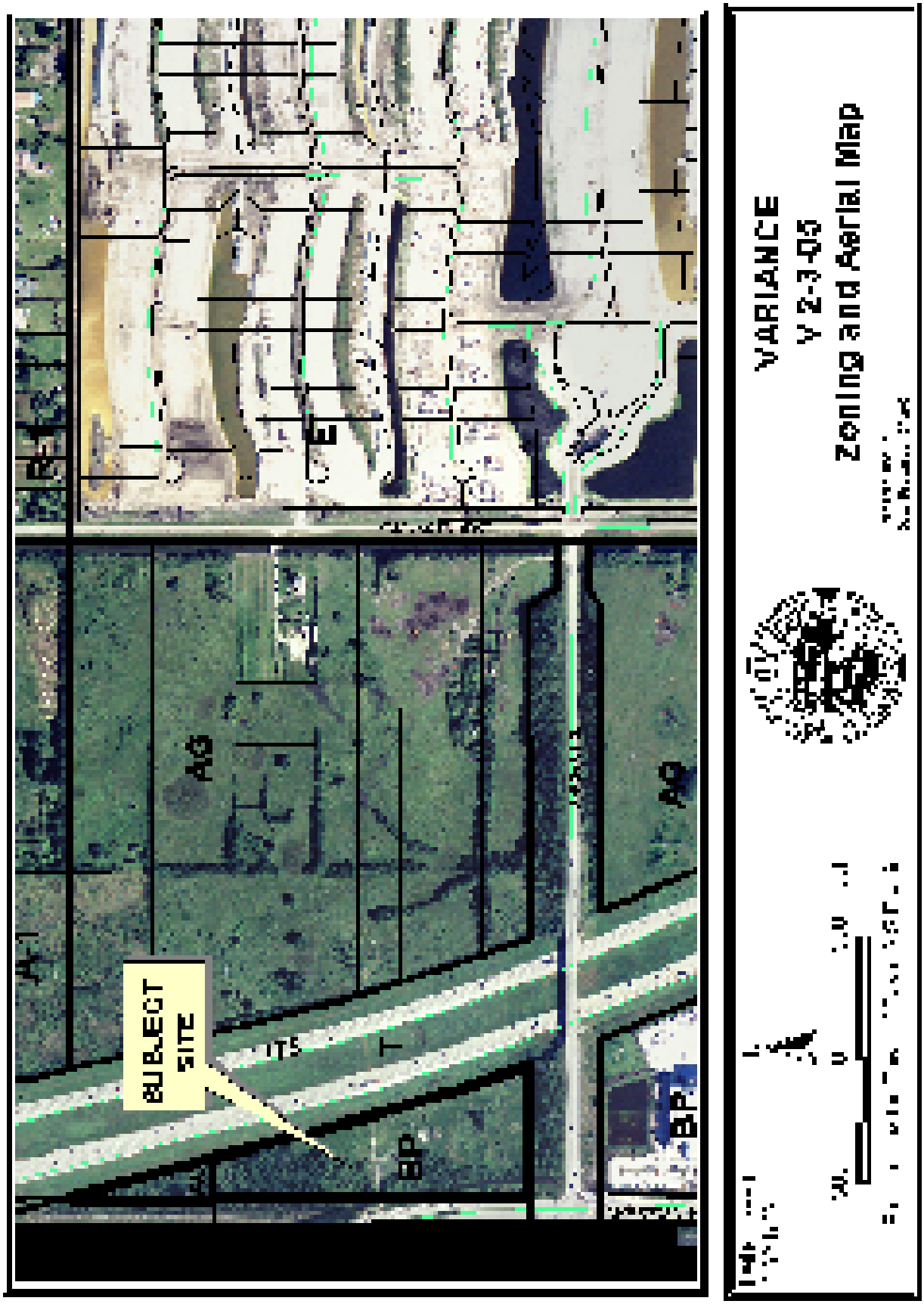
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