

# 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:** David M. Abramson, Planner II

**SUBJECT:** Quasi Judicial Hearing: Variance, V 7-1-05 / Target @ Lakeside Town Shops / 5700 University Drive / Generally located at the northeast corner of University Drive and Stirling Road

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** V 7-1-05, Target @ Lakeside Town Shops / 5700 University Drive

### REPORT IN BRIEF:

This request is for a variance from the Land Development Code §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 five (5) signs total a maximum of 813 square feet; and From §12-242(A)(1)(b), which provides that a sign may include a logo which shall not encompass more than fifteen (15%) percent of the total allowed sign area; To allow five (5) logos that total a maximum of 44% of the total signage.

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 petitioner is proposing to install three (3) textual signs totaling 813 square feet on the front or south side of the exterior building that fronts Stirling Road. In addition, the petitioner is also proposing five (5) logos that totaling a maximum of 44% of the total signage on the south and west.

If this building were multi-tenant, then two (2) square feet of signage per each lineal foot of the building's longest storefront would be allowable. The longest storefront is approximately 507', which would permit 1,014 square feet of signage. This variance request is for less than the allowable multi-tenant amount of only 813 square feet of wall signage.

The second variance request originated from the unique tower feature added to the Target building. This tower feature was a request by the Town to break up the height/width ratio of the 507' long building. The petitioner is proposing to utilize this tower and the south exterior building wall to help signify the Target on this large 50.45 gross acre property.

It is believed that the proposed wall signage is proportional to the building, and the request is consistent with previously approved variances within the Town of Davie.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** N/A

**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, Future Land Use Plan 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:** Target Corporation  
**Address:** 1000 Nicollet Mall  
**City:** Minneapolis, MN 55403  
**Phone:** (612) 761-1516

**Petitioner:**

**Name:** Lakeside Town Shops, Ltd.  
**Address:** 300 Southeast 2<sup>nd</sup> Street  
**City:** Fort Lauderdale, Florida, 33301  
**Phone:** (954) 627-9354

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**Background Information**

**Date of Notification:** August 3, 2005                      Number of Notices: 145

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

**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 five (5) signs total a maximum of 813 square feet. And **FROM:** §12-242(A)(1)(b), which provides that a sign may include a logo which shall not encompass more than fifteen (15%) percent of the total allowed sign area; **TO:** allow five (5) logos that total a maximum of 44% of the total signage.

**Address/Location:** 5700 University Drive/Generally located at the northeast corner of University Drive and Stirling Road

**Future Land Use Plan Map:** Commerce Office

**Zoning:** UC, Urban Commercial District and CC, Commerce Center District

**Existing/Proposed Use:** Under construction / 272,375 square feet of retail use consisting of an 185,000-square-foot Target Superstore, an additional 68,875-square-foot retail uses, and 18,500-square-foot outparcels

**Net Parcel Size:** 50.45 gross acres  
44.33 net acres  
(Wolf Family Plat: 35.39 net acres, Meek Farms Plat: 8.94 net acres)

**Surrounding Uses:**

**North:** Nursery  
**South:** Vacant Commercial Land/CBWCD/  
Silverado Homes  
**East:** Exotic Acres/Landscape Nursery  
With Single Family Homes  
**West:** University Creek Shops/Gas Station

**Surrounding Land**

**Use Plan Map Designations:**

Commerce/Office  
Commercial  
Residential (5 DU/AC)  
Residential (1 DU/AC),  
Residential (10 DU/AC)  
Commercial

**Surrounding Zoning:**

**North:** CC, Commerce Center District  
**South:** B-3, Planned Business Center District /RM-5, Low Medium Density Dwelling  
District/CF, Community Facilities District  
**East:** A-1, Agricultural District/R-1, Estate Dwelling District  
**West:** B-2, Community Business District

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## **Zoning History**

**Related Zoning History:**

*Rezoning Application* (ZB 12-1-03), On June 16, 2004, Town Council approved the rezoning request for the Wolf Family Plat, from CC, Commerce Center District to UC, Urban Commercial District subject to the recordation of a Declaration of Restrictive Covenant to restrict the subject property from the following uses: catering establishments, dance hall/club, game room/arcade, golf course, hotel/motel, mobile home sales, mortuary, motor fuel pumps, motorcycle shop, pawnshop, private clubs, massage parlor, adult bookstore, pinball or electronic game room, an establishment that permits nude or partially nude entertainment, or so called "head shop".

**Previous Requests on same property:**

*Plat Application*, Meeks Farms Plat, was approved by the Broward County Commission on January 17, 1995 for 27,810 square feet of office use under the *de minimis* exception to traffic concurrency, with a requirement that a building permit be issued by January 17, 1998. On March 18, 1997, the County Commission approved a delegation request amending the note on the plat to permit 125,000 square feet of office use, with the requirement that a building permit be issued by March 18, 2002. No building permit has been issued and the County's finding of adequacy expired on March 18, 2002.

*Plat Application*, On March 16, 1999, Town Council approved Wolf Family Plat (Plat Book 171, Page 85) through Resolution R 99-91 that allows for 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. This plat was approved by the Broward County Board of County Commissioners on November 7, 2000.

*Land Use Plan Amendment Application* (LA 00-01A), May 3, 2000, Town Council denied to change the land use of the subject site from Commerce/Office to Commercial

*Delegation Request* (DG 12-2-03), On May 19, 2004, Town Council approved the delegation request to amend the restrictive note on the "Wolf Family Plat." From: "This plat is restricted to 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. Commercial uses shall be restricted to restaurants, retail establishments, and personal service and shall not consume more than 20 percent of the gross floor area on this plat. Commercial/retail uses are not permitted within the warehouse/storage and/or office use without the approval of the Board of County Commissioners who shall review and address these uses for increase impacts." To: "This plat is restricted to 275,000 square feet of commercial use."

*Master Site Plan* (MSP 2-1-04), On June 22, 2004, Town Council approved Lakeside Townships master site plan for 272,375 square feet of retail use.

*Developers Agreement* (DA 3-1-04), On May 19, 2004, Town Council approved the developers agreement for the findings of adequacy for Meeks Farms Plat, and amending the restrictive note on the plat From "This plat is restricted to 125,000 square feet of office use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increases impact." To "This plat is restricted to 7,000 square feet of bank use."

*Delegation Request* (DG 3-1-04), On June 16, 2004, Town Council approved the delegation requesting to amend the non-vehicular access line (NVAL) along Stirling Road to allow a 100-foot opening rather than the 50-foot opening recorded on the Wolf Family Plat.

*Land Use Plan Amendment Application* (LA 3-10), On July 7, 2004, Town Council approved this Ordinance 2004-21 to adopt Land Use Amendment LA 3-10 to change the land use of the subject site from Commerce/Office to Commercial.

*Delegation Request* (DG 10-3-04), On July 6, 2005, Town Council approved a resolution to amend the plat restriction note, From: this plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Broward County Commissioners who shall review and address their uses for increased impacts. To: this plat is restricted to 279,800 square feet of commercial use and 6,200 square feet of bank use.

*Site Plan Modification* (SPM 3-8-05), Planning and Zoning Staff approved this minor site plan modification to the approved Lakeside Town Shops master site plan.

*Developers Agreement (DA 4-1-05)*, On April 7, 2005 Town Council approved the developers agreement authorizing the Mayor and Town Administrator to enter into a Regional Road Concurrency Agreement for the installation of improvements to satisfy traffic concurrency for the Meeks Farms Plat.

*Developers Agreement (DA 5-3-05)*, On July 20, 2005 Town Council approved the developers agreement amending the previously approved Declaration of Restrictive Covenants that reads From: "Rezone the property to UC zoning district will allow the construction of a 275,000 square foot retail use project." To: "Rezone the property to UC zoning district will allow the construction of a 275,000 square foot retail use project, and a 6,200 square foot bank."

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## **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.

(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.

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## **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 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 & Policies:**

*Future Land Use Element, Policy 17-1:* Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

*Future Land Use Element, 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 §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 five (5) signs total a maximum of 813 square feet; and From §12-242(A)(1)(b), which provides that a sign may include a logo which shall not encompass more than fifteen (15%) percent of the total allowed sign area; To allow five (5) logos that total a maximum of 44% of the total signage.

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**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 petitioner is proposing to install three (3) textual signs totaling 813 square feet on the front (south) side of the exterior building that fronts Stirling Road. In addition, the five (5) logos that are 44% of the total signage on the south and west.

If this building were multi-tenant, then two (2) square feet of signage per each lineal foot of the building’s longest storefront would be allowable. The longest storefront is approximately 507’, which would permit 1,014 square feet of signage. This variance request is for less than the allowable multi-tenant amount of only 813 square feet of wall signage.

The second variance request originated from the unique tower feature added to the Target building. This tower feature was a request by the Town to break up the height/width ratio of the 507’ long building. The petitioner is proposing to utilize this tower and the south exterior building wall to help signify the Target on this large 50.45 gross acre property.

It is believed that the proposed wall signage is proportional to the building, and the request is consistent with previously approved variances.

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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 building is located uniquely in regards to the relationship to University Drive and Stirling Road. 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;

*Currently, other large commercial buildings in the Town have requested and been granted a variance relating to signage. This variance request is for less than the allowable multi-tenant commercial amount of wall 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 University Drive and Stirling Road.*

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 property 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 retail store.*

- (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.*

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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**

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### **Town Council Action**

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### **Exhibits**

1. Justification Letter
2. Elevations
2. Future Land Use Plan Map
3. Zoning and Aerial Map

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

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

# Exhibit 1 (Justification Letter)

## VARIANCE REQUEST

This variance request consists of two parts:

- A. FROM: Section 12-242(B) (1) (b), which provides that wall 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; TO: allow five (5) signs total a maximum of 813 square feet.
- B. FROM: Section 12-240(A) (1) (b), which provides that a sign may include a logo which shall not encompass more than fifteen (15%) percent of the total allowed sign area; TO: allow five (5) logos that total a maximum of 44% of the total signage.

## JUSTIFICATION FOR REQUEST

### **Part A:**

The subject site is a 44 acre parcel that is currently being developed as a Super-Target anchored retail center that consists of in-line retail together with several out parcels. The site lies immediately east of University Drive, immediately north of Stirling Road and immediately west of SW 76<sup>th</sup> Avenue. The site is a rectangle with access only from University Dr. and Stirling Rd. In order to serve the desires of adjacent homeowners to the east, the subject building and project site has been screened by a berm and wall and has no access whatsoever to SW 76<sup>th</sup> Avenue to the east. The subject Target building faces Stirling Road to the south and its principal side faces University Drive to the west.

The applicant is requesting this variance to allow for the placement of signage totaling 813 square feet. Due to the nature of the many services provided at a general retail store that will total approximately 185,000 s.f., signs are required to identify the services available and their location on the site.

The structure for which the signs are requested is a single occupant building; however it is a facility that is designed for multiple services. It will contain a café, grocery, garden center, and pharmacy all in addition to its general retail sales area. If this facility contained multiple tenants, then 1,014 square feet of signage would be allowable since the building has 507 feet of frontage. While, the request is over the allowable signage on a single occupant building, it appears to be reasonable in order to provide identification for a facility that provides multiple services.

The specific proposed signs are as follows:

<u>Proposed Signs</u>	<u>Location</u>	<u>Square Footage</u>
1. Super Target (Logo and Letterset)	Stirling Road	478
2. PHARMACY (Letterset)	Stirling Road	35

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3. Tower Logos (3 Logos – 1 on North & West face of large tower and 1 on West face of small tower )	Stirling Road and University Dr.	64 s.f. each for a total
4. GARDEN CENTER (Logo and Letterset)	Stirling Road	192 s.f.
5. Grocery (Letterset)	Stirling Road	44
<b>Total</b>		<hr/> 64 <hr/> <b>813</b>

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

The subject site and site plan approved building are unique with regard to its spatial relationship to University and Stirling Road. The front of the building is visible only to Stirling Road traffic, and is approximately 865 feet from Stirling Road. As a result, there is virtually no visibility whatsoever on northbound University Drive, because the property is shielded by the Mobil gas station and the retail out parcels being constructed within the project. The building comes into view after northbound traffic passes into the project site or views the proposed tower logos.

Signage is needed wherever possible for both identification and recognition. The building frontage totals approximately 507 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 were a multi-tenant building, the Code would allow 1,014 square feet of signage as it is 507 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.

**Part B:**

The requested percentage of logos to the total signage is the result of the unique tower feature added to the building. This tower is not a typical feature to the Super Target prototype store. During the site plan review process with the Town of Davie, the tower was a requested addition by the architectural review staff.

<u>Proposed Logos</u>	<u>Location</u>	<u>Square Footage</u>
Super Target (Logo in front of Letterset)	Stirling Road	144
Tower Logos (3 Logos – 1 on North & West face of large tower and 1 on West face of small tower )	Stirling Road and University Dr.	64 s.f. each for a total
GARDEN CENTER (Logo on top of Letterset)	Stirling Road	192 s.f.
<b>Total</b>		<hr/> 21.81 <hr/> <b>357.81</b>

The 357.81 s.f. of logo area is approximately 44% of the total requested signage. However, if the requested tower logos were removed, the logo area would total 165.81 s.f. or 27% of the total signage of a proto-typical Super Target store without a tower.

**Summary:**

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 store are unique with regard to the relationship to University Dr. and Stirling Rd. 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 the signage due to the multifaceted services of a large scale general merchandise store, there creating a hardship. Such hardship would result from the property location being screened from University Dr. and Stirling Rd. and, therefore, it is not self-created.

As a result of this request satisfied this criterion.

Criterion (2): Whether the granting of these variances is necessary for the reasonable use of the land or building and that the variance as requested is in 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 operations of the standard Super Target. Given the location of the site in relation to University Dr. and Stirling Rd., and the nature of a general merchandise store where numerous services are provided at varying locations throughout the building, the variances requested are absolutely necessary for the reasonable use of the land as a general merchandise store and is the minimum necessary to accomplish these ends. Finally the proposed signage is in scale to the building facades and it 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 these 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 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 rater unique nature of a large-scale general merchandise store and the numerous services to be provided. 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. 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 satisfied 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.

Exhibit 2 (Illustration of Exterior Walls with Signage Variance)

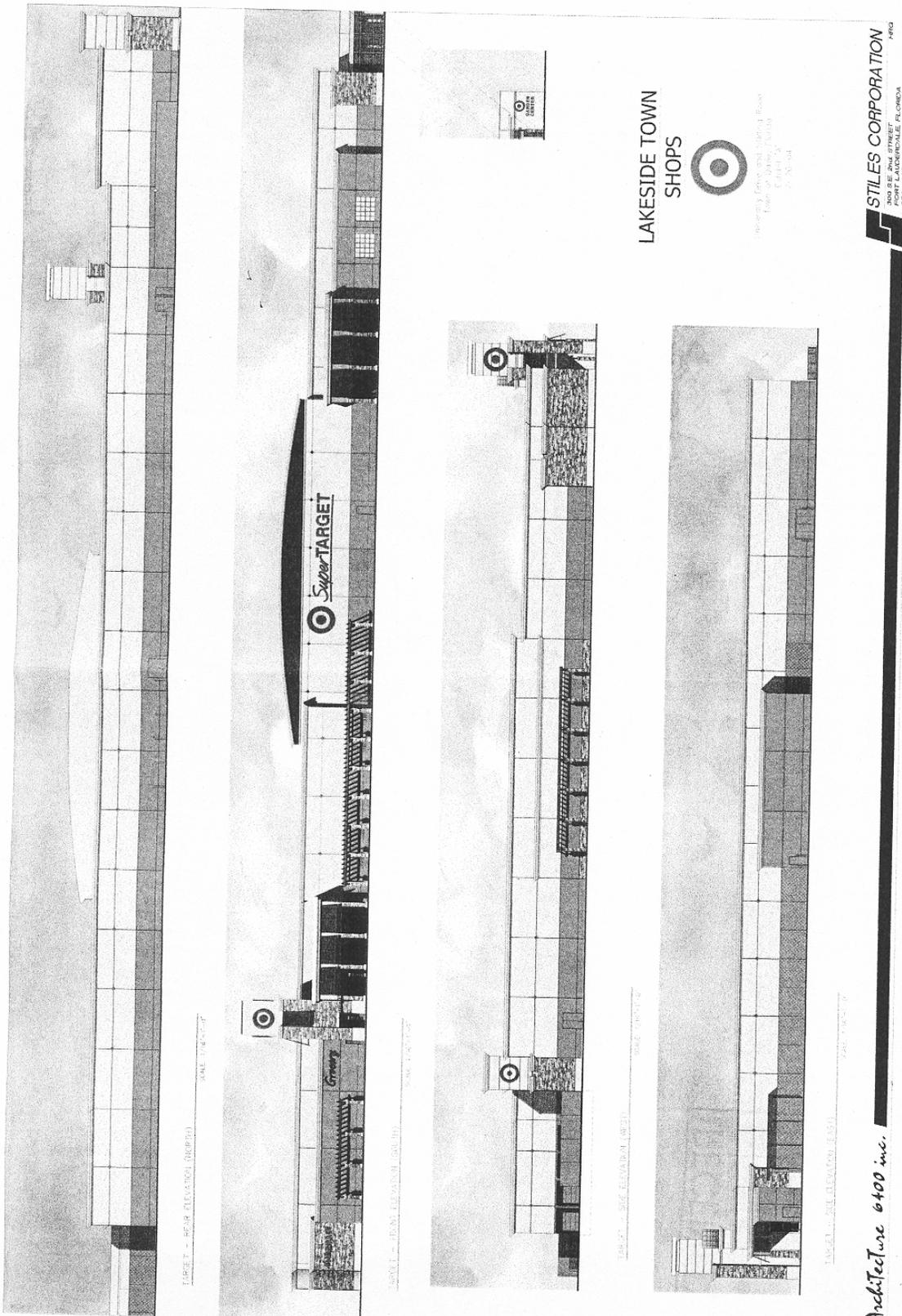
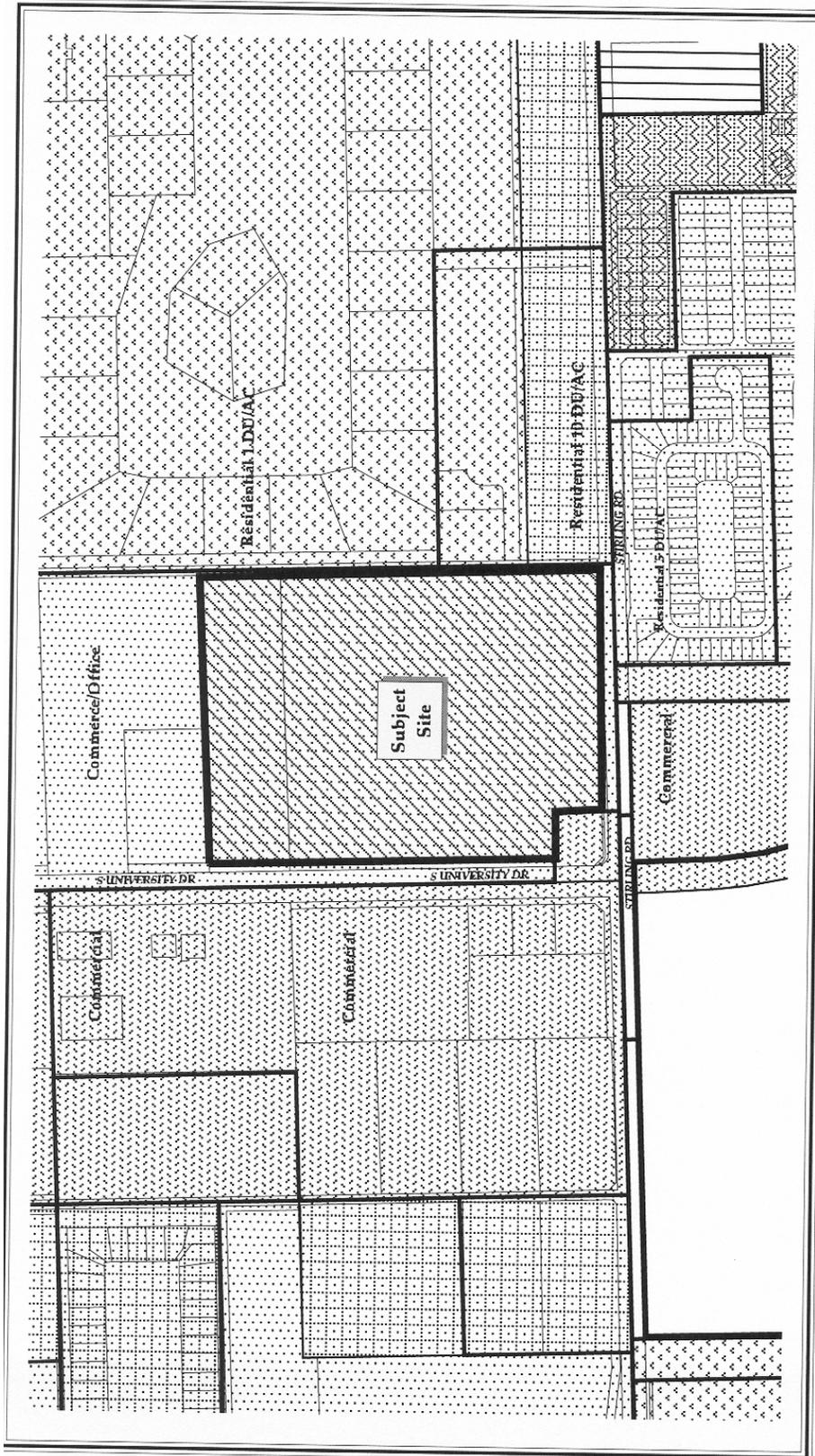


Exhibit 3 (Future Land Use Map)



Variance Application  
V 7-1-05, Lakeside Town Shops  
Future Land Use Plan Map

Prepared By: D.M.A.  
Date Prepared: 7/26/05



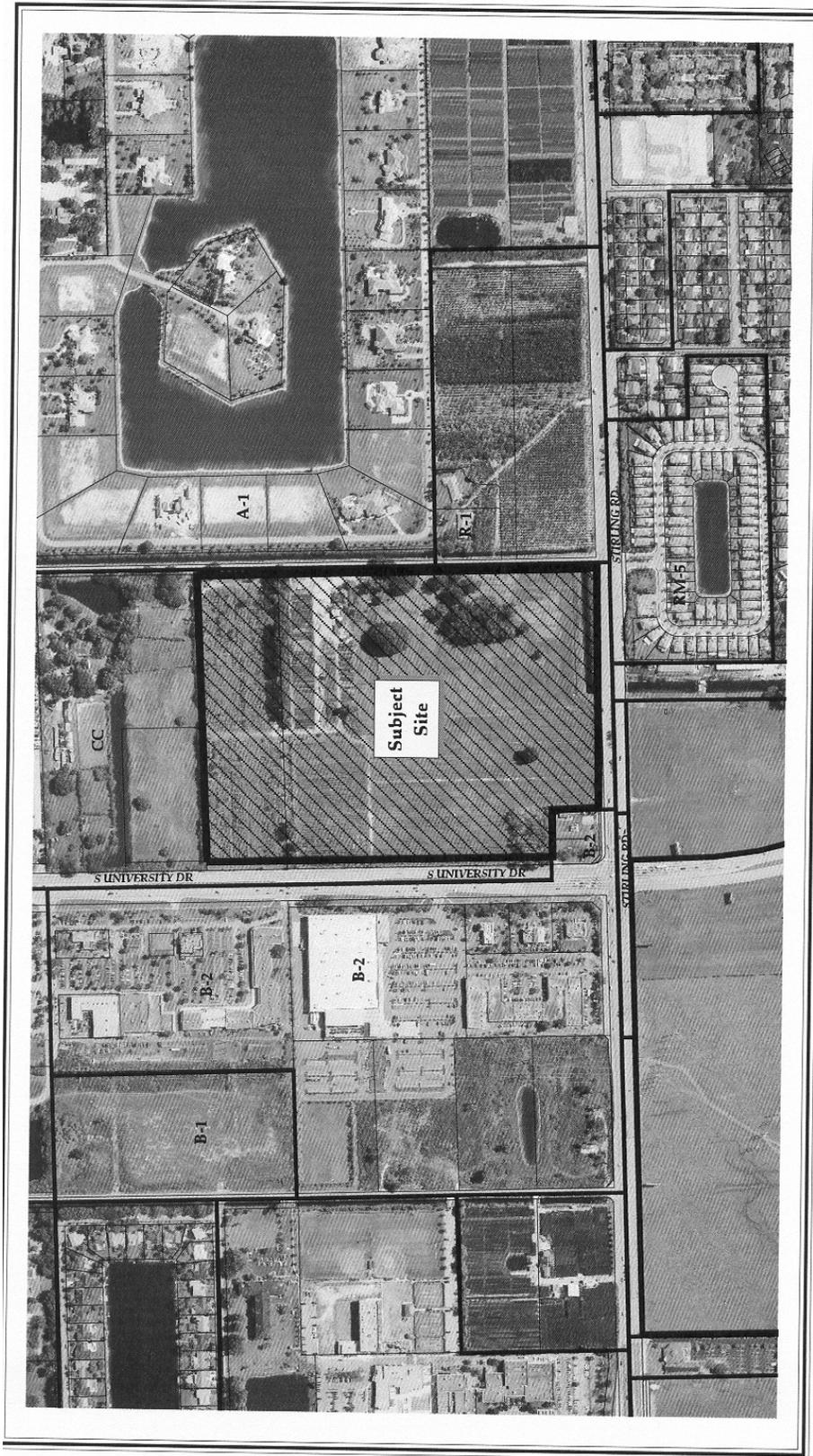
The Town of Davie  
Development Service Department  
Planning & Zoning Division



Scale



Exhibit 4 (Aerial, Zoning, and Subject Site Map)



Variance Application  
V 7-1-05, Lakeside Town Shops  
Aerial, Zoning, Subject Site Map

Prepared By: D.M.A.  
Date Prepared: 7/26/05



The Town of Davie  
Development Service Department  
Planning & Zoning Division

Scale