

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by: Annie Feng, Planner II

**SUBJECT:** Quasi Judicial Hearing: Variance  
V 12-2-02, SW Broward Theaters Holdings, Ltd./Miller, Legg and Associates, Inc, 15601 Sheridan Street/Generally located on the northwest corner of Sheridan Street and Interstate I-75.

**AFFECTED DISTRICT:** District 4

## **TITLE OF AGENDA ITEM:**

The petitioner requests variances:

1. **FROM:** Section 12-242 (A) of the Town of Davie Land Development Code limits the maximum height of freestanding signs to 15 feet, and limits the maximum area to 160 square feet for properties that have more than 1200 feet street frontage; **TO:** increase the height of a freestanding sign to 35 feet, and increase the area to 223 square feet.
2. **FROM:** Section 12-242 (B) (1) (a) of the Town of Davie Land Development Code provides that signage for multitenant building shall not exceed a maximum of two (2) square feet of signage per lineal foot of tenant storefront facade length; **TO:** increase the signage of each tenant to four (4) square feet per lineal foot of storefront facade length in order to allow each tenant have signage on both front and back facades at the maximum allowable size.
3. Remove the condition of the previous approved variance V 7-1-98, which states as “no signs on the walls of the six out parcel properties that would face east towards I-75”; **TO:** allow wall signs facing I-75.

## **REPORT IN BRIEF:**

The subject site is a 42.3-acre parcel located at the northwest corner of Sheridan Street and I-75. The applicant has submitted a Site Plan, SP 12-2-02, to modify the approved master site plan (SP 12-4-97). The new site plan includes additions to the existing Muvico Theaters, three (3) freestanding restaurants and a shopping center, Sheridan Shoppes, containing three (3) retail buildings.

1. There are current three (3) monument signs facing I-75, one at 50 feet high, one at 37.5 feet high and one at 50 feet high. They were approved by the previous variance V 7-1-98. The applicant is requesting a variance to increase the height of an additional monument sign for Sheridan Shoppes to 35 feet, and increase the sign area to 223 square

feet. The existing three signs, located adjacent to I-75 and Sheridan Street, are already larger and higher than those allowed by the code. They alert drivers to the center and provide for clear messages as to the use.

2. The applicant is requesting a variance to increase the maximum allowable wall signs for tenants of Sheridan Street by 100%. The applicant is proposing one sign for each tenant on the front facade facing Sheridan Street or I-75, and one sign on the back facade facing interior plaza. The signage of maximum allowable size on the retail buildings is sufficient to deliver the message clearly to the patrons within the site, on Sherida Street or I-75. More and over-sized signage will adversely affect the appearance of the building and the site, and distract people.
3. To mitigate the impact of the variance and balance the system of sign control, the Town Council approved the previous variance for the three monument signs subject to no signs on the walls of the six out parcel properties that would face east towards Interstate I-75. The applicant has proposed signage on both south and north elevations on Building "A" and Building "B" for each tenant, and signage on other three elevations of three proposed restaurants. Additional signs on the east elevation facing I-75 are not necessary. The alleged hardship is self-created.

**PREVIOUS ACTIONS:** The Planning and Zoning Board tabled the item from the April 23, 2003 meeting to the May 14, 2003 meeting.

**CONCURRENCES:** At May 14, 2003 Planning and Zoning Board meeting, the following motion was made:

No. 1 was motion to approve, 2-2 vote, (Mr. Waitkus absent, automatically tabled to 5/28/03).

No. 2 was approved (Motion carried 4-0, Mr. Waitkus absent).

No. 3 was motion to approve, 2-2 vote, (Mr. Waitkus absent, automatically tabled to 5/28/03).

At May 28, 2003 Planning and Zoning Board meeting, the following motion was made:

No. 1 - Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 4-1 with Ms. Turin being opposed).

No. 3 - Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

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

**Attachment(s):** Planning Report, Justification letter, Land use map, Subject site map, Aerial, and proposed signs.

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

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**Application Information**

<b><u>Owner:</u></b>	<b><u>Petitioner:</u></b>
<b>Name:</b> SW Broward Theaters Holdings, Ltd.	Miller, Legg and Associates, Inc.
<b>Address:</b> 3101 N Federal Highway 6 <sup>th</sup> Floor	1800 N. Douglas Road
<b>City:</b> Fort Lauderdale, FL 33306	Pembroke Pines, FL 33024
<b>Phone:</b> (954) 969-5111	(954) 436-7000

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**Background Information**

**Date of Notification:** April 16, 2003    **Number of Notifications:** 4

**Application History:** The item was tabled from the April 23, 2003 Planning and Zoning Board meeting to the May 14, 2003 meeting.

**Application Request:** Variances

4. **FROM:** Section 12-242 (A) of the Town of Davie Land Development Code limits the maximum height of freestanding signs to 15 feet, and limits the maximum area to 160 square feet for properties that have more than 1200 feet street frontage; **TO:** increase the height of a freestanding sign to 35 feet, and increase the area to 223 square feet.
5. **FROM:** Section 12-242 (B) (1) (a) of the Town of Davie Land Development Code provides that signage for multitenant building shall not exceed a maximum of two (2) square feet of signage per lineal foot of tenant storefront facade length; **TO:** increase the signage of each tenant to four (4) square feet per lineal foot of storefront facade length in order to allow each tenant have signage on both front and back facades at the maximum allowable size.
6. **TO:** remove the condition of the previous approved variance V 7-1-98, which states as "no signs on the walls of the six out parcel properties that would face east towards I-75"; **TO:** allow wall signs facing I-75.

**Address/Location:** 15601 Sheridan Street/generally located at the northwest corner of Sheridan Street and I-75.

**Future Land Use Plan Designation:** Commercial

**Zoning:** PUD-5 (Broward County)

**Existing Use:** Muvico theaters

**Proposed Use:** Muvico theaters, retails and restaurants

**Parcel Size:** 42.3 acres (1,842,609 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Canal and vacant	Residential (3 DU/AC)
<b>South:</b>	Publix and retail buildings	PUD-5 (County)
<b>East:</b>	State Road I-75	Transportation
<b>West:</b>	Canal (Town limits)	Canal

**Surrounding Zoning:**

**North:** PUD-5 (County), Ivanhoe Planned Unit Development, and U, Utilities

**South:** PUD-5 (County), Ivanhoe Planned Unit Development

**East:** T, Transportation

**West:** Town limits (Town of South West Ranches)

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## Zoning History

**Previous Request on same property:**

On August 15, 1980, Broward County approved Ordinance No. 80-76 to rezone Ivanhoe to PUD (Planned Unit Development).

On February 19, 1986, the Town Council approved Resolution No. R-86-34 for a pre-annexation agreement between Ivanhoe and the Town of Davie. Davie and owners agreed that Broward County Ordinance No. 80-76 shall remain in full force and effect. However, Davie and owners agreed that Ivanhoe shall be governed by the Town of Davie sign regulations.

On September 9, 1989, the County Commission approved the plat, Britannia, for 247,384 square feet of commercial use and 150 townhouses/multi-family units on Parcel A.

On March, 1998, the County Commission approved a delegation request to amend the note to eliminate the residential use from the plat, remove the "lake" designation from Parcel C and redistribute the 247,384 square feet of commercial use on Parcels A, B, and C.

On January 21, 1998, the Town Council approved the master site plan (SP 12-4-97) for the construction of a 93,963 square feet movie theater, three retail sites, a restaurant court, 10.2 acre lake, and 1,780 parking spaces.

On October 7, 1998, the Town Council approved a variance (V 7-1-98) to increase the height of three (3) ground signs from 25 feet to 50 feet, increase the area of two (2) ground signs from 100 square feet to 260.5 square feet for each ground sign, and increase the sign area of one ground sign from 100 square feet to 270 square feet. The variance was approved with

conditions providing no signs on the walls of the six out parcel properties that would face east towards Interstate 75, and eliminating location #2 for the additional request sign.

In the Memo dated December 17, 1998, the Town Attorney Barry Webber interpreted that the property owner had established a vested rights claim to rely on the approval given by the Town regarding roof signs attached to the Muvico building under Broward County Code. In addition, the property owner established vested rights with regard to freestanding signage as approved by variance granted by the Town Council under Broward County Code.

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## **Application Details**

The subject site is a 42.3-acre parcel located at the northwest corner of Sheridan Street and I-75. The applicant has submitted a Site Plan, SP 12-2-02, to modify the approved master site plan (SP 12-4-97). The new site plan includes additions to the existing Muvico Theaters, three (3) freestanding restaurants and three (3) retail buildings of Sheridan Shoppes. The site plan is scheduled for the May 27, 2003 Site Plan Committee meeting.

There are currently three (3) monument signs, one at 35 feet high, one at 37.5 feet high and one at 50 feet high, facing I-75. Two monument signs have the name of the development, "Paradise Entertainment Park", "Muvico Paradise 24" and six (6) tenant signs. The copy of these two (2) monument signs will be amended to include the names of the proposed three (3) restaurants. The other existing monument sign reflects the name of two major tenants, "Lowe's" and "Publix", in the Coquina Plaza development, which is located immediately west of the subject site. The applicant is requesting a variance to increase the height of the proposed monument sign for Sheridan Shoppes to 35 feet, and increase the sign area to 223 square feet. The Town of Davie sign code permits a freestanding sign of a maximum height of 15 feet with 160 square feet in area for the properties that have more than 1200 feet street frontage. The current location does not meet the Town of Davie code, but the location of this monument sign was approved under the former site plan SP 12-4-97.

In addition, the applicant is also requesting to remove the condition of the approved variance, V 7-1-98, providing no signs on the walls of the six outparcel properties that would face east towards Interstate I-75. Should this variance be granted, the applicant would install wall signs facing I-75 on Building A and Building C of Sheridan Shoppes, and walls signs facing I-75 on the east elevations of three (3) freestanding restaurant buildings.

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## **Applicable Codes and Ordinances**

1. Section 12-242 (A) of the Town of Davie Land Development Code limits the maximum height of freestanding signs to 15 feet, and limits the maximum area to 160 square feet for a site that has more than 1200 square feet street frontage.
2. Section 12-242 (B) (1) (a) of the Town of Davie Land Development Code provides that signage for multitenant building shall not exceed a maximum of two (2) square feet of signage per lineal foot of tenant storefront length.
3. Variance V 7-1-98 provides that no signs on the walls of the six out parcel properties that would face east towards Interstate I-75.

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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 and Griffin Roads, and Orange Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 117.

### **Applicable Goals, Objectives and Policies:**

Policy 17.4 of the Town of Davie Comprehensive Plan addresses the size, quantity, location, and character of on-premise and off-premise signs, to promote the community aesthetics and protect the health, safety, and welfare of Town residents.

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## Staff Analysis

The intent of the limitation of height and size of signs is to facilitate clear communication of the intent and nature of the businesses provide for the overall aesthetic appearance of the community.

The subject site contains 42.3 acres including ten acres of lake. It has a frontage of 5,380 feet on Sheridan Street. The new site plan will add two additional theaters to the existing Muvico Theaters, three (3) freestanding restaurants as separate outparcels, and a retail center of 34,400 square feet including restaurants, a bank, and retail stores. The applicant has indicated that visibility from I-75 corridor is essential to market the proposed development given the size of the property and scale of the development.

### **1. Freestanding Sign:**

The applicant is requesting to increase the size and height of the proposed monument sign to 35 feet in height and 223 square feet in area. This is in addition to the three existing monument signs at 35 feet, 37.5 feet and 50 feet high.

### **2. Multitenant Wall Signs:**

In addition, the applicant is requesting a variance to increase the maximum allowable wall signs for tenants of Sheridan Shoppes by 100%. Should the variance be approved, each tenant will have one sign on the front facade facing Sheridan Street or I-75, and one sign on the back facade facing interior plaza. Signage areas range from 40 square feet to 150 square feet. The signage of maximum allowable size is sufficient to deliver the message clearly to the patrons within the site, on Sheridan Street or I-75.

### **3. Wall Signs Facing I-75 (Conditions of approved Variance 7-1-98):**

To mitigate the impact of the variance and balance the system of sign control, the Town Council approved the previous variance for the three monument signs subject to no signs on the walls of the six out parcel properties that would face east towards Interstate I-75. The applicant has proposed signage on both south and north elevations on Building "A" and Building "B" for each tenant, and signage on other three elevations of three proposed restaurants. Additional signs on the east elevation facing I-75 are not necessary. However, the front of the Building "C" faces I-75. A change in the layout of the proposed building is required to allow the tenants to have their identification signs above entrances and in keeping with the conditions required by the previous variance.

#### **Conclusion:**

At the Muvico site, there currently exists roof signs and monument signs that all exceed the Town of Davie sign code for height and copy area. The signs were previously approved under Variance V 7-1-98. Staff has visited the site and finds that additional signage would clutter the overall site visually and overshadow the proposed architecture of the new retail centers and Muvico Theaters. The intent of the sign code is to ensure that the visual environment promotes the environmental, social, and economic well being of the Town. The existing signs, on their own, achieve this balance. Adding more and larger signs than allowed by code would alter the balance between the architecture and uses of the building and the signage.

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## **Finding of Facts**

#### **Variances:**

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

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

#### **A. Free-standing Monument Sign:**

(a) There is not a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is self-created by persons having an interest in the property.

*Three monument signs currently exist adjacent to I-75 and Sheridan Street. The signs alert drivers to the center and provide for clear messages as to the uses. These signs are already larger and higher than those allowed by code, due to a previous variance. The alleged hardship is self-created.*

(b) Granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

*The use of the land and the buildings is not affected by this sign variance. Therefore, the required variance is not the minimum variance that will accomplish this purpose.*

(c) Granting of the requested variances will not 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 sign would be located a reasonable distance from nearby neighborhoods. The sign would be more than 1,500 feet from Hawke's Bluff Avenue, the nearest residential road west of I-75, and nearly one-half mile from Dykes Road and communities located thereon.*

*However, there are sufficient signs existing on site, and no special conditions or circumstances applied to the site to request a variance. Therefore, granting of the requested variance will not in harmony with the general purpose and intent of the code.*

### **B. Multitenant Wall Signs:**

(a) There is not a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is not peculiar to such land or building and does apply generally to land or building in the same district, and that said circumstance or condition is not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is self-created by persons having an interest in the property.

*The signage of maximum allowable size is sufficient to deliver the message clearly to the patrons within the site, on Sheridan Street or I-75. More and over-size signage will adversely affect the appearance of the building and the site, and distract people. The alleged hardship is self-created.*

(b) Granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

*The use of the land and the buildings are not affected by this sign variance. Therefore, the required variance is not the minimum variance that will accomplish this purpose.*

(c) Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will be injurious to the neighborhood or otherwise detrimental to the public welfare.

*The site does not have any special circumstances or conditions applied to the land or building. If the applicant designed the site with true tenant frontage into the center from the rear or created a parallel plaza, staff would be able to recognize both frontages and a variance would not be needed to have the additional signs.*

### **C. Wall Signs Facing I-75:**

(a) There is not a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is not peculiar to such land or building and does apply generally to land or building in the same district, and that said circumstance or condition is not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is self-created by persons having an interest in the property.

*In order to obtain the previous variance for the freestanding signs, the applicant voluntarily gave up the wall signs for the buildings on the out-parcels. The subject property is 42.3 acres. The new site plan layout should take the consideration of this condition. The alleged hardship is self-created by design of the site plan.*

(b) Granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

*The use of the land and the buildings are not affected by this sign variance. Therefore, the required variance is not the minimum variance that will accomplish this purpose.*

(c) Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will be injurious to the neighborhood or otherwise detrimental to the public welfare.

*Both Building "A" and Building "B" of Sheridan Shoppes, and three freestanding restaurants have signs facing Sheridan Street as well as facing interior of the plaza. In addition, the applicant has requested a variance to increase the height and sign area for a monument sign for the Sheridan Shoppes facing I-75 and Sheridan Street. The existing monument signs of 260.5 square feet facing I-75 will include the names of the restaurants. There are sufficient signs to keep the businesses exposed for the development. The layout of Building "C" may be changed in keeping with the condition of the previous variance. Granting of the requested variance will be conflict with the intent of the previous variance and will not be in harmony with the general purpose and intent of this chapter.*

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### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

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### **Planning & Zoning Board Recommendation**

At May 14, 2003 Planning and Zoning Board meeting, the following motion was made:

No. 1 was motion to approve, 2-2 vote, (Mr. Waitkus absent, automatically tabled to 5/28/03).

No. 2 was approved (Motion carried 4-0, Mr. Waitkus absent).

No. 3 was motion to approve, 2-2 vote, (Mr. Waitkus absent, automatically tabled to 5/28/03).

At May 28, 2003 Planning and Zoning Board meeting, the following motion was made:

No. 1 - Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 4-1 with Ms. Turin being opposed).

No. 3 - Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 5-0).

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## **Town Council Actions**

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### **Exhibits**

Planning Report, Justification letter, Subject Site Map, Land Use Map and Aerial, and proposed signs.

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

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



**VARIANCE JUSTIFICATION FOR  
Muvico Theaters  
together with  
Sheridan Shoppes at Muvico  
May 14, 2003**

**Signage per Town of Davie Land Development Code**

This is a request to allow Muvico Theaters together with Sheridan Shoppes at Muvico to amend the existing Master sign plan to adequately serve the needs of master site plan amendment submitted concurrently with this variance application. Muvico Theaters and Sheridan Shoppes is located on the northwest corner of Sheridan Street and I-75 and has a master signage plan that incorporates a request to add wall signage to all proposed restaurants and retail buildings (on the face of the wall facing I-75) in accordance with the sign plan submitted (see master sign plan for square feet)

**MUVICO AND SHERIDAN SHOPPES AMEND CONDITION OF PREVIOUS APPROVAL:**

The overall amended master sign plan for Muvico Theaters includes 6 new wall signs for Restaurants A, B and C.

Three (3) of these signs require an amendment to the existing sign variance (V 7-1-98) due to the Planning and Zoning Board Recommendation which stated the following: "no signs on the walls of the six out parcel properties that would face east towards Interstate 75". This variance request is to amend that stipulation to allow wall signage facing I-75 within the overall size permitted by code. The developer of the site has agreed to provide said wall signage meeting or less than 150 square feet per free standing building (Restaurant A, B And C) in accordance with Section 12-242 of the Davie Land Development Code. Said signage will be distributed as follows: 100 square feet on the primary side and 50 square feet on the secondary side. In addition, the Suchman Realty Group is requesting wall signage facing East to be located on Retail Building A and Retail Building C (see said sign plan for details).

**SHERIDAN SHOPPES WALL SIGNAGE VARIANCE REQUEST:**

- The signage requested for the proposed "Sheridan Shoppes" which includes both retail and restaurant square footage within Retail Buildings A and B is currently shown on the proposed building elevations as prepared by Gershen Associates, P.A. for Suchman Retail Group, Inc. Those signs are typical tenant signs shown on each of the individual units and will require a variance to meet the needs of retail A, B and C. In accordance with Section 12-242 of the Davie Land Development Code, signage for multi-tenant buildings may not exceed two times the linear frontage of the building. The developer is requesting additional consideration for frontage for the units that are facing the interior courtyard and

include entrances. This would provide an additional 120 square feet for Buildings A and B (see attached signage exhibits for square footage requested). Building C includes retail square footage with the same tenant signage proposed for Buildings A and B and is also requesting consideration for additional frontage due to entrance on south side and east side of the building. In addition, Sheridan Shoppes is requesting a directional sign to be located within a median on the south side of the entrance to the property (behind the theater). Said sign will include 13.5 square feet of area. (See Site Plan Sheet SPO-1 for location).

#### SHERIDAN SHOPPES MONUMENT SIGN VARIANCE REQUEST

- Sheridan Shoppes is requesting to increase the height of their pylon sign located on Sheridan Street at the southwest corner of the property from the previously approved sign of 15 feet in height (permitted by Section 12-242 of the Davie Land Development Code to 35 feet in height to be consistent with the Muvico Theater pylon sign located east along Sheridan Street. See Sheet SI-1 attached herewith for sign details and Sheet SPO-1 of the site plan for location.
- Sheridan Shoppes is also requesting to increase the total area of the proposed pylon sign from 160 square feet (permitted by code) to 223 square feet of sign area. This provides an overall increase of 28% in square feet and a 55% increase in height. The proposed sign has been designed to include a tenant directory in order to provide additional signage along the frontage for proposed tenants. See Sheet SI-1 attached herewith for sign details and Sheet SPO-1 of the site plan for location.

Other existing signs located on this site require revisions to the master sign plan but not a variance. The following includes the existing signs that will be amended to serve the needs of the proposed development:

- The three (3) roof signs will be revised to show Muvico 26 instead of Muvico 24.
- The two (2) existing pylon signs shall be amended to include the names of the proposed restaurants on site.
- The existing 12 directional signs shall be amended to include the proposed restaurants. These signs are required to serve the informational and directional needs of the visitors/patrons.

The signing plan for the subject site, as generally described above, has been carefully developed to serve a variety of informational and direction needs of the community. These purposes include general recognition of the proposed uses, direction to various users destinations within the site, and identification of specific locations. The signage has been designed to compliment the architectural and landscaping elements of the project, and to be aesthetically satisfying, as well as functional.

The following is our justification for the variances to the Town of Davie Land Development Code:

- (a) The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.

Response

The subject site contains a total of 42 acres including a 10 acre lake, and has 5380 linear feet of frontage on Sheridan Street. The existing Muvico Theater is adding two additional theaters to the front of the building and is proposing to construct three (3) restaurants including 24,461 square feet along the frontage of the the I-75 off-ramp. In addition, Suchman Retail Group is proposing to construct up to 30,000 square feet of an in-line retail center including restaurants, a bank and a free standing retail center along the frontage of Sheridan Street. Due to visibility along the I-75 corridor it is essential to market the proposed development by signage along this frontage. In addition, due the projects proximity to the Sheridan Street Overpass, visibility is reduced.

Given the size of the site and the variety of site uses, as well as the volume of vehicles that will be visiting the site, it is important to the restaurant users and retail users that visitors/patrons realize what shops are available. The currently adopted signage program will serve the retail tenants of the in-line retail space in addition to the free standing restaurants and free standing retail building. The level of signage presented in the plan is believed to represent the minimum acceptable level.

- (b) The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

Response

The condition that is unique to this parcel is the location, the majority of the frontage of the property is adjacent to the I-75 off-ramp. In order for the proposed in-line center and free standing restaurants to be in competition with other retail users and restaurant users in the City, the more upscale tenants are requiring the identification signage within the existing and proposed monuments/pylon signs along the frontage in addition to the wall signs facing I-75.

- (c) The alleged difficulty or hardship has not been deliberately created to establish a use or structure, which is not otherwise consistent with this Code.

Response

The hardship was not deliberately created to provide additional signage which is not consistent with the current code, but rather a marketing design and or tool that provides greater visibility for the retail shops, restaurants and bank within the center. In order for the Developer/Owner to attract prominent restaurants and

retail shops, signage is an important criterion, especially when visibility is limited due to fact that the majority of the frontage is the off ramp for I-75. This variance application is a request to increase the square footage and the height on the previously approved pylon sign and provide wall signage on the face of the buildings facing I-75.

- (d) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

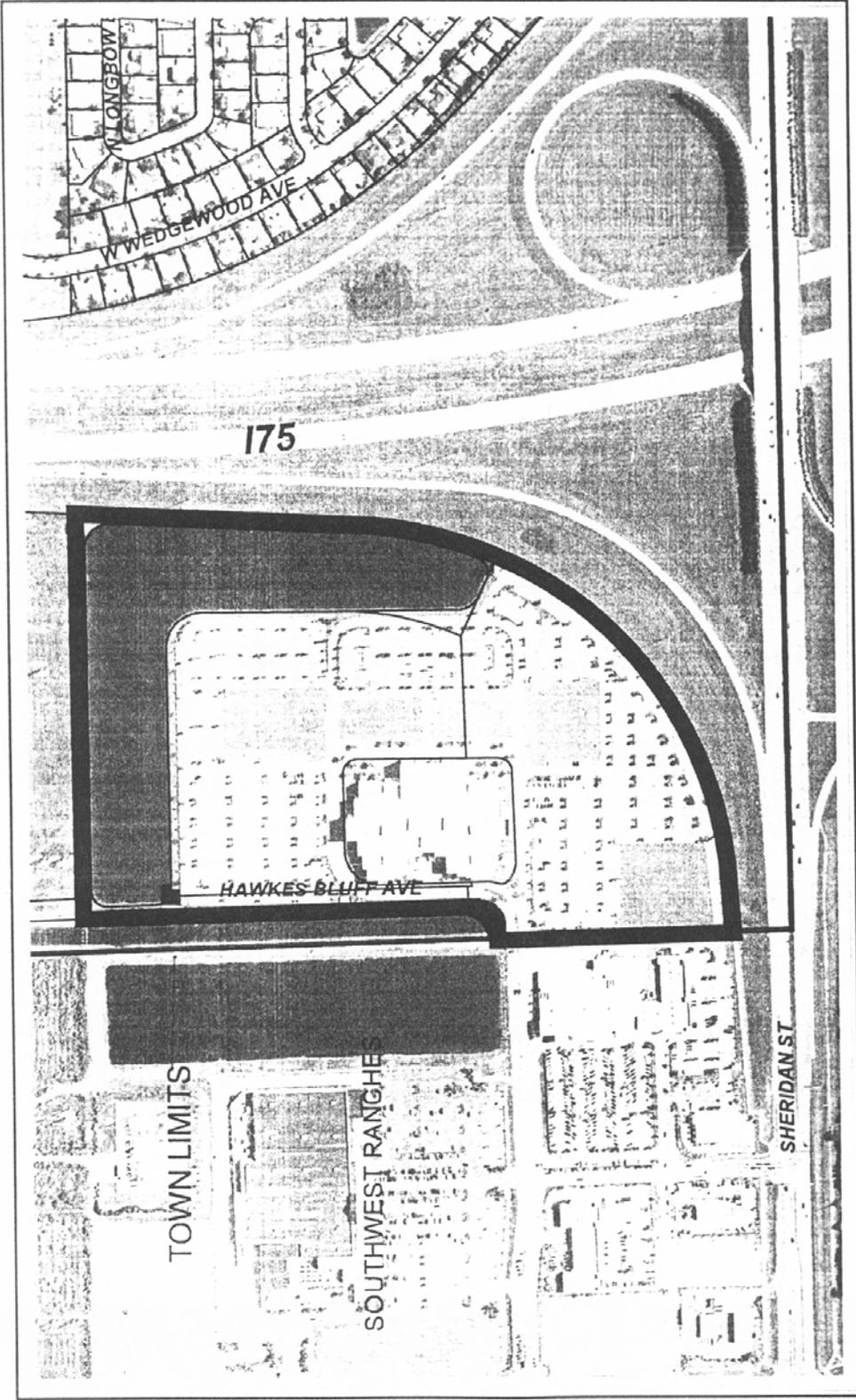
Response

The granting of this variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity. The additional signage proposed will be consistent with the overall architecture and existing signage on the site. The scale of the signage and the materials utilized are aesthetically appealing and appropriate to the site. Provision of an adequate level of signage will help to direct visitors to their destinations within the site with minimal delay and confusion.

- (e) The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

Response

The proposed variance does not increase the congestion in the public right-of-way, nor does it increase the danger of fire or endanger public safety. The proposed signing plan has been developed to increase the convenience of visitors to the site and to enhance safe and efficient traffic operations within the site and along the adjacent roadways. The requested signage is proposed to be placed in areas which will not reduce the required line of sight nor will they hinder emergency vehicles access to and from the site. The granting of this variance will not diminish the overall appearance of the project, nor will it diminish or impair property values within the vicinity.



Date Flown:  
12/31/00

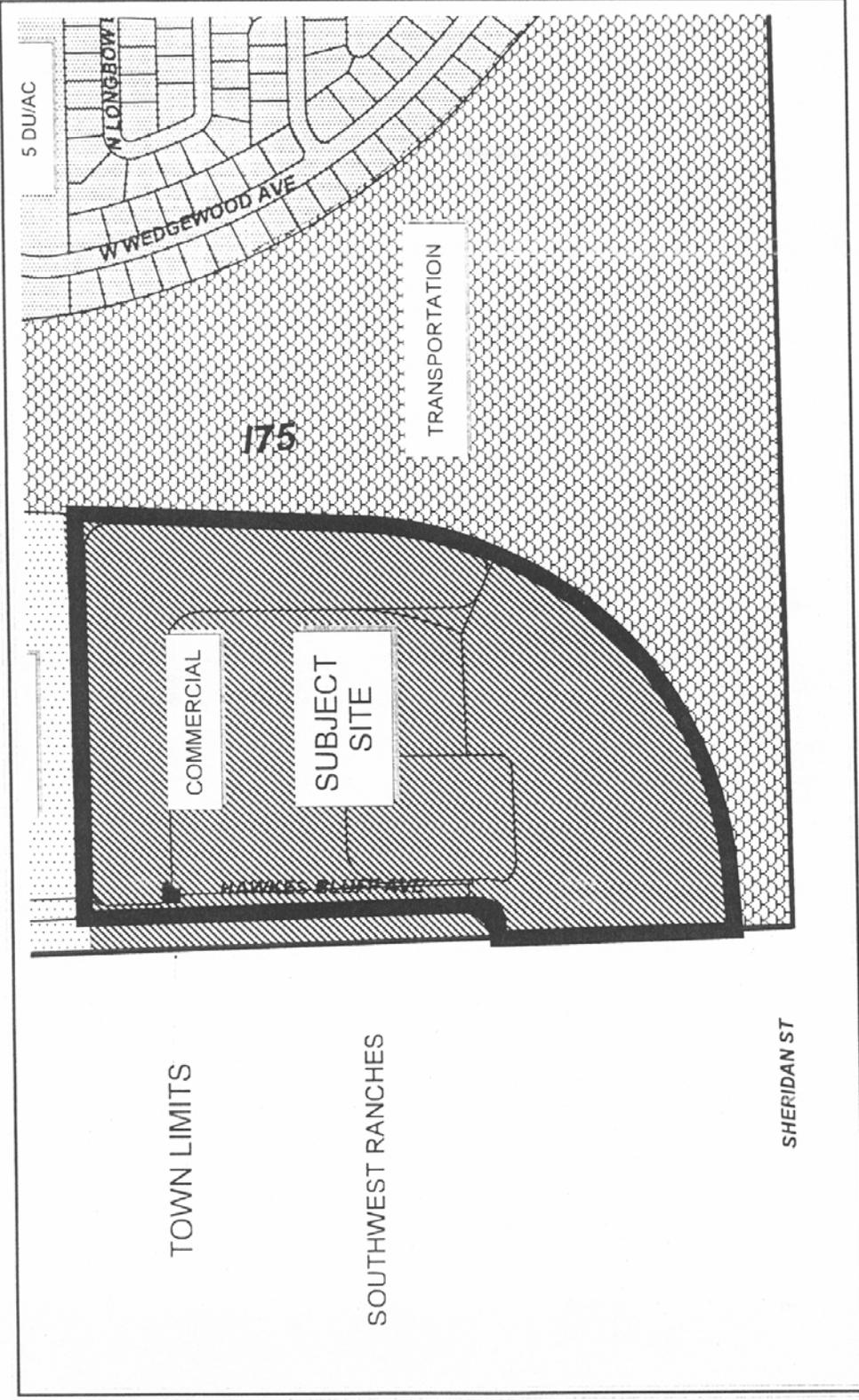


Planning & Zoning Division - GIS



**VARIANCE**  
**V 12-2-02**  
**Zoning and Aerial Map**

Date Prepared 5/22/03  
Prepared By ILD



**VARIANCE**  
**V 12-2-02**  
**Future Land Use Map**

Date Prepared: 5/22/03  
 Prepared By: ILD

N

400 0 400 Feet

Planning & Zoning Division - GIS