



CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: May 10, 2011

TO: Robert Baldwin, City Manager

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, Principal Planner *CLJ*
Kristin Dion, AICP, Planner *KD*

SUBJECT: VA-09-11: The applicant, Wilson Hollywood Showroom, LLC, is requesting a variance for a pole sign from section 505-140, Unified Land Development Code (ULDC), for a property located at 1901 Tigertail Boulevard.

VARIANCE:

1. To allow for a sign area of 171.75 square feet; code allows a maximum area of 48 square feet.
2. To allow for identification of 9 tenants per sign face; code restricts copy to permit name and nature of the complex only.

PROPERTY INFORMATION:

EXISTING ZONING	Industrial Research Office Commercial (IROC)
LAND USE	Industrial

The property is located on the east end of Tigertail Boulevard, just west of Interstate 95. It is a 4.5 acre parcel improved with two industrial warehouse buildings which total approximately 93,000 square feet of enclosed area. According to Section 505-140 of the ULDC, industrial complexes within 1,000 feet of Interstate 95 and with a minimum enclosed building area of 80,000 square feet may construct one pole sign, not to exceed 50 feet in height, or 25 feet above the elevation of the abutting highway. The sign area shall not exceed 48 square feet and the sign may only indicate the name and nature of the business.

The applicant is requesting a variance to the above provisions to allow for a pole sign that has a sign area of 171.75 square feet and identifies the name of the complex as well as 9 tenant panels on each sign face. The applicant states that the location of the site, which is 1,200 feet from the intersection of Tigertail Boulevard and Anglers Avenue, creates a hardship as visibility is limited only to those traveling along Interstate 95. Since offsite signage is not permitted, there is no identification of the complex to travelers along Anglers Avenue. The applicant feels that the signage permitted in the ULDC does not provide adequate visibility for the tenants. Wall signs identifying tenants in the western building are not visible from the interstate.

In accordance with section 625-40, ULDC, variances may be granted when:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures in this same zoning district;
- (4) Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this code and would work unnecessary and undue hardship on the applicant;
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- (6) The variance granted will be in harmony with the general intent and purpose of this Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The property is situated in a location that is not visible to local traffic, its only point of visibility is from the Interstate. The isolated location is not the result of actions by the applicant. Other lands within IROC zoning typically have direct access from a major road, thereby making a smaller monument sign and wall signage adequate for visibility. The site is surrounded by industrial warehouse development, with the exception of the east being Interstate 95. Therefore, a large monument sign would not be detrimental to the area or public.

STAFF RECOMMENDATION

Approval.



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643



General Development Application

- Administrative Variance
- Assignment of Flex/Reserve Units
- Land Use Amendment
- Plat
- Plat Delegation Request
- Rezoning
- Site Plan
- Special Exception
- Trafficway Waiver
- Variance Signage
- Roadway Vacation
- Other: _____

Date Rec'd: _____

Petition No.: VA-09-11

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City's Building Department. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: 1901 Tigertail Boulevard

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: Designer's Place at Dania (Plat Book 129, Page 33)

Folio Number(s): 5042-33-42-0010 Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) Applicant is Property Owner, see below

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

Name of Property Owner: Wilson Hollywood Showroom, LLC

Address of Property Owner: 5555 Anglers Avenue, Suite 8, Dania Beach, FL 33312

Business Telephone: 954-894-5501 Home: _____ Fax: 954-894-5017

Explanation of Request: Sign variance request for pylon sign. Please see attached Justification Statement for more details. For Plats please provide proposed Plat Name for Variances please attach Criteria Statement as per Section 625.40 of the Land Development Code.

Prop. Net Acreage: _____ Gross Acreage: +/- 4.58 Existing Building Square Footage: +/- 93,446

Existing Use: 2 industrial warehouse buildings Proposed Use: same

Is property owned individually, by a corporation, or a joint venture? Limited Liability Company (LLC)

I understand that all approvals automatically expire within 12 months of City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Land Development Code.

Applicant/Owner signature

Print Name

Date

APPLICANT, CONSULTANT, OR LEGAL REPRESENTATIVE NOTARIZED SIGNATURE

Sworn to and subscribed before me

This 20 day of Jan 2011

Applicant/Consultant/Representative:

Signature: Bonnie Miskel

Date: 1/20/2011

Bonnie Miskel Esq.
(Print Name)

Bonnie J. Phillips

Sign Name of Notary Public
State of (FLORIDA)

Bonnie J. Phillips
Print Name of Notary

5355 Town Center Rd, Ste 801, Boca Raton, FL 33486
Street Address, City, State and Zip Code



561-237-1524 direct / 561-237-1525 land planner / 561-544-8868 fax
Telephone No. & Fax No.

INDIVIDUAL OWNER NOTARIZED SIGNATURE:

This is to certify that I am the fee simple owner of subject lands described above and that I have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me

This _____ day of _____ 20____

Owner: _____

Signature: _____

Date: _____

Sign Name of Notary Public
State of ()

(Print Name)

Print Name of Notary

Street Address, City, State and Zip Code

Commission Expires: _____

Seal:

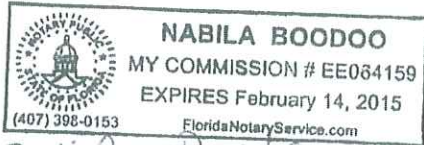
Telephone No. & Fax No.

LLC NOTARIZED SIGNATURE:

This is to certify that the below referenced corporation is the owner of subject lands described above and that I, as a duly authorized officer, have authorized (Applicant/Consultant/Representative) Margarita Cambres Riggs, as agent to make and file the aforesaid application.

Sworn to and subscribed before me

This 24th day of February 2011



Nabila Boodoo
Sign Name of Notary Public
State of (Florida)

Nabila Boodoo
Print Name of Notary

Commission Expires: 02/14/15
Seal:

Corporation Name:

Wilson Hollywood Shannons, LLC

Signature: Margarita Riggs as agent

Date: 2/24/11

Margarita Cambres Riggs as agent
(Print Name)

Real Estate Agt.
(Print Title)

5555 Auders Avenue, Ste. 8, Davie Beach, FL 33312
Street Address, City, State and Zip Code

954.894.5501 ; 954.894.5017.
Telephone No. & Fax No.

JOINT VENTURE/PARTNERSHIP NOTARIZED SIGNATURE:

This is to certify that the below referenced that the duly authorized persons are the owners of subject lands described above and that all partners have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me

This _____ day of _____ 20____

Signature: _____

Date: _____

(Print Name)**

Sign Name of Notary Public
State of ()

Print Name of Notary

Commission Expires: _____
Seal:

Street Address, City, State and Zip Code

Telephone No. & Fax No.

****Each partner must sign. Attach duplicate sheets as required.**



RREEF

3414 Peachtree Road NE, Suite 950
Atlanta, Georgia 30326
T 404 442 6810
F 404 442 6823
www.rreef.com

Statement of Interest in Property and Authorization to File Petitions

Wilson Hollywood Showrooms, L.L.C. certifies that it is the Owner of the subject property and authorizes SIEGEL, LIPMAN, DUNAY, SHEPARD, & MISKEL, LLP, as agent, to submit and process any and all development applications, including but not limited to variances, text amendments, site plans, etc. to the City of Dania Beach and represent Owner at any public hearings necessary for the approval and development of the proposed development.

Gerald Joseph Devon
Print Name

[Signature]
Signature

3414 Peachtree Rd, NE Suite 950
Address

Atlanta, GA 30326
City/State/Zip

(404) 442-6810
Phone

State of Georgia

County of Cherokee

The foregoing instrument was acknowledged before me this 3rd day of March, 2010, by Gerald Devon, an individual, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: B. Carol Knaggs

Print: B. Carol Knaggs

My Commission Expires:

B. CAROL KNAGGS



VA-09-11
NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Commission, on Tuesday, May 10, 2011, or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

VA-09-11 – Variance request by Wilson Hollywood Showroom, LLC, from the Dania Beach Unified Land Development Code (ULDC) Part 5, Article 510, Section 505-140, for the proposed construction of a pole sign for property located at 1901 Tigertail Boulevard, Dania Beach Florida.

The variance request is:

1. To allow for a sign area of 171.75 square feet; (ULDC Section 505-140 allows a maximum area of 48 square feet.)
2. To allow for identification of nine (9) tenants per sign face; (ULDC 505-140 restricts copy to permit name and nature of the complex only.)

Property is legally described as: Parcel “A” Designer’s Place at Dania, according to the plat thereof, recorded in Plat Book 129, Page 33, of the Public Records of Broward County, Florida.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY WILSON HOLLYWOOD SHOWROOM, LLC FROM SECTION 505-140, UNIFIED LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1901 TIGERTAIL BOULEVARD, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed request(s) are available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday please call (954) 924-6805 x3645 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk’s office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

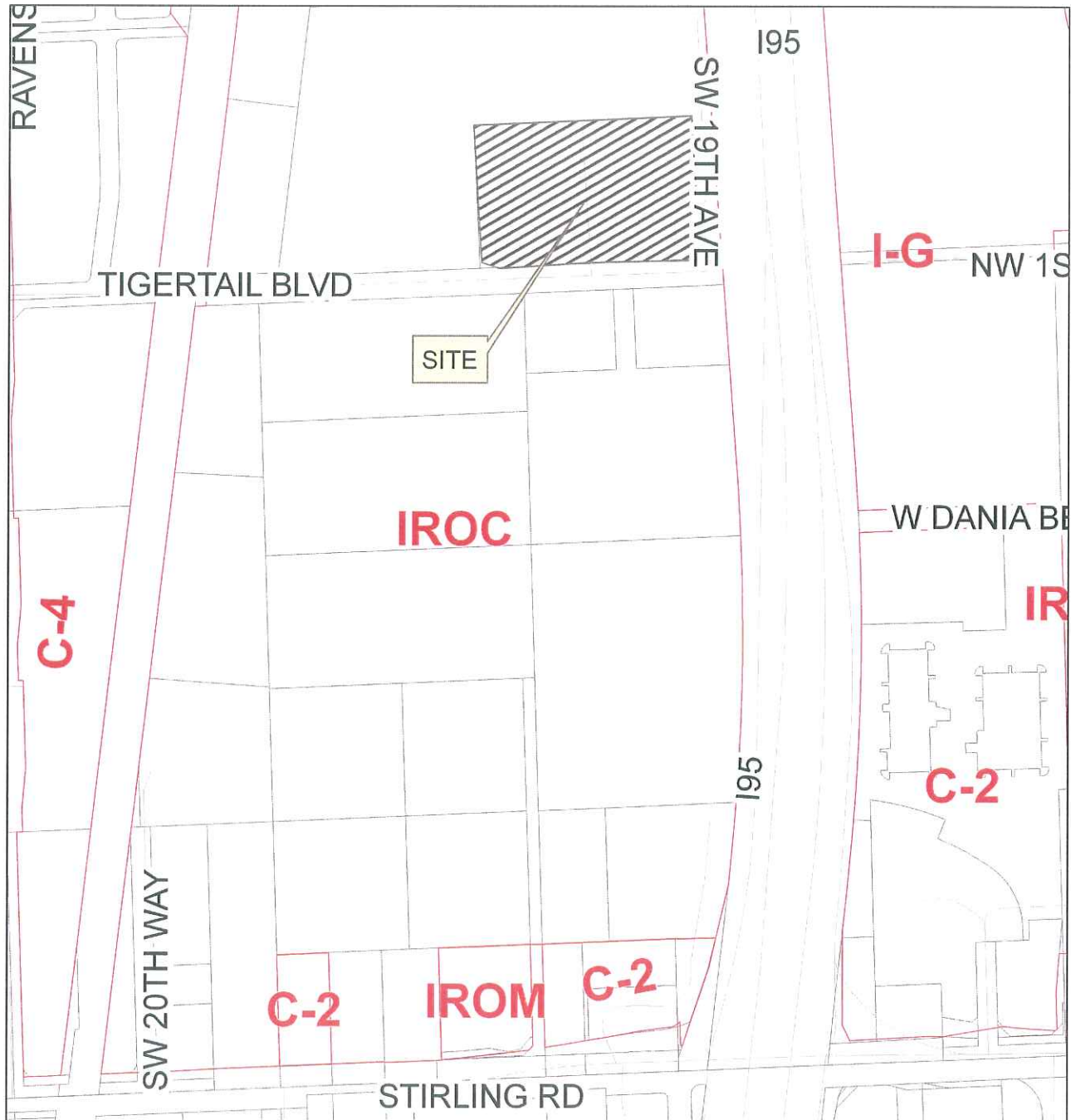
Lou Ann Patellaro
Building and Planning Operations Mgr.

Friday, April 29, 2011

LOCATION MAP:



Variance
VA-09-11
Wilson Hollywood Showroom, LLC
1901 Tigertail Boulevard



SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP

GARY S. DUNAY
KENNETH W. LIPMAN
BONNIE MISKEL
JONATHAN L. SHEPARD
CARL E. SIEGEL

SCOTT BACKMAN
LINDA B. LYMAN

THE PLAZA • SUITE 801
5355 TOWN CENTER ROAD
BOCA RATON, FLORIDA 33486

(561) 368-7700
FAX: (561) 368-9274
WWW.SLDSMLAW.COM

Designer's Place Pole Sign Variance

1901 Tigertail Boulevard

Sign Variance Justification Statement

Wilson Hollywood Showroom, LLC ("Petitioner") owns the +/- 4.58 acre property located at 1901 Tigertail Boulevard ("Property"), as shown on the attached location map. The Property is currently developed with two (2) industrial warehouse buildings totaling +/- 93,446 square feet and is known as the Designer's Place. As indicated by the name of this industrial complex, it is comprised of several interior design showroom retail/wholesale tenants. The very nature of this type of commercial industrial use both requires and attracts a larger customer base than typical industrial uses. The Property is isolated, as it is located on a dead end road with a +/- 1,200 foot setback from the nearest intersection and abuts Interstate 95 (+/- 55 feet from right-of-way). This isolation and compromised visibility diminishes retail activity from general passersby and prevents customers from easily identifying the location of the industrial complex. Proper signage will improve both the complex's visibility and customer identification to ensure the continued economic viability of the complex and its tenants. As such, Petitioner is requesting relief from Section 505-140(B) and its subsections (1)(a) and (b) of the City's Land Development Regulations ("Code") to permit a double-faced pole sign that: 1) is 40 feet in height measured from grade; 2) has 171.75 total square feet of sign area per side (overall sign area total of 343 square feet); and 3) identifies both the name of the industrial complex and up to 9 tenants per side. A survey and sign package identifying the specific location of the proposed pole sign and the sign specifications are included with this sign variance request.

As discussed in greater detail below, the sign variance request is consistent with Code Section 505-190. Specifically, the sign variance request demonstrates that the: 1) basic intent and aesthetic improvement purposes of the sign regulations will be maintained, particularly as it affects the appearance and compatibility with properties in the surrounding areas; 2) signs permitted under this Code cannot be adequately viewed due to physical site distinctions; 3) Petitioner's hardship is not self-created or based solely on the inability to comply with the Code; 4) architectural design of the existing structures or the site plan pose unique and extenuating characteristics which are not compatible with the requirements of this article; and 5) existing structures and site configuration are unique, which cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.

1. *The sign, after the granting of a variance, will still maintain the basic intent and aesthetic improvement purposes of the sign regulations, particularly as it affects the appearance and compatibility with properties in the surrounding areas.*

The proposed pole sign maintains the basic intent and aesthetic improvement purposes of the sign regulations and is compatible with surrounding development. The proposed pole sign has a warm neutral color scheme that is consistent with the industrial complex as well as surrounding development. In addition, the slanted architectural feature on the building façades is mimicked on the requested pole sign. Adjacent development generally consists of industrial and warehouse type development ranging in height from one to two stories. The proposed pole sign height is 40 feet measured from grade with an 84 inch concrete base and will be located along the portion of the Property abutting Interstate 95. The proposed sign is double-faced with signage facing Interstate 95 and Tigertail Boulevard. The location, height and double-face of the proposed sign are needed to ensure visibility and assist in identifying the physical location of the industrial complex from both the highway and Tigertail Boulevard, especially considering the compromised visibility and isolation of the Property, which is about 1,200 feet from the nearest intersection and located at the end of a dead end road abutting Interstate 95. Additionally, locating the proposed sign adjacent to the highway mitigates any impacts associated with the sign height that may otherwise affect adjacent development.

2. *The signs permitted under this Code cannot be adequately viewed due to physical site distinctions.*

The signs permitted under this Code do not provide adequate visibility to the Property, as the Property is uniquely situated at the terminal end of a dead end road (Tigertail Boulevard) and abuts Interstate 95 (+/- 55 feet from right-of-way). In addition, the Property is more than 1,200 feet from the nearest main intersection of Tigertail Boulevard and Anglers Avenue, the street signage of which is in need of repair/replacement, thereby imparting another obstacle to locating the complex. Further to this, the eastward vista from this intersection is skewed by the peak of the railroad tracks intersecting Tigertail Boulevard. The presence of the railroad tracks combined with the hill-like peak of said tracks proffers the feeling of heavy industrial and freight type uses. In fact the foregoing comprises the majority of uses in the vicinity, as the commercial industrial use of the Property along with the property to the immediate south is an anomaly within this industrial area. Considering the foregoing physical site constraints that effectively eliminate the visibility of the Property, the Code permitted pole sign height and maximum sign area does not provide adequate visibility or identification of the Property and its use for vehicles traveling at highway speeds or average roadway speeds, especially from a distance of 1,200 feet with poor street signage and obstructions. As such, Petitioner is proposing a double-faced pole sign that will be above the elevation of the abutting Interstate 95, for a total height of 47 feet, including the 7 foot base height of the sign, and a sign area of 171.75 square feet per side that includes the name of the complex, Designer's Place, and 9 tenant panels on each side. The maximum sign area and letter size height for "Designer's Place" is 17.25 square feet and 15.5",

respectively. The total tenant sign area is 154.5 square feet, with 8 tenant panels at approximately 15.45 square feet and 1 tenant panel at approximately 30.9 square feet. Maximum letter height for the tenant panels will be prescribed by the foregoing panel sizes. The proposed pole sign will allow vehicles traveling along the highway and Tigertail Boulevard to safely navigate and easily identify the location of the industrial complex. Visibility and identification of the industrial complex is essential for the economic viability of the complex and its tenants, as well as for the convenience of the customers, especially considering the commercial industrial type use of interior design showrooms, the nature of which requires a substantial customer base to sustain itself in comparison to typical industrial uses. The isolated location of the complex presents challenges for both tenants and would-be customers, as it is effectively hidden from view. However, the proposed pole sign will not only provide adequate visibility and identification of the Property for vehicles thereby ensuring safe traffic movement but also for customers, deliveries and other typical business activities.

3. *The applicant's hardship shall not be self-created or based solely on inability to comply with the Code.*

Petitioner's hardship is not self created, as the Property's isolated location at the end of a dead end road combined with its distance from a cross road and adjacency to Interstate 95, approximately 1,200 feet and 55 feet, respectively, present genuine visibility challenges. Additionally, the poor quality street signage identifying the intersection (of Tigertail Boulevard/Anglers Avenue) along with the railroad tracks obstructing the view from the intersection to the Property and the general character of adjacent uses as heavy freight/industrial type uses combine to create significant identification obstacles that are well out of the Petitioner's control. That being said, the economic health of the industrial complex is inextricably connected to its visibility and ease of identification by customers, especially considering that the complex's commercial industrial use is an anomaly within this area. Although the proposed pole sign exceeds that permitted by Code, it is the minimum height and sign area that will effectively mitigate the physical site constraints that have compromised the Property's visibility.

4. *The architectural design of a structure or the site plan pose unique and extenuating characteristics which are not compatible with the requirements of this article.*

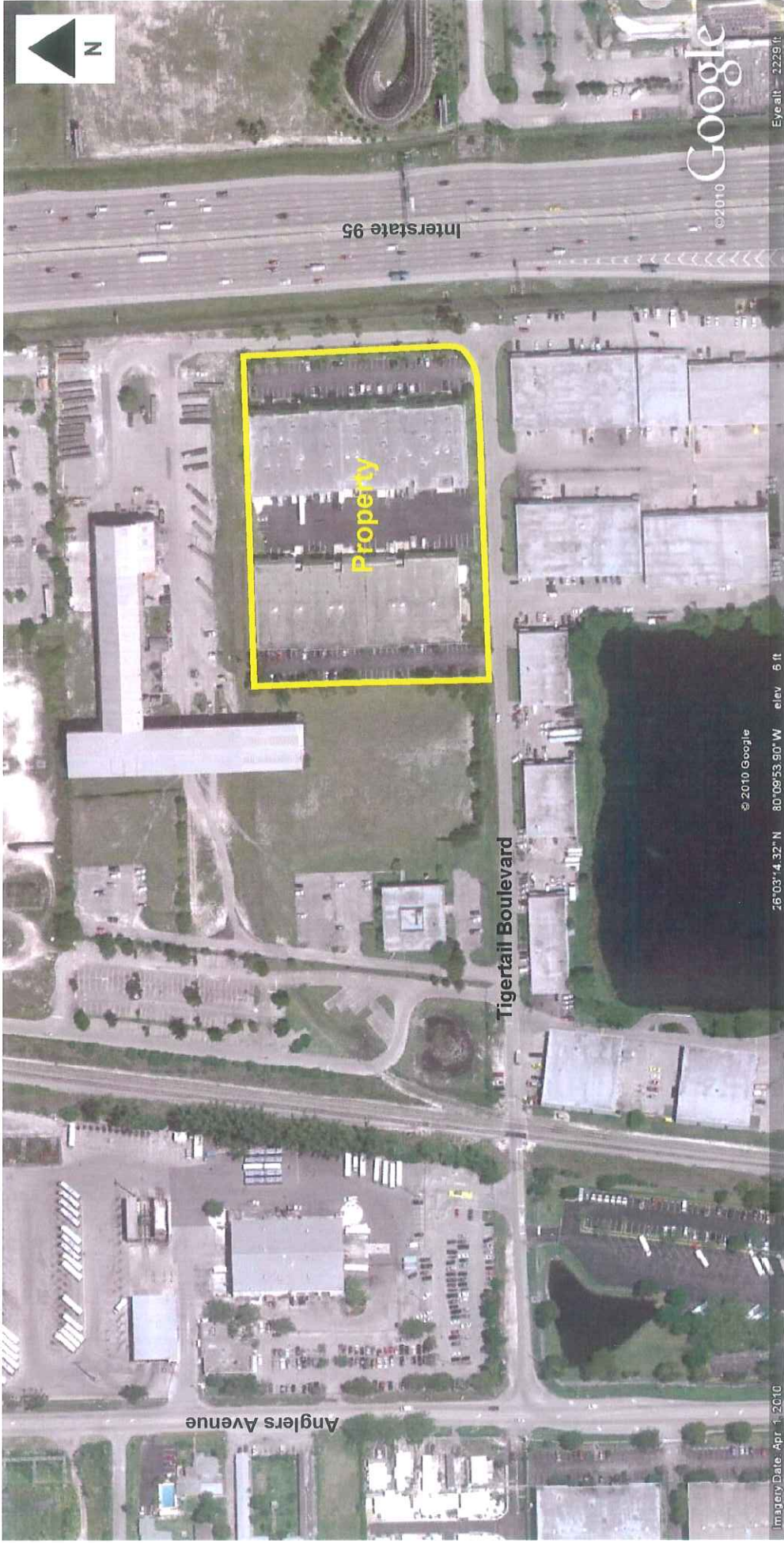
Although the Property's uniquely isolated location requires exception to the pole signage allowed by the Code, the building height of the two existing warehouse structures and the site plan layout are both conducive to accommodate the requested pole sign, as it is proposed to be located in the southern most landscaped parking island along the east property line. This sign location optimizes visibility from the adjacent highway (Interstate 95) and the building height provides visibility from Tigertail Boulevard. The proposed sign location also ensures that the requested pole sign will not impact surrounding development. Considering the isolated location of the Property, the requested pole sign is the only signage

that will provide adequate visibility and identification, as wall signs and monument signs alone cannot adequately identify a commercially based industrial property boxed-in by a highway and a dead end road that is further compromised by its distance from the nearest intersection and other visual obstructions including poor street signage and railroad tracks.

5. *The structure or site configuration are unique, which causes the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.*

The uniquely isolated location of the Property causes the pole signage permitted by the Code to be ineffective, whereas the site configuration and structure accommodate the requested pole sign. The Property is situated at the terminal end of a dead end road (Tigertail Boulevard), is located more than 1,200 feet from the main intersection of Tigertail Boulevard and Anglers Avenue and abuts Interstate 95 (+/- 55 feet from right-of-way). These constraints are exacerbated by the inadequate street signs of the intersection and the hill-like peak of the railroad tracks that interrupts the vista and intensifies the heavy freight/industrial character of the area. These combined physical site constraints not only effectively eliminate the visibility of the Property but also render the pole signage permitted under this Code ineffective. Petitioner is requesting a pole sign that will adequately identify the use and location of the industrial complex, as the increased sign height and sign area will allow vehicles to identify the Property from both the highway and Tigertail Boulevard. Adequate identification and visibility are crucial to the economic viability of the industrial complex, especially considering the current depressed market conditions and the commercial nature of the industrial complex.

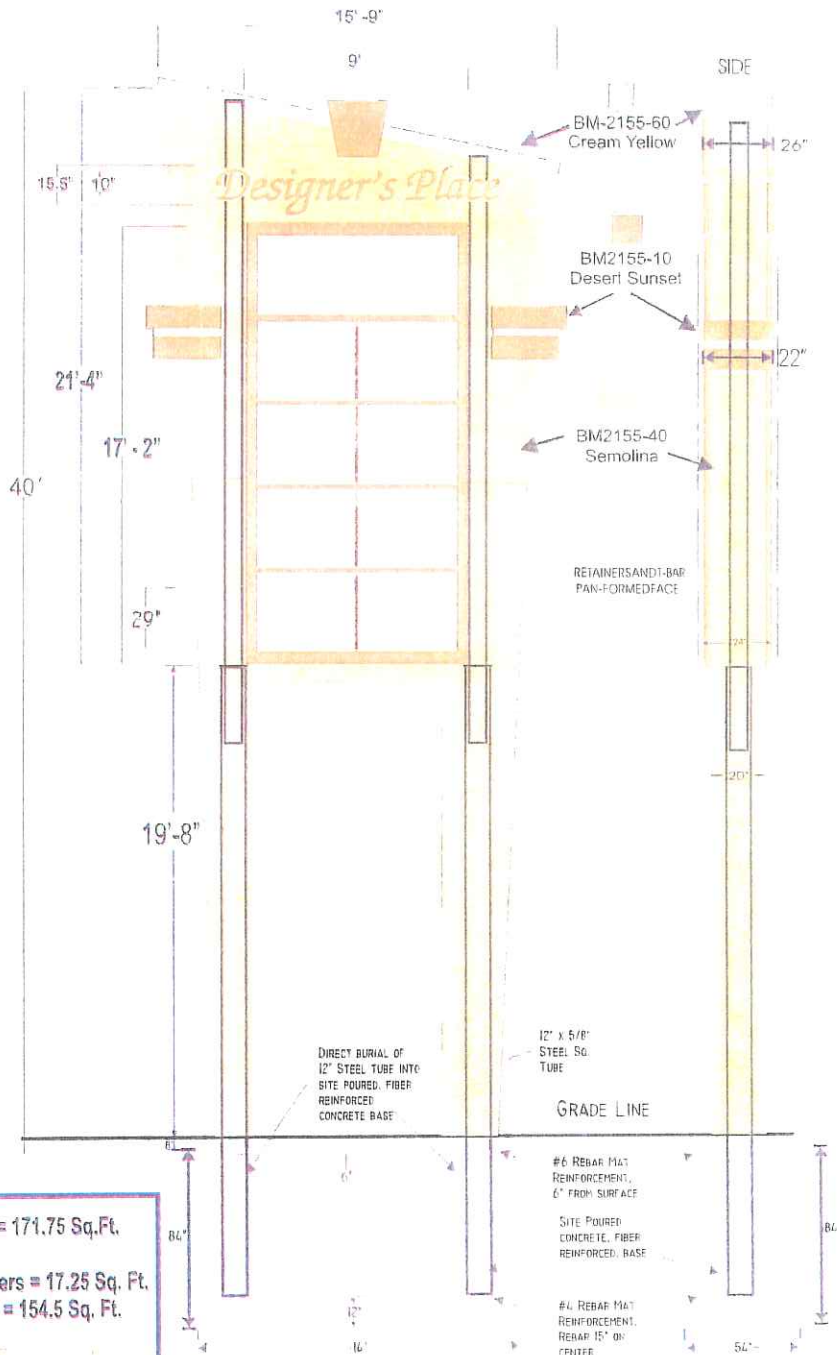
Location Map



Note: Property boundaries are approximate.

Tigertail Blvd. Pylon
Hollywood, FL

Primary Identity Image Enhancement



TOTAL SIGNAGE = 171.75 Sq. Ft.

Designer's Place Letters = 17.25 Sq. Ft.
Tenant Panel Sign = 154.5 Sq. Ft.

BM-2155-60 Cream Yellow BM2155-10 Desert Sunset BM2155-40 Semolina



ADVANCED POWER TECHNOLOGIES
Sign Design and Drafting Department
2101 NW 33rd Street - Building A - Suite 600
Pompano Beach, FL 33069
Ph. 954-984-4100 Fax 954-984-4400

Drawn By: Dave Evenden
Checked By: [Signature]
Date: [Blank]

DRAWING
DATE
SCALE 1/4" = 1'-0"
REVISION

S-1