



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: July 28, 2015
TO: Robert Baldwin, City Manager
VIA: Marc LaFerrier, AICP, Director *[Signature]*
FROM: Corinne Lajoie, AICP, Principal Planner, LEED GA *CL Lajoie*
Marilyn Maldonado, City Planner
SUBJECT: **VA-21-15:** The applicant, Tripp Scott PA, on behalf of the property owner Park 'N Go of Fort Lauderdale LLC, is requesting a sign variance for the property located at 1101 Eller Drive.

REQUEST

VARIANCE

1. To allow a "freestanding sign" that is 48 feet in height and 528 square feet of sign area. Whereas, the City Code only permits "freestanding signs" with a maximum height of 16 feet and a sign area of 128 total square feet, per Section 320.50(g).

PROPERTY INFORMATION

EXISTING ZONING: Port Everglades Development District (PEDD)
LAND USE DESIGNATION: Employment Center

The property is located east of the airport on the north side of Eller Drive. The site is currently used as a surface parking lot by Park 'N Go, which has been in operation since December of 2008. The property is surrounded by uses that serve the Port. This location currently has a legal and conforming freestanding sign on the site that was approved in 2008 (B-08-946).

The zoning of the property is Port Everglades Development District (PEDD). This district was adopted by intergovernmental agreement with other jurisdictions that includes Port Everglades, Cities of Hollywood, Fort Lauderdale, Dania Beach and Broward County. The intent of the district is to provide for and encourage appropriate, coordinated and consistent land uses.

BACKGROUND/ANALYSIS

In 2010, the City Commission approved Resolution 2010-070, an appeal to an administrative decision that allowed the expansion of the surface parking lot. A number of permits were applied for the property during the period of 2007-2011, which included paving, drainage, signage, electrical, fencing and structural.

The Applicant is now requesting a sign variance to permit, what the applicant refers to as a "freestanding sign". The proposed sign would be significantly taller and larger than the City

Code allows by exceeding the maximum height and square footage established in the zoning regulations. The Chapter 28 of the City Code contains the Land Development Code (the "LDC"), which limits the type of signage allowed within the PEDD Zoning District. The PEDD permits a "freestanding sign" with a maximum height of 16 feet and a maximum sign area of 128 square feet. The proposed sign is 48 feet in height with a combined sign area of 528 square feet (two-sided).

The Applicant initially submitted a pole sign variance application (VA-12-13) on May 1, 2013, which was determined by staff to be a prohibited pole sign and therefore, not eligible for a variance. This Application was later withdrawn by the Applicant. A recent application for a similar sign was received on February 2, 2015 and the Applicant was again informed that pole signs are not allowed at this location and for the associated use. After consultation with the City Attorney, the applicant revised their application and sign configuration by covering the supporting pole of the sign with a heavy gauge welded aluminum frame and subsequently resubmitted an application for a sign variance for a "freestanding sign" on May 8, 2015. The City Attorney's office submitted a memorandum on June 25, 2015, concerning the proposed sign and related sign variance request, which opined that the proposed sign is not a prohibited pole sign but is however a "freestanding sign" (See attached Memo).

The proposed sign would be an approximately 300% increase in sign height and a 400% increase in sign area permitted for a "freestanding sign" pursuant to the LDC. The dimensions of the proposed sign are most similar to those of a pole sign. Pole signs are allowed to be 50 feet in height with a maximum sign area of 48 square feet. However, a pole sign is prohibited at this location and for this use pursuant to the LDC. Pole signs are generally prohibited within the City unless specifically authorized for shopping centers, hotels, office complexes and industrial complexes located within one thousand (1,000) feet from Interstate 95 (I-95) or Interstate 595 (I-595) containing a minimum 80,000 square feet in accordance LDC Section 505-130 and the Hotel Overlay District regulations of the LDC Section 315-50. This subject site does not meet these criteria. In addition, on December 29, 1998, the City Commission adopted an Ordinance (Ord. No. 25-98) amortizing all existing pole signs in the City requiring their removal after 5 years (December 2003.) Today, the only pole signs that exist in the City are for properties located within 1,000 feet of an Interstate containing a minimum 80,000 square feet or within the Hotel Overlay District.

In support of the requested sign code variance, the Applicant has stipulated, "the proposed sign is necessary due to the obstructed view of the site as a result of Interstate 595 expansion and the new overpass". However, visibility of the subject site from the desired roadways and distances has remained basically unchanged. Furthermore, property aerials and on-site inspections indicate that the site utilization exceeds the approved parking capacity. These conditions suggest that this business operation has not been hindered by not having a visible sign to the Interstate roadways.

The proposed sign has been reviewed for compliance pursuant to the below criteria established in LDC, Section 505-180 "Relief from requirements, sign variances" and the following findings were made:

VARIANCE CRITERIA

(1) The variance request is in harmony with the general intent and purpose of this article, and is not contrary to the public interest, especially with regard to the aesthetic impact on the surrounding area.

- The City Code prohibits signs of this size and purpose for sites located within this zoning district, location and use.
- There are no similar signs located in the City within a 2.5 mile radius of this site. The application is not in harmony with the general intent and purpose of the City's sign code especially with regard to the aesthetic impact on the surrounding area.
- The application is contrary to the public interest by creating an aesthetic in the PEDD zoning district and surrounding area that is not consistent with City policy or the intent of the regulations. Moreover, the type, size and design of the sign, is not an anticipated aesthetic found within the PEDD zoning district and surrounding area and therefore could be a precedent for future similar signs and signage.

(2) The variance is necessary in order for the sign to achieve the level of visibility and effectiveness typical for conforming signs within the same zoning district in the city and intended by this article.

- The PEDD zoning district does permit "freestanding signs" with a maximum height up to 16 feet and a maximum sign face totaling 128 square feet. The "freestanding signs" permitted by the LDC are intended to provide business information to travelers using the abutting roadways (frontage). The proposed sign would provide information and advertising for travelers on Federal Highway, I-595, and related access roads while providing only very limited visibility for travelers on the abutting Eller Drive roadway.
- The proposed sign would far exceed the dimensions allowed by the LDC to permit a total 528 square feet of sign area which provides for an approximately 400% increase over the maximum sign area established in the LDC. In addition, the proposed sign exceeds the maximum sign height dimensions to permit 48 feet in height which provides for an approximately 300% increase over the maximum permitted sign height established in the LDC.
- The nearby Fire Fly and Park 'N Fly businesses are located with similar site conditions; however, they utilize signage which conforms to the maximum permitted sign heights and sign areas established in the LDC and PEDD Zoning District.
- The level of visibility desired by the proposed sign would be extreme, not typical and incompatible with conforming signage currently existing within the PEDD zoning district as well as surrounding properties.

(3) The impaired visibility or effectiveness of the signage allowed in this article would result in unnecessary or undue hardship.

- There is no evidence of impaired visibility or that the existing signage is ineffective. To the contrary, the existing site conditions and the existing signage provide evidence indicating highly intensive use and operations associated with the existing business and as such there is no resulting unnecessary or undue hardship.

(4) The hardship is not a result of the applicant's actions, financial hardship, or any inconvenience of complying with the code, but are a result of:

- (a) Conditions that are unique to the land, building, site configuration; or**
- (b) Conditions that are unique to the configuration of the site in relation to adjacent sites or features; or**
- (c) Other unique conditions that are not self-created by the applicant.**

- There is no evidence of impaired visibility or unique conditions and circumstances or changes in conditions that would affect the successful operation of the business, as such there is no resulting hardship or inconvenience and any need for the variance are those which are self-created by the applicant.

(5) The request is the minimum necessary deviation from the requirements of this article to provide for reasonable and adequate sign visibility and effectiveness, with due consideration for the aesthetic of the sign and its scale relative to that of buildings and signs on the same and adjacent properties.

- The proposed sign provides for an approximately 400% increase in the maximum permitted sign area and provides for an approximately 300% increase in the maximum permitted sign height allowed for a "freestanding sign" pursuant to the LDC. The purpose, design, and dimensions of the proposed sign are most consistent with a prohibited sign (i.e. pole sign). Adjacent properties with the same use located within the PEDD utilize conforming (i.e. smaller) freestanding signs.
- As currently configured, the proposed sign is one of the tallest structures in this area of the City. The proposed sign is significantly out of scale and not compatible with the aesthetics of the buildings and signs located on adjacent properties and well as those located within the PEDD.
- There is no evidence indicating the sign variance request is the minimum necessary deviation, as the current signage is effective based upon the intensive use, operations and ongoing business activity occurring on site.

STAFF RECOMMENDATION

Staff recommends denial of the proposed sign variance application as the requested sign variance fails to comply with the criteria established pursuant to LDC Section 505.180 "Relief from Requirements, Sign Variances."