

DANIA POINTE TEMPORARY CONSTRUCTION SIGN VARIANCE APPLICATION DESCRIPTION AND JUSTIFICATION STATEMENT

Dania Live 1748 LLC, the owner applicant, is requesting a sign variance for the proposed temporary construction signage for the Dania Pointe project site. The request is to exceed the maximum number of signs and sign area permitted by the Dania Beach Land Development Code (LDC).

Section 505-160 of the LDC establishes the types, maximum number, maximum height and the maximum sign area permitted for temporary construction/development signs. These standards are not proportional to the size of the site nor the length of street frontage nor do they vary with the type of abutting roadway.

The Dania Pointe project site encompasses approximately 102 acres with frontage on I-95, Stirling Road and Bryan Road. It is being rezoned to a new zoning district intended for large-scale, mixed-use development not specifically addressed by this section of the LDC (the Planned Mixed Use Development District). The site is surrounded by major roadways (the interstate highway, state arterial and county collector) and non-residential development.

The proposed type of signage is permitted by the LDC. The applicant is proposing two types of signage on the woven polypropylene fabric scrim lining the perimeter construction fences. In addition, banner-style signs are proposed for the two sides and rear of the construction trailer facing I-95. The fence signs will be 5'4" in height while the trailer banner signs will be 9 feet in height, all in compliance with the maximum permitted height of 10 feet. The attached graphics show the two types of proposed scrim signs and the proposed construction trailer signs.

The LDC permits 1 sign per 100 feet of street frontage but limits the total number of signs per street to 2 regardless of the frontage length. The Dania Pointe frontage along I-95 is approximately 1,573 feet, the Stirling Road frontage is approximately 953 feet and the Bryan Road frontage is approximately 2,891 feet. If the LDC did not limit each road frontage to 2 signs, the 1 sign per 100 foot provision would permit 15 signs along I-95, 9 along Stirling Road, and 29 along Bryan Road, a total of 53 signs.

The applicant is proposing 10 fence signs along I-95 and 3 on the sides of the construction trailer facing I-95, 6 along Stirling Road and 22 along Bryan Road, a total of 41 signs. The variance request is to place 11 signs in excess of the LDC 2-sign limit facing I-95, 4 signs in excess of the LDC limit facing Stirling Road and 20 in excess of the LDC limit along Bryan Road. The attached aerial photograph shows the proposed sign locations.

The LDC limits the sign area to 32 square feet per project. The proposed Type 1 fence signs consist primarily of project graphics; each one is 320 square feet in area. Type 2 fence signs provide the construction company name in a 30-square foot area. The trailer

banners provide project identification and leasing information. The ones proposed for the two trailer sides are each 360 square feet in area while the one proposed for the rear of the trailer is 72 square feet in area. The total proposed sign area is 7,442 square feet. The variance request is for an additional 7,410 square feet of sign area for the project site.

The area of the proposed signs is consistent with the scale of the site and the abutting roadways. The site is not located within a residential area nor a pedestrian area. The signs need to be visible from the roadways to be effective. It should also be noted that the signs are all well within the height limits established by the code.

SIGN VARIANCE REVIEW CRITERIA

Section 505-180 (A) of the City Land Development Code *Relief from requirements, sign variances* requires that an application for a sign variance be reviewed in accordance with the following criteria. This narrative is intended to describe how this request addresses those 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; and***

The proposed signage is consistent with the general intent and purpose of this article but a variance is required as the LDC did not envision project sites of the scale and major road frontage of the subject site. This site is unique with respect to both. This site is not located within a residential area. No signs are proposed on local streets. The proposed signage is temporary and will not impose a negative aesthetic impact on the surrounding area. The signs are all well within the height limits established by the code and the proposed types of signs are permitted by the LDC.

- (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; and***

There are no other sites in the City within the same zoning district as the site is being rezoned to the PMUD district. As noted above, the number and area of the proposed signs are consistent with the scale of the site (102+ acres) and the abutting interstate, arterial and collector roadways. The number of signs is proportional to the linear street frontage (approximately 1 per 100 linear feet of frontage for each roadway with signage).

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

The site is bounded by three major roadways: an interstate, a state arterial and a county collector. The signs need to be visible from these roads to be effective. The unique location and scale of the site generates a need for more signs to provide the same level of visibility achieved by fewer and smaller signs on a typical site with typical street frontage.

- (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.

This site is being zoned PMUD, a new zoning district for sites at least 50 acres in size. The construction sign provisions in the LDC did not envision project sites of the scale and arterial-road frontage of the subject site. The hardship is the result of the unusual size of the site and the extensive roadway frontage, particularly along the interstate. Moreover, half of the southern perimeter and the entire northern perimeter (approximately 2,792 linear feet, 35% of the site perimeter) have no visibility from a roadway.

- (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; and***

Based on the sign square footage per linear foot of site road frontage, the request is proportional to the code limitation of 1 sign per 100 feet. The limitation on the number of signs per abutting roadway is appropriate for a typical construction site but not for a site with such an extraordinary frontage on major arterials. They are consistent in size with the scale of the site and the abutting roadways. These are temporary signs. With the exception of the trailer signs, they are part of the scrims screening the construction site, enhancing the perimeter aesthetics.



Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Trailer Banner Location

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

1748
1748

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

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Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Fence Sign Type 1 & Type 2

Google

Sign Type 1

Sign Area = 320 SF



Sign Type 2

Sign Area = 30 SF



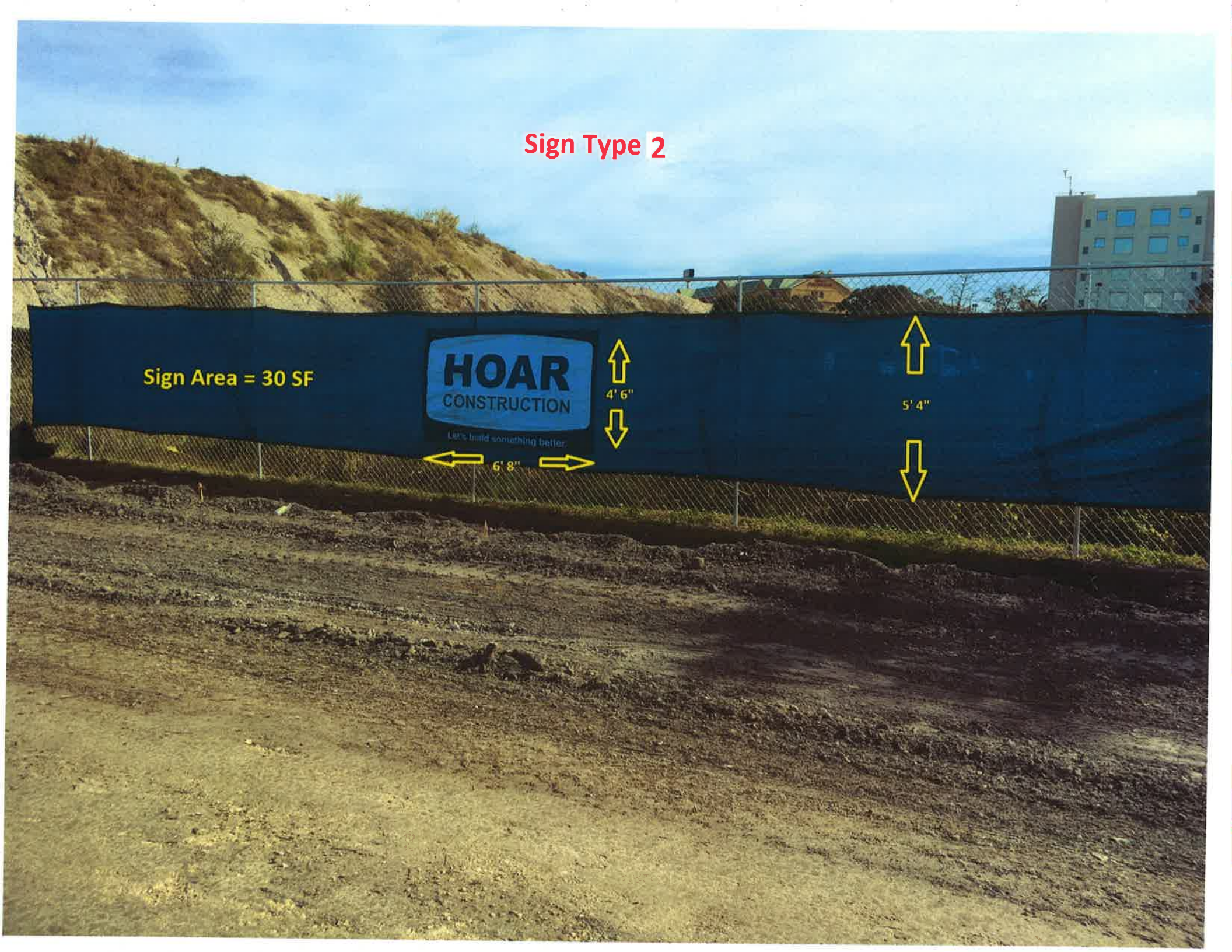
4' 6"



6' 8"



5' 4"



TRAILER BANNERS

SIGN AREA= 360 SF



TRAILER BANNERS

SIGN AREA= 72 SF

9'


DANIA POINTE
SHOPS | RESIDENCES | OFFICES | HOTELS

LEASING:
SPENCER PHELPS
407-302-6518
SPHELPS@KIMCOREALTY.COM

KIMCO
REALTY

8'



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance construction signs
- Other: _____ (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

Date Rec'd: _____

Petition No.: _____

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 Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: multiple: no. of Stirling Rd., west of Bryan Rd., east of I-95, within proposed Dania Pointe

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

Recorded Plat Name: multiple, see attached Dania Pointe plat approved by City, unrecorded

Folio Number(s): multiple, see attached Legal Description: see attached

Applicant Consultant/Legal Representative (circle one) Dania Live 1748 LLC - Joseph Denis

Address of Applicant: 6060 Piedmont Row Drive South, Suite 200, Charlotte NC 28287

Business Telephone: 704-362-6112 Home: _____ Fax: _____

E-mail address: jdenis@kimcorealty.com

Name of Property Owner: Dania Live 1748, LLC

Address of Property Owner: 6060 Piedmont Row Drive South, Suite 200, Charlotte, NC 28287

Business Telephone: 704-362-6112 Home: _____ Fax: _____

Explanation of Request: Construction signage for Dania Pointe project (see attached)
For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Prop. Net Acreage: _____ Gross Acreage: 102.03 Prop. Square Footage: _____

Existing Use: vacant and inactive Proposed Use: mixed-use planned development

Is property owned individually, by a corporation, association, or a joint venture? limited liability company

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Greenspoon Marder (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF ~~FLORIDA~~ North Carolina
COUNTY OF ~~BROWARD~~ Mecklenburg
The foregoing instrument was acknowledged

Dania Live 1748, LLC

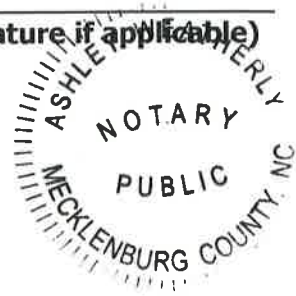
By: [Signature]
(Owner / Agent signature*)
Joseph Denis, Vice President

BEFORE ME THIS 13th DAY OF May, 2016

By: Joseph Denis
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of North Carolina)



Personally known or Produced Identification NA

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

Folio Numbers:	Plat Names:
504233440010	COMMERCE CENTER OF DANIA 135-44 B
504233430010	DANIA OFFICE PARK
504233430020	
504233550010	DANIA BEACH AIR & PORT COMMERCE CENTRE 177-81 B
504233390011	DUKE & DUKE SUBDIVISION
504233390012	
504233390013	
504233470010	SAN-MAR PLAT 142-18 B PARCEL "A"
504233330011	THE GADDIS PLAT 112-7 B
504233050020	HOLLYWOOD PALMS REAMEN PLAT 36-46 B TRACT A S 295
504233030050	TIGERTAIL GROVE RESUB 30-20 B
504233030090	
504233030101	
504233000652	Unplatted

LEGAL DESCRIPTION

DANIA POINTE SITE

The land referred to herein below is situated in the County of Broward, State of Florida, and is described as follows:

PARCEL OF LAND BEING A PORTION OF SECTION 33, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; SAID PARCEL CONTAINING ALL OF OR PORTIONS OF THE FOLLOWING DESCRIBED PLATS AND ROAD RIGHT-OF-WAYS:

ALL OF BLOCK 7 AND A PORTION OF BLOCK 8, TIGERTAIL GROVE RESUBDIVISION, RECORDED IN PLAT BOOK 30, PAGE 20; A PORTION OF TRACT "A", "RE-AMENDED PLAT OF HOLLYWOOD PALMS", RECORDED IN PLAT BOOK 36, PAGE 46; A PORTION OF TRACT "A", "THE GADDIS PLAT", RECORDED IN PLAT BOOK 112, PAGE 7; A PORTION OF PARCEL "A", DUKE & DUKE SUBDIVISION, RECORDED IN PLAT BOOK 124, PAGE 48; ALL OF PARCEL "A", DANIA OFFICE PARK, RECORDED IN PLAT BOOK 130, PAGE 29; ALL OF PARCEL "A", COMMERCE CENTER OF DANIA, RECORDED IN PLAT BOOK 135, PAGE 44; ALL OF PARCEL "A", SAN-MAR PLAT, RECORDED IN PLAT BOOK 142, PAGE 18; ALL OF PARCEL "A", "DANIA BEACH AIR & PORT COMMERCE CENTER", RECORDED IN PLAT BOOK 177, PAGES 81 THRU 83; A PORTION OF TIGERTAIL BOULEVARD (N.W. 1ST STREET) RIGHT-OF-WAY, LYING EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 33 AND WEST OF THE WEST RIGHT-OF-WAY LINE OF BRYAN ROAD; A PORTION OF DANIA BEACH BOULEVARD RIGHT-OF-WAY, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE ROAD 9) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF BRYAN ROAD; ALL OF THE ABOVE REFERENCED PLATS BEING RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID PARCEL AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 33;

THENCE N.01°41'47" W., ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (S.E. 1/4), A DISTANCE OF 668.72 FEET, TO THE MOST NORTHERLY SOUTHWEST CORNER OF SAID PARCEL "A", SAN-MAR PLAT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE S.87°32'08"W. ALONG THE SOUTH LINE OF PARCEL "A", DUKE & DUKE SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 124, PAGE 48 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, A DISTANCE OF 49.21 FEET;

THENCE N.12°26'03"E., A DISTANCE OF 201.54 FEET, TO A POINT ON THE EAST LINE OF PARCEL "A", SAID DUKE & DUKE SUBDIVISION;

THENCE N.01°41'47"W., ALONG SAID EAST LINE AND THE WEST LINE OF PARCEL "A", OF SAID SAN-MAR PLAT, A DISTANCE OF 231.30 FEET;

THENCE S.88°18'13"W., A DISTANCE OF 513.30 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (S.R. 9), SAID POINT ALSO BEING ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N.89°43'55"E. (THE FOLLOWING TWO COURSES BEING COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 95 (S.R. 9);

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04°00'14" AND A RADIUS OF 5,929.65 FEET, FOR AN ARC DISTANCE OF 414.38 FEET, TO A POINT OF TANGENCY;

THENCE N.04°16'19"W., ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 1,158.32 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A", COMMERCE CENTER OF DANIA;

THENCE N.87°26'02"E., ALONG NORTH LINE OF SAID PARCEL "A" AND THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 33, A DISTANCE OF 569.57 FEET, TO THE NORTHEAST CORNER OF THE SAID SOUTHWEST ONE-QUARTER (S.W. 1/4), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT "A", "RE-AMENDED PLAT OF HOLLYWOOD PALMS";

THENCE N.01°41'47"W., ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION 33 AND THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 295.03 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH 295.00 FEET OF SAID TRACT "A";

THENCE N.87°26'02"E., ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 1,324.07 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT "A";

THENCE S.01°44'05"E., ALONG SAID EAST LINE, A DISTANCE OF 295.03 FEET, TO THE SOUTHEAST

CORNER OF SAID TRACT "A";
THENCE S.87°26'02"W., ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 15.00 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL "A", DANIA OFFICE PARK;
THENCE S.01°29'36"E., ALONG A LINE 40 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST ONE-HALF (W. 1/2) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4), A DISTANCE OF 2,295.74 FEET;
THENCE S.05°20'43"W., A DISTANCE OF 100.78 FEET;
THENCE S.01°29'36"E., A DISTANCE OF 200.00 FEET, TO THE MOST NORTHERLY SOUTHEAST CORNER OF SAID PARCEL "A";
THENCE S.43°02'17"W., A DISTANCE OF 42.08 FEET, TO THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID PARCEL "A", (THE FOLLOWING THREE COURSES BEING COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL "A");
THENCE S.87°34'11"W., A DISTANCE OF 53.26 FEET;
THENCE N.85°35'15"W., A DISTANCE OF 100.72 FEET;
THENCE S.87°34'11"W., A DISTANCE OF 200.03 FEET, TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL "A", SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID TRACT "A", "THE GADDIS PLAT";
THENCE S.01°32'39"E., ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 10.00 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT "A";
THENCE S.87°34'11"W., ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 2.85 FEET (THE FOLLOWING THREE COURSE BEING COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF STIRLING ROAD (S.R. 848) AS DEDICATED BY OFFICIAL RECORD BOOK 22110, PAGE 521 OF SAID PUBLIC RECORDS);
THENCE N.78°56'04"W., A DISTANCE OF 51.42 FEET;
THENCE S.87°34'11"W., A DISTANCE OF 217.00 FEET;
THENCE S.02°25'49"E., A DISTANCE OF 12.00 FEET, TO A POINT ON THE SOUTH LINE OF SAID TRACT "A";
THENCE S.87°34'11"W., ALONG THE SOUTH LINE OF SAID TRACT "A", AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 269.97 FEET;
THENCE S.01°32'39"E., A DISTANCE OF 2.00 FEET, TO A POINT ON A LINE 53.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID SOUTHEAST ONE-QUARTER (S.E.1/4);
THENCE S.87°34'11"W., ALONG SAID PARALLEL LINE A DISTANCE OF 30.14 FEET, TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL "A", "STIRLING ROAD PLAZA", RECORDED IN PLAT BOOK 178, PAGE 112, OF SAID PUBLIC RECORDS;
THENCE N.01°38'44"W., ALONG SAID SOUTHERLY EXTENSION, ALONG SAID EAST LINE AND ALONG THE EAST LINE OF PARCEL "A", HILTON GARDENS AT STIRLING ROAD, RECORDED IN PLAT BOOK 171, PAGE 14, OF SAID PUBLIC RECORDS, A DISTANCE OF 615.92 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL "A";
THENCE S.87°32'08"W., ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 335.53 FEET; TO THE POINT OF BEGINNING;
SAID LAND SITUATE WITHIN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA.