



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Darby Delsalle, AICP
Director of Planning
Re:
HEARING NUMBER: VARH2017-0560
APPLICANT: Einstein Bros Bagels
FOLIO: 32-2015-037-0020
LOCATION: 7970 NW 154 ST
Miami Lakes, Florida, 33016
ZONING DISTRICT: BU-2
Date: November 29, 2017

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the "Town's LDC"), Einstein Bros Bagels (the "Applicant") is requesting the following variance(s):

A variance from Section 13-1904(3) b.5 of the Town's Zoning Code to permit the business to have second exterior sign (which shall face NW 154 Street), where only one (1) sign per business is permitted.

B. Background

The Applicant is requesting a variance to allow an additional exterior sign to its northern façade facing NW 154th Street, where only one (1) sign per business is permitted. The sign proposed is 19.4 square feet, with 17-inch backlit black individual reverse channel letters. The applicant has already requested, permitted and installed a 11-sf sign on its western façade above its main entry door, which faces the interior of the mall in which the business is located.

C. Staff Recommendation

Staff recommends approval for the proposal as shown in the attached plans, consisting of three pages, prepared by National Awning and Sign, signed and sealed on November 27, 2017 by Juan Orlando Gonzalez, PE, and stamped received on November 28th, 2017.

D. Property Information and Permit History

Zoning District of Property: BU-2 Special Business District

Future Land Use Designation: Business Office

Subject Property:

The subject property is a 3,500-square foot restaurant within a 9,631-square foot building located in the Miami Lakes Business Park West Retail Plaza.

Surrounding Property:

	Future Land Use Category	Zoning District
North:	Residential Office	Residential Office (RO-13)
South:	Industrial Use	Industrial Conditional (IU-C)
East:	Industrial Use	Industrial Conditional (IU-C)
West:	Business Office	Special Business District (BU-2)

Subject Property Location Map



not to scale

Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

There are currently no open permits or code violations on this property.

E. Analysis

Subsection 13-305(f)1 of the Town LDC allows the Planning and Zoning Board to approve non-use variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any variance on the basis of practical difficulty, the Planning and Zoning Board members at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive.

a) The Town has received written support of the specifically identified variance requests from adjoining property owners.

Analysis: The Town has not received any written support or objection to this request from any adjacent neighbors at the time this report was prepared.

Finding: Not applicable.

b) The Variance would be compatible with development patterns in the Town.

Analysis: The sign that is proposed would be compatible with the established development patterns in the Business Districts. Similar variances have been previously approved for businesses similarly located.

Finding: Complies.

c) The essential character of the neighborhood would be preserved.

Analysis: See criteria “b” above. The requested variance is consistent with the character of the West Side neighborhood business District. Allowing the requested sign on the side of the building to inform patrons of the presence of the restaurant is consistent with urban design principles. The placement and size of the proposed sign would be in keeping with the established pattern for signage in the area.

Finding: Complies.

d) The Variance can be approved without causing substantial detriment to adjoining properties.

Analysis: See criteria “b” and “c”. The placement of the additional sign on the north side of the restaurant is consistent with established patterns in the area and would not cause substantial detriment to the adjoining properties. No negative impacts are expected.

Finding: Complies.

e) The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief.

Analysis: See criteria “b”, “c” and “d”. The requested variance will provide a way-finding function for the patrons of the establishment by providing visibility for the side of the restaurant facing NW 154th Street. This sign follows the established pattern for signage in the Business districts and would complement the other

establishments. A variance authorizing this sign would do substantial justice to both the Applicant and the other establishments.

Finding: Complies.

- f) The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.**

Analysis: See criteria “b”, “c” and “d”. The restaurant has two (2) primary entrances one of which fronts on NW 154th street; the other that is located on the West façade of the building which faces the interior to the retail center. The western entrance does not lend its self to optimal visibility for travelers on NW 154th Street. This is particularly true of west bound Traffic. As such, “strict requirements of the Land Development Code” would hinder the business from announcing its presence from its primary street frontage.

Finding: Complies.

- g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

Analysis: See criteria “b”, “c”, “d”, and “f”. There are special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

Finding: Complies.