



Department of Planning, Zoning and Code Compliance  
6601 Main Street • Miami Lakes, Florida 33014  
Office: (305) 364-6100 • Fax: (305) 558-8511  
Website: [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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**To:** Planning and Zoning Board

**From:** Brandon R. Schaad, AICP, LEED AP  
Director of Planning

**Subject:** HEARING NUMBER: VARH2016-0016  
APPLICANT: GATOR MIAMI LAKES, LLC  
FOLIO: 32-2022-006-0080  
LOCATION: 7850 NW 146 ST  
Miami Lakes, Florida  
ZONING DISTRICT: IU-C INDUSTRIAL DISTRICT, CONDITIONAL  
FUTURE LAND USE: INDUSTRIAL AND OFFICE (IO)

**Date:** November 15, 2016

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### REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the "Code"), GATOR MIAMI LAKES, LLC (the "Applicant") is requesting the following:

1. A variance from Subsection 13-1904(3)b.5 to allow two signs with letter height of 54 inches where the Code limits letter height to no more than 24 inches for a business establishment greater than 5,000 square feet in an office building with more than one business establishment.
2. A variance from Subsection 13-1904(3)b.5 to allow two wall signs where the Code limits signs in an office building with more than one business establishment to one exterior point of sale sign affixed to the building.

### Background

**Zoning District of Property:** IU-C INDUSTRIAL DISTRICT, CONDITIONAL

**Future Land Use Designation:** INDUSTRIAL AND OFFICE (IO)

**Subject Property:**

The subject property address is 7850 NW 146 street situated west of the Palmetto Expressway between Commerce Way and NW 78 Ave, South of NW 146 street. The subject site, zoned I-UC, is 1.72 acres, and is a property with a multistory office building that includes existing office uses. The site is bounded by a vacant parcel of land on the west across commercial way. On the east a vacant parcel of land that faces the Palmetto Expressway. To the north and south of the site are existing office buildings and uses.

**Surrounding Property:**

	Land Use Designation	Zoning District
<b>North:</b>	Industrial and Office (IO)	IU-C Industrial District, Conditional
<b>South:</b>	Industrial and Office (IO)	IU-C Industrial District, Conditional
<b>East:</b>	Industrial and Office (IO)	IU-C Industrial District, Conditional
<b>West:</b>	Industrial and Office (IO)	IU-C Industrial District, Conditional

**Subject Property Location Map:**

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

There is an open building permit on file associated with this property for interior renovation for Gator Development Corp.

There is an open code compliance case (C2016-0085) regarding the illegal removal of trees, which has a pending settlement for the agreed terms to replace trees that were removed.

The property is zone IU-C that permits industrial and office. However, the area was built for office uses. The subject building was constructed in 1984.

**SUMMARY OF PROPOSAL AND STAFF ANALYSIS**

**Summary**

The Applicant is requesting several variances for the installation of two permanent wall signs. The proposal would allow:

- Two wall signs, rather than one allowed by the Code. One sign will face the west and measure 54 inches (4.5 feet) in height by 818 inches (68.16 feet) in length, the second sign of 54 inches (4.5 feet) in height by 322 inches (26.83 feet) in length will face the east. Both signs include a logo.
- Two wall signs with letter heights of 54 inches where the Code limits letter height to no more than 24 inches for a business establishment greater than 5,000 square feet in an office building with more than one business establishment.
- The square footage of each sign complies with the code requirements. The proposed wall sign facing east will have 120.75 square feet (707 square feet allowed) and facing west 306.75 square feet (707 square feet allowed)

The proposed signs are shown in Exhibit 1.

## **Variance Criteria**

Subsection 13-305(f) 1 of the Town LDC allows the Town Council or Planning and Zoning Board to approve variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members present. In order to authorize any variance on the basis of practical difficulty, the Council members or 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.

	<b>PRACTICAL DIFFICULTY VARIANCE FACTORS</b>
	<b>FACTOR</b>
a.	<p><b>Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;</b></p> <p><i>Analysis: The Town has not received any written support regarding these requests.</i></p> <p><u>This criterion is not met.</u></p>
b.	<p><b>Whether the Variance would be compatible with development patterns in the Town;</b></p> <p><i>Analysis: The proposed signs would be compatible with development patterns in the Town, if modified as proposed by Staff. The Applicant reasonably requests a second sign on the building to have one facing the street on which the property fronts (Commerce Way) and one facing east toward the Palmetto Expressway. The property currently has visibility to the Expressway, as there is a vacant lot between the site and Expressway. Regarding letter heights, the sign facing east would allow the property to take advantage of this Expressway exposure by allowing the same letter heights as if the property were directly on the Expressway. In the case of the sign facing Commerce Way, however, Staff is recommending a modification to allow letters heights of 30 inches (rather than the 24 inches allowed by Code), instead of the 54 inches requested by the Applicant. Thirty inches is the letter height that would be allowed in any case if the building were single-tenanted; thus, Staff is also recommending a condition that would not allow additional signs on the building (i.e. from other tenants). Therefore, the 30-inch letter height facing Commerce Way will be consistent with what the Code would typically for other structures.</i></p> <p><u>This criterion is met for Requests #1, only if modified and conditioned as recommended by Staff, and is met for Request #2.</u></p>
c.	<p><b>The essential character of the neighborhood would be preserved;</b></p> <p><i>Analysis: For the reasons applicable to the Criterion ‘b.’ as stated above, the proposed variances, if modified and conditioned as recommended by Staff, would preserve the essential character of the neighborhood.</i></p> <p><u>This criterion is met for Request #1, if modified and conditioned as recommended</u></p>

	<u>by Staff, and is met for Request #2.</u>
d.	<p><b>The Variance can be approved without causing substantial detriment to adjoining properties;</b></p> <p><i>Analysis: The proposed variances, if modified and conditioned as proposed by Staff, will be similar to other sign allowances in the area, as the Code allows larger signs directed toward the Palmetto Expressway, and the west-facing sign would be the same as if the building were single-tenanted instead of multi-tenanted.</i></p> <p><u>This criterion is met for Requests #1, only if modified and conditioned as recommended by Staff, and is met for Request #2.</u></p>
e.	<p><b>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;</b></p> <p><i>Analysis: As explained above, the proposed variances (if modified and conditioned as recommended by Staff) will allow for reasonable advertisement and identification of the Applicant's business location, while preventing any negative impacts to surrounding properties in the area.</i></p> <p><u>This criterion is met for Requests #1, only if modified and conditioned as recommended by Staff, and is met for Request #2.</u></p>
f.	<p><b>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; and</b></p> <p><i>Analysis: There are no unique circumstances of the subject property that would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.</i></p> <p><u>This criterion is not met.</u></p>
g.	<p><b>The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.</b></p> <p><i>Analysis: As explained above, there are no special conditions or circumstances.</i></p> <p><u>This criterion is not met.</u></p>

## **RECOMMENDATION**

The Applicant is requesting a variance (Request #2) in order to allow an additional exterior sign on the building where the Code allows for only one such sign on an office building with more than one business establishment. The applicant is proposing a second sign facing east toward the Palmetto Expressway.

The Applicant is also requesting a variance for the sign letters height (Request #1). The Applicant is requesting sign letters on both proposed signs to be 54 inches in height as opposed to the permitted sign letters not more than 24 inches in height for an establishment of more than 5,000 sq. ft. in a multi-tenant office building.

The sign code seeks to strike a balance between allowing businesses to advertise while preventing a proliferation of too many signs. One of the proposed wall signs will face east toward the Palmetto Expressway, permitting visibility to the Expressway. The second wall sign will face toward Commerce Way on the west.

Staff is recommending approval of the variance allowing a second wall sign, as it is reasonable to have a sign facing its main street frontage (Commerce Way) as well as getting exposure to the Palmetto Expressway without causing detriment to surrounding properties or the larger area. Staff is recommending a modified variance with respect to letter height. As it concerns the east-facing sign toward the Expressway, the requested letter height of 54 inches is consistent with what would be allowed if the property had direct frontage on the Expressway, and a vacant lot exists (and has existed for many years) between the property and the Expressway. However, Staff is opposed to allowing 54 inch letters facing Commerce Way. Instead, Staff is recommending that the letters be allowed to be 30 inches high, as opposed to the 24 inch height that would be allowed if the building were single-tenanted instead of multi-tenanted, while also recommending a condition that no additional signs be allowed (no other tenants would be permitted wall signs). This keeps the sign size in keeping with what would be allowed on many other buildings in the area.

Staff's analysis shows that Request #1 meets four (4) of the seven (7) practical difficulty criteria, if modified and conditioned as recommended by Staff, and Request #2 meets four (4) of the seven (7) practical difficulty criteria.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends:

### **Request #1: Approval with a modification and conditions** (recommended modification

A variance from Subsection 13-1904(3)b.5 to allow two wall signs, in which the sign facing west with letters height of 30 inches ~~54 inches~~ and the one facing east as requested 54 inches where the Code limits letter height to no more than 24 inches in height in an office building with more than one business establishment.

### **Request #2: Staff recommends Approval with conditions.**

## **CONDITIONS**

1. All work approved herein shall be in substantial compliance with the plans shown in Exhibit 1. Copy and visual elements of the approved signage may be replaced and modified, but

the size of the signs shall either be consistent with the Code or within the size limits imposed herein.

2. No other signs may be attached to the building except those approved herein, except as may be explicitly authorized by the Code.
3. The Applicant shall obtain building permits for all requests approved herein, within one (1) year of the date of this approval. If said building permits are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.
4. Prior to the approval of a final zoning inspection for the work approved herein, the Applicant shall resolve Code Compliance Case C2016-0085 by fully implementing the agreed upon settlement terms.