



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

Staff Analysis and Recommendation

To: Planning and Zoning Board

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

Subject: **HEARING NUMBER:** VARH2016-0015
APPLICANT: Lennar Homes, LLC
FOLIO: 32-2016-000-0020 (portion of)
LOCATION: North side of NW 154th Street, between NW 87th Avenue and I-75 Ext.
Miami Lakes, Florida
ZONING DISTRICT: RM-13 –Low Density Residential District
FUTURE LAND USE: Low Density Residential (LD)

Date: August 16, 2016

REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Lennar Homes, LLC (the “Applicant”) is requesting the following:

1. A variance from Subsection 13-1903(p) to allow eight (8) temporary signs where the Code limits temporary signs to a maximum of three (3).
2. A variance from Subsection 13-1903(p) to allow five (5) 128 square foot temporary signs and one 2,400 square foot temporary sign where the Code limits temporary signs to a maximum of 40 square feet each and a cumulative total of 120 square feet.
3. ~~A variance from Subsection 13-1903(p) to allow five (5) signs to be 16 feet high, where the Code allows temporary signs to be 15 feet high.~~ **WITHDRAWN**
4. A variance from Subsection 13-1903(p) to allow the temporary signs to be erected for the duration of the marketing of the property where the Code states that signs shall not be posted for more than ninety (90) days.
5. A variance from Subsection 13-1904(2)(b)1 to allow three (3) permanent standing signs where the Code limits the site to no more than two (2) permanent standing signs.
6. A variance from Subsection 13-1904(2)(b)1 to allow two (2) permanent standing signs of 660 square feet each, and one (1) permanent standing sign of 304.2 square feet, where the Code limits permanent standing signs to a maximum of 40 square feet.
7. A variance from Subsection 13-1904(2)(b)1 to allow two (2) permanent standing signs to be spaced less than the 100 feet apart required by the Code.

8. A variance from Subsection 13-1904(2)(b)2 to allow two (2) permanent standing signs twelve (12) feet high and one permanent standing sign ten (10) feet high where the Code limits standing signs to a maximum of six (6) feet high.

Background

Zoning District of Property: **RM-13, Low Density Residential District**

Future Land Use Designation: **Low Density Residential (LD)**

Subject Property:

The subject property is a portion of a larger parcel situated at the northwest corner of NW 87th Avenue and NW 154th Street. Except for right-of-way dedications that have been made, that larger parcel is quarter of a land section. The subject property includes all of that larger parcel, except for a site directly at the aforementioned intersection, which is zoned BU-1A and is not subject to this application. The subject site, zoned RM-13, is 142.67 acres, and includes existing agricultural uses, specifically cattle grazing. The subject site is also characterized by a large, oddly shaped artificial lake, which both provides opportunities for waterfront properties, but also significantly constrains design options. The site is bounded by Interstate 75 on the west. To the east, across NW 87th Avenue, is a vacant parcel that includes the environmentally significant Madden's Hammock, as well as significant archeological remains of Native Americans, and the Dunnhill Isle and Dunnhill Cove plats, which are single-family subdivisions but are, as yet, unbuilt. To the north and south of the site are single family residential uses.

Surrounding Property:

	Land Use Designation	Zoning District
North:	Low Density Residential (LD)	Single-Family Residential District (RU-1)
South:	Low Density Residential (LD)	Single-Family Residential District (RU-1) and Zero Lot Line Single Family Residential District (RU-1Z)
East:	Low-Density Residential (LD) and Parks and Recreation (PR)	Single-Family Residential District (RU-1) and Agricultural (AU)
Southeast:	Business and Office (BO)	Limited Business District (BU-1A)
West (across I-75):	City of Hialeah	City of Hialeah

Subject Property Location Map:



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

Open Building Permits: There are several open building permits associated with the subject property:

- Permit B2006-1448, for installation of a chain link fence was renewed and given final approval under Permit BLR2015-3008
- Permit BLC2016-0511, Construction of drainage system and private roadways for residential single-family and townhome development with a status of “on review”
- Permits PLC2016-0538 and PLC2016-0510 for Phases 1 and 2 of installation of a new water and sewer system with a status that the “plans have been picked up”

- BLC2016-1373, a new temporary trailer for a home sales site only with a status of “on review”
- WKC2016-1882, Public Works for installation of water mains with a status of “ready”

Open Code Compliance Violations: There are currently three open Code Compliance Violations associated with this property:

- C2016-0734, work without a permit for a sales trailer on-site
- C2016-0735, work without a permit for large sales signs posted on the site
- C2016-0864, a noise violation for construction work before 7:00 A.M.

Zoning History: The following is the known zoning history of the subject property: in 1978, Miami-Dade County, through resolution 4-ZAB-184-78 approved an unusual use to allow a rock crushing and concrete batching plant for an approved lake excavation. The conditions of approval of that 1978 resolution were modified in 1983 via resolution 4-ZAB-122-83.

In 2002, the Town Council approved Ordinance 02-25, a Comprehensive Plan amendment to reconfigure the portions of the property designated for Low Density Residential and for Business and Office, to their current configurations.

Also in 2002, the Town Council approved Ordinance 02-26, which rezoned the subject property from AU to RU-3M (now called RM-13), and rezoned the remaining portion of the parent parcel to BU-1A. This Ordinance also approved site plans for both the residential and commercial portions of the property, which are still in effect today, and approved a Declaration of Restrictions (recorded in Official Records Book 20812, Page 4767) setting forth a number of limitations on development and use of the property. In 2003, the Declaration of Restrictions was modified, as included in ORB 21338 PG 0639.

In 2011, the Town Council passed Resolution 11-883, which approved a development agreement for the entire parcel, which provided conditional parks and transportation concurrency. Concurrently, the Council passed Resolution 11-884, which amended the original Declaration of Restrictions to reflect the terms of the development agreement. This amendment is recorded in Official Records Book 27929, Page 1276.

In 2015, the Town Council approved Resolution 15-1334, approving an “alternate” site plan for the property, which includes 256 single family homes and 226 townhomes (482 residential units total) and recreational amenities in a gated community, approves a number of variances related to front and rear setbacks on some single family properties, reduction of required private patio area on townhouse properties, reduction of required common open space and reduction in required width of rights-of-way. The same Resolution also approved the Second Modification to the Declaration of Restrictions (ORB 30017 PG 3351) to allow for use of the approved alternate site plan.

On May 12, 2016, the Town issued a Final Development Order for an administrative site plan (ASPR2016-0003) approving a site plan for the property with greater detail to implement that site plan approved by the Town Council in Resolution 15-1334. On June 10, 2016, Lennar Homes, LLC submitted an administrative site plan application (ASPR2016-0009) with detailed plans for recreational amenities and common area landscaping, as well as detailed site plans for the various home models. This site plan application is currently under review.

SUMMARY OF PROPOSAL AND STAFF ANALYSIS

Summary

The Applicant is requesting several variances for the installation of both temporary and permanent signs. Specifically regarding temporary signs, the proposal would allow:

- Eight temporary signs, rather than the maximum of three allowed by the Code. Five of these would be “billboard” type signs, as depicted in the photo in Exhibit 2. Two signs would be eight feet tall by four feet wide directional signs flanking a temporary entrance on 87th Avenue (depicted in Exhibit 3). The remaining sign would be a 400 feet long by six feet high (2,400 square feet total) sign attached the fence along 87th Avenue (depicted in Exhibit 4).
- The five “billboard” type signs would be 16 feet tall, rather than the 15 feet tall allowed by the Code. ***THIS REQUEST HAS BEEN WITHDRAWN BY THE APPLICANT***
- The total square footage of temporary signage would be 3,104, as opposed to the cumulative total of 120 square feet allowed by the Code.
- The temporary signs would be allowed to remain “for the duration of the marketing of the property,” whereas the Code allows for temporary signs for a maximum of 90 days.

Exhibit 1 shows the proposed location of the temporary signs.

The Applicant is also requesting variances to allow for the placement of three “entry feature” signs, including two at the NW 154th Street entrance and one at the NW 87th Avenue (drawings of the proposed entry feature signage is in Exhibit 5). Variances required to allow these entry features are as follows:

- Allowing three permanent standing signs, where the Code limits standing signs to a maximum of two.
- Allowing two of the entry features to be 660 square feet each, and the third to be 304.2 square feet, where the Code limits standing signs to a maximum of 40 square feet.
- Allowing two of the entry features to be 12 feet high, and the other to be ten feet high, where the Code limits standing signs to a maximum of six feet high.
- Allowing the two entry features on NW 154th Street to be closer than 100 feet to each other.

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.

	PRACTICAL DIFFICULTY VARIANCE FACTORS
	FACTOR
a.	<p>Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;</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>Whether the Variance would be compatible with development patterns in the Town;</p> <p><i>Analysis: Regarding temporary signs, their impact on “development patterns” is relatively small due to their temporary nature. However, while they are in place there is an effect. To minimize this impact, Staff is recommending controls on the duration of the temporary signage, requiring that the height limit on the billboard type signage be respected in those locations that have greater impact on community character (those facing NW 87th Avenue and NW 154th Street), requiring that the sign covering the fence around the property extend along all areas with frontage on NW 87th Avenue and NW 154th Street, and not allowing the proposed billboard type sign on NW 87th Avenue that is near to the residents north of the subject property.</i></p> <p><i>The permanent entrance feature signs as proposed by the Applicant are not compatible with development patterns in the Town. What is proposed by the Applicant is very large, which is out of character for Miami Lakes. Generally, residential neighborhoods in Miami Lakes, while there may be some indication of the neighborhood name, have avoided overt displays of “separateness,” which contributes to a sense of being part of the larger community of Miami Lakes. The scale of the entrance feature signs proposed the Applicant would seriously degrade that sense in the case of this development, and thus diminish that sense in the Town overall. Given the scale of the project, somewhat larger entrance feature signs than what is provided for in the Code (40 square feet, maximum height of six feet) is justified. However, as discussed above, the entrance feature signs proposed by the Applicant are far beyond what is in character for Miami Lakes. Instead, Staff is recommending the same size entrance features that Town uses at its gateways which, while certainly larger than otherwise allowed by the Code for this property, maintains a reasonable balance considering the size of the development and</i></p>

	<p><i>making that development truly a part of, rather than separated from, the remainder of Miami Lakes. Specifically, Staff is recommending modifications of the requested variances that would allow one entrance feature sign at each entrance to the development (rather than two as requested), to be placed in the median of the entrance, and which may be up to the same dimensions as the Town's entrance features at its gateways (12 feet high by five feet wide).</i></p> <p><u>This criterion is not met for Requests #5 and #7. This criterion is met for Requests #1, #2, #3, #4, #6 and #8 only if modified as recommended by Staff.</u></p>
c.	<p>The essential character of the neighborhood would be preserved;</p> <p><i>Analysis: The essential character of the "neighborhood" in this case is the Dunnwoody development, and that character is being shaped now, and thus cannot be preserved at this point. Therefore, the requested variances are not inconsistent with this criterion.</i></p> <p><u>This criterion is met.</u></p>
d.	<p>The Variance can be approved without causing substantial detriment to adjoining properties;</p> <p><i>Analysis: The proposed variances can be approved without causing substantial detriment to adjoining properties, with the exception that the request for the billboard type temporary sign in the proposed northerly location along NW 87th Avenue would cause substantial detriment to the properties immediately to the north.</i></p> <p><u>This criterion is met, except with regard to the northerly proposed billboard type sign along NW 87th Avenue. If Staff's recommendation to disallow that sign (part of Request #1) is adopted, this criterion is met for all requests.</u></p>
e.	<p>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;</p> <p><i>Analysis: The large size of this property and development project are unusual in Miami Lakes, and allowing more temporary signage than otherwise allowed by the Code is justified in this case, if adopted with the modifications and conditions as recommended by Staff. The proposed location of two of the billboard type temporary signs along I-75 – and not otherwise highly visible in the community – justifies allowing greater height for these signs than otherwise allowed.</i></p> <p><i>With respect to the proposed entrance feature (permanent) signs, what is proposed by the Applicant is very large, which is out of character for Miami Lakes, and would not do justice to other property owners because they would create a sense of separateness of this development from the remainder of Miami Lakes, degrading the sense of community and thereby diminishing the Town's uniqueness as compared to other similarly situated communities in South Florida. Instead, Staff is recommending modifications of the requested variances that would allow one entrance feature sign at each entrance to the development (rather than two as requested), to be placed in the median of the entrance, and which may be up to the</i></p>

	<p><i>same dimensions as the Town's entrance features at its gateways (12 feet high by five feet wide). Given this consistency with the Town's entrance features, and given that the locations of these signs would be separated from the nearest existing residences the right-of-way of NW 154th Street, in one case, and both NW 87th Avenue and the vacant property to the east that is approximately one quarter mile across, this scale would not have negative impacts on those property owners.</i></p> <p><u>This criterion is not met for Requests #5 and #7. This criterion is met for Requests #1, #2, #3, #4, #6 and #8 only if modified as recommended by Staff.</u></p>
f.	<p>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</p> <p><i>Analysis: The large size of the development project, which is both unusual in Miami Lakes and not particularly well provided-for in the Sign Code, along with its long frontage on I-75, are unique circumstances making Requests #1 through #4 consistent with this criterion only if modified as recommended by Staff.</i></p> <p><i>Given the scale of the project, somewhat larger entrance feature signs than what is provided for in the Code (40 square feet, maximum height of six feet) is justified. However, as discussed above, the entrance feature signs proposed by the Applicant are far beyond what is in character for Miami Lakes. Instead, Staff is recommending the same size entrance features that Town uses at its gateways which, while certainly larger than otherwise allowed by the Code for this property, maintains a reasonable balance considering the size of the development and making that a development truly a part of, rather than separated from, the remainder of Miami Lakes.</i></p> <p><u>This criterion is not met for Requests #5 and #7. This criterion is met for Requests #1, #2, #3, #4, #6 and #8 only if modified as recommended by Staff.</u></p>
g.	<p>The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.</p> <p><i>Analysis: The special conditions and circumstances described in 'f.' above have not appreciably changed since the Applicant purchased the property, and thus are not due to actions beyond the control of the Applicant.</i></p> <p><u>This criterion is not met.</u></p>

RECOMMENDATION

The subject application requests variances for allowed number, size, height and duration temporary signs for the purpose of marketing homes planned for the development on the subject property, and variances for number, spacing, size and height of three proposed entrance feature signs to the development.

Staff's recommendation would allow only one "billboard" type sign on NW 87th Avenue, rather than the two requested, thus bringing the number of allowed temporary signs to seven rather than the eight requested. Staff finds that the second billboard sign on NW 87th Avenue is unnecessary, as travelers on NW 87th Avenue would see the other in any case, and so recommends that in order to minimize visual impact to residential properties to the north of the subject site only the one proposed in the southerly location be allowed along NW 87th Avenue. The recommendation would also allow the proposed 16 foot height of the two billboard type signs along I-75, as additional height is warranted for visibility along the highway, but would require that the remaining billboard signs comply with the 15 foot height limitation. Regarding the proposed sign to be placed along 400 feet of the fence along NW 87th Avenue, given the long duration that the temporary signage will remain in place and the impact on community aesthetics, Staff recommends that such fencing must be installed along the property's entire frontage of NW 87th Avenue and NW 154th Street. Given the property's large size and the relatively minor effect of the billboard signs on residences (considering their placement and assuming Staff's recommendation to eliminate the northerly billboard sign on NW 87th Avenue is adopted), Staff recommends approval of the requested variances of temporary signage size limitations. Finally, as to duration of the temporary signage, it is unacceptable to have the duration open-ended as proposed, as factors outside the control of the Town (and in some cases the Applicant) could result in the signage remaining for such a duration that it is essentially permanent. Instead, Staff recommends that the temporary signage may remain for 12 months after issuance of the first certificate of occupancy (CO) for a residential unit, or 24 months after approval of the subject variance request (whichever occurs first), but the Administrative Official should be empowered to grant unlimited six month extensions so long as the Applicant demonstrates that it has been working diligently both to complete the development project and to complete sales of all units.

The Applicant has proposed a total of three entry feature signs (see Exhibit 5). Two of these would be on either side of the main entrance from NW 154th Street, and would be 12 feet high and 55 feet wide. The other would be within the median at the secondary entrance from NW 87th Avenue, and would be ten feet high and 30 feet, five inches wide. These proposals are inconsistent with the character of Miami Lakes, and if allowed would create a sense of separateness from the rest of the Town that is not just inconsistent with the Town's character, but antithetical to its essence. Such large and imposing entrance features are common in suburban communities elsewhere, but not in Miami Lakes, and would go far in blemishing the uniqueness of the Town and promote an unfortunate "blending" of the Town into the landscape that surrounds it. Thus, Staff cannot support the entry feature signs as proposed. Instead, Staff recommends that entry feature signs be limited to one per entrance (two total) and, to ensure appropriate scale, allow such entry feature signs to the development to be the same size as the entry features at gateways into the Town, which are 12 feet high and five feet wide.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends (recommended modifications shown in underline/~~strikethrough~~ format:

Request #1: Approval with a modification and conditions

Recommended modified variance: A variance from Subsection 13-1903(p) to allow seven (7) eight (8) temporary signs where the Code limits temporary signs to a maximum of three (3).

Request #2: Approval with a modification and conditions

Recommended modified variance: A variance from Subsection 13-1903(p) to allow four (4) five (5) 128 square foot temporary signs and one 2,400 square foot temporary sign to be placed on the fence along the property's entire frontage of NW 154th Street and NW 87th Avenue where the Code limits temporary signs to a maximum of 40 square feet each and a cumulative total of 120 square feet.

Request #3: REQUEST WITHDRAWN BY THE APPLICANT

Request #4: Approval with a modification and conditions

Recommended modified variance: A variance from Subsection 13-1903(p) to allow the temporary signs to be erected beginning with approval of this variance request and remaining until 12 months after issuance of the first certificate of occupancy (CO) a residential unit, or 24 months after approval of this variance request, whichever occurs earlier, with extensions allowed as provided in the conditions, for the duration of the marketing of the property where the Code states that signs shall not be posted for more than ninety (90) days.

Request #5: Denial

Request #6: Approval with a modification and conditions

Recommended modified variance: A variance from Subsection 13-1904(2)(b)1 to allow two (2) permanent standing signs of 60 660 square feet each, and one (1) permanent standing sign of 304.2 square feet, where the Code limits permanent standing signs to a maximum of 40 square feet.

Request #7: Denial

Request #8: Approval with a modification and conditions

Recommended modified variance: A variance from Subsection 13-1904(2)(b)2 to allow two (2) permanent standing signs twelve (12) feet high and one permanent standing sign ten (10) feet high where the Code limits standing signs to a maximum of six (6) feet high.

CONDITIONS

1. The location of temporary signs shall be consistent with the drawing in Exhibit 1, except that the northern "billboard" type sign along NW 87th Avenue shall not be allowed, and the sign along the fence shall extend along the property's entire frontage of both NW 87th Avenue and NW 154th Street.
2. The appearance of the temporary signs shall be consistent with the pictures and graphical depictions in Exhibit 2 (in the case of "billboard" type signs), Exhibit 3 (in the case of the

directional signs flanking the temporary entrance from NW 87th Avenue) and Exhibit 4 (in the case of the sign along the fence and per Condition #3 below).

3. The "Dibond" sign to be attached to the perimeter fence, as depicted in Exhibit 4, shall extend along the subject property's entire frontage of NW 87th Avenue and NW 154th Street.
4. The Administrative Official is authorized to grant unlimited extensions of six months each for the presence of the temporary signs authorized by this variance, upon the Applicant demonstrating that the Applicant is working diligently both to complete the development project and to complete the sale of all residential units in the development.
5. Permanent entrance feature signage shall include only one such entrance feature sign per entrance to the development, and such entrance feature signs shall be located in the median of each vehicular entrance and shall be limited to a size of no more than 12 feet in height and five feet in width. Said entrance feature signage shall be approved by the Town through the administrative site plan approval process.
6. Any existing temporary signage that does not conform to this variance approval shall be removed from the subject property no more than 14 calendar days after approval of any variance request approved herein, and any permits that may be needed for such removal shall be obtained, or said variance approval shall be null and void.
7. The Applicant shall obtain any required permits for installation of any signage as approved herein. Where any Town of Miami Lakes permit is required for any work approved herein, said permit shall be obtained within 12 months of the date of approval of any such variance request.
8. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.