

**RESOLUTION NO. 06-405Z**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A VARIANCE FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN CODE TO WAIVE SECTION 33.104 OF THE TOWN CODE TO ALLOW ONE 40 SQUARE FOOT WALL SIGN ON THE WEST SIDE OF THE BUILDING FACING N.W. 77<sup>TH</sup> AVENUE, FOR THE PROPERTY LOCATED AT 15225 N.W. 77<sup>TH</sup> AVENUE, MIAMI LAKES, FLORIDA IN THE RU-5A ZONING DISTRICT, WHERE ONE 12 SQUARE FOOT WALL SIGN PER STREET FRONTAGE IS PERMITTED; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Divisions 3.5 of the Town of Miami Lakes (the "Town") Land Development Code ("LDC"), C & L Holdings (the "Applicant") has applied to the Town for a variance to Section 33.104 of the Town Code to allow for one 65 Square Foot Wall Sign; and

**WHEREAS**, Division 3.5 of the LDC sets forth the authority of the Town Council to consider and act upon an application for a variance; and

**WHEREAS**, in accordance with Division 3.9 of the LDC, proper notice has been mailed to the appropriate property owners of record; the public hearing on the Variance has been noticed for May 16, 2006 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

**WHEREAS**, Town Staff has reviewed the application and recommends modified approval of the Variance with conditions as set forth in the Staff Analysis and Recommendation dated May 16, 2006 (the "Staff Analysis"), and incorporated into this Resolution by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.**

The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Findings.**

In accordance with Division 3.5(f) of the Town Code, the Town Council, having considered the testimony and evidence in the record presented by all parties, finds that:

The Applicant does not meet all of the requirements of Division 3.5(f)(1)(a) thru (g) of the Town Code, which are as follows:

1. Variance Consistent with Authorized Powers. That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council; and
2. Existence of Special Conditions or Circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and
3. Conditions Not Created by Applicant. That the special conditions and circumstances do not result from the actions of the Applicant; and
4. Special Privileges Not Conferred. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district; and
5. Hardship Conditions Exist. That literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant. The purchase of property which is an illegal nonconformity with this Land Development Code shall not be considered a hardship for granting of a variance, nor shall conditions peculiar to the property owner be considered; and

6. Only the Minimum Variance Granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
  
7. Not Injurious to Public Welfare or Intent of the Land Development Code.  
That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Applicant does not meet all of the criteria in Division 3.5(f)(1)(a) thru (g) of the Town Code, but the Town Council determines that:

1. No objections have been filed by adjoining or directly affected property owners; and
  
2. The Variance is justified by practical difficulty on the part of the Applicant.

**Section 3. Approval**

The Town Council approves the variance request for a 65 square foot wall sign in the RU-5A zoning district on the west side of the building facing N.W. 77<sup>th</sup> Avenue, as modified in Section 4.

**Section 4. Conditions of Approval.**

The Variance approved in Section 3 is granted subject to the following conditions:

- a. The wall sign shall be limited to 40 sq ft and shall be substantially in accordance with the Plan submitted for the hearing entitled State Farm Ledwidge Agency as prepared by Pro Signs and Lighting, Inc., dated February 28, 2006 (the "Plan"), file number 06-656 and the words LEDWIDGE AGENCY in reverse channel non-illuminated letters, with the letters and logo reduced proportionally from the proposed Plan. Prior to issuance of a building permit for the sign, the Applicant shall submit a revised plan for the approval of the Administrative Official.
  
- b. That the use be established and maintained in accordance with the approved Plan.

- c. The Applicant shall record the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original Resolution to the Town Clerk before a permit is issued for the sign.
- d. The Applicant shall obtain a permit and all requisite inspections for the sign, at the size approved herein, within one year of the date of this Resolution. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall be deemed null and void.

**Section 5. Appeal.**

In accordance with Division 3.10 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the approval granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and that the foregoing approvals in this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

**Section 7. Effective Date.**


This Resolution shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent jurisdiction.

The foregoing resolution was moved upon the practical difficulty standard in Division 3.5(f)(2) of the Town Code by Councilman Michael Pizzi and Seconded by Councilwoman Nancy Simon, and upon being put to a vote the motion carried with each Council Member voting as follows:

Mayor Wayne Slaton                    yes  
Vice Mayor Robert Meador            yes  
Councilmember Roberto Alonso        yes  
Councilmember Mary Collins           absent  
Councilmember Michael Pizzi          yes  
Councilmember Nancy Simon           yes  
Councilmember Dorothy Cook          yes

PASSED AND ADOPTED this 16th day of May, 2006.


This Resolution was filed in the Office of the Town Clerk on this 16 day of May, 2006.

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Debra E. Eastman  
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

  
\_\_\_\_\_  
Weiss Serota Helfman Pastoriza  
Cole & Boniske, P.A.  
TOWN ATTORNEY



**TOWN OF MIAMI LAKES  
MEMORANDUM**

**To:** Honorable Mayor and Town Council

**From:** Alex Rey, Town Manager

**Subject:** Variance #ZH 06-11  
C & L Holding, Incorporated  
15225 N. W. 77th Avenue  
Miami Lakes, FL 33014

**Date:** May 16, 2006

**Request:**

The applicant, C & L Holding, Incorporated, submitted a sign variance request in order to expand a previously approved wall sign. Upon review of the subject application the following variance request is required for consideration:

1. A variance pursuant to Division 3.5 of the Town Code from Section 33.104 of the Town Code which allows one 12 square foot wall sign for each street frontage in the RU-5A District (Semi-Professional Office District), to allow one 65 square foot wall sign on the west side of the building facing N.W. 77<sup>th</sup> Avenue.

**Applicable Code Section:**

Request #1: Sec. 33-104 Permanent Point of Sale Signs for the RU-5 and RU-5A Districts.  
Sec. 33-104. Permanent point of sale signs for the RU-5 and RU-5A Districts.  
Type of sign permitted: Only flat (wall or cantilever) sign.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Flat (wall and cantilever)	12 square feet	1 for each street frontage	Not applicable	Illumination permitted; see general provision on illumination	Not applicable	Sign shall be mounted on building wall or on a cantilever parallel with the wall

(Ord. No. 85-59, § 2, 7-18-85)

**Background:**

**Folio No. 32-2023-023-0010**

**Legal Description:** MIAMI LAKES GOLF COURSE OFFICES PB 114-60 TR A  
LOT SIZE .692 AC M/L OR 19051-1411 0300 1 F/A/U 30-  
2023-023-0010

**Zoning of Property:** RU-5A – Semi-Professional Office District

**Future Land Use Designation:**

The future land use designation In the Town's Comprehensive Plan for the  
Subject property: OR – Office / Residential, and the property is zoned  
(RU-5A – Semi Professional Office District)

Surrounding Property:

- North: Parks and Recreation; (RU-4M – Miami Lakes Par Three Golf Course)
- East: Parks and Recreation; (RU-4M – FPL Easement & Golf Course)
- South: Office / Residential; (RU-5A – Office Building)
- West: Transportation; Palmetto Expressway

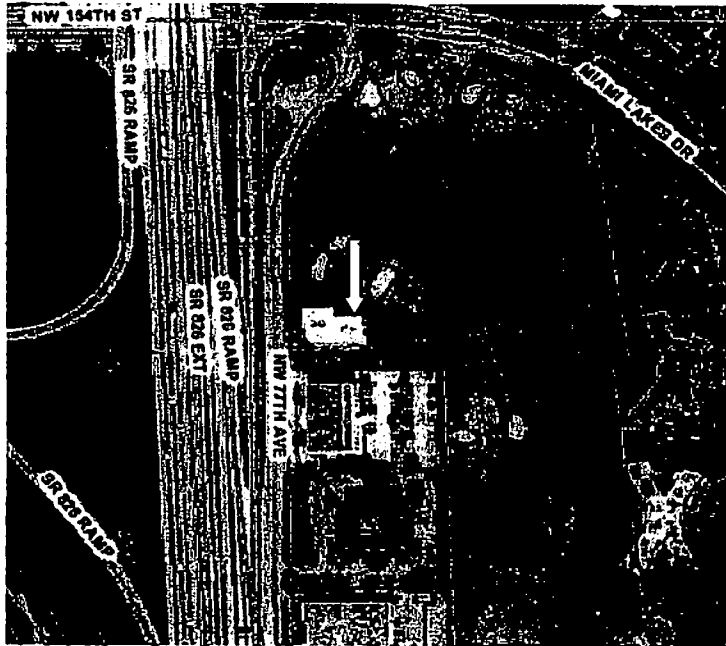
**Future Land Use Designation:** OR – Office / Residential

This category accommodates both professional and clerical office uses, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing or future adjacent residential uses. The maximum scale and intensity of office, hotel and motel development in OR areas shall be based on such factors as site size, availability of services, accessibility, and proximity and scale of adjacent residential uses. Residential uses are also allowed in the OR category. Residential development may be authorized at a density up to one (1) density category higher than the average of adjacent residential land uses. When residential uses are mixed with office uses, the overall scale and intensity shall be no greater than that which would be approved if the parcel was in either office only or residential use only, whichever is higher. However, residential use shall not be developed on over 50% of the area of any individual site. Within the OR category, business uses ancillary and to serve the on-site uses may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential designation does not authorize any other business or commercial uses. The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building, plus 0.2 for each additional story, not to exceed a total FAR of 2.0. The maximum height permitted in this category is 2 stories, not to exceed 35 feet; however, the maximum height can be exceeded with approval through a public hearing.

## **Subject Property:**

The subject property is improved with an existing office building located on a .68 acre parcel. The parcel is located east of the Palmetto Expressway feeder road (N.W. 77 Avenue) and approximately 500 feet south of Miami Lakes Drive (N.W. 154<sup>th</sup> Street). The approximately 11,398 sq. ft. building was constructed in 1981 per the Miami Dade County Property Appraiser records, and is situated directly south and west of the Par Three Miami Lakes Golf Course.

## **Subject Property Location Map:**



## **Open Permits / Violations and Zoning History:**

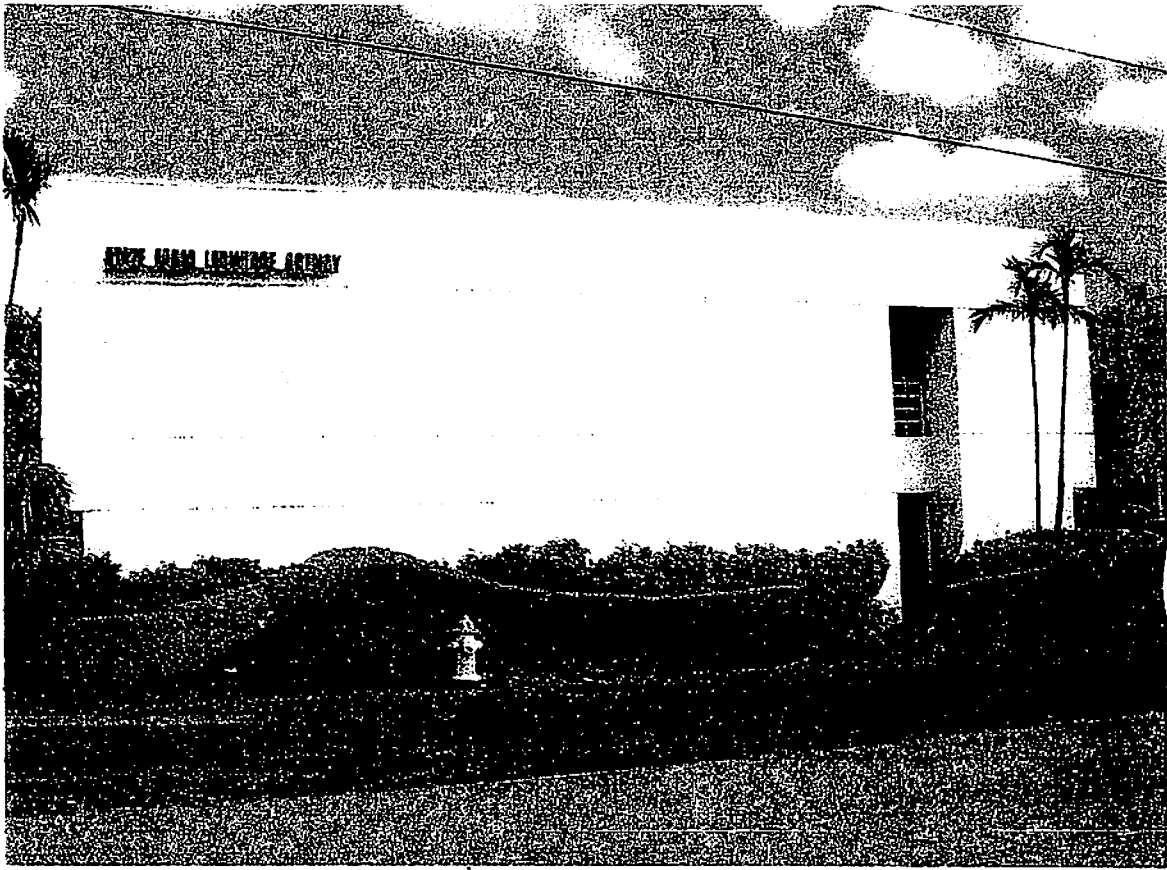
There are no open permits or violations on the subject property.

In 1964 the Sengra Development Corporation applied for a District Boundary Change from GU to RU-4M, which was recommended for approval by the Zoning Appeals Board (ZAB) through Reso. 2-ZAB-453-64 and approved by the Board of County Commissioners through Reso. Z-144-64.

In 1966 the Sengra Development Corporation applied for a District Boundary Change from RU-4M to RU-5A, which was recommended for approval by the Zoning Appeals Board (ZAB) through Reso. 3-ZAB-57-66 and approved by the Board of County Commissioners through Reso. Z-40-66.

In 1980 the Builders Association of South Florida applied for non-use variances to waive a required interior property line 5' masonry wall, and requirements for off-street parking to be hard surfaced to permit parking on concrete / grass pavers, which was approved by the Zoning Appeals Board (ZAB) through Reso. 4-ZAB-392-80.

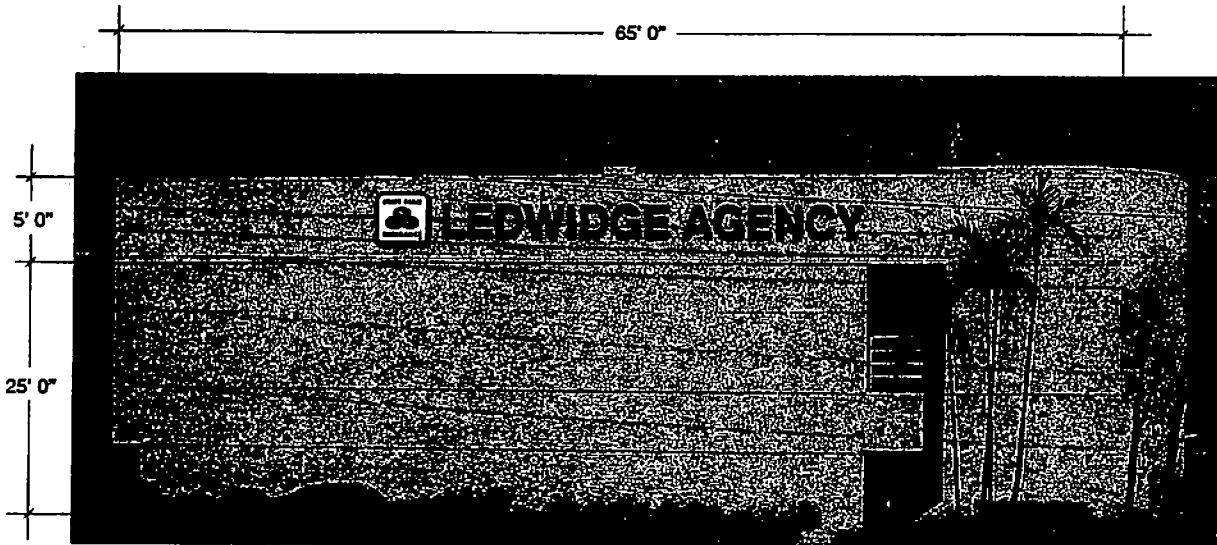






# LEDWIDGE AGENCY

SIGN DETAIL ELEVATION



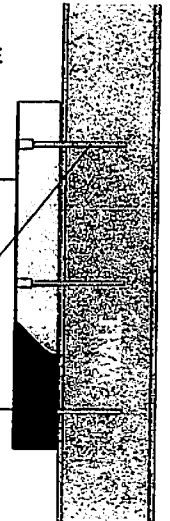
BUILDING DETAIL ELEVATION

24" NON-ILUMINATED / WELDED  
REVERSE CHANNEL LETTERS  
PAINTED MATTHEWS POLYURETHANE  
(CTBD)

.090 ALUMINUM FACES

1/4" 20 X 5" TREATED STUDS  
INTO MASTIC FILLED HOLES  
(MINIMUM 6 PER LETTER)

.063 X 3" ALUMINUM RETURNS



<p><b>PRO</b> Signs &amp; Lighting Inc.</p> <p>3188 W. 61st Street • Hialeah, Florida 33018 Phone/Fax: 305.812.6004 • Cell: 786.490.6326 E-mail: prosigns@bellsouth.net</p>	<b>STATE FARM LEDWIDGE AGENCY</b>		<p>ENGINEERING SEAL</p>
	15225 N.W. 77th Avenue, Suite 205 Miami Lakes, Florida 33014	FILE: 06-656 STATE FARM LEDWIDGE AGENCY	
	SCALE	DRAWINGS BY: Charlie	
	DATE: February 28, 2006	TOTAL STORE FRONTAGE AREA:	
		TOTAL STOREFRONT SIGNAGE AREA:	
<b>PROPOSED REVERSE CHANNEL LETTERS</b>		<b>06-656</b>	

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## **Proposal:**

The applicant is requesting a variance to replace a sign on the front façade of an existing office building facing the Palmetto Expressway Frontage road N.W 77 Avenue. The proposed wall sign will continue to identify a business currently occupying a portion of the subject building. The existing 12 sq. ft. wall sign with copy reading "STATE FARM LEDWIDGE AGENCY" is proposed to be replaced with a 65 sq. ft wall sign. The proposed copy on the sign includes text reading "LEDWIDGE AGENCY" at a size of 55 sq ft and a State Farm Insurance Logo at a size of 10 sq ft. The proposed sign is to be located just below the flat roof line of the subject office building at a height of approximately 25 feet. The code permits only one sign per street frontage no larger than 12 sq. ft. advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises.

(Refer to Attachment A: RU-5A permitted Uses)

## **Variance Criteria:**

Division 3.5(f) of the Town Code allows the Council to approve non-use variances based upon seven hardship criteria.

Notwithstanding the hardship criteria should the Town Council by extraordinary (5 votes) vote determine that the variance is justified by practical difficulty on the part of the applicant, and no objections from adjoining or directly affected property owners have been filed to the application, a variance may be approved as requested or approved with conditions.

### ***Compliance of request with variance criteria:***

- a. Variance Consistent with Authorized Powers. **YES** – The variance request is correctly in front of the Council.
- b. Existence of Special Conditions or Circumstances. **YES** – The location facing the Palmetto Expressway Frontage Road and approximate distance of 500 feet to N.W 154<sup>th</sup> Street creates a frontage which is not easily visible to potential customers.
- c. Conditions Not Created by Applicant. **NO** – The property was not platted by the current applicant and was purchased with this existing configuration.
- d. Special Privileges Not Conferred. **NO** – If the variance is granted the property would have a special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district.
- e. Hardship Conditions Exist. **NO** - A literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would create unnecessary and undue hardship on the applicant.
- f. Only the Minimum Variance Granted. **NO** – The variance is necessary to allow the reasonable use of the land, building, or structure.
- g. Not Injurious to Public Welfare or Intent of the Land Development Code. **YES** - If granted the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the above analysis, it is staff's opinion that the variance request does not meet all of the variance criteria as required and therefore must be justified by practical difficulty on part of the applicant and approved by extraordinary (5 votes) vote of the Council.

### **Analysis:**

The Variance request if approved is consistent with the Comprehensive Development Plan and does not create any impact on the levels of service (LOS) standards.

The approximately .68 acre subject property is improved with a two-story office building, and is zoned RU-5A (Semi-Professional Office District). The subject property is located on the east side of the Palmetto Expressway, along the Palmetto Feeder Road (NW 77<sup>th</sup> Avenue), south of the NW 154<sup>th</sup> Street intersection.

The applicant is requesting a variance to replace a sign on the front façade of an existing office building facing the Palmetto Expressway Frontage road N.W 77 Avenue. The proposed sign will continue to identify a business currently occupying a portion of the subject building. The existing 12 sq. ft. wall sign with copy reading "STATE FARM LEDWIDGE AGENCY" is proposed to be replaced with a 65 sq. ft wall sign. The proposed copy on the sign includes text reading "LEDWIDGE AGENCY" at a size of 55 sq ft and a State Farm Insurance Logo at a size of 10 sq ft. The proposed sign is to be located just below the flat roof line of the subject office building at a height of approximately 25 feet. The code permits only one sign per street frontage no larger than 12 sq. ft. advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises.

Staff does not find justification to warrant approval of a wall sign which would be more than five times larger than permitted by Code. Staff views the proposed logo as attention getting outdoor display advertising; staff cannot support the scale of this mode of outdoor display. The overall appearance of logo advertising would tend to give an aesthetically uncoordinated look, with little urban design consideration or coordination of the competition for commercial developments to gain attention from automobile occupants. This mode of display should be discouraged, as it would precipitate similar requests, staff cannot condone the superfluous use of signage and accordingly recommends elimination of the Logo.

Instead staff supports the application on a modified basis. The oversize wall signs are desired to permit readability from the Palmetto Expressway. However, staff recommends a reduced sized sign which will provide sufficient visibility as well as discourage similar request for oversized signs attached to the façade of office buildings between the Miami Lakes Par Three Golf Course and the Palmetto Expressway.

Staff recognizes that a request for wall signs was approved for the last RU-5A parcel to the south (as per Res. 4-ZAB-210-82), however the wall sign for each building was for

40 sq. ft., not 65 sq. ft. as requested. Staff believes that a wall sign of this size is unwarranted, and believes this sign should be limited to 40 sq. ft. as was the sign request for the three similar style two story buildings to the south at 14701 and 14875 NW 77 Avenue.

In conclusion, staff is of the opinion that the a modified sign variance is acceptable, due to the size of the buildings and the unique location of the development along the Palmetto Expressway and golf course which provides substantial buffering from any residential areas. Approval of the variance should have a minimal impact on the surrounding area. Accordingly, staff recommends that this application be approved on a modified basis to permit a reduced sign limited to 40 sq. ft. without the proposed logo design, subject to conditions.

**Recommendation:** Modified Approval with Conditions to Permit a Wall Sign with a Total of 40 Sq. Ft., Eliminating the Proposed Logo

**Conditions:**

1. The wall sign shall be substantially in accordance with the plan submitted for the hearing entitled State Farm Ledwidge Agency as prepared by Pro Signs and Lighting, Inc., dated February 28, 2006 for reverse channel non-illuminated letters, file number 06-656; except as herein modified to reflect a 40 sq. ft. sign with the words LEDWIDGE AGENCY with letters reduced proportionally, excluding the proposed logo.
2. That the use be established and maintained in accordance with the approved plan.
3. The applicant shall record the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a permit is issued for the sign.
4. The applicant shall obtain a permit and all requisite inspections for the sign, at the size approved herein, within one year of the date of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

**AR:MIC**

## **ATTACHMENT A: RU-5A Sec. 33-223.6 USES PERMITTED**

### **Sec. 33-223.6. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

- (1) Abstract tile
- (2) Accountants--bookkeeping
- (3) Actuaries
- (4) Advertising (no shops)
- (5) Adjusters (insurance)
- (6) Aerial survey and photography
- (7) Appraisers--no sale or rental of any type of merchandise or equipment
- (8) Architects
- (8.1) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:
  - (a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area. Related art exhibition space shall be ancillary to the principal uses.
  - (b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.
  - (c) That all art exhibitions shall be conducted within the principal structure.
  - (d) That there shall be a maximum of six art shows per year.
  - (e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.
  - (f) That the sale of art shall be prohibited.
- (9) Attorneys
- (10) Auditors
- (10A) Banks, excluding drive-thru banking facilities
- (11) Banks, including drive-thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more
- (12) Business analysts--counselors or brokers
- (13) Building contractors, office only (no shop or storage)
- (14) Chiropodists
- (15) Chiropractors
- (16) Consulates
- (17) Counseling, child guidance and family service
- (18) Court reporter, public stenographer
- (19) Credit reporting
- (19A) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
- (20) Dentist
- (21) Detective agencies and investigating service
- (22) Drafting and plan service
- (23) Engineers, professional

- (24) Insurance and bonds
- (25) Manufacturers agents
- (26) Market research
- (27) Medical doctors
- (27A) Medical Allied Training Facility that on a site of two net acres or more.
  - a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;
  - b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;
  - c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;
  - d) That the number of students be limited to no greater than 100 students per session;
  - e) That a maximum of 2 sessions be conducted daily.
- (28) Model agencies (no school)
- (29) Mortgage broker
- (30) Notary public
- (31) Optician
- (32) Optometrist
- (33) Public libraries
- (34) Public relations
- (35) Real estate
- (36) Real estate management
- (37) Secretarial service
- (38) Shoppers information service
- (39) Social service bureau
- (40) Stock brokers exchange--investment service
- (41) Tax consultants
- (42) Telephone answering service
- (43) Theater ticket agencies
- (44) Travel agencies
- (45) Zoning consultants
- (46) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section.  
(Ord. No. 64-18, § 3, 5-5-64; Ord. No. 89-108, § 1, 11-7-89; Ord. No. 90-145, § 3, 12-18-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-48, § 1, 5-11-99; Ord. No. 03-213, § 2, 10-7-03; Ord. No. 04-118, § 2, 6-8-04)