



**STAFF REPORT
CITY OF PARKLAND
DEVELOPMENT SERVICES DEPARTMENT**

Date Prepared: July 28, 2017

Updated:

I. Petition Description

Petition No.: V17-005

Project Name: BJs Gas Station, Canopy Signage Variance Request

Owner, Petitioner: New Market- Parkland Outparcel LLC
3284 Northside Pkwy NW Suite 515
Atlanta, GA 30327

Request: Variance approval to permit canopy signage. Relief from Sec.15-38 of the 1998 code which does not expressly permit canopy signage, to permit a total of three (3) canopy signs- two (2) on the north and (1) on the south side.

Location: Generally located at the northwest corner of State Road 7 and Hillsboro Boulevard. Attachment "A" shows the site location and the proposed sign location.

Land area: The 'Shoppes of Parkland' parcel contains approximately 21 acres.

II. Land Use and Zoning

	Existing Land Use	Future Land Use	Zoning
Subject Site	Bank	Commercial	Broward County B-3 District
North	Riverstone Shoppes	Commercial	B-2, Community Business District
East	Shopping Center	City of Coconut Creek	City of Coconut Creek
South	Bell Parkland Apartments opposite Hillsboro Boulevard	R-4.0 (Residential 4 du/ac)	Broward County RM-5 (Residential Multi-Family)
West	Open Space	Park	Open Space District

II. Background

The Shoppes of Parkland is Parkland's largest shopping center, with approximately 145,000 square-feet of gross leasable area, predominantly devoted to a 108,000 square-foot BJ's Wholesale Club anchor tenant. There are three (3) outparcels under separate ownership: SunTrust bank (proposed BJ's gas station); a Chevron gas station; and, an 11,000 square-foot office building. The subject site is designated Broward County B-3 zoning and is designated as Commercial Future Land Use.

The shopping center was the subject of a court settlement in 1998. The settlement agreement stated the parent tract and outparcels were permitted in perpetuity to develop those uses permitted by the County B-3 zoning at the time of the settlement. It should be noted, CAB review is not required for this application based on its location within an identified outparcel at the time of the settlement. In addition, the application was reviewed under the land development code as it existed in 1998, per the settlement agreement.

BJs proposes to develop a six (6) pump gas station on the outparcel, including both standard and diesel fuel. A small kiosk will be constructed for use by the on-site attendant. Bathrooms will be available in the kiosk, but will be locked at all times. The kiosk will only sell BJ's memberships, and will not sell traditional gas station items such as lottery tickets, cigarettes, or snacks. Access to the site is granted via a shared driveway off Hillsboro Boulevard. Based on the proposed development's nature, there is no need for on-site parking.

III. Staff Analysis:

The applicant requests a variance to permit signage on the canopy, which is not expressly a permitted, or prohibited, sign type. Standard application of a sign code suggests only those signs included within a "permitted signs" list, shall be permissible without a variance; however, variances shall not be granted to permit a sign type included within a "prohibited sign" list.

Specifically, the request is for relief from Sec. 15-38 that states, "Only such permanent signs as are detailed herein below shall be permitted to be erected or maintained upon any building, plot, or parcel of land." The list that follows does not include mention of canopy signs as requested by the applicant.

The proposed signage includes 'BJs Gas' text on the north and south sides of the canopy and also would include 'Height 14'-0' on the north side of the canopy - visible to patrons or emergency personnel entering the site. The 'BJs Gas' sign measures 13.47 square feet, with fifteen (15) to twenty (20) inch white channel letters, mounted on a red background. The 'Height' sign measures 1.21 square feet and includes four (4) inch white cut-out acrylic letters.

Variances relating to signage are reviewed under the following two (2) criteria:

Criterion 1: The physical characteristics of the sign are not contrary to the public interest.

Criterion 2: Owing to special conditions, a literal enforcement of the provisions of the City Code will result in unnecessary hardships.

The applicant offers the following justification statements for each of the criteria:

Criterion 1: "Pursuant to the Settlement Agreement, the Outparcel is not subject to Community Appearance Board review, however, the Applicant has provided signage that provides physical characteristics that promote the public interest. The main function of the proposed canopy signage is to allow a motorist to easily view the sign while causing the least amount of distraction which is not contrary to the public interest. In fact, the proposed canopy signage promotes safe and efficient traffic circulation as shown on the attached sign plan.

The BJ's Club has created a successful model within their respective companies and throughout the country with regard to signage. The BJ's Club uses uniform signs, in terms of size, area, height, font types, and sign materials on a vast majority of their stores. This uniformity practice increases sign recognition and brand recognition for the BJ's Club's throughout the country. Sign recognition is extremely important for enhanced motorist safety due to increased visibility and legibility. BJ's customers across the country have become accustomed to the identifying signs that are being requesting for this Parkland location.

The requested signage allows members as well as passing motorists to quickly and efficiently identify the BJ's Club gasoline station while causing the least amount of distraction. Quick and efficient recognition substantially enhances motorist safety and greatly improves traffic circulation in the parking area. Sufficient signage is anticipated to result in satisfied members and a more successful business for the BJ's Club which will also benefit the economic impacts of the City."

Criterion 2: "In this particular circumstance, there are special conditions in which literal enforcement of the 1998 City Code will result in unnecessary hardship. As discussed above, due to the diversity of the City, it is recognized that the regulations cannot address all situations pertaining to signs. In this instance, the 1998 City Code did not specifically address canopy signage for gasoline stations. The Applicant is proposing signage that is common in the industry but was not specifically addressed in the 1998 City Code. The BJ's Club has created a successful model within their respective companies and throughout the country with regard to signage. The BJ's Club uses uniform signs, in terms of size, area, height, font types, and sign materials on a vast majority of their stores. This uniformity practice increases sign recognition for the BJ's stores throughout the country. Sign recognition is extremely important for enhanced motorist safety due to increased visibility and legibility. The BJ's Club members across the country have become accustomed to the identifying signs that are being requesting for this Parkland location.

The requested signage allows members as well as passing motorists to quickly and efficiently identify the location of the gasoline station on the site while causing the least amount of distraction. Quick and efficient sign recognition substantially enhances motorist safety and greatly improves traffic circulation in the parking area. Sufficient

signage is anticipated to result in more satisfied members and successful business for the BJ's Club which will also benefit the economic impacts of the City. Therefore, literal enforcement of the City Code would result in an unnecessary hardship."

Staff Findings: Based on the petitioner's justification and the comments provided above, Staff makes the following findings regarding the variance criteria:

Criterion 1: The 'BJs Gas' canopy signage requested is intended to identify the gas station as automobiles travel along Hillsboro Blvd. and circulate through the shopping center. However, as a private gas station, only club members are permitted to purchase gasoline. All club members will be aware that the gas station is associated with the BJs club based on its proximity to the store on the parent tract. The standard unifying color scheme also visually ties the club and gas station to each other. Furthermore, club members are used to the concept of BJs club stores having an ancillary gas station on site. As such, the canopy signage does not fulfill a substantial need and provides visual clutter along the right-of-way and the shopping center.

The proposed 'Height' sign serves as a safety marker and identifies the maximum height of vehicles that can traverse under the canopy. Staff recognizes this issue and does not object to the critical nature of this signage.

Criterion 2: It is Staff's opinion that, as a private members-only gas station, the BJs club can fully operate with less signage than a public gas station. As noted above, club members are used to the concept of BJs club stores having an ancillary gas station on site. Soon after construction is completed, club members will know that the gas station is associated with BJs. This will be especially true, if the variance and artistic signage is approved for the monument pricing sign to be located on the parent tract.

IV. Staff Recommendation

1) Staff recommends approval of V17-005 subject to the following conditions:

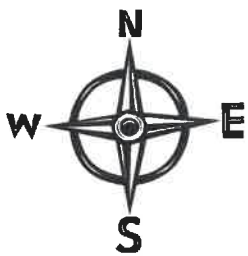
- i. Approval of this application only permits the "Height 14'-0" text. All other signage on the canopy shall not be permitted.
- ii. The "BJs Gas" canopy sign shall not be permitted, and shall be removed from the signage package prior to permitting.
- iii. Any approval shall be subject to the Applicant paying to the City of Parkland an amount equal to the total expenses incurred by the City in the processing and finalizing of the subject applications prior to issuance of any building permit. This includes, but may not be limited to, expenses for planning, legal, advertising, and landscape review, and any related expenses that the City has or will incur as a direct cost of the application.

V. Planning and Zoning Board Recommendation

To be provided.

Attachment "A"

Location Map



Attachment "B"

Application



City of Parkland Planning and Zoning Department

6600 University Drive
Parkland, FL 33067

Phone (954) 753-5040
Fax (954) 341-5161

STAFF USE ONLY

Intake Date: _____ By _____

Fee Paid: _____ Receipt # _____

Case #: _____

Administrative review only (sec.22-204H.)

Full review process (sec. 22-199 J.1)

VARIANCE APPLICATION

INSTRUCTIONS TO APPLICANT:

1. Please complete all sections of this application. If not applicable, indicate with N/A
2. Provide required attachments as shown on the attached checklist.
3. Pay filing fees in the amount of seven hundred dollars (\$700.00) for residential property variances, and eight hundred fifty dollars (\$850.00) for multi-family or non-residential property, plus an escrow in the amount of four hundred dollars (\$400.00) for advertisement fees, and one thousand dollars (\$1,000.00) for professional fees. Since advertising costs vary, the final amount will be reconciled upon receipt of invoices from the newspaper. **NOTE:** All cost recovery accounts must be current prior to any public hearing before the City Commission.

I. PROPERTY OWNER AND AGENT INFORMATION

Property Owner(s) of Record: New Market - Parkland Outparcel LLC

Address: 3284 Northside Pkwy NW Suite 515 City: Atlanta ST: GA ZIP: 30327

Phone: (404) 228-9313 E-Mail Address: michael@newmarketprop.com

Applicant (if other than owner): BJ's Wholesale Club, Inc.

Address: 25 Research Drive City: Westborough ST: MA ZIP: 01581

Phone: (774) 512-7964 E-Mail Address: ncabral@bjs.com

Agent: Greenspoon Marder, P.A.

Address: 200 E. Broward Blvd., Suite 1800 City: Fort Lauderdale ST: FL ZIP: 33301

Phone: (954) 524-2443 E-Mail Address: deena.gray@gmlaw.com & dennis.mele@gmlaw.com

Consultants: If applicable to your request, please attach a separate list of all consultants that will provide information on this request. You should include the name, address, telephone number, and fax number as well as the type of professional service provided.

II. VARIANCE REQUEST

The application is a request for: Variance for canopy signage.

See Attached Narrative.

(VARIANCE REQUEST, CONTINUED)

III. PROPERTY LOCATION

A. Is the subject property located within one mile of another municipality? yes no

If 'yes' please specify: The City of Coconut Creek is located across U.S. 441.

B. Folio Number: If additional folios, list on a separate sheet and attach to the application.

484101013553

Section: 01 Township: 48 Range: 41 Total Acreage of Subject Property: 0.95 acres

C. Project Name: BJ's Gas - Parkland

D. Project Address:

5801 W. Hillsboro Boulevard

E. General Location Description (proximity to closest major intersection in miles or fractions thereof):

Approximately 400 feet west of the NW corner of the intersection of U.S. 441 and W. Hillsboro Boulevard.

IV. LAND USE AND ZONING INFORMATION

A. Zoning Designation: BCB-3 Future Land Use Designation: Commercial

B. Existing Use(s) on Property: SunTrust Bank with drive-thru (currently unoccupied).

C. Proposed Use(s): BJ's automotive fueling station with 6 pumps (12 fueling positions)

V. PROJECT HISTORY

(List in sequence from first application to most recent – attach additional page if necessary):

Petition Number	Request	Action	Date	Resolution Number
09-SP-02	Site Plan & Special Exception Approval (SunTrust)	Passed	Nov. 6, 2002	Resolution #2002-60
04-SP-98	Site Plan (Parkland Plaza/Shoppes of Parkland)	Settlement Agreement	Feb. 26, 1999	Resolution #99-08
SP 17-001	Site Plan and Signage	Pending	Mar. 16, 2017	Pending

OWNER ACKNOWLEDGEMENT

I/We: New Market - Parkland Outparcel, LLC, do hereby swear/affirm that I/we am/are the owner(s) of the property referenced in this application.

I/We certify that the above statements and the statements or showings made in any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments and fee become part of the official record of the Planning & Zoning Department of the City of Parkland and the fee is not refundable. I/We understand that any knowingly false information given by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. I/We further acknowledge that additional information may be required by the City of Parkland in order to process this application.

I/We further consent to the City of Parkland to publish, copy or reproduce any copyrighted document for any third party submitted as part of this application.

I acknowledge that applications are reviewed on a full cost recovery basis, and that the professional services escrow must be current with sufficient funds to cover anticipated services prior to the application being advertised and heard by the City Commission. By signing this application I request that escrows for separate applications be combined, if applicable, and that any balance of professional services escrow be refunded within seven (7) months after the final public hearing for all related applications.

Signature(s) of Owner(s) _____

Print Name(s) _____

Jeffrey Sprain as Agent
GC of Greenspoon Marder, P.A.

CONSENT STATEMENT

Owner to complete if using agent/representative

I/We, the aforementioned owner(s), do hereby give consent to Greenspoon Marder, P.A. to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the request(s) and property I/we own described in the attached application. Furthermore, as owner(s) of the subject property, I/we hereby give consent to the party designated above to agree to all terms or conditions that may arise as part of the approval of this application for the proposed use.

Signature(s) of Owner(s) _____

SEE ATTACHED.

Print Name(s) _____

NOTARY

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ He/She is personally known to me or has produced _____ as identification and did/did not take an oath.

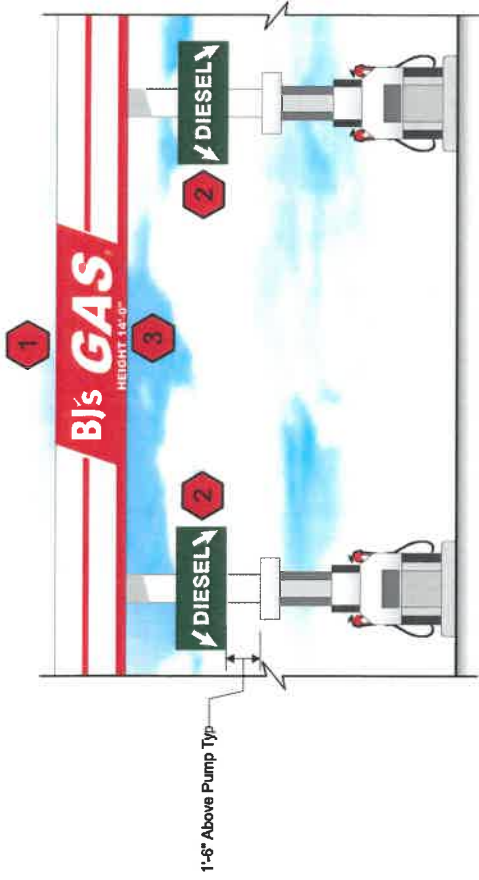
(Signature of Notary) My Commission Expires: _____

(Name – Must be typed, printed, or stamped)

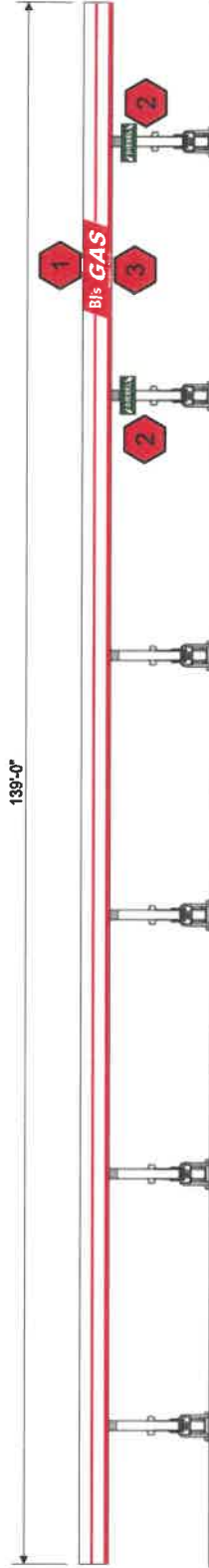
(NOTARY'S SEAL OR STAMP)

Attachment "C"

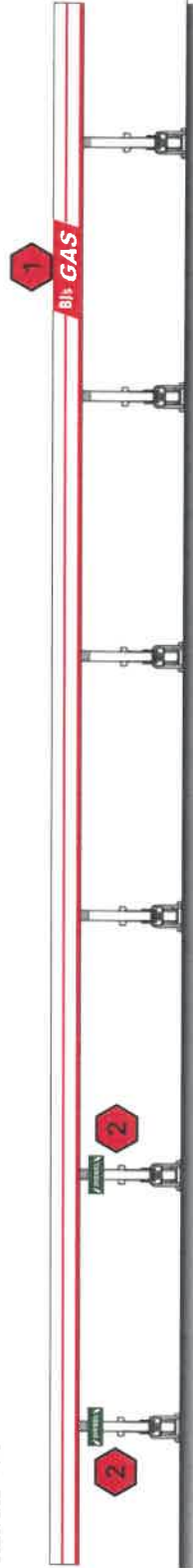
Proposed Sign Plan



NORTH CANOPY ELEVATION (FRONT)
 Scale: 3/16" = 1'-0"



NORTH CANOPY ELEVATION (FRONT)
 Scale: 3/32" = 1'-0"



SOUTH CANOPY ELEVATION (REAR)
 Scale: 3/32" = 1'-0"



Client Review Status

After looking at the drawings, the client has: Approved Revisions Needed Rejected

Name: _____ Title: _____ Date: _____

Declaration

Copyright © 2015 Allen Industries, Inc. This drawing is intended for use in the construction of the project. It is not to be used for any other purpose without the written consent of Allen Industries, Inc. All rights reserved. The design shown on this drawing is the property of Allen Industries, Inc.

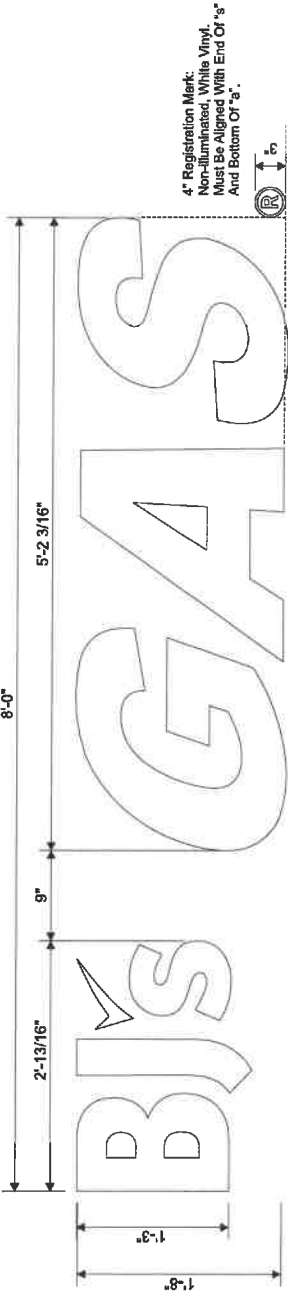
Date / Description

05/18/2017 Issue Date
 05/23/2017 Exit Only Face - TFD
 06/09/2017 Site Revision - TFD

Project Information

Client: **BJ's Wholesale Club**
 5901 W Hillsboro Blvd.,
 Parkland, FL 33067
 File: **A117251 Option3 R1**
 Design: **TFD** P11 ZC

15" & 20" Channel Letters
LED Illuminated
Page 4 of 8
QUANTITY: 2 SETS



4" Registration Mark:
Non-Illuminated, White Vinyl.
Must Be Aligned With End Of "s"
And Bottom Of "g".

CHANNEL LETTER LAYOUT - SQ. FT. = 13.47
Scale: 1" = 1'-0"

SPECIFICATIONS:

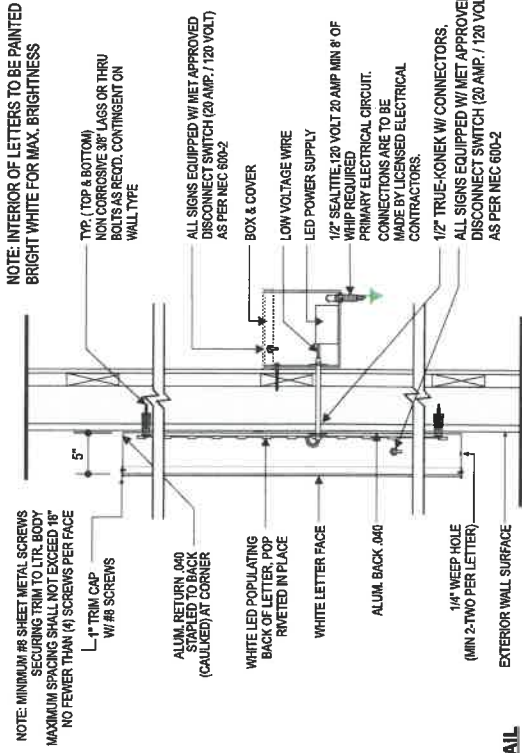
RETURNS & BACKS: .040 ALUMINUM, PAINTED SEMI GLOSS WHITE.

FACE: WHITE, MATERIAL TBD.

ILLUMINATION: WHITE LED WITH POWER SUPPLIES, WITH MET APPROVED DISCONNECT SWITCH.

MOUNTING: FLUSH TO FASCIA WITH NON-CORROSIVE MOUNTING HARDWARE AS REQ'D. CONTINGENT ON WALL TYPE.

REMOTE CHANNEL LETTERS DETAIL



SECTION DETAIL
SCALE: NTS



Allen Industries
Corporate Identity Programs
888-294-2007
www.allenindustries.com

Project Information	
Client:	Bj's Wholesale Club
Address:	5901 W Hillsboro Blvd, Parkland, FL 33067
File:	A117251 Options R1
Site:	Design TFD
Scale:	PM ZC

Date / Description	Issue Date
05/18/2017	Issue Date
05/23/2017	Rev Only Face - TFD
06/30/2017	Site Revision - TFD

Client Review Status

Also indicate the review status. [] Approved" details to be obtained from the client prior to any production release or production release revision.

Approved Approved as Noted Revises & Resubmit

Name: _____ Date: _____

Title: _____

Declaration

Copyright © 2015 Allen Industries, Inc.

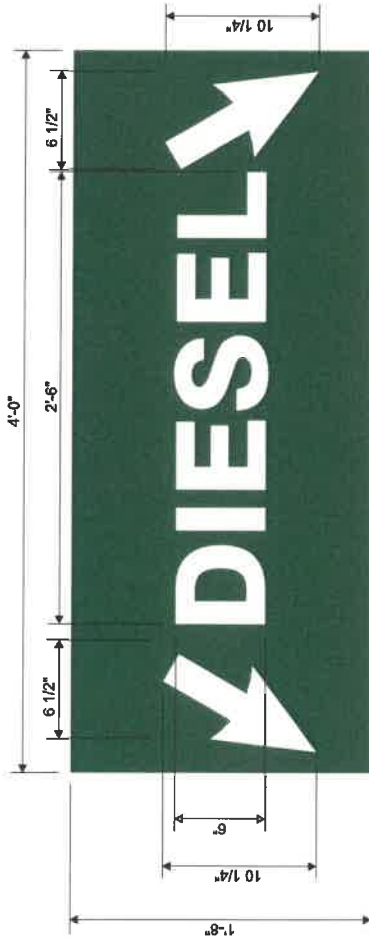
This drawing is submitted to you in confidence for your use only. In connection with the project being planned for you by Allen Industries, Inc. and to not be shown to anyone outside your organization without the written consent of Allen Industries, Inc. All trademarks and design shown on this drawing remain the property of Allen Industries, Inc.

1'-8" x 4'-0" Four Sided Gas Canopy Sign
Non-Illuminated

Page 5 of 8

QUANTITY: 2

2



DIESEL - Square Footage = 2.13
Arrow - Square Footage = .46 (42) = .92
Total Square Footage of Copy / Arrows = 3.05

FOUR SIDED SIGN LAYOUT - SQ. FT. = 6.68
SCALE: 1 1/2" = 1'-0"



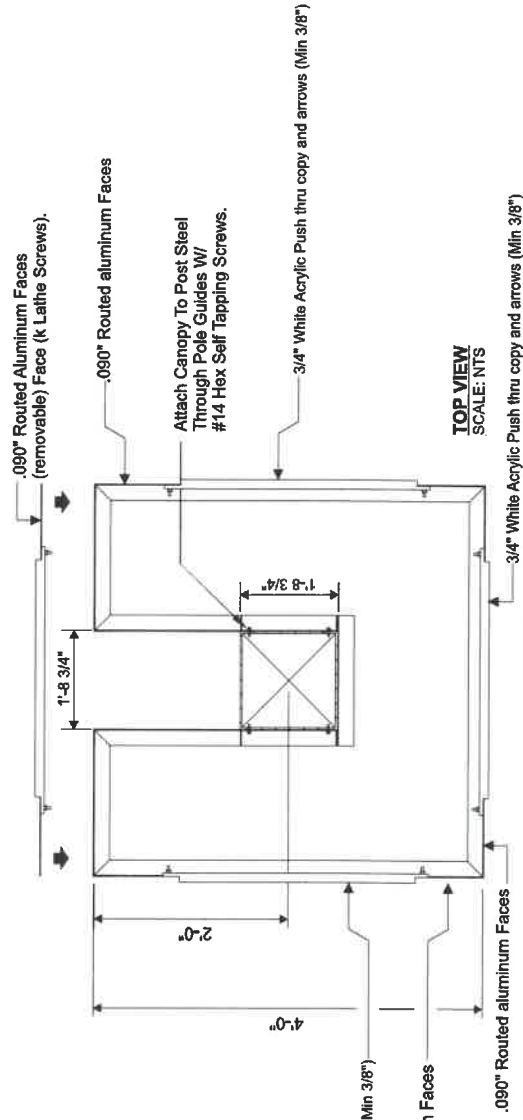
MOUNTED VIEW
SCALE: NTS

SPECIFICATIONS:

CABINET: .063 ALUMINUM PANELS, PAINTED GREEN PMS 349C WITH 2" X 2" X 1/8" ALUMINUM ANGLE FRAME.

COPY: WHITE ACRYLIC PUSH-THRU.

MOUNTING: MOUNTED TO GAS CANOPY POST.



TOP VIEW
SCALE: NTS



Client Review Status	Declaration	Date / Description	Project Information
Allen Industries, Inc. certifies that an <input type="checkbox"/> Approved design has been obtained from the client prior to any production release or production release revision. <input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revised & Resubmit Name: _____ Date: _____ Title: _____	Copyright © 2015 Allen Industries, Inc. This design is the property of Allen Industries, Inc. and is not to be shown to anyone outside your company without the written consent of Allen Industries, Inc. All rights reserved. Design shown on this drawing is for informational purposes only and may vary from the actual product.	05/18/2017 Issue Order 05/23/2017 ERT Only Faces - TFD 06/30/2017 Site Revision - TFD	Client: BJs's Wholesale Club 5901 W Hillisboro Blvd Parkland, FL 33067 File: A17251 Option3 R1 Sales: _____ Design: TFD PM: ZC



FLAT CUT OUT ACRYLIC LETTER LAYOUT - SQ. FT. = 1.21
 Not to Scale

SPECIFICATIONS:

LETTERING: 4" WHITE LETTERS.
 RED BACKGROUND BY OTHERS.

SCALED-UP SIDE VIEW
 Not to Scale



888-294-2007
 www.allenindustries.com

Client Review Status		Declaration		Date / Description		Project Information	
Allen Industries, Inc. requires that an "I" approved drawing be obtained from the client prior to any production release or production release revision. <input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revises & Resubmits		Copyright © 2015 Allen Industries, Inc. This is an unpatented, established marking, owned by Allen Industries, Inc. The drawing is submitted by you in confidence for your use only in connection with the project being designed by Allen Industries, Inc. and shall be deemed to remain the property of Allen Industries, Inc. All rights reserved.		05/18/2017 Issue Date 05/23/2017 Edit Only Faces - TFD 06/30/2017 Site Revision - TFD		Client BJ's Wholesale Club 5801 W Hillsboro Blvd, Plantation, FL 33067 File: AIT7251 Option3 R1 Sales: Design: TFD PM: ZC	
Name: _____	Date: _____	In a case of Allen Industries, Inc. I remain the property of Allen Industries, Inc.					