

Application No.:

V-2015-027

Attachment "B-1"

Letter of Intent

Harley Davidson

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VARIANCE APPLICATIONS FOR SIGNAGE FOR PETERSON'S HARLEY- DAVIDSON SOUTH LOCATED AT 19825 S. DIXIE HIGHWAY, AND TO PERMIT A MONUMENT SIGN TO BE 15.5 FEET IN HEIGHT WHERE 10 FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.



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ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA HAND DELIVERY

May 13, 2016

Kathryn Lyon
Director
Community Development Department
Town of Cutler Bay
10720 Caribbean Boulevard
Suite 110
Cutler Bay, Florida 33189

RE: Peterson's Harley-Davidson South - Amended Letter of Intent for Variance Approval Application (Folio 36-6005-068-0010)

Dear Ms. Lyon:

Our firm represents D&D Realty, LLC (the "Applicant"), owner of the above-referenced property (the "Property"). We have filed a variance application to permit the renovations of an existing pylon sign on the Property. Please consider this letter the Applicant's amended letter of intent in support of the applications.

The Property. The Property consists of 3.22 acres of land located on the east side of South Dixie Highway. The Property has a significant frontage on South Dixie Highway of approximately 600 feet and is located just north of the Homestead Extension of Florida's Turnpike overpass and ramps. At this point of the South Dixie Highway frontage, typical vehicle speeds are at or near highway speed.

Existing Sign. The Applicant obtained a permit and installed a detached sign of approximately twenty (20) feet in height on the South Dixie frontage in 2005. The sign, pursuant to a binding agreement, must include signage for the adjacent "KFC" restaurant, which does not have independent detached signage (this renders the sign into a detached sign for a "commercial center"). The

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existing sign is a "pylon" type of approximately twenty (20) feet in height that includes both Harley-Davidson and KFC identifications. The sign is not a full "tombstone" design. Instead, the top of the sign is in the shape of the Harley-Davidson shield logo, which means that the visual impact of the top of the existing sign is significantly smaller than it would be if the top was squared off.

Peterson's Harley-Davidson South is one of just two Harley-Davidson dealerships in Miami-Dade County, with the second located in Miami Gardens at the opposite end of the County. Because of the unique nature of the use and the attraction of the Harley-Davidson brand to people from all over the world, a significant number of daily customers to the business are unfamiliar with the area (and many are unfamiliar with South Florida). The use is not akin to a supermarket, for example, where the vast majority of daily customers are regular patrons. Because of this unique clientele, wayfinding for this use is far more important than it would be for some other businesses, which makes sign visibility especially important.

Proposed Revised Sign. The Applicant proposes to modify the existing sign on the property by: (1) fully enclosing the bottom of the structure; (2) reducing the height of the wider "base" of the sign to under ten (10) feet; (3) reducing the overall height to 17'5"; and (4) adding significant landscaping around the base to hide that portion of the sign. As with the existing sign, over seven (7) feet of the new sign will be taken up with the significantly smaller Harley-Davidson shield logo.

Variance. The Applicant hereby requests the following variance: a variance of Section 3-114(2)(c) to allow a detached monument sign for a commercial center in the Town Center ("TC") zone to reach a height of 17'5" feet where 10' would be permitted.

As noted above, the Applicant is concerned about visibility of the sign to travelers along the high-traffic South Dixie Highway corridor. As noted in the "On-Premise Sign Guideline Standards" prepared by the United States Sign Council (the "USSC") (excerpt attached), that concern is well-founded. The USSC analysis demonstrates that signage is essentially invisible if the sign area is located below seven (7) feet. Visibility is also impacted by other traffic, with block rates of up to 42% in high flow rate circumstances.

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The Applicant's proposed sign is consistent with the USSC's suggested best practice for detached signs. As noted above, the customers for the Harley-Davidson use are often strangers to the Town and South Florida, so wayfinding for these folks is critical. Having at least the Harley-Davidson text above the seven (7) foot mark will aid that goal of avoiding confusion.

Application Requirements. As you know, Section 3-36(a) sets forth multiple pre-requisites for any variance application. We believe that all but a few of the pre-requisites have been dealt with elsewhere in our submittal and this letter. The following will address the remaining requirements, which include a description of the "[t]he special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the [Property]" in full compliance with the City's Land Development Regulations and the "particular hardship that would result if the specified provisions" were applied without modification.

Variance Approval Standards. Below are the evaluation standards that apply to all variance requests, as well as a description of the project's consistency with the requirements.

1. *The variance will result in conditions that maintain and are consistent in all material respects with the intent and purpose of these Regulations, and that the general welfare, stability and appearance of the community will be protected and maintained.*

The requested variance will allow the continued use of a well-established commercial business that draws customers from all over South Florida, as well as tourists from around the world and a long-term restaurant.

2. *The variance will be compatible with the surrounding land uses, and otherwise consistent with these Regulations and the Comprehensive Plan, and will not be detrimental to the community.*

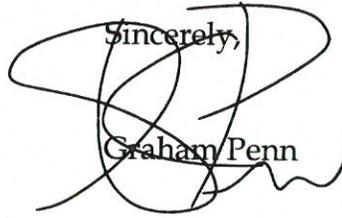
The proposed variance will have a negligible impact on surrounding uses and will allow the development of the Property in a manner consistent with the goals of the Town Center zoning.

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3. *That the request for a variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.*

The variance is not related to any economic loss for the Applicant. Instead, the variance is necessary for safe, reasonable wayfinding to the existing businesses.

Thanks again for your help. Should you have any questions or concerns, please do not hesitate to phone my direct line at (305) 377-6229.

Sincerely,

Graham Penn

Enclosures
cc: Drew Peterson



STANDARDS

On-Premise Signs Guideline Standards

Research Based
Approach To:

- Sign Size
- Sign Legibility
- Sign Height

UNITED
STATES
SIGN
COUNCIL

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feet wide) were located at either 10 or 20 feet from the edge of the roadway and on either the right- or left-hand side of the road. The findings clearly establish a quantifiable loss of visibility across the full range of sign placement as traffic flow rates increase. The charts, A through H, document the findings for traffic flow rates ranging from 200 to 1200 vehicles per hour.

Based on the research, the USSC minimum height standard for copy on signs placed on roads with characteristics as detailed in the charts is no less than five feet above grade. However, the USSC strongly recommends a minimum height standard for sign copy of no less than seven feet above grade in order to ensure adequate visibility and a reasonable viewer reaction time, considering the blocking potential of other vehicles on the road. The seven feet above grade recommendation is the same as the Federal Highway Administration's standard, as promulgated in the Manual of Uniform Traffic Control Devices (MUTCD), for the height above grade of official roadside directional and wayfinding signs utilized along urban roadways in the United States.

Minimum Sign Height – Regulatory Issues

As a related issue, the visibility requirement for ground or monument sign copy placement above seven feet above grade may run counter to community sign code regulation which: 1.) sets overall low maximum height limits, or 2.) computes maximum square footage limits on sign size as the simple product of the total height times the total width of the monument structure, regardless of sign copy placement. In either case, a community intent on encouraging the use of monument or monolithic type ground signs may find its sign regulations to be counter productive to its aims, as well as to the effective transfer of roadside information in moderate to high density traffic conditions.

To alleviate this condition, USSC offers the following sign code modification recommendations for use in land use zones in which the data indicate significant blockage of the copy area of low mounted or monument signs.

- 1.) Maximum height limits of such signs – as well as maximum height limits for other freestanding signs within the zone – should take into account the recommended lower limit of seven feet above grade for copy placement.
- 2.) No maximum square footage assessment of monument or monolithic type ground signs should be imposed below seven feet above grade, provided that no primary copy is placed within that area. See Figure 6 below.

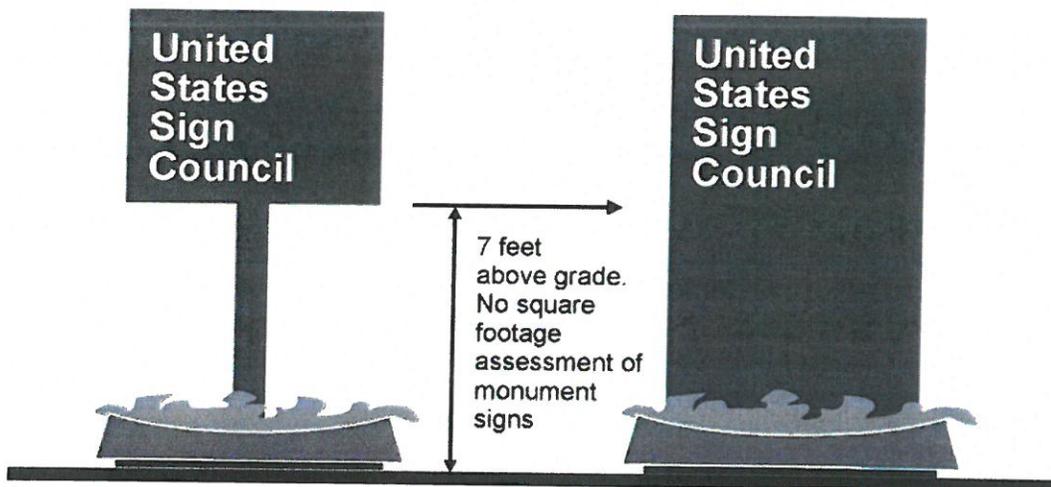


Figure 6. Comparison / Pole and Monument Signs

Sign Blocking Scenarios (Schematic)

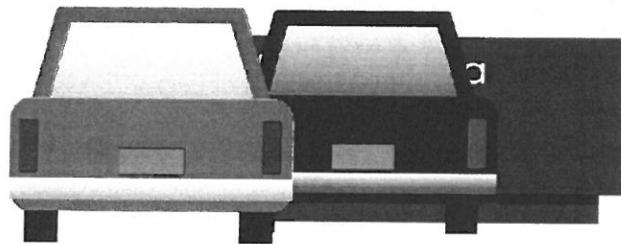
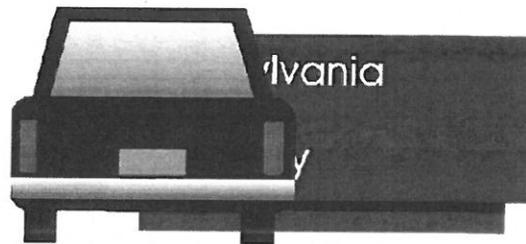
Sign Blocking Charts (Schematic) Blocking Tables

Sign Blocking Scenarios (Schematic)



Typical
Low Mounted
Ground Sign

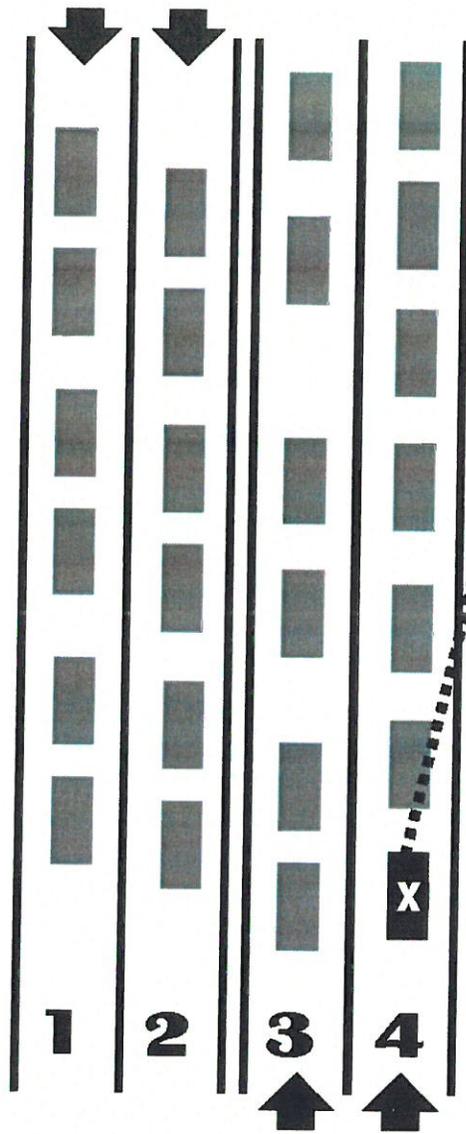
Single Lane
View
Blocking



Two Lane
View
Blocking

Visibility
Solution:
Maintain Sign
Design Style
Raise Copy
To Viewable Height





SIGN

Chart A
(Schematic)

Speed of Travel
35 mph

Subject Vehicle - Lane 4
Sign on Right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet

Flow Rate	% Blocking
200	9
400	17
600	25
800	31
1000	38
1200	43

Sign Setback at 20 Feet

Flow Rate	% Blocking
200	6
400	12
600	18
800	23
1000	28
1200	33

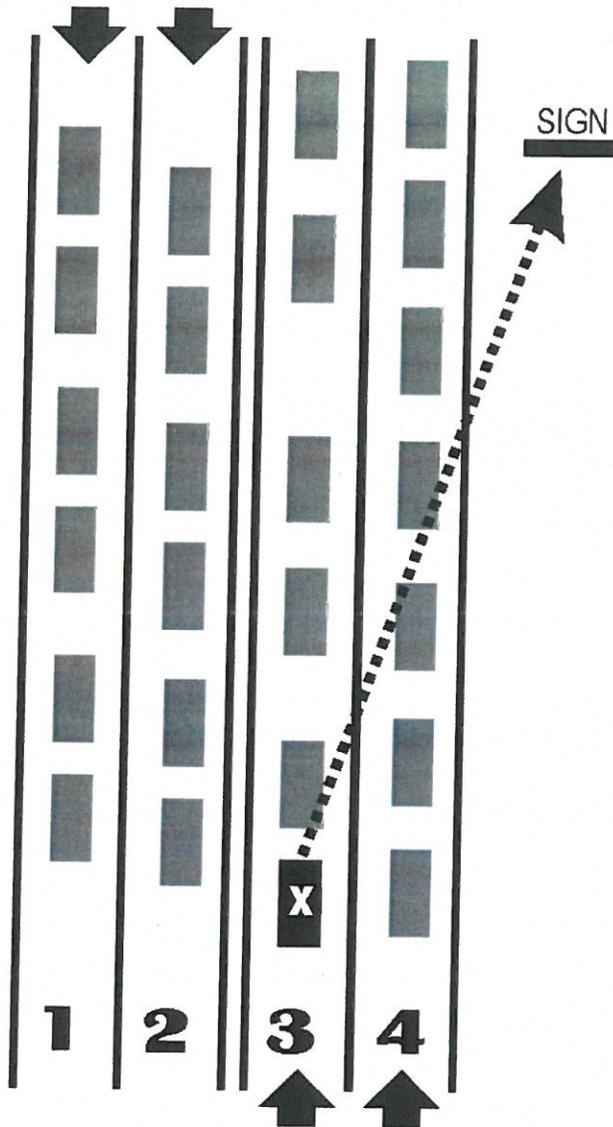


Chart B
(Schematic)

Speed of Travel

35 mph

Subject Vehicle - Lane 3
Sign on Right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet
Flow Rate % Blocking

200	16
400	29
600	41
800	50
1000	58
1200	65

Sign Setback at 20 Feet
Flow Rate % Blocking

200	12
400	24
600	33
800	42
1000	49
1200	56

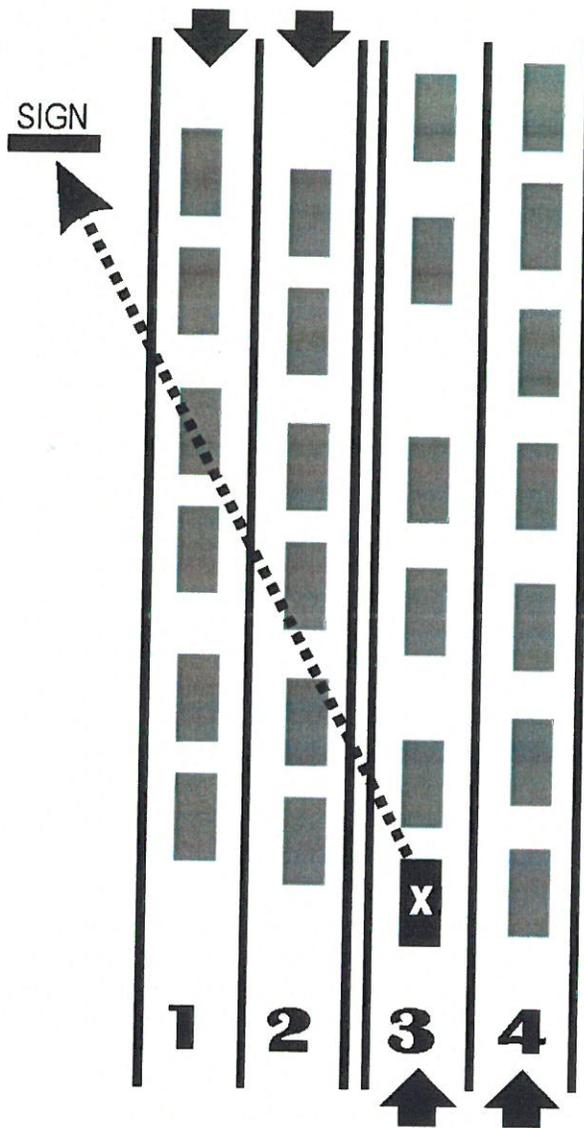


Chart C (Schematic)

Speed of Travel

35 mph

Subject Vehicle - Lane 3
Sign on Left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet

Flow Rate	% Blocking
200	19
400	35
600	48
800	58
1000	66
1200	72

Sign Setback at 20 Feet

Flow Rate	% Blocking
200	16
400	30
600	41
800	51
1000	59
1200	65

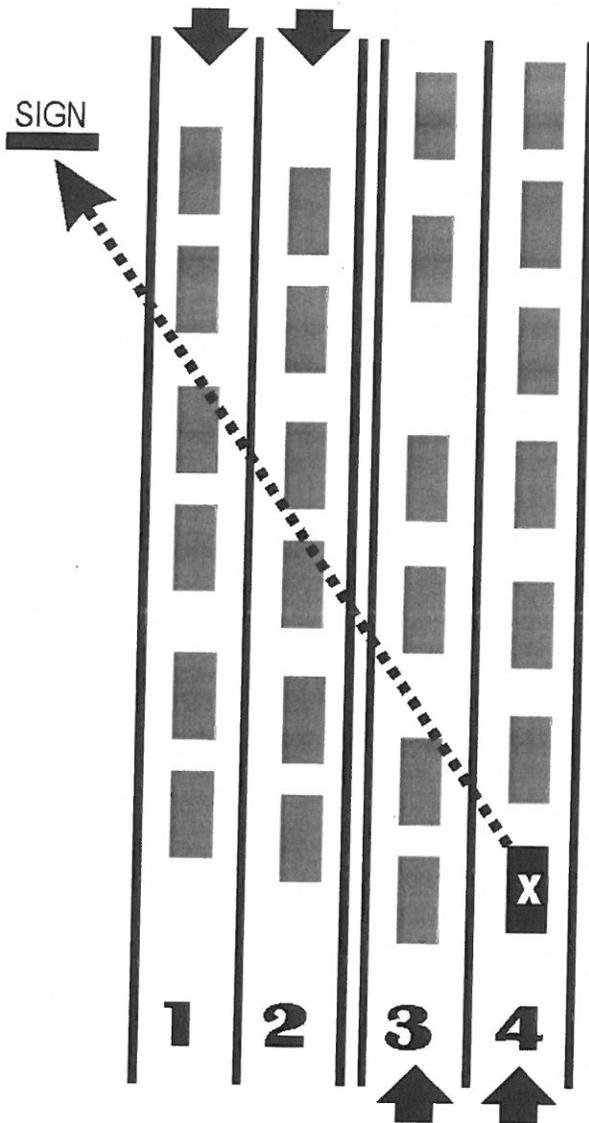


Chart D (Schematic)

Speed of Travel

35 mph

Subject Vehicle - Lane 4
Sign on Left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet

Flow Rate	% Blocking
200	23
400	41
600	54
800	65
1000	73
1200	79

Sign Setback at 20 Feet

Flow Rate	% Blocking
200	20
400	36
600	49
800	59
1000	67
1200	74

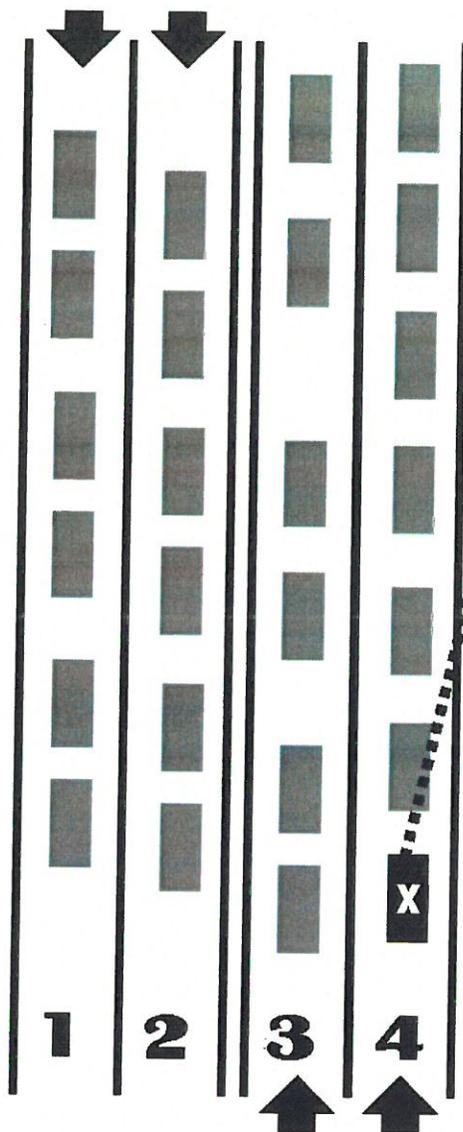


Chart E
(Schematic)

Speed of Travel

45 mph

Subject Vehicle - Lane 4
Sign on Right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet
Flow Rate % Blocking

200	9
400	17
600	24
800	31
1000	37
1200	42

Sign Setback at 20 Feet
Flow Rate % Blocking

200	6
400	12
600	17
800	23
1000	27
1200	32

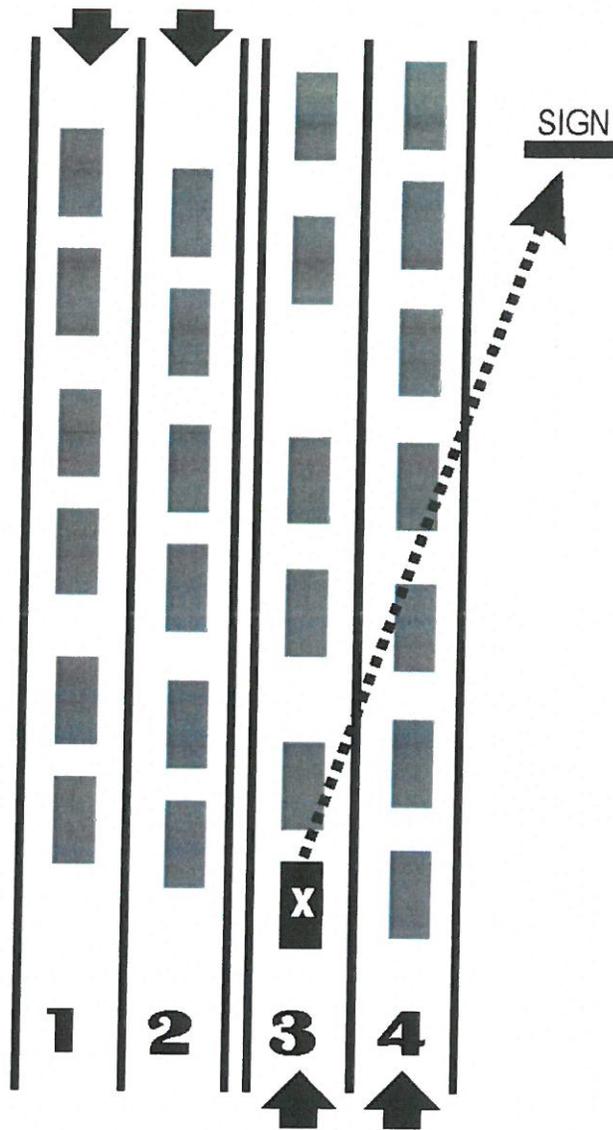


Chart F
(Schematic)

Speed of Travel
45 mph

Subject Vehicle - Lane 3
Sign on Right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet

Flow Rate	% Blocking
200	16
400	29
600	40
800	49
1000	57
1200	64

Sign Setback at 20 Feet

Flow Rate	% Blocking
200	12
400	23
600	32
800	41
1000	48
1200	54

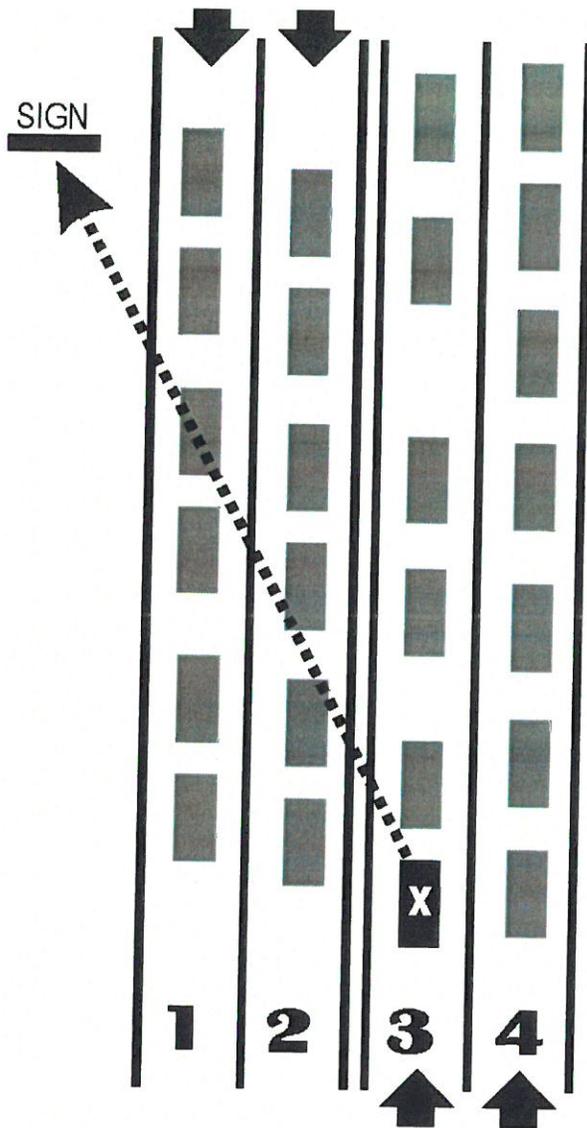


Chart G
(Schematic)

Speed of Travel

45 mph

Subject Vehicle - Lane 3
Sign on Left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet
Flow Rate % Blocking

200	19
400	34
600	46
800	56
1000	64
1200	70

Sign Setback at 20 Feet
Flow Rate % Blocking

200	16
400	29
600	40
800	49
1000	57
1200	63

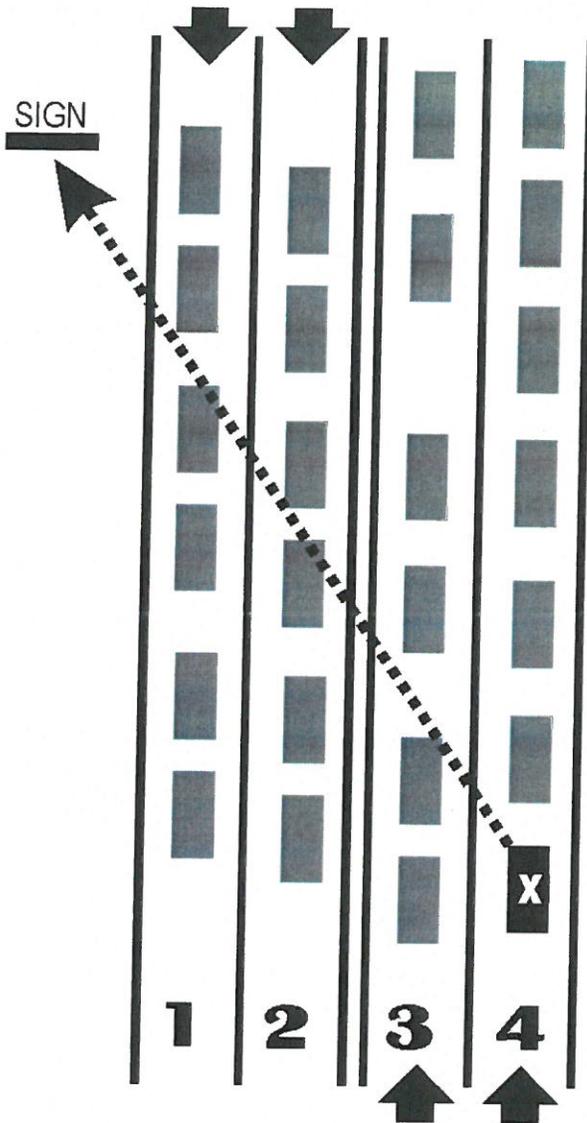


Chart H (Schematic)

Speed of Travel

45 mph

Subject Vehicle - Lane 4
Sign on Left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

Sign Setback at 10 Feet

Flow Rate	% Blocking
200	22
400	39
600	52
800	63
1000	71
1200	77

Sign Setback at 20 Feet

Flow Rate	% Blocking
200	19
400	34
600	47
800	57
1000	65
1200	71

