Application No.:

V-2015-026

Attachment "B"

Application

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, TO PERMIT A MONUMENT SIGN TO BE 137.7 SQUARE FEET WHERE 48 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF CC
PLANNING AND ZOI

Town of Cutler Bay
www.cutlerbay-fl.gov 305-234-4262

1 Town Hall
1535601-1 12/22/2015 BR1 T1008
Tue Dec22,2015 11:32AM Trans#5-5
5 $2850.00 zoneplan - Zoning Fees - Planning
* Prop Addrs: 19825 S DIXIE HWY
PETERSONS HARLEY DAVIDSON
1 ITEM(S): TOTAL: $2850.00
Check (visa1178) PAID $2850.00

Thank you for your payment
Duplicate

VARIANCE APPLICATION

LIST ALL FOLIO #S: 36-6005-068-0010

DATE RECEIVED: _____

PROPOSED PROJECT NAME: Peterson's Harley-D

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of interest' is required).

   D+D Realty LLC.

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

   Mailing Address: 19400 N.W. 2nd Ave.

   City: Miami State: _ Zip: FL. Phone#: 33169

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

   Owner's Name (Provide name of ALL owners): Drew Peterson - Pres. - Dirk Peterson VP.

   Mailing Address: 19400 N.W. 2nd Ave

   City: Miami GARDENS State: FL. Zip: 33169 Phone#: 305-651-4811

4. **CONTACT PERSON'S INFORMATION:**

   Name: Drew Peterson "Pres" Company: Peterson's Harley-Davidson South

   Mailing Address: 19825 South Dixie Hwy.

   City: Cutler Bay State: FL. Zip: 33157

   Phone# 305-235-4023 Fax# 305-235-4044 E-mail: Drew@PetersonsHarley.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION
(Provide complete legal description, i.e., lot, block, subdivision name, plat book &page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

Point Royale Sec 10 36 6005 068 0010
PB 125-91
TR D. Less Nely 120 ft.
Lot Size 3.222 Ac.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc).

East Side of US 1 and SW 198 Street,
19825 S. DIXIE NWY

7. SIZE OF PROPERTY (in acres): 3.222 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE PROPERTY ☑ acquired ☐ leased: 2004

9. LEASE TERM: _____ Years (Month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide Complete legal description of said contiguous property.

NA

11. **Is there an option** to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☐ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

- NA -

12. **PRESENT ZONING AND FLU CLASSIFICATION:** BU1A

13. **PROPOSED USE OF PROPERTY** (describe nature of the request in space provided)

Same Use - Motorcycle Dealer.

Want to Keep the signs I Paid for in 2005 and got a permit for in 2005. Want to Remove the Poles and move closer to street. We have about 600 foot US1 Frontage.

14. **Has a public hearing been held on this property within the last year & a half?**
☑ **No** ☐ **yes.**
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. **Is this hearing a result of a violation notice?**
☐ **No** ☑ **yes.** If yes, give name to whom the Violation notice was served and describe the violation: to D+D Realty LLC for Peterson's Harley-Davidson South LLC. Pole sign. Violation

16. **Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property:**

- NA -

17. **Is there any existing use on the property?** ☐ **No** ☑ **yes.** If yes, what use and when established?

Use: Harley-Davidson Motorcycle Dealer Year: 2005

18. Submitted Materials Required:
Please check all that Apply:

- ✓ Letter of intent
- ✓ Justifications for change
- ✓ Statement of hardship
- ✓ Poof of ownership or letter from owner
- ✓ Power of attorney
- N/A ✗ Contract to purchase (if applicable)
- ✓ Current survey (2 original sealed and signed and 10 reduced 11x17 copies)
- ✓ Complete set of plans 24'x36", scale 1'=50' (2 original sealed and signed and 10 reduced 11x17 copies)
- N/A Colored rendering of all 4 sides of each proposed building (If applicable)
- ✗ 20% Property owner signatures (If required)
- ✓ Mailing Labels (set amount depends on number of hearings) and map (If required)
- __ Required Fee(s)
- __ Plans must be approved by Miami-Dade County Fire and Rescue Department with an original stamp and signature from the Fire Dept.
- __ Necessary documentation from DERM and WASD

DISCLOSURE OF INTEREST

If the property, which is the subject of the Application, is owned or leased by a **CORPORATION**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

_____
Corporation Name

Name, Address and Office	Percentage of stock

If the property, which is the subject of the Application, is owned or leased by a **TRUSTEE**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

_____
Trust Name

Name, Address and Office	Percentage of stock

If the property, which is the subject of the Application, is owned or leased by a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

D+D Realty LLC.
Partnership or Limited Partnership Name

Name, Address and Office	Percentage of stock
Drew Peterson 19825 South Dixie Hwy	50%
Dirk Peterson 19400 NW 2nd Ave.	50%

PARTNERSHIP AFFIDAVIT

(I)(WE), Drew Peterson, Dirk Peterson, being first duly sworn, depose and say that
(I am)(We are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

DrD Realty LLC.
(Name of Partnership)

By Drew Peterson 50 %
By Dirk Peterson 50 %

By _____
By _____

Sworn to and subscribed to before me
This 1st day of Dec, 2015

Notary Public: _____
Commission Expires:

JO C SAENZ
MY COMMISSION # FF215620
EXPIRES April 25, 2019
(407) 398-0153 FloridaNotaryService.com

****

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

_____
Signature

Sworn to and subscribed to before me
This _____ day of _____, _____

Notary Public: _____
Commission Expires:

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), Drew Peterson + Dirk Peterson, being first duly sworn, depose and say that (I am)(We are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
This 11th day of Dec, 2015

Notary Public:
Commission Expires:

JO C SAENZ
MY COMMISSION # FF215620
EXPIRES April 25, 2019
Florida Notary Service.com

****

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(We are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

_____
Authorized Signature

_____
Office Held

(Corp. Seal)

Sworn to and subscribed to before me

This _____ day of _____, _____

Notary Public: _____

Commission Expires:

****

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of **all applicable fees** involved as part of my application process. These fees include but are not limited to: application fees, postage, advertising, and attorney fees **regardless of the outcome of the public hearing.**

Please type or print the following:

Date: _____ Public Hearing No. _____

Full Name:

☐ Mr. ☐ Mrs. ☐ Ms. DREW PETERSON

Current Address: 19400 NW 2ND AVE City: MIAMI GARDENS

State: FL Zip: 33169 Telephone Number (_____) _____

Date of Birth: 10-01-1958

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 11th DAY OF December 2015

Notary Public, State of Florida at Large

My Commission expires _____ 20__

JO C SAENZ
MY COMMISSION # FF215620
EXPIRES April 25, 2019
(407) 398-0153 FloridaNotaryService.com

Pursuant to Ordinance No. 2000-09-33-Cost Recovery

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Department Environmental Resources Management (DERM), and other agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other boards, and /or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM conditions and advise this office in writing if my application will be withdrawn.

2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Application withdrawn within 30 days of the filing are eligible for a refund of 25% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fess must be paid promptly.

3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.

4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.

5. In Miami-Dade County v. Omnipoint Holdings, Inc. Case No. 3d01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Department professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.

6. Any covenant to be proffered must be submitted to the Town of Cutler Bay Legal Counsel, on Town form, at least 1 month prior to the hearing date. The covenant will be

reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date.

7. The Town of Cutler Bay Department of Public Works reviews and critiques Zoning applications and may require conditions for approval.

8. **THE APPLICANT IS RESPONSIBLE FOR TRACKING THE STATUS OF THE APPLICATION AND ALL HEARINGS THAT MAY BE ASSOCIATED WITH THIS APPLICATION.**

_____
(Applicant's Signature)

Sworn to and subscribed before me this 11th day of December, 2015.

Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My Commission Expires: _____

JO C SAENZ
MY COMMISSION # FF215620
EXPIRES April 25, 2019
(407) 398-0153 FloridaNotaryService.com

Art's SIGN COMPANY

▪ NATIONAL ▪ REGIONAL ▪ INTERNATIONAL ▪

BUSINESS IDENTIFICATION SINCE 1947

JUSTIFICATION FOR CHANGE

HARLEY DAVIDSON

19825 S. DIXIE HWY

VARIANCE

DECEMBER 17, 2015

We are requesting a variance of the current code allowance of a 6' business identification pole sign. The property was originally purchased by D&D Realty LLC with a 35' pole sign. This offered ideal visibility from the turnpike and US1. The city later required that the sign be lowered to 20' which still offered desirable visibility from the turnpike and US1. Currently the code is allowing only a 6' tall sign. This presents a severe visibility problem which creates an unnecessary financial burden. No longer will the sign be seen from the turnpike but visibility will also be hampered by vehicles passing the property on northbound US1 and even more so by landscaping in the center median. The landscaping will completely obscure the sign from view for southbound traffic.

In light of the fact that only 1% of the driving population rides a motorcycle which translates to only about 1 person per 100 that pass by the dealership and are interested in our products means visibility is 100 times more important to the success of this business.

Also vital to our tourism industry, the dealership is a tourist destination point for visitors interested in renting motorcycles. Poor sign visibility makes finding the dealership very difficult and could cause traffic concerns. No one can assume visitors will rely on their GPS'. Even if they do, their eyes are off the road increasing the potential for vehicular damage to life or property. Studies show that clear signage improves and increases business while decreasing car accidents. Low and obscured signage increases accidents and decreases sales.

835 NW 6th Avenue, Ft. Lauderdale, FL. 33311 Phone: 954.763.4410 Fax: 954.763-2736
Nationwide (888)763-4410 Web site: www.artsignfl.com E-mail: KIM @artsignfl.com

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BUSINESS IDENTIFICATION SINCE 1947

LETTER OF HARDSHIP

HARLEY DAVIDSON

19825 S. DIXIE HWY

VARIANCE

December 17, 2015

A 6' business identification sign, as allowed by code, will be virtually invisible to passing drivers since it will be blocked by a string of vehicles on northbound US1 during heavy traffic which occurs constantly. Southbound traffic will not see the sign at all due to heavy landscaping in the median.

A 6' sign will not be seen by turnpike traffic at all which we have enjoyed for the past 11 years with our original 35' pole sign and more recently, with our 20' pole sign.

The success of our business depends heavily on our sign being visible from the turnpike and US1 which generates customer traffic.

835 NW 6th Avenue, Ft. Lauderdale, FL. 33311 Phone: 954.763.4410 Fax: 954.763-2736
Nationwide (888)763-4410 Web site: www.artsignfl.com E-mail: KIM @artsignfl.com

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BUSINESS IDENTIFICATION SINCE 1947

LETTER OF INTENT

HARLEY DAVIDSON

19825 S. DIXIE HWY

VARIANCE

DECEMBER 17, 2015

We are proposing to keep the existing permitted sign that is now non-conforming by the city's present ordinance. It is a 20' x 12' illuminated, double faced pole sign. It has a 20' 6" setback from the street, US1/Dixie Hwy and an 8' 5" setback from the side property line. We are adding an enclosed base the same width as the sign cabinet. The "Motor Harley Davidson Cycle" cut out logo is in their logo colors of orange, black and white. The "Harley Davidson Rentals" copy is white on a black panel and the "KFC" logo is in white with an image of Colonel Sanders, also on a panel with their burgundy logo color background.

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Nationwide (888)763-4410 Web site: www.artsignfl.com E-mail: KIM @artsignfl.com

PETERSON'S HARLEY-DAVIDSON SOUTH L.C. 19825 SOUTH DIXIE HIGHWAY MIAMI, FL 33157 PH.(305) 235-4023 FAX.(305) 235-4044

December 15, 2015
Cutler Bay Variance
Peterson's Harley Davidson South, LLC
19825 S. Dixie Hwy
Cutler Bay, Florida 33157
Folio No: 30-6005-068-0010

To Whom It May Concern,

This letter authorizes Joseph Dillard and Art Sign Company representatives to act as agents on our behalf to apply for a Variance and attend any necessary meetings.

Sincerely,

Drew A. Peterson

State of Florida

County of Dade

Before me personally appeared Drew A. Peterson to me well known to be the person described in and who has executed the foregoing instrument and acknowledged to and before me that he/she executed said instrument for the purposes therein express WITNESS my hand and official seal, this 16th day of December, year 2015.

Notary Public

My commission expires: JO C SAENZ MY COMMISSION # FF215820 EXPIRES April 25, 2018 (407) 398-0153 FloridaNotaryService.com

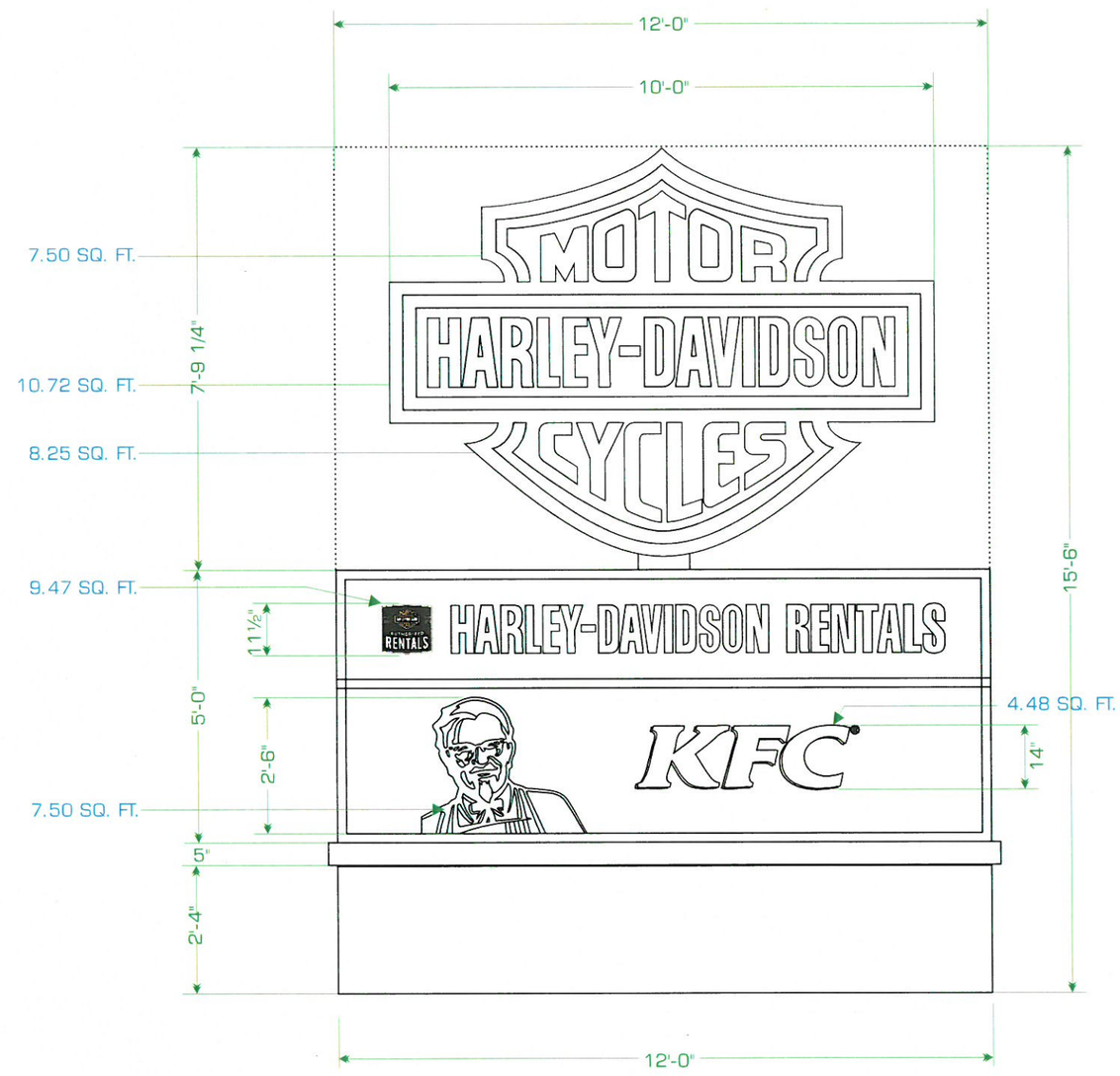
Scale:3/8" = 1'- 0"

COLORS SHOWN ON DRAWING ARE FOR PRESENTATION PURPOSES.
ALL COLORS MUST BE CONFIRMED AND INITIALED BY PROJECT MANAGER BEFORE PAINTING.

INTERNALLY ILLUMINATED **MONUMENT SIGN** UTILIZING EXISTING POLE SIGN CABINET

Existing cabinet: Black with White and Orange copy and details.
New cabinet with two tenants
Upper tenant: Black background with White copy and digitally printed logo.
Lower tenant: Colors as per logo

New Base: Simulated stucco finish.
Letter Styles: Logotype
Square footage as determined by the city: 137.7 Sq. Ft.



Art SIGN COMPANY
835 NW 6th Ave. Ft. Lauderdale, FL. 33311
T. 954.763.4410 joe@artsignfl.com

CLIENT APPROVAL

HARLEY DAVIDSON
19825 S. Dixie Hwy., Miami, FL

INTERNALLY ILLUMINATED MONUMENT SIGN UTILIZING EXISTING POLE SIGN CABINET

Revisions:

SALES REP: JOE
Drawn by: Carlos
DATE: 9/6/2016 Page: 1

Any party accepting this document does so in confidence and agrees that it should not be duplicated, in whole or in part, nor disclose to others, without the written consent of the client. Reference copy list for copy/graphic specific to each sign location. Contractor shall verify all conditions on site and notify any variation from what is shown on the drawings before proceeding with fabrication.