



***Application No.:***

***V-2015-027***

**Attachment "A"**

**Consultant's Report**

**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.**

**MEMORANDUM**

Date: September 8, 2016  
To: Honorable Mayor and Town Council  
From: Scarlet Hammons AICP, Planning Consultant  
Subject: Sign Variances for Peterson's Harley Davidson  
Project: Application No. V-2015-026 and V-2015-027  
CC: Ralph G. Casals, CFM, Town Manager  
Kathryn Lyon, AICP, CFM, Planning and Zoning Director

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**REQUESTS**

Variance from Sign Area Standards: V-2015-026

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VARIANCE APPLICATION 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.**

Variance from Sign Height Standards: V-2015-027

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VARIANCE APPLICATION 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.**

**APPLICATION SUMMARY**

Staff Coordinator: Kathryn Lyon, AICP, CFM  
Planning and Zoning Director

Applicant/Representative: D & D Realty LLC/ Peterson's Harley-Davidson South

Location: 19825 South Dixie Highway

Total Acreage/Square Feet: 3.2241 +/- Gross Acres or 140,442 SF (per survey)

Building Size/Square Feet: 39,253 SF Retail Building

Current Future Land Use  
Plan Map Designation: Mixed-Use

Existing Zoning/ Site  
Condition: TRC (Transit Corridor)/Existing Harley-Davidson Store  
Folio Number: 36-6005-068-0010

Legal Description: Tract "D", POINT ROYALE, Section 10, according to the plat thereof, as recorded in Plat Book 125, Page 91, of the public records of Dade County, Florida, less the Northerly 120.00 feet thereof.

Said lands situate, lying and being in the City of [Sic] Town of Cutler Bay, Dade County, Florida and containing 140,442 square feet or 3.2241 acres, more or less.

**Site and Surrounding Area Data**

<u>Land Use Designation:</u>	Mixed Use
<u>Zoning District:</u>	TRC (Transit Corridor)
<u>Property Boundaries:</u>	North: KFC Restaurant South: O-Gee Paint Company East: MF Residential abutting SW 103 <sup>rd</sup> Ct. West: South Dixie Highway
<u>Size of Property:</u>	3.2241 +/- Gross Acres or 140,442 SF (per survey)
<u>Property(s) Description/Existing Conditions:</u>	Peterson's Harley-Davidson South
<u>Surrounding Growth Management Plan Future Land Use Designation(s):</u>	North: Mixed Use South: Mixed Use East: Medium Density West: South Dixie Highway/Mixed Use

<u>Surrounding Zoning:</u>	North: TRC – Transit Corridor South: TRC East: MR-13 Multi-Family Residential West: South Dixie Highway/TRC
<u>Surrounding Existing Land Use(s):</u>	North: Retail South: Retail East: Multi-Family Residential West: South Dixie Highway

**TRC, Transit Corridor District – Site Development Standards and Proposal**

The Transit Corridor District provides for the location of transit-oriented uses and uses having a market area extending beyond the scale of the corridor and surrounding neighborhoods. The intent of the district is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter to create a development pattern which improves the aesthetic quality and character of the US 1 corridor within the Town. Buildings are required to relate to the street with a pedestrian scale, rather than to parking lots. Site design criterion is required to facilitate ease of pedestrian access along the corridor and bus way.

<b><u>TRC MONUMENT SIGN</u></b>			
<b><u>BUILDING TYPE</u></b>	<b><u>MAX. NUMBER</u></b>	<b><u>MAX. SIGNAGE AREA</u></b>	<b><u>MAX. HEIGHT</u></b>
Freestanding Commercial	Max. no.: 1 per parcel; for parcels over 1.5 acres, 1 sign per public right-of-way	40 sq. ft.	6 ft.
Commercial Center	1 per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two (2) two-way access points on different public rights-of-way, two (2) signs, with an aggregate area not to exceed 85 square feet, may be permitted.	48 sq. ft. per single monument sign  Max. logo area: logo may cover no more than 25% of the sign area.	10 ft.

**RECOMMENDATION**

Staff recommends **Denial** of the requested Sign Variances for: 1) Monument Sign Size; 2) Monument Sign Height for “Peterson’s Harley-Davidson South” located at 19825 South Dixie Highway.

Staff bases the recommendation above on the intent of the Town's Growth Management Plan and Land Development Regulations and finds that the proposed application is inconsistent with both. The following Objectives and Policies have been reviewed in order to further support the recommendation of denial.

**Objective FLU-5:** The Town shall adopt and implement innovative Land Development Regulations in order to foster compatible and high quality development and redevelopment in the Town, in accordance with the principals and concepts of this Comprehensive Plan.

It's implementing Policies further this aim by ensuring compatibility with adjacent and proximate uses while reducing uses that are incompatible with the surrounding neighborhood. Further, the intent of the TRC Zoning District is to, among other things, reduce visual clutter and improve the aesthetic quality and character of the US 1 corridor. Signage larger than permitted by code does not reduce visual clutter or improve the aesthetics of the corridor.

**Policy FLU-5B:** Development and redevelopment in the Town shall provide for pedestrian friendly street design, an interconnected street network and hierarchy to reduce congestion and improve traffic flow, design that promotes the use of non-motorized transportation modes, connectivity to transit, and a range of uses in a compact area to reduce the need for external trips.

The applicant's justification for the two variance requests is based on visibility in relation to the HEFT and US 1, not based on a designing to a pedestrian scale. The Town's policy to provide for pedestrian friendly design applies to signage.

**Policy FLU-5C:** The Town shall promote high quality urban design for development and redevelopment by encouraging developers to incorporate the concepts outlined in Miami-Dade County's *Urban Design Manual*, or other design guidelines that may be developed for the Town, into their developments.

Signage larger than permitted by code is in conflict with the intent of the Town to balance the advertising needs of the business community and aesthetic value of the surrounding uses. The Town's policy to promote high quality urban design relates to all aspects of the built environment, including signage.

Staff has also reviewed Section 3-114 Permanent Signs (B) Non-residential uses for sign standards which discusses maximum permitted size and height of monument signs.

**Staff does recommend that to further the intent of the Town with respect to signage, the Applicant, in conjunction with the KFC franchise, may wish to study amending the Easement and Operating Agreement relating to signage to allow for both entities to have a 40 square foot 6 foot high sign or one 48 square foot 10 foot high monument sign.**

## **STAFF ANALYSIS**

For this application, Staff reviewed the application and associated materials submitted by the Applicant.

Plans on file and reviewed include:

“Internally Illuminated Monument Sign Utilizing Existing Pole Sign Cabinet”, “Pole Cover Skin for Existing Sign” dated 7/11/2015 and 12/11/2015 respectively by Art Sign Company and Record Land Survey dated 11/18/15 consisting of one sheet by McLaughlin Engineering Company.

Additionally, Staff has reviewed the requirements of Sec. 3-114. Permanent Signs 3. Transit Corridor District c. Monument signs for properties within the TRC. This code section allows for one (1) 40 square foot monument sign with a maximum height allowed of 6 feet along one frontage for each building or one 48 square foot 10 foot high monument sign for the commercial center which would include both the Harley Davidson and the KFC.

The current sign which contains signage for both KFC and Harley-Davidson was approved and installed to a height of 20 feet in 2005. The previous sign stood at 35 feet in height per the applicant’s Justification For Change letter dated December 17, 2015.

The Applicant alleges that without the 15.5-foot tall pole sign the business would be invisible to traffic along the US1 Corridor and from the Homestead Extension of Florida’s Turnpike (HEFT). Although it is agreed that a monument sign may not be visible from the HEFT, the building façade signage is clearly visible from that roadway.

The Applicant also alleges that heavy landscaping within the median prohibits any southbound traffic from viewing the signage. In this area only trees are planted in the median and are of sufficient height to allow visibility underneath the canopy of any monument signage.

#### Easement and Operating Agreement

The Easement and Operating Agreement entered into between KFC Corporation and, at the time, Circuit City on October 20, 1989 was an agreement between the parties that detailed access, parking and lighting of the combined sites. Additionally, Recital 15 contained language specific to the shared signage issue:

Recital 15: Circuit City has erected a free-standing business identification sign on its property and has provided space for a “tenant” sign thereon in the approximate dimensions of 3 feet by 12 feet. KFC shall have the use of such tenant sign space for its own business identification at its own expense for manufacture, installation, maintenance and repair.

Based on the above, the Agreement should be studied further by the Applicant and KFC.

Again, Staff recommends that the existing pole sign be removed and that in its place one monument sign (maximum 40 square feet, six feet in height) for each business be constructed or one 48 square foot, 10 foot high for the center be constructed.

## **Land Development Regulations**

The following Sections of the Town of Cutler Bay Land Development Regulations were reviewed and form the basis of Staff's recommendations:

Section 3-114 Permanent Signs (B) Non-residential uses for sign standards.

Section 3-36 B. Establishes approval standards for the review and approval of variances.

## **VARIANCE APPROVAL EVALUATION CRITERIA**

In evaluating an approval of the Variance applications under the Town's Land Development Regulations, the following evaluation criteria are to apply.

Section 3-36 of the Land Development Code outlines the following Variance Approval standards. An explanation of how this project will meet each standard has been provided.

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.

***Signage Area Variance (V-2015-026):*** The request is to vary the maximum square footage to allow a monument sign of 137.7 SF where 48 SF is permitted.

***Signage Height Variance (V-2015-027):*** The request is to allow a monument sign 15.5 feet in height fronting US 1 (South Dixie Highway) where 10 feet is the maximum height permitted. The Applicant requests that the existing pole sign be repurposed to create a monument sign.

Staff does not support approval of any of the Variances. In this case the request will not maintain and will be inconsistent with the intent and purpose of the Town's Land Development Regulations. The appearance of the community will not be protected and maintained in accordance with both the Town's Growth Management Plan and Land Development Regulations.

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.

***Signage Area Variance (V-2015-026):*** The request is to vary the maximum square footage to allow a monument sign of 137.7 SF where 48 SF is permitted.

***Signage Height Variance (V-2015-027):*** The request is to allow a monument sign 15.5 feet in height fronting US 1 (South Dixie Highway) where 10 feet is the maximum height permitted. The Applicant requests that the existing pole sign be repurposed to create a monument sign.

The request, if approved, would permit a sign 2.9 times the allowable size and 5.5 feet over the allowable height. Staff finds this request to be out of character with the intent of the Transit Corridor District. In addition, the request is inconsistent with the Town's Land Development Regulations and Growth Management Plan and will be detrimental to the community. The Town's adopted policies and regulations are supportive of pedestrian friendly, high quality design, including signage that is in scale with walkable areas. Signage that exceed the height and area requirements is not consistent with the character and intent of the Transit Corridor District.

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.

***Signage Area Variance (V-2015-026):*** The request is to vary the maximum square footage to allow a monument sign of 137.7 SF where 48 SF is permitted.

***Signage Height Variance (V-2015-027):*** The request is to allow a monument sign 15.5 feet in height fronting US 1 (South Dixie Highway) where 10 feet is the maximum height permitted. The Applicant requests that the existing pole sign be repurposed to create a monument sign.

In this case these requests are based on alleged lack of visibility of the business from US 1 and the HEFT and not economic disadvantage. The Applicant will continue to have building façade signage visible from US 1 and the HEFT.

### **STAFF RECOMMENDATION**

Staff recommends **Denial** of the requested Sign Variances for: 1) Monument Sign Size; 2) Monument Sign Height for "Peterson's Harley-Davidson South" located at 19825 South Dixie Highway.

The monument sign(s) shall be constructed consistent with the requirements in Article VIII, Sign Regulations of the Town Code and other requirements set forth by the Building Department or other local agencies.