



Application No.:

V-2017-006A

V-2017-006B

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, TO PERMIT A MONUMENT SIGN TO BE 75 SQUARE FEET WHERE 40 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

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 9.5 FEET IN HEIGHT WHERE 6 FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

MEMORANDUM

Date: August 29, 2017
To: Honorable Mayor and Town Council
From: Scarlet Hammons AICP CTP, Planning Consultant
Subject: Sign Variances for Peterson's Harley Davidson
Project: Application No. V-2017-006A and V-2017 -006B
CC: Ralph G. Casals, CFM, Town Manager
Kathryn Lyon, AICP, CFM, Planning and Zoning Director

REQUESTS

Variance from Sign Area Standards: V-2017-006A

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 75 SQUARE FEET WHERE 40 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

Variance from Sign Height Standards: V-2017-006B

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 9.5 FEET IN HEIGHT WHERE 6 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 rd 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.

<u>TRC MONUMENT SIGN</u>			
<u>BUILDING TYPE</u>	<u>MAX. NUMBER</u>	<u>MAX. SIGNAGE AREA</u>	<u>MAX. HEIGHT</u>
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.

RECOMMENDATION

Staff recommends approval 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 consistent with both.

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 ANALYSIS

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 dated 5/15/2017 by Art Sign 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 previously included both Harley-Davidson and KFC. The sign has been modified for this application to be exclusively for Harley-Davidson and would now be considered under to code section for Freestanding Commercial.

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 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.

On December 14, 2016, the sign variance application for Harley-Davidson was transmitted to the Mayor and Town Council for consideration. The meeting concluded with a denial of the application. Town Council recommended that a smaller sign be resubmitted for consideration. The previous Variance request was to permit a monument sign that is 137.7 square feet, where 48 square feet was allowed and to exceed the height by allowing a sign 15.5 feet in height, where 10 feet is allowed.

In a previous Variance request, it was staff’s recommendation for the Applicant to consider amending the Easement and Operating Agreement relating to signage to allow for both the KFC and Harley Davidson to each have a stand-alone sign. While the proposed Harley-Davidson sign exceeds the maximum for one freestanding commercial sign, the applicant has complied with this recommendation to separate the signs to the greatest extent possible, while still allowing for the reuse of the existing sign.

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-2017-006A): The request is to vary the maximum square footage to allow a monument sign of 75 SF where 40 SF is permitted.

Signage Height Variance (V-2017-006B): The request is to allow a monument sign 9.5 feet in height fronting US 1 (South Dixie Highway) where 6 feet is the maximum height permitted. The Applicant requests that the existing pole sign be repurposed to create a monument sign.

The appearance of the community will be protected and maintained in accordance with both the Town's Growth Management Plan and Land Development Regulations. The re-use of the existing pole sign to create a monument sign is responsible for the majority of the height and area exceeding the requirements of the code and is the reason for this variance request.

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-2017-006A): The request is to vary the maximum square footage to allow a monument sign of 75 SF where 40 SF is permitted.

Signage Height Variance (V-2017-006B): The request is to allow a monument sign 9.5 feet in height fronting US 1 (South Dixie Highway) where 6 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 monument sign where a non-conforming pole sign currently exists. Staff finds this request to be consistent with the intent of the Transit Corridor District. In addition, the request is otherwise consistent with the Town's Land Development Regulations and Growth Management Plan and will not be detrimental to the community.

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-2017-006A): The request is to vary the maximum square footage to allow a monument sign of 75 SF where 40 SF is permitted.

Signage Height Variance (V-2017-006B): The request is to allow a monument sign 9.5 feet in height fronting US 1 (South Dixie Highway) where 6 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 the repurposing of an existing sign to create a monument sign by removing the additional tenant signage and the non-conforming pole, and not based on an economic disadvantage.

STAFF RECOMMENDATION

Staff recommends **approval** 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.