



Application No.:

V-2017-006A

V-2017-006B

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 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.



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING

VARIANCE APPLICATION

LIST ALL FOLIO #S: 36. 30-6005-068-0010

DATE RECEIVED: _____

PROPOSED PROJECT NAME: Peterson's Harley-Davidson South Sign

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).

Drew Peterson, Pres/D+D Realty LLC.

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

Mailing Address: 19825 South Dixie Highway
City: Cutler Bay FL State: FL Zip: 33157 Phone#: 305-733-1009

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

Owner's Name (Provide name of ALL owners): D+D Realty/Drew Peterson Pres
Mailing Address: 19400 N.W. 2nd Ave
City: Miami State: FL Zip: 33169 Phone#: 305-651-4811

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

Name: Drew Peterson Company: Peterson's Harley-Davidson South
Mailing Address: 19825 South Dixie Highway
City: Cutler Bay State: FL Zip: 33157
Phone# 305-733-1009 Fax# 305-735-4023 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
PB 125-91
TR. D. less Nch 120ft.
Lot size 3.222 Ac

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

East Side of US1 on SW 198 Street

7. SIZE OF PROPERTY (in acres): 3.22 (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)

Harley-Davidson Motorcycle Dealer

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:

Drew Peterson, 1-10-17 15' Sign Variance

was Not granted.

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:

D+D, Pole Sign Violation

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

N/A

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

Use: Petersons Harley-Davidson South LLC Year: 2005



18. Submitted Materials Required:

Please check all that Apply:

- ☒ Letter of intent
- ☒ Justifications for change
- ☐ Statement of hardship
- ☒ Proof of ownership or letter from owner
- ☐ Power of attorney
- ☒ 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)
- ☒ 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



PARTNERSHIP AFFIDAVIT

(I)(WE), Drew + 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.

By Drew Peterson 50 %
By Dirk Peterson 50 %

Sworn to and subscribed to before me
This 6 day of March, 2017

D+D Realty LLC.
(Name of Partnership)

By [Signature]
By [Signature]

Notary Public:

Commission Expires:



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, 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

[Signature]
Signature

Sworn to and subscribed to before me
This 6 day of March, 2017



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

Notary Public: _____

This _____ day of _____, _____

Commission Expires: _____



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 fees 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





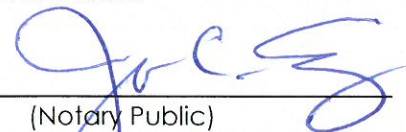
reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating 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. Each party will be limited to a presentation of 20 minutes. This time limitation may be extended by the Chair of the meeting.
9. **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 6 day of March, 2017.

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


(Notary Public)

My Commission Expires: _____





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

Draw Peterson 19825 South Dixie Hwy 50%
Dark Peterson 19400 NW 2nd Ave 50%



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: 3-6-2017 Public Hearing No. _____

Full Name:

☒ Mr. ☐ Mrs. ☐ Ms. Drew Peterson

Current Address: 19825 S. Dixie Hwy City: Cutler Bay

State: FL Zip: 33157 Telephone Number (305) 733-1009

Date of Birth: 10-1-1958

[Signature]
Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 12th DAY OF May 20 17

[Signature]
Notary Public, State of Florida at Large

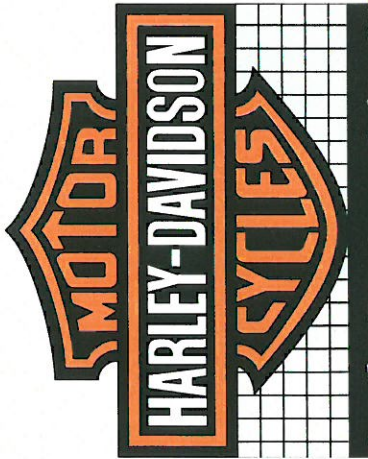
My Commission expires _____



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

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

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



Existing cabinet: Black
with White and Orange
copy and details.
New cabinet: colors as per logo

New 6" Base: Simulated
stucco finish.
Letter Styles: Logotype
Square footage: 75

PLAN VIEW
18" HIGH VEGETATION AROUND SIGN

