



***Application No.:***

***V-2018-019***

**Attachment "A"**

**Town Consultant Report**

**DADE COUNTY FEDERAL CREDIT UNION**

**SIGN VARIANCE**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR DADE COUNTY FEDERAL CREDIT UNION LOCATED AT 20295 S. DIXIE HIGHWAY, TO PERMIT THREE (3) WALL SIGNS WHERE ONE (1) IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.



# MEMORANDUM

**DATE:** May 1, 2018

**TO:** Kathryn Lyon, MBA, AICP, CFM  
Planning and Zoning Director

**FROM:** Kristen Nowicki, AICP, Senior Planner

**SUBJECT:** Final Review of Sign Variance Application for Dade County Federal Credit Union branch at 20295 S. Dixie Highway

The Sign Variance application has been reviewed for consistency with the Town of Cutler Bay's Land Development Regulations, including Section 3-36 - Variances, and Article VIII – Sign Regulations, Section 3-114(b)(2) for permanent signs in the Town Center Zoning District.

**Background:** The applicant, Dade County Federal Credit Union, is opening a new branch in a freestanding commercial building previously occupied by another financial institution.

**Site and Surrounding Area Data:**

Zoning District	TC, Town Center (Center Sub-District)
Future Land Use	Commercial
Size of Property	0.75 acres
Size of Building	6,314 square feet
Surrounding Zoning	North: TC, Town Center (Center Sub-District) South: TC, Town Center (Core Sub-District) East: TC, Town Center (Core Sub-District) West: Unincorporated Miami-Dade County; Multi-Family
Surrounding Uses	North: Arby's Restaurant South: Olive Garden Restaurant East: Big Box Retail / Southland Mall West: US-1, Dedicated Busway and Multi-Family Apartments

**Applicant's Request:** Approval for wall signs on three (3) sides of the building (south, east, and west); however only one (1) wall sign is permitted by the Land Development Regulations. The building fronts one public right-of-way and two internal drive aisles outside of the Southland Mall.

As a reference to similar requests, the previous financial institution that occupied the building had wall signs on the south and east sides of the building as well as a pole/pylon sign on the northwest side of the property. Pylon signs are no longer permitted in the Town of Cutler Bay. The building to the south is occupied by Olive Garden, which has received a variance for additional signage in 2012.

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Specifically, the applicant requests a variance from the sign regulations in Section 3-114(b)(2) for two (2) additional wall signs. All three (3) proposed wall signs have identical copy and are all proposed to be 40 square feet in size. According to Section 3-114(b)(2)(b), a Freestanding Commercial building is permitted to have one (1) wall sign per public right-of-way frontage at 10% of wall face or 40 square feet, whichever is less.

The Sign Regulations also permit one (1) monument sign per parcel at a maximum of 40 square feet at six (6) feet high. In the applicant's letter of intent, they indicated that they are willing to omit the option for a monument sign if the Town Council approves all three (3) permanent wall signs.

***Adherence with Land Development Code Section 3-26 (2), Variance Approval Standards:***

Based upon the applicant's letter of intent and evidence provided, along with staff review, the standards are met as follows:

- a. 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 applicant's letter provides a statement that "the proposed signs provide the necessary and proper notification to drivers and are not excessive for the concentration of commercial uses and signage in the area. This request maintains the basic intent and purpose of the zoning regulations".

Based on the request and the commitment to omit the permitted monument sign, granting the request would allow for a total of three (3) signs at the Credit Union (all on the building), instead of a total of two (2) signs (one wall sign and one monument sign).

- b. 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 surrounding land uses include two restaurants and big box retail stores, all of which include signage and do not have their own entrances from US-1. The Olive Garden Restaurant received a variance based on a similar request for additional signage in 2012. The applicant has stated "The signage requested and granted to the restaurant share the same characteristics and logistical challenges facing Dade County Federal Credit Union's request."

Since the additional signage is proposed on separate facades, granting the variance is not expected to cause excessive signage to be seen from any one direction or be detrimental to the community. Moreover, the total number of signs resulting is less than the four (4) signs at the neighboring business.

- c. 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.

Based on evidence provided, the applicant's request is based on increasing visibility of the building for the Credit Union members driving to the site, "to timely identify their destination, find the correct entrance, and maneuver the traffic flow to avoid possible accidents". Therefore the hardship is that of the Credit Union member.

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**Conditions:**

Per Section 18-111(3)(b), Conditions for Variances, “variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this article.”

The applicant indicated that they are committed to omit the monument sign if the Town Council approves all three (3) wall signs. This would reduce the number of signs, although it does not minimize the variance because a monument sign is permitted by right (does not require a variance).

In communication with the applicant’s attorney, he has stated that, although permitted, a monument sign at this site is not practical given tree roots and above-ground utility equipment in locations that would have been ideal for a monument sign. The applicant’s team instead requests the variance to permit two (2) additional wall signs, to increase the business’s visibility to drivers approaching the building from all sides, as outlined in the letter of intent.

Therefore, if the variance is granted, it is recommended that the commitment to omit the monument sign is included as a condition of granting the variance.

**Recommendation:**

The staff recommendation is for approval of the requested variance to allow two (2) additional wall signs at the Dade County Federal Credit Union; subject to a condition that the applicant does not construct a monument sign on the property.

This recommendation is based on compliance with the Variance Approval Standards and Conditions, and is in accordance with the previous financial institution having one additional wall sign (plus a pylon sign), and with the neighboring Olive Garden having two additional signs (plus a monument sign).