



Application No.:

V-2018-019

Attachment "B"

Variance Application

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.



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING

VARIANCE APPLICATION

LIST ALL FOLIO #S: 36-6007-020-0021

DATE RECEIVED: _____

PROPOSED PROJECT NAME: _____

- 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).

Dade County Federal Credit Union

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 1500 N.W. 107th Avenue

City: Miami State: FL Zip: 33172 Phone#: 305-790-5189

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

Owner's Name (Provide name of ALL owners): Same as above

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Herminio San Roman, Esq. Company: Herminio San Roman, Esq.

Mailing Address: 500 South Dixie Highway, Suite 204

City: Coral Gables State: FL Zip: 33146

Phone# 786-218-76-35 Fax# _____ E-mail: hsanromanlaw@bellsouth.net



**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).

Cutler Ridge Mall Sub Sec. One

P.B. 111-49

Port of TR & Desc Beg 521.12 ft.

SWLY of C/L of Caribbean Blvd.

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

20295 South Dixie Highway

Cutler Bay, FL 33189

7. SIZE OF PROPERTY (in acres): .75 (divide total sq. ft. by 43,560 to obtain acreage)**8. DATE PROPERTY** ☒ acquired ☐ leased: 10/6/2017**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.

No



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)

12. PRESENT ZONING AND FLU CLASSIFICATION: Town Center, Commercial

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

Dade County Credit Union is a financial institution requesting a non-use variance from sign regulation to permit three (3) wall permanent signs where one (1) is permitted by code for its proposed new branch.

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:

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

No

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

Use: Financial Institution Year: _____



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
- ☐ 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





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.

DADE County Federal Credit Union

OWNER OR TENANT AFFIDAVIT

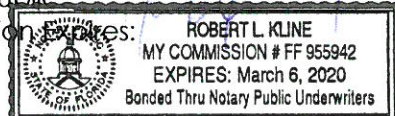
(I)(WE), MARLA FERREIRA, being first duly sworn, depose and say that (I am)(We are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Marla Ferreira
Signature

Signature

Sworn to and subscribed to before me
This 15 day of MARCH, 2018

Notary Public:
Commission Expires:



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: _____



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.

Partnership or Limited Partnership Name

Name, Address and Office

Percentage of stock



PARTNERSHIP AFFIDAVIT

(I)(WE), _____, 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 _____ %
By _____ %

(Name of Partnership)
By _____
By _____

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

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: _____





TO OFFICIALS OF THE FEDERAL CREDIT UNION ADDRESSED:

As noted in Letter to Credit Unions No. 99, for the past several years, NCUA has filed a consolidated Internal Revenue Service (IRS) Form 990 ("Return of Organization Exempt From Income Tax") -- an informational return -- for all Federal credit unions ("FCU's"). In 1987, Congress amended the Internal Revenue Code (IRC) by adding subsection (e) to Section 6104 which requires that a copy of the annual return filed by tax-exempt organizations will be made available by such or Sanizations for inspection for three years. We have contacted the IRS to determine whether it would be appropriate for the NCUA to continue filing a consolidated Form 990 in light of the new disclosure requirements for tax-exempt organizations.

The Internal Revenue Service has now informed us that, according to their regulations, organizations that are tax exempt under Section 501(c)(1) of the IRC do not have to file an informational return or make such return available for inspection. (See Section 1.6033-2(g)(vi) of the Income Tax regulations, 26 C.F.R. 1.6033-2(g)(1)(vi).) Since FCU's are tax exempt under Section 501 (c) (1) of the IRC, FCU's are not required to file or maintain an informational tax return. Accordingly, NCUA will no longer file a consolidated Form 990.

A copy of the letter from the Internal Revenue Service is attached.

Sincerely

A handwritten signature in dark ink, appearing to read "Donald E. Johnson", written in a cursive style.

DONALD E. JOHNSON
Executive Director

Attachment

0000007 10/22/16



Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 10/15

85-8012646729C-6	01/31/2017	01/31/2022	CREDIT UNION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

DADE COUNTY FEDERAL CREDIT UNION
1500 NW 107TH AVE
MIAMI FL 33172-2706

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 10/15

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.



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



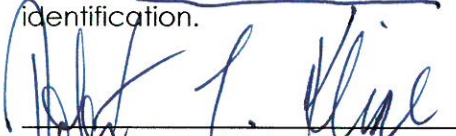
reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating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

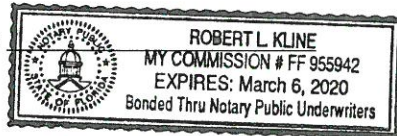

(Applicant's Signature)

Sworn to and subscribed before me this 15 day of MARCH, 2018.

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


(Notary Public)

My 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: 3/15/18 Public Hearing No. _____

Full Name:

Mr. Mrs. Ms. MARLA FERREIRA

Current Address: 1500 NW 107 AVE City: MIAMI

State: FL Zip: 33172 Telephone Number (305) 790-5189

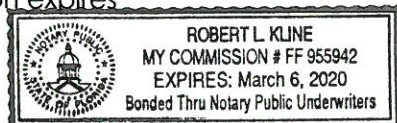
Date of Birth: 5/23/62

Marla Ferreira
Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 15 DAY OF MARCH 2018

Robert L. Kline
Notary Public, State of Florida at Large

My Commission expires _____ 20____



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



May 1st, 2018

Kathryn Lyon, Director
Planning and Zoning
Department of Community Development
Town Of Cutler Bay
Cutler Bay Town Center
10720 Caribbean Blvd., Suite 105
Cutler Bay, Florida 33189

Re: Application by Dade County Federal Credit Union requesting a non-use variance from Article VIII Sign Regulations of the Town Of Cutler Bay to permit three (3) permanent wall signs where one (1) is permitted on its proposed new branch located at 20295 S. Dixie Highway.

SECOND AMENDED LETTER OF INTENT

Dear Ms Lyon:

This second amended letter of intent is a part of and supplements the above referenced application by Dade County Federal Credit Union requesting a non-use variance from Article VIII Signs Regulations of the Town of Cutler Bay to permit three (3) permanent wall signs where one (1) is permitted on its proposed new branch located at 20295 South Dixie Highway.

At this time, the applicant is responding to the Review Comments provided by Kristen Nowicki, AICP, Senior Planner regarding the monument sign and a "line of sight evaluation" to support the visibility of the "additional signs."

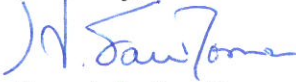
Previously the applicant offered a suggestion to the Town of Cutler Bay that it was willing to accept a condition whereby the monument sign will not be constructed should the Council approve all three permanent wall signs. Due to the particular characteristics of the site, specifically its location and orientation, a monument sign is not practical because it does not provide the necessary height to be seen from afar. In addition, the landscape presently at the site creates further logistical difficulties. The former SunTrust branch at the site had a large pylon sign along South Dixie Highway to provide sufficient and clear awareness to drivers from a distance (see enclosed picture). However, as aforementioned, a monument sign does not provide the visibility to permit site identification from a distance. Furthermore, the applicant's intention is to have the necessary signs to properly and safely identify it and not to have excessive signage.

The applicant representatives, the architects, the sign designers and attorneys drove by the site from all directions at different times of the day and night. The requested signs were designed to be strategically placed in the areas of the building that provide maximum exposure for drivers to timely identify their destination, find the correct entrance, and maneuver the fast moving and heavy traffic flow to avoid a possible accident. This is the reason for the applicant to propose a sign on the southern facing wall, which serves as the sole entrance to the lobby and visible to northbound traffic. In addition, a sign is proposed for the western wall to directly face South Dixie Highway and visible to southbound traffic. Furthermore, the sign on the easterly facing wall will be visible to drivers approaching from within the internal road of the mall to safely and timely identify the building and the entrance to the drive-thru facilities, which are located under the building with independent ingress and egress from the parking area. None of these signs are obstructed by the mature trees on the property.

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 and is compatible with the surrounding uses. Moreover, the Town Council on January 18, 2012 passed and adopted a resolution approving a similar request for the Olive Garden restaurant. The Olive Garden is located just south of applicant's property, also fronting South Dixie Highway. The signage requested and granted to the restaurant share the same characteristics and logistical challenges facing Dade County Federal Credit Union's request. Therefore, applicant's request is consistent and compatible with the surrounding established commercial uses and will not be detrimental to the community.

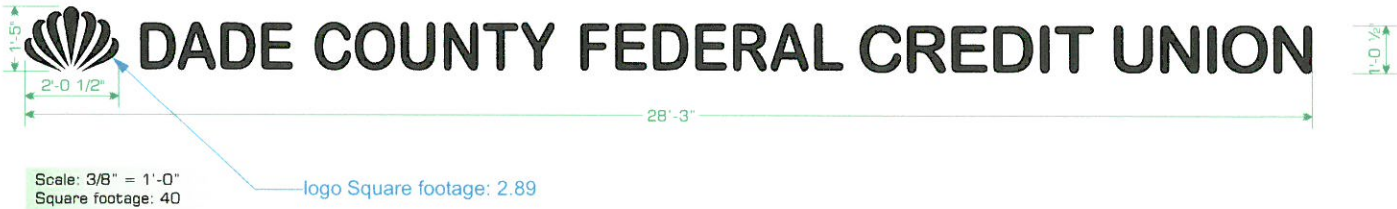
Wherefore, applicant respectfully request positive recommendation and approval of its application.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. San Roman".

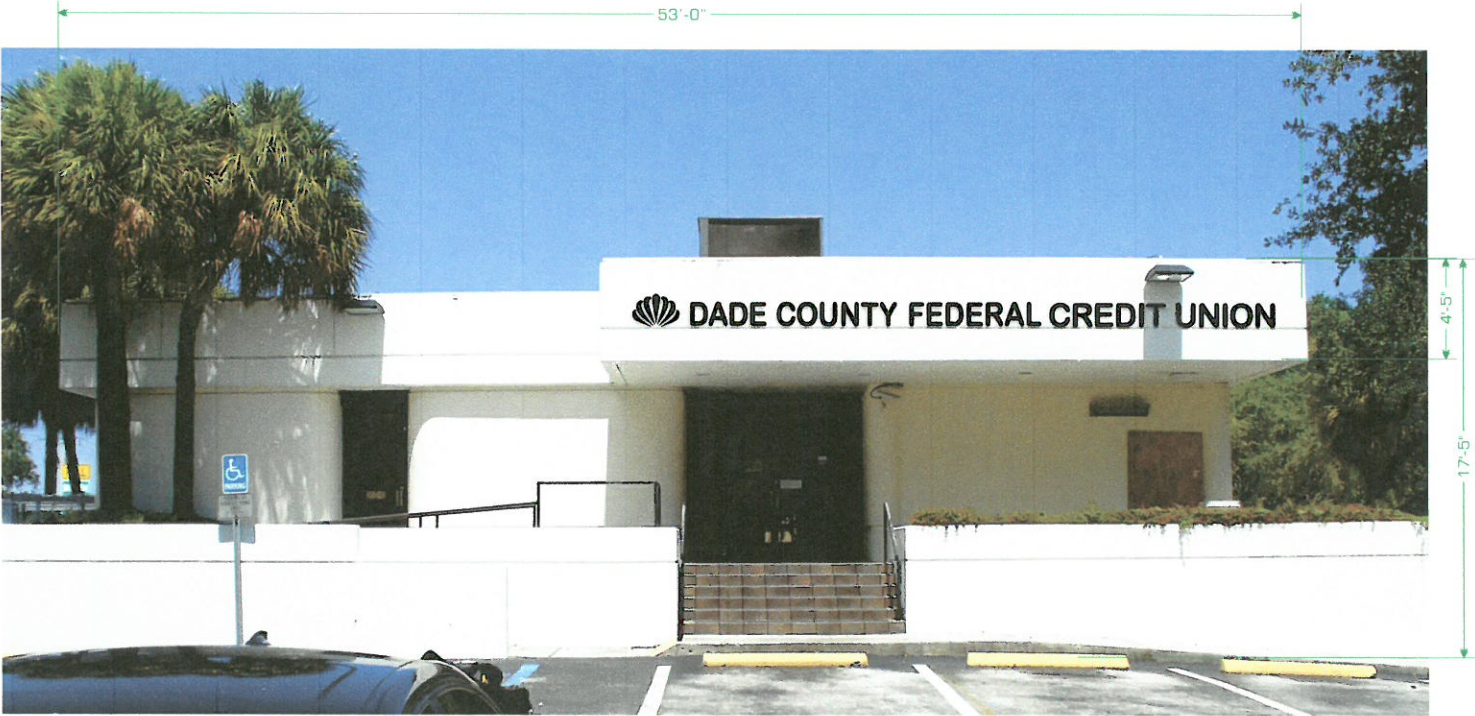
Herminio San Roman, Esq.

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS AND CAPSULE



BLUE

- Letter faces: Blue
- Returns: Blue
- Trimcaps: Blue
- Letter Style: Logotype
- LEDs: White
- Allowed sq. ft.: 40
- Proposed sq. ft.: 40



Colors shown on drawing are for presentation purposes.
All colors must be confirmed and initialed by project manager before painting

Art Sign Company
835 NW 6th Ave. Ft. Lauderdale, FL 33311
T. 954.763.4410 brad@artsignfl.com

CLIENT APPROVAL

DADE COUNTY FEDERAL CREDIT UNION
20295 S. Dixie Hwy., Culter Bay, FL

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS

SOUTH ELEVATION Scale: 3/16" = 1'-0"

Drawn by: Carlos 8/31/2017

Sales rep: BRAD
Revised by: Carlos
Date: 4/17/2018

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 Art Sign Company, Inc. 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.

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS AND CAPSULE



Scale: 3/8" = 1'-0"
Square footage: 40

— logo Square footage: 2.89



BLUE

- Letter faces: Blue
- Returns: Blue
- Trimcaps: Blue
- Letter Style: Logotype
- LEDs: White
- Allowed sq. ft.: 40
- Proposed sq. ft.: 40



WEST ELEVATION

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

Colors shown on drawing are for presentation purposes.
All colors must be confirmed and initialed by project manager before painting

ART SIGN COMPANY
835 NW 6th Ave. Ft. Lauderdale, FL 33311
T. 954-763-4410 brad@artsignfl.com

CLIENT APPROVAL

DADE COUNTY FEDERAL CREDIT UNION
20295 S. Dixie Hwy., Culter Bay, FL

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS

Drawn by: Carlos 8/31/2017

Sales rep: BRAD
Revised by: Carlos
Date: 4/17/2018

Page: 3

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 Art Sign Company, Inc. 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.

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS AND CAPSULE

Lamp will be removed by others



- Letter faces: Blue
- Returns: Blue
- Trimcaps: Blue
- Letter Style: Logotype
- LEDs: White
- Allowed sq. ft.: 40
- Proposed sq. ft.: 40



Colors shown on drawing are for presentation purposes.
All colors must be confirmed and initialed by project manager before painting

EAST ELEVATION Scale: 1/8" = 1'-0"

Art Sign Company
835 NW 6th Ave. Ft. Lauderdale, FL 33311
T. 954.763.4410 brad@artsignfl.com

CLIENT APPROVAL

DADE COUNTY FEDERAL CREDIT UNION
20295 S. Dixie Hwy., Culter Bay, FL

INTERNALLY-ILLUMINATED PLEX FACE CHANNEL LETTERS

Drawn by: Carlos 8/11/2017	Sales rep: BRAD
	Revised by: Carlos
	Date: 4/17/2018
	Page: 2

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 Art Sign Company, Inc. 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.



© 2017 Google
© 2017 Google
US Dept of State Geographer

Google earth

feet
meters





Google earth





Google earth

feet
meters

