



***Application No.:***

***V-2018-025(c)***

**Attachment "A"**

**Town Consultant Report**

**Ross Stores Inc**

**VARIANCE**

**V-2018-025(c)**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR ROSS LOCATED AT 18437 S. DIXIE HIGHWAY, TO PERMIT A WALL SIGN TO BE 144 SQUARE FEET WHERE NO SIGN IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.



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## Memorandum

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☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: July 18, 2018

To: Rafael Casals, Town Manager

From: Alex A. David, AICP, Consultant Planner

Subject: ROSS STORES, INC (Application No. V-2018-025(c))

Project: Variance to permit a Wall Sign where none are permitted (Sec. 3-114(b)(3))

CC: Sarah Sinatra Gould, AICP, Consultant Planner

CGA No.: 18-1237

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR ROSS LOCATED AT 18437 S. DIXIE HIGHWAY, TO PERMIT A WALL SIGN TO BE 144 SQUARE FEET WHERE NO SIGN IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

ROSS STORES, INC is seeking approval of six (6) variances to permit both permanent and temporary signage to exceed the maximum number and sizes permitted and for banner signs to exceed the number of times per year that would be permitted. ROSS STORES is in the process of opening a Ross Dress For Less location within the South Dade Shopping Center at 18403 South Dixie Highway. The 26,100 square foot store is along the northern portion of the center. The entrance faces the interior parking lot while the rear abuts SW 184<sup>th</sup> Street.

The Variance requested is from Sec. 3-114(b)(3) Transit corridor district to permit a 144 square foot wall sign along the rear of the building where no signs are permitted. A copy of the proposed variance application including the letter of intent is provided in Attachment "B".

In addition to this request for a variance to permit a wall sign along the rear of the building, the Applicant is seeking five (5) other variances.

### APPLICANT

Applicant: ROSS STORES, INC  
4440 Rosewood Drive  
Pleasanton, CA. 94588

Applicant Representative: Jennifer Wolfe  
It's Permittable, LLC  
39-B Hazel Street



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Porterdale, GA. 30014  
[JW@itspermittable.com](mailto:JW@itspermittable.com)

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

### **PROPERTY INFORMATION**

Location: Southeast corner of SW 184<sup>th</sup> Street and U.S. 1

Folio Numbers: 36-6005-067-0010

Size: ± 27.27 net acres (1,188,054 sq. ft.)

Land Use: Mixed Use

Zoning: TRC (Transit Corridor)

#### Legal Description:

This land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

#### PARCEL 1:

Tract A, of South Dade Shopping Center according to the plat thereof as recorded in Plat Book 123, Page 68 of the Public Records of Miami-Dade County, Florida.

Less and except form the above described Tract, the following Parcel:

Commence at the most westerly southwest corner of said Tact "A"; thence north 20 degrees 30 minutes 15 seconds east along the westerly line of said Tract "A", also being the easterly right-of-way line of U.S. Highway No. 1 (State Road No. 5) (Dixie Highway) for 110.22 feet; thence south 69 degrees 28 minutes 53 seconds east for 11.97 feet to the point of beginning of the hereinafter described parcel of land; thence north 20 degrees 30 minutes 15 seconds east along a line being parallel with and 11.97 feet easterly of said westerly line of Tract "A", also being the easterly right-of-way line of U.S. Highway No. 1 (State Road No. 5) (Dixie Highway) for 234.04 feet; thence south 69 degrees 24 minutes 39 seconds eat for 174.67 feet; thence south 20 degrees 30 minutes 15 seconds west for 233.82 feet; thence north 69 degrees 28 minutes 53 seconds west for 174.67 feet to the point of beginning.

#### PARCEL 2:

Rights, privileges and easements pursuant to Declaration of Restrictions, covenants and conditions and grant of easements recorded in O.R. Book 23150, Page 4013, public records of Miami-Dade County, Florida.



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BACKGROUND AND ANALYSIS

The Town has worked diligently since incorporation in 2005 to improve the character and aesthetics of its major roadways and business corridors. In 2008, the Town of Cutler Bay Growth Management Plan was adopted by the Town as the official master plan. The purpose of this plan is to guide the Town’s future development, redesign and revitalize existing commercial corridors while preserving single family neighborhoods. A key to implementing the plan was adopting land development regulations designed to improve public safety and community aesthetics by eliminating nonconforming signs.

Towards this end, the Town Council adopted new sign regulations in June of 2012. The regulations include requirements for setbacks, number of signs, size limitations, height restrictions, and amortization procedures. Signs not in compliance with these regulations became legally non-conforming signs as of June 20, 2012 [the date the Town adopted the amended regulations], while new or replacement signs were required to adhere to the new regulations.

This Variance request is from Sec. 3-114(b)(3) Transit corridor district to allow a 144 square foot wall sign to be located on the rear wall of the building where none are permitted. The rear wall of the building abuts SW 184<sup>th</sup> Street.

The proposed Ross Dress for Less store is located in an existing 26,100 sq. ft. space formerly occupied by Bed Bath & Beyond. The front of the store faces internally toward the Center parking lot.

Land Development Regulations

Section 3-36 of the Code provides the variance approval evaluation criteria used by the Town Council to evaluate a variance application.

Section 3-59 TRC, Transit Corridor District establishes the permitted uses and development parameters of any development within this zoning district. The proposed retail use is in compliance with the allowable established uses, however, variances will be required because the applicant is requesting deviations from Article VIII – Sign Regulations. The variance that is the subject of this request is to vary from the following Section:

Sec. 3-114(b)(3) Transit Corridor District

- a. Applicability. This subsection (3) regulates permanent signs within the Transit Corridor District.
- b. Wall signs for properties within the transit corridor district shall be permitted as follows:

| Wall Signs    |                |                      |
|---------------|----------------|----------------------|
| Building Type | Maximum Number | Maximum Signage Area |



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|                          |  |  |
|--------------------------|--|--|
| Office and Institutional | 1 per wall face, or 2 for walls over 50 ft. in length  | 10% of wall face or 50 sq. ft., whichever is less  |
| Freestanding Commercial  | 1 per public right-of-way frontage   | 10% of wall face or 40 sq. ft., whichever is less  |
| Commercial Center        | A. For multi-story buildings, 2 wall signs located above the first floor and identifying the name of the center or tenants shall be permitted at the top of the building below the roof line | A. For multi-story buildings, wall signs above the first floor shall be limited as follows: 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with B  |
|                          | B. One wall sign shall be permitted per ground or second floor establishment which has its own frontage and entrance facing a public right-of-way  | B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:   |
|                          | C. Corner or through store establishments may have an additional ground floor wall sign  | 1. 0 to 20 ft.: 20 sq. ft. max sign area   |
|                          |  | 2. 21 to 300 ft.: 40 sq. ft. max sign area   |
|                          |  | 3. 301 ft. and greater: 60 sq. ft. max sign area   |
|                          |  | C. An additional ground floor wall sign permitted for a corner or through store establishment shall be limited to 50% of the square footage of a primary sign allowed under B above  |
|                          |  | D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (i) of this section |

### VARIANCE REQUESTED



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Variance from Sec. 3-114(b)(3) Transit Corridor District – Wall Signs to allow a 144 square foot wall sign along the rear of the building where none are permitted.

For informational purposes, the applicant proposes a main sign with an overall outer dimension of 511 square feet, two front wall signs each 8 square feet in size and one rear wall sign with an overall outer dimension of 144 square feet.

### **VARIANCE APPROVAL EVALUATION CRITERIA**

Section 3-36 of the Land Development Code outlines the variance approval standards that apply in this case and they are provided below along with a compliance evaluation of the subject variance request.

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.

The applicant is requesting a 144 square foot wall sign to be placed at the rear of the building where none are permitted by the Town Sign Code. In 2012, the Town adopted it's first Land Development Regulations, which included sign regulations in order to improve the character and aesthetics of its major roadways and business corridors. These regulations include requirements for setbacks, number of signs, size limitations, height restrictions, and amortization procedures.

The code does not allow for wall signs on the rear of the building unless it is a corner or through building. The Ross Dress for Less store does not meet these criteria. The request for additional wall signage, if approved, would not improve the aesthetics of the Town's business corridors, would not reduce visual clutter and would not protect and maintain in a positive way the appearance of the community.

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.

The Growth Management Plan goal and policies below are relevant to this request and its impact.

#### Objective FLU-5: Land Development Regulations and Compatibility

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.

#### Monitoring Measures FLU-5

1. Adoption of Land Development Regulations and/or other programs and initiatives that implement policies 5A – 5J.



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Policy FLU-5A: Factors that may be considered in establishing zoning districts shall include, but not be limited to: use; density and intensity; height, scale and mass; ingress and egress requirements; noise impacts; sky exposure; setbacks; signage; fencing and other separations, and landscaping.

The application for a variance for a 144 square foot rear wall sign, if approved, would not be in keeping with the spirit and intent of the Land Development Regulations or the Growth Management Plan with respect to reducing visual clutter and protecting the appearance of 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.

The variance is not related to an economic loss for the applicant but based on the development standards in the Town Land Development Regulations.

### **RECOMMENDATION**

Town Staff recommends ***denial*** of the Variance to permit a 144 square foot wall sign on the rear wall of the building.