



***Application No.:***

***V-2018-012***

**Attachment "A"**

**Consultant's Report**

**Publix Supermarkets**

**VARIANCE**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS, LOCATED AT EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, TO PERMIT A WALL SIGN TO BE 66.94 SQUARE FEET WHERE 60 SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

# THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS • PLANNERS • PROGRAM MANAGERS • ENVIRONMENTAL SCIENTISTS

## MEMORANDUM

To: Kathryn Lyon, MBA, AICP, CFM, Planning and Zoning Director

From: Scarlet R. Hammons, AICP CTP, Planning Consultant

Date: October 9, 2018

Re: Shoppes of Cutler Bay – Sign Variance Application  
(Application No.: V-2018-012)

### REQUEST

Publix Supermarkets is requesting a variance to allow a wall sign to be approximately 66.9 square feet in size where 60 feet is permitted per Section 3-114(b) of the Town Code. Section 3-114(b) establishes the wall sign size requirements for non-residential development.

To waive this requirement, the Town Council must approve such request through the variance approval process set forth in Section 3-36 of the Town Code. Section 3-36 of the Code provides the approval standards for which the proposed variance application is evaluated by the Town Council. A copy of the variance application including the letter of intent is provided.

### APPLICANT

Publix Supermarkets

### LOCATION

Folio Numbers: 36-6009-006-0012, 36-6009-005-0010 & 36-6009-006-0010

Legal Description: 9 56 40 5.61AC Seminole Plains Replat PB 49-38 TR A Less Beg SE Cor TR A W25.54 Ft to POB Cont WLY 100 Ft TH By Curve to RT NWLY NLY & NELY ARC DIST 60.34FT TH NELY ALG NWLY

9 56 40 30AC Seminole Plains Replat PB 20-42 TRS 3 & 14 & 15 OR 12795-1608 0186 2 F/A/U 30-6009-006-0010

## **BACKGROUND AND ANALYSIS**

The proposed development will be located on approximately 13.18 acres which is part of a larger undeveloped tract of land totaling 35 acres, and is adjacent to Old Cutler Road. The property is bounded by SW 208th Street to the north; SW 92 Avenue to the east; SW 212 Street to the south; and Old Cutler Road to the west. It is anticipated that the Applicant will sell the 13.18-acre site and keep ownership of remaining property, as illustrated in the aerial photograph and Miami-Dade County Property Appraiser Maps. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be serviced by Miami-Dade County. The site has access to major road networks through Old Cutler Road.

### **Proposed Development Project**

The proposed project is a mixed-use commercial development that includes retail, restaurants, banking facilities, and a grocery store with pharmacy. The grocery with pharmacy will be located to the rear of the property. The buildings in parcels 2 and 3 will front Old Cutler Road. The size of these buildings will vary from 4,000 square feet to 7,000 square feet. The size and design of these buildings will not allow any one tenant to occupy more than 25,000 square feet fronting Old Cutler Road. Approximately 33,200 square feet or 38 percent of the total building square footage is dedicated to restaurants, liquor store and retail stores. The remaining square footage will be utilized by the grocery store and pharmacy. The total building area (87,444 SF) covers approximately 16 percent of the total project area. The remaining site area will be used for sidewalks, paved areas, landscape, parking field, natural storm water retention areas, and open space.

### **Land Use and Zoning**

The Future Land Use Map designation is Mixed Use. The Town's adopted policy for mixed-use projects recognizes that the Mixed Use Districts under the Density and Intensity list in Table FLU-1 of the Growth Management Plan allow for a mix of commercial uses without having residential as one of the uses, whether the proposed development is vertical or horizontal in form and function. The residential component in the mixed-use should be considered only if it is incorporated as part of the mixed-use project, and no less than 20 percent of the project should be set aside for residential use.

This parcel is zoned NC-1 (Neighborhood Center District). The NC-1 provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The intent of the district is to develop into an interconnected pattern of streets that is limited to approximately ¼ mile in radius. Uses in the District will have a primary market area of three (3) miles and are intended to service the daily needs of residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes. The following provides an overview of the surrounding zoning and land use designations.

<b>Existing Zoning Districts</b>	<b>Future Land Use Map Designation</b>
<b>Subject Property:</b>	<b>Subject Property:</b>
NC-1 Neighborhood Center 1	Mixed-Use
<b>Surrounding Properties:</b>	<b>Surrounding Properties:</b>
<b><i>NORTH:</i></b>	<b><i>NORTH:</i></b>
NC-1 Neighborhood Center 1	Mixed-Use
<b><i>EAST:</i></b>	<b><i>EAST:</i></b>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<b><i>SOUTH:</i></b>	<b><i>SOUTH:</i></b>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<b><i>WEST:</i></b>	<b><i>WEST:</i></b>
NR-Neighborhood Residential 5 Dwelling Units/Net Acre	Low Density

Most of the development surrounding the proposed site is residential. An aerial photograph depicting the location of the property and surrounding uses (zoning districts and future land use map designation) are provided.

### **Consistency with Growth Management Plan**

The Town of Cutler Bay Future Land Use Map designates the subject properties as mixed use. Areas designated mixed use on the Future Land Use Map along the Old Cutler Road corridor shall be developed with a mix of uses residential/commercial or commercial/retail/office. Horizontal mixed-use development is allowed, with specific uses determined by the underlying zoning district.

### **EVALUATION OF THE VARIANCE CRITERIA**

In evaluating an approval of a variance application under per Sec. 3-36(B), Approval Standards of the Town's Land Development Regulations (LDRs), the following evaluation standards are to apply. The variance standards in Sec. 3-36(B) of the Code are non-hardship evaluation standards. There has been discussion by members of the public that the variance "application" requirements provided in Sec. 3-36(A) entitled "Application" asks property owners to provide the particular hardship that would result if the specified provisions of the Town Code were to applied to their property. Given that the Town's variance standard is a non-hardship standard, the property owner's response to this "application" requirement is used solely for informational purposes only.

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 approval of a wall sign to be approximately 66.9 square feet in size where 60 feet is permitted per Section 3-114(b) of the Town Code. The Applicant's justification for this variance is that "the Site Plan is developed in such a way that Retail Building A, which is to house a grocery store and pharmacy, is over five hundred (500) feet from Old Cutler Road. The size of the Property, nearly 13.2 acres, also contributes to the distance between the vehicular traffic on Old Cutler Road and the signage on Retail Building A. As such, the applicant is proposing that the signage on Retail Building A be 66.9 square feet in size, in order for the sign to be visible to vehicular traffic along Old Cutler Road."*

*The Department is of the opinion that the proposed 66.9 square feet wall sign is a reasonable option in lieu of the required 60 square feet permitted by the Town Code. The sign covers approximately 23 percent of the storefront, and is approximately 6 square feet bigger than permitted by Code. The size of this wall sign will not undermine the major architectural features of the building or become a distraction to pedestrian and drivers in the main parking lot serving the grocery and retail stores in Buildings A and B. The additional landscape areas and native trees adjacent to Building A and in the parking field will soften the potential visual impacts of the proposed wall sign and with time the sign will become a point of reference for the community. The Department is of the opinion that the proposed wall sign will provide the necessary visibility that the grocery and retail stores in Parcel 1 need to guide vehicular and pedestrian traffic into their respective businesses. Furthermore, the Department is of the opinion that the proposed wall sign will not create conditions that would have negative impacts on the general welfare, stability and 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.

*Due to the fact that the proposed wall sign size will only cover 23 percent of the store front combined with surrounding natural and man-made features and distance from Old Cutler Road will limit the impacts that such sign will have in the surrounding land uses. In addition, the size of the wall sign will not be detrimental to the aesthetic value of the community because the proposed size of the wall sign is easily accommodated by the total size of the storefront.*

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 request for this variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.*

## **RECOMMENDATION**

Town Staff recommends approval of this variance.