

RESOLUTION NO. 16-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A DRIVE-THRU AT A BUILDING LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290, AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY 3.64 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Village of Old Cutler Corp. (the “Applicant”) has submitted a Conditional Use Application (the “Application”) for the property located at 36-6009-003-0310 and 36-6009-003-0290 (the “Property”), as legally described in Exhibit “A” to permit a 15,852 square feet CVS Building with a drive-thru facility pursuant to Sections 3-39, 3-211 and 3-212(E) of the Town Code; and

WHEREAS, the proposed CVS Building and drive-thru will be located within a mixed-use development that will be built along SW 87 Avenue and Old Cutler Road property zoned NC-1; and

WHEREAS, the Town of Cutler Bay (the “Town”) held two (2) Zoning Workshops regarding the proposed site plan in order to receive comments from both residents and the members of the Town Council; and

WHEREAS, Town staff has reviewed the application and is recommending approval; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, found that the Application does meet the requirements of the Town Land Development Regulations and is not consistent with the Town’s Comprehensive Plan; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recital.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application and

finds that it does meet the conditional use requirements set forth in Sections 3-39, 3-211 and 3-212(E) of the Town Code.

Section 3. Conditions. This Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

1. In order for this Resolution to be approved, the related Resolutions for the Site Plan SP-2015-001 and Variance No. V-2015-021 (Buffer Area) and Variance No. V-2015-017 (Building Frontage) must also be approved.

Section 4. Violation. Failure to adhere to the terms of any approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon enactment.

PASSED and ADOPTED on this _____ day of July, 2016.

PEGGY R. BELL
Mayor

Attest:

JACQUELINE N. WILSON
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE
USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Ernest N. Sochin _____

Council Member Roger Coriat _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____