

RESOLUTION NO. 16-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST BY VILLAGE OF OLD CUTLER CORP. FOR A SITE PLAN CONTAINING A 15,852 SQUARE FOOT CVS BUILDING AND A 40,536 SQUARE FOOT MIXED-USE BUILDING ON THE PROPERTY 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 Site Plan Application (the “Application”) to permit a development containing a CVS Building with a drive-thru and Mixed-Use Building on a site consisting of approximately 3.64 acres located at 36-6009-003-0310 and 36-6009-003-0290 (the “Property”), as legally described in Exhibit “A” pursuant to Section 3-33 of the Town Code; and

WHEREAS, this Mixed-Use Development is to be located along S.W. 87th Avenue and Old Cutler Road on 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 denial; 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 not meet the requirements of the Town Land Development Regulations and is 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 approval criteria set forth in Section 3-33 of the Town Code.

Section 3. Conditions. If the approval is granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

General Conditions

1. Approval of the Site Plan is subject to Town Council approval of Variances No. V-2015-017 (Buffer Area) and No. V-2015-021 (Building Frontage).
2. Approval of the Site Plan is subject to Town Council approval of Conditional Use No. CU- 2015-012.
3. The Applicant shall execute a unity of title or covenant in lieu of unity of title in a form approved by the Town Attorney, consistent with the requirements of the Town's Land Development Code.
4. The applicant shall enter into Landscape Maintenance Agreements with the Town and Miami-Dade County for the perpetual maintenance of any landscape buffers within the public right-of-ways of SW 200th Street and SW 87th Avenue.
5. The Applicant shall install an electronic cart system to ensure that all shopping carts are kept within the property.
6. The Applicant shall provide a letter acknowledging compliance with the applicable Level of Services requirements prior to the issuance of final permit to the property.
7. Applicant shall submit verification from Miami-Dade County that the proposed new development has been reviewed and approved for all access management considerations prior to the issuance of the final building permit.
8. Flood elevations shall be reviewed and approved for consistency with FEMA requirements and the Town's National Insurance Flood Program Ordinance prior to building permit approval.
9. The proposed project shall be built in substantial conformance with the plans entitled "The Village of Old Cutler Mixed Use Development", prepared by CKE Group, consisting of 34 sheets and dated last revised 7-6-16 (Date stamped received July 8, 2016). Future revisions may be made to these plans in order to comply with the resolution conditions subject to staff approval.
10. The Applicant shall comply with applicable conditions and requirements recommended by Miami-Dade County Public Works Department, Fire Rescue Department, and the Department of Regulatory and Economics Resources (RER).

11. The Applicant shall have the principal building permit issued and construction shall commence on the mixed use building prior to receiving the certificate of occupancy for the CVS building.

Construction General Conditions

12. The Applicant shall submit a construction staging plan for review and approval prior to commencement of construction.
13. A Construction and Maintenance of Traffic (MOT) Plan shall be provided by the Applicant to the Building and Public Works Departments for approval prior to start of construction. Access points by construction vehicles shall be provided within the MOT. No construction vehicles shall access the property through the adjacent neighborhood. All construction vehicles must use SW 87th Avenue, unless otherwise approved by the Department.
14. The Applicant shall provide a Construction Air Quality Management Plan to the Department prior to the start of construction.
15. A Construction, Demolition and Materials Management Plan (CDMMP) must be submitted by the Applicant at time of building permit.
16. The Applicant shall provide an Erosion Control Plan prior to the issuance of a building permit. The Applicant shall submit a plan for erosion and sedimentation control to be implemented before the site is cleared or graded including areas where top soil will be removed and contours of slopes will be cleared. The Plan shall also include location and type of erosion control measures, storm water and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The Plan shall remain on-site for the duration of the construction activity.

Landscaping

17. The Applicant shall meet all of the minimum requirements of the Town Code, Chapters 18 and 24 of the Miami-Dade County Code and specifically comply with all conditions imposed by Miami-Dade County Department of Regulatory and Economic Resources (RER).
18. The property shall be landscaped in accordance with the landscape plan, included with the site plan submittal.
19. The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If any tree(s) must be removed, the Applicant shall be required to mitigate the impact in accordance with RER requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with RER requirements.

Traffic

20. Prior to the issuance of a building permit on the property, the Applicant shall execute the proffered “Declaration of Restrictions” providing for the construction of the following necessary roadway improvements:
 - a. Opening of S.W. 200th Street to Old Cutler Road. These improvements shall be completed prior to the issuance of a Certificate of Occupancy for any building on the property. Revisit the left-turn movement from SW 200th Street to Old Cutler Road to improve safety.
21. No delivery trucks shall use the local neighborhood roads as a route to reach the property. Trucks serving the CVS store will access the site only via S.W. 87th Avenue.
22. Provide stabilized surface on the south side of the southern-most driveway to support trucks that inadvertently roll over the curb in making the right turn onto Old Cutler Road.
23. Show location of bike racks and parking for golf carts on the site plan.
24. That if the Variance is approved by the Town Council sidewalks that create a meandering route, similar to those along Old Cutler Road, shall be constructed along the south side of SW 200 Street.

Off-Street Parking/Lighting

25. The number and type of trees for the parking lot shall be reviewed and approved by the Department prior to the issuance of a building permit.
26. Exterior lighting shall comply with Sec. 3-151 of the Town Code.
27. The Applicant shall install and maintain parking area light fixtures which project the light rays directly to the parking surface, and shall include shields which restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky.
28. The parking lot lights and all other outdoor lighting (whether for security, roadway or parking) not attached to structures shall be designed, located and mounted at heights no greater than twenty-five (25) feet above grade.
29. Due to their high energy efficiency, long life and spectral characteristics, Pulse-Start Metal Halide or LED lamp sources shall be the illumination sources for outdoor lighting.
30. Provide EV charging station(s) next to the parking field in an accessible location.

31. Streetlights shall be the same or similar style as now installed along Old Cutler Road in this area and to the south.

Noise

32. No loud music, large congregation of people and noises from other activities not related to the operation of the CVS shall be permitted near the residential communities abutting the site on the western and northern boundaries.

Environmental

33. The Applicant shall provide a space for the collection and storage of recyclables. This provision provides convenient access to recycling facilities and encourages building occupants to utilize the recycling programs to their fullest. Projects shall comply with the minimum solid waste and recyclables storage requirements. Applicant shall depict the collection and storage area(s) location on submitted plans.
34. The Applicant shall meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time.
35. All storm water shall be retained inside the property. All storm water drainage systems shall be maintained in working at all times in order to avoid localize flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.
36. Trash containers and mechanical equipment shall be located in a side parking area, if no rear parking is available. Trash containers and mechanical equipment shall be screened from view from the public right of way.
37. Provide exterior aesthetic treatments for all dumpster locations.

Operations

38. Service and delivery vehicles, including solid waste pick-up, shall be restricted to Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. Saturday deliveries would be allowed from 10:00 a.m. to 4:00 p.m.

Signs

39. Provide a Uniform Sign Plan prior to submitting for building permit approval.
40. The building signs should be consistent with the Town's Sign Regulation in Article VIII of the Town Code.
41. Correct sheet SG-1 to remove or modify any signs not in compliance with Town Code.

Building

42. The main entrance of buildings shall front Old Cutler Road.
43. The Applicant shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.
44. Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan. The compactor area shall be kept clean and odor free at all times.
45. Applicant to submit deed for proposed 15 foot right of way dedication strip along east side of S.W. 87th Ave., north side of Old Cutler Rd. and south side of S.W 200th St. prior to building permit issuance.
46. Plans must be approved by DERM, WASD, Fire Department plus a Tree Removal Permit must be obtained prior to issuance of building permit.
47. Compliance with recycling diversion and construction and demolition waste will be as follows;
 - a. COMMP Plan to be provided prior to construction.
 - b. Information for COMMP Compliance will be provided prior to construction.
 - c. Provide proposed weight of demolition and construction debris on plans.
48. Property maintenance entity shall be identified and contact information will be provided to the Town Building Official prior to building permit issuance.
49. Revise the “Openings Calculations” tables on sheet A-2.0 to specify that openings refer only to doorways and windows, and update the figures.
50. On sheet A-9, clarify the placement of the W.I.C. area in Model ‘CB’.
51. General Contractor must provide colored concrete for sidewalks and curb/gutter along Old Cutler Road Corridor, colors are as follows:
 - a. Integrally – Colored Concrete Lambert – Coral Gables Beige
 - b. Integrally – Colored Concrete Lambert – Mesa Buff (3 lbs.)

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 _____