



MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, CFM, Town Manager

Date: July 20, 2016

Re: Village of Old Cutler Corp – Buffer Variance
(Application No.: V-2015-021) **previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting*

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE VII, SECTION 3-102 (F) (1) AND (4) OF THE TOWN CODE RELATING TO THE REQUIRED BUFFER AREAS FOR VILLAGE OF OLD CUTLER CORP LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

APPLICANT

Village of Old Cutler Corp.

LOCATION

Folio Numbers: 36-6009-003-0310 and 36-6009-003-0290

Legal Description: 36-6009-003-0310

Tenalla Ocean Farms Addn PB 12-40 All of lots 4 & 5 lots 6 & 7 less S 10 ft and all lots 8 thru 13 blk 14

36-6009-003-0290

Tenalla Ocean Farms Addn PB 12-40 Lots 1-2-3 blk 14.





BACKGROUND AND ANALYSIS

The subject 3.64 acre property is bounded by SW 200th Street to the north, Old Cutler Road to the east and south, and SW 87th Ave to the west. The applicant, Village of Old Cutler Corp., is proposing a commercial mixed-use development consisting of a 15,852 square foot CVS building with an attached drive-thru facility and a 40,536 square foot 3-story mixed use building incorporating ground-level retail (6,698 square feet) with 18 residential units on the 2nd and 3rd floors (Attachment “A”).

The parcel (Attachment “B”) land use designation on the Town’s adopted Future Land Use Map is ‘Mixed Use’ (Attachment “C”) and the property is zoned NC-1, ‘Neighborhood Commercial 1’ (Attachment “D”). Both permit mixed use commercial and residential development. Around the subject site, there is single family development to the north, west and southeast, and commercial uses to the southwest.

The applicant is seeking a Variance to Town Code Section 3-102 (F) (4) which requires a 25-foot wide buffer area between commercial developments and single-family residential neighborhoods. The project site plan shows a 10-foot wide buffer along SW 200th Street (north property line).

This latest site plan (dated 7-6-16 and received by the Town on 7-8-16) has eliminated a prior significant buffer variance along SW 87th Avenue and shows the full, required 25-foot wide landscape buffer along the entire length of that road within the applicant’s property (Attachment “F”).

VARIANCE REQUESTED

* SW 200th Street: Buffer area at least 25 feet in width required along this street frontage. Applicant is proposing a 10 foot wide buffer area. Variance is to approve a 15 foot width reduction on the applicant’s property (60% overall).

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. Documents relating to public notice requirements for this project are contained in Attachment “E”.

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 the buffer variance request pertains to SW 200th Street. The site plan shows a 10-foot wide buffer along the SW 200th Street frontage, where 25 feet is required.





The applicant states the unusual property shape has made it impossible to locate the buffer fully on the site and has pointed out that a 25-foot wide buffer area on the property would remove the entire row of parking, nearly 50 spaces, and that losing those spaces would make reasonable development impossible because the property is too narrow to accommodate parking elsewhere.

The Town's buffer area requirements are a key part of the community's expressed desire to protect and improve existing residential neighborhoods, as provided for in the Growth Management Plan. This is an important Town development regulation fully supported by the Growth Management Plan. In staff's opinion, even though variance request has been reduced considerably, it still will not maintain or be consistent with the intent and purpose of the Town's Land Development Regulations (LDRs). In addition, the stability and appearance of the community will not be protected and maintained by the granting of this variance. Diminishing the buffer area would not serve to protect the adjacent residential area.

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, objectives and policies below are most relevant to this application.

Objective FLU-4: Residential Districts. The Town shall protect, maintain and improve its residential districts, as designated on the Future Land Use Map.

Policy FLU-4A: The Town shall implement strategies to provide appropriate transitions between its residential district and the higher intensity Mixed Use, Town Center, and Institutional districts through its Land Development Regulations and other appropriate mechanisms.

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.

Policy FLU-5G: In developing its Land Development Regulations, the site planning process will incorporate mechanisms to ensure the compatibility of development with adjacent and proximate uses.

Objective FLU-6: Development and Redevelopment. The Town shall maintain and improve the quality of existing neighborhoods and development, and provide for redevelopment in appropriate locations, as needed.





The justification for the Variance by the applicant was presented previously. It is not in compliance with the Growth Management Plan objectives and policies above. Allowing this project to have a reduced buffer will not serve to protect the abutting neighborhoods and may contribute to the opposite effect. The lack of an adequate buffer could be detrimental to the health, safety and welfare of the community and create negative visual impacts to the abutting residential 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 applicant states in the Letter of Intent that the variances are not related to any economic loss for the Applicant.

RECOMMENDATION

Staff recommends **denial** of the requested variance to the Town's buffer area requirement of 25 feet in order to allow a 10 foot buffer proposed by the applicant.

CONDITIONS

1. That if the Variance is approved by the Town Council additional landscape material of adequate size and maturity shall be added to increase the opaqueness of the buffer.
2. Approval of the Buffer Area is subject to Town Council approval of Variance No. V-2015-017 (Building Frontage).
3. Approval of the Buffer Area is subject to Town Council approval of Conditional Use No. CU-2015-012.
4. Approval of the Buffer Area is subject to Town Council approval of Site Plan No. SP-2015-001.

ATTACHMENTS

- Attachment "A" – Letter of Intent and Application
- Attachment "B" – Aerial Photo
- Attachment "C" – Future Land Use Map
- Attachment "D" – Zoning Map
- Attachment "E" – Advertisement, Courtesy Notices and Posting
- Attachment "F" – Revised Site Plan
- Attachment "G" – Registered Lobbyist

