

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF CUTLER BAY TOWN CENTRE, LLC TO PERMIT A MIXED-USE DEVELOPMENT WITH NINETY-THREE (93) RESIDENTIAL UNITS, 8,977 SQUARE FEET OF COMMERCIAL AND 9,754 SQUARE FEET OF OFFICE USES ON PROPERTY LOCATED AT 10100 SW 186 STREET (FOLIO # 36-6005-001-0091), AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY +/-1.36 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with the requirements set forth in Section 3-33 of the Town of Cutler Bay (the “Town”) Code, Cutler Bay Town Centre, LLC (the “Applicant”) has submitted a Site Plan Application (the “Application”) to permit a mixed use development containing 93 residential units, 8,977 square feet of commercial, and 9,754 square feet of offices on a site consisting of approximately +/- 1.36 acres located at 10100 SW 186 Street, which property is assigned Folio No. 36-6005-001-0091, and which is legally described in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, the Property is zoned TRC, Transit Corridor District; and

WHEREAS, the Town held a Zoning Workshop on October 28, 2019 regarding the proposed Application in order to receive comments from both residents and the members of the Town Council; and

WHEREAS, Town staff has reviewed the application and recommends 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 meets 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, which shall be built substantially in accordance with the plans entitled “The Crossings at Quail Roost Senior Residential Community” prepared by Cutler Bay Town Centre LLC, consisting of 30 sheets, dated December 18, 2019.

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

1. General Conditions

1.1 The Applicant shall execute an easement agreement with the adjacent property owner to ensure access between parcels and to US-1, in a form approved by the Town Attorney, consistent with the requirements of the Town’s Land Development Code.

1.2 All impact fees shall be paid by the Applicant prior to issuance of the first building permit.

1.3 The Applicant shall provide letter(s) from the applicable governmental agencies acknowledging compliance with the applicable Level of Services requirements prior to the issuance of the final building permit to the property.

1.4 Applicant shall submit verification from Miami-Dade County that the proposed new development has been reviewed and approved for all access management consideration prior to the issuance of the final building permit.

1.5 Flood elevations shall be reviewed and approved for consistency with FEMA requirements and Chapter 18 of the Town Code prior to the issuance of the first building permit.

1.6 The finish on the wall adjacent to the busway shall be coated or constructed with graffiti resistant material.

1.7 The proposed project shall be built in substantial conformance with the plans entitled “The Crossings at Quail Roost Senior Residential Community”, prepared by Cutler Bay Town Centre LLC, consisting of 30 sheets, dated December 18, 2019.

1.8 Prior to obtaining a building permit, the Applicant shall comply with applicable conditions and requirements provided by Miami-Dade County Public Works Department, Fire Rescue Department, and the Department of Regulatory and Economics Resources (DRER).

1.9 The Applicant agrees to provide the Town of Cutler Bay with full access to the property's multi-purpose room for Town sponsored senior citizen programs and/or activities. The Town will be responsible for coordinating all programs and/or activities scheduled at the multi-purpose room with the property manager. All costs associated with Town sponsor programs and/or activities at the multi-purpose room will be the responsibility of the Town of Cutler Bay.

1.10 The Applicant shall execute and record, at the Applicant's expense, a covenant restricting all of the residential units on the Property to adults aged 55 and older prior to the issuance of the first building permit, subject to approval by the Town Attorney as to form, content, and legal sufficiency.

2. Construction General Conditions

2.1 Construction Staging

2.1.1 The Applicant shall submit a construction staging plan for review and approval prior to the start of construction.

2.1.2 A Construction and Maintenance of Traffic (MOT) Plan shall be provided by the Applicant to the Town's Building and Public Works Departments for approval prior to the 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 Old Cutler Road, unless otherwise approved by the Town.

2.2 The Applicant shall provide a Construction Air Quality Management Plan to the Town prior to the start of construction.

2.3 A Construction, Demolition and Materials Management Plan (CDMMP) must be submitted by the Applicant to the Town at the time of the first building permit application.

2.4 The Applicant shall provide an Erosion Control Plan ("ECP") prior to the issuance of any building permit. The Applicant shall implement a plan for erosion and sedimentation control before the site is cleared or graded including areas where top soil will be removed and contours of slopes will be cleared. The ECP 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 ECP shall remain on-site for the duration of the construction activity.

2.5 Construction shall only take place Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m.

3. Landscaping

3.1 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 (DRER) and, more specifically, DERM.

3.2 The property shall be landscaped in accordance with the landscape plan included within the plans entitled “The Crossings at Quail Roost Senior Residential Community” prepared by Cutler Bay Town Centre LLC, consisting of 30 sheets, dated December 18, 2019.

4. Lighting

4.1 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.

4.2 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.

5. Environmental

5.1 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.

5.2 All storm water shall be retained inside the property as authorized by law.. All storm water drainage systems shall be maintained in working order 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.

5.3 All newly developed private storm water facilities and Best Management Practices constructed shall be inspected each year, and the property owner shall provide a certificate of inspection from a registered engineer each year on a form provided by the Town.

5.4 The applicant shall be required that all post-development runoff does not exceed pre-development runoff conditions to control adverse effects of post construction stormwater runoff, illicit discharges, flood damage and sediment and erosion control. All storm water drainage systems shall be maintained in good working condition at all times in order to avoid localized flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.

5.5 The Town shall use the September 2018 Town of Cutler Bay, FL Stormwater Manual as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater best management practices (BMPs).

5.6 The Town shall use the September 2018 Town of Cutler Bay, FL Watershed Master Plan as the basis for decisions about stormwater permits and about the design, implementation and performance of developing stormwater facilities.

5.7 Runoff discharge rates shall be limited to the pre-development conditions based on the 10-year and 25-year design storm event.

5.8 Low Impact Design Techniques shall be implemented, to the maximum extent possible, on parcels one acre or greater in size in order to control peak runoff (10 year and 25-year design storm event) and to maintain or restore a basin's hydrologic cycle and to improve water quality.

6. Signs

6.1 The Applicant shall provide a Signage Plan prior to submitting for building permit approval.

6.2 All signs shall comply with the Town's Sign Regulations set forth in Article VIII, Chapter 3 of the Town Code.

7. Building

7.1 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.

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 this ____ day of January, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
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 Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____