

RESOLUTION NO. 16-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE IV, DISTRICTS AND DEVELOPMENT STANDARDS, SEC. 3-58(5) OF THE TOWN CODE RELATING TO THE MINIMUM PERCENTAGE REQUIRED FOR BUILDING FRONTAGE FOR VILLAGE OF OLD CUTLER CORP LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Village of Old Cutler Corp. (the “Applicant”) has submitted a Site Plan Application to permit a development containing a 15,582 square foot CVS Building with a drive-thru and 40,536 square foot 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”, and has also submitted a variance application (the “Application”) in accordance with Section 3-36 of the Town Code seeking to vary the Town’s building frontage requirements pursuant to Sections 3-58(5) and 3-36 of the Town Code; and

WHEREAS, this Mixed-Use Development is to be located along S.W. 87 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 not consistent with the Town’s Comprehensive Plan.

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 to permit; (1) fifty-four point eight percent (54.8%) of building frontage on Old Cutler Road where

seventy percent (70%) is required; and (2) thirty one point six percent (31.6%) of building frontage on SW 87 Avenue where fifty percent (50%) is required. The Town Council further finds that the Application does meet the variance criteria set forth in Section 3-36 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. Additional accessory structures, such as trellises or other architectural features may be strategically placed in order to project the concept of greater building frontages.
2. Approval of the Building Frontage subject to Town Council approval of Variance No. V-2015-017 (Buffer Area)
3. Approval of the Building Frontage is subject to Town Council approval of Conditional Use No. CU-2015-012
4. Approval of the Building Frontage is subject to Town Council approval of Site Plan No. SP-2015-001

Section 3. 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 _____