



Office of the Town Manager

Rafael G. Casals  
Town Manager

## MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, CFM, Town Manager

Date: July 20, 2016

Re: CVS/Mixed Use Village of Old Cutler Corp– Site Plan Application  
(Application No.: SP-2015-001) *\*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 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. (*\*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**

Village of Old Cutler Corp., is seeking Site Plan approval to permit a commercial mixed-use development consisting of 15,852 square foot CVS building with a drive-thru pharmacy window and a 40,536 square foot 3-story, mixed use building which includes ground floor retail (6,698 sq. ft.) and 18 residential units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

With the latest site plan provided, the applicant has reduced the number of Variances requested for this project from 5 to 2. In addition, a Conditional Use application is in process for a drive-thru facilities attached to the CVS store. These Variances and Conditional Use are considered in separate applications. A copy of the application including the Letter of Intent is provided in Attachment “A.”

The proposed development will be located on a vacant lot approximately 3.64 acres in size. The property is bounded by SW 200th Street to the north; Old Cutler Road to the southeast and SW 87th Avenue to the west. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be serviced by Miami-Dade County. The site has access to major road networks through Old Cutler Road and SW 87<sup>th</sup> Avenue.

### **Proposed Development Project**

The proposed project is a mixed–use commercial development that includes retail and residential. Both the retail and mixed use buildings will be fronting Old Cutler Road. The CVS building is approximately 15,852 square feet and the mixed use building is approximately 40,536 square feet. Approximately 6,698 square feet of the mixed use building will be dedicated to ground floor retail. The residential component will contain 18 units. The remaining surface area of the project will be used for sidewalks, paved areas, landscape, parking field, natural storm water retention areas, buffers and open space. The latest revised Site Plan was dated 7-6-16 and received by the Town on 7-8-16 (Attachment “F”).

Concurrently with Site Plan approval request, the applicant is also requesting a Conditional Use (Application No. CU-2015-012) approval for the CVS drive-thru facility and two (2) Variances as listed below.

a. Reduction in required building frontages on primary/secondary streets (Application No. V-2015-017).

b. Decrease in required buffer area abutting the residential area to the north (Application No. V-2015-021).

Under separate applications, staff is recommending approval of the Conditional Use and Denial of the 2 Variances above.





## **Land Development Regulations**

Section 3-33 establishes the development standards for the review and approval of site plans in the Town of Cutler Bay. According to this section of the LDRs, no certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. Section 3-33(B) of the Code provides the approval standards for which the proposed site plan application is evaluated by the Town Council.

## **Land Use and Zoning**

The Future Land Use Map designation is Mixed Use. The Town's adopted policy for mixed-use projects recognizes that the Mixed Use Districts under the Density and Intensity list in Table FLU-1 of the Growth Management Plan allow for a mix of commercial uses without having residential as one of the uses, whether the proposed development is vertical or horizontal in form and function. The residential component in the mixed-use should be considered only if it is incorporated as part of the mixed-use project, and no less than 20 percent of the project should be set aside for residential use. 60% of the project floor area is dedicated to residential use.

This parcel is zoned NC-1 (Neighborhood Center District). The NC-1 District provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The intent of the district is to develop into an interconnected pattern of streets that is limited to approximately ¼ mile in radius. Uses in the District have a primary market area of three (3) miles and are intended to service the daily needs of residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes. The following provides an overview of the surrounding zoning and land use designations.





Existing Zoning Districts	Future Land Use Map Designation
<b>Subject Property:</b>	<b>Subject Property:</b>
NC-1- Neighborhood Center 1	Mixed-Use
<b>Surrounding Properties:</b>	<b>Surrounding Properties:</b>
<b>NORTH:</b>	<b>NORTH:</b>
SR- Single Family Residential	Low Density Residential
<b>SOUTHEAST:</b>	<b>SOUTHEAST:</b>
SR - Single Family Residential	Low Density Residential
<b>SOUTHWEST:</b>	<b>SOUTHWEST:</b>
NC-1 – Neighborhood Center 1	Mixed Use
<b>WEST:</b>	<b>WEST:</b>
SR – Single Family Residential	Low Density Residential

**NC, Neighborhood Center District Development Standards**

	Required/Permitted	Proposed
<b>Minimum Lot Area (square Feet)</b>	N/A	158,736
<b>Maximum Floor Area Ratio</b>	1.6	0.3
<b>Maximum Floor Area Ratio with Green Bonus</b>	2.0	N/A
<b>Maximum Density (units per acre)</b>	15	5 (Based on entire parcel area)
<b>Maximum Density with Green Bonus</b>	30	N/A
<b>Maximum Height (feet)</b>	35	29.75 (CVS) 35 (Mixed Use)
<b>Maximum Frontage Height with Green Bonus</b>	48	N/A
Number of Stories	3	2 and 3
Number of frontage stories with Green Bonus	4	N/A
<b>Adjoining Residential Zoning (feet)</b>	35	35
Number of Stories	3	3
<b>Building Frontage (percent)</b>		
Along Primary Street	70	54.8 (CVS and MU)





Along Secondary Street	50	31.6% (CVS)
<b>Principal Structure Setbacks (feet)</b>		
Front (maximum)	25	6 (CVS), 4.5 (MU)
Side Street	15	48.5 (CVS), 270 (MU)
Interior Side	0	N/A
Rear	20	162 (CVS), 77.49 (MU)
Rear (abutting an alley)	0	N/A
<b>Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement</b>		
Front (minimum)	12	N/A
Front (maximum)	20	N/A
<b>Maximum impervious Surface Coverage (percent)</b>	70	66
<b>Minimum Lot Width - Residential (feet)</b>	25	N/A
<b>Minimum Lot Depth (feet)</b>	N/A	N/A
<b>Open Space (percent)</b>		
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares	5	26.14 (overall)
<b>Encroachment Into ROW (feet)</b>		
Balcony	5	N/A
Awning	5	N/A
<b>Accessory Structure Height (feet)</b>		
Only permitted in rear yards of townhomes	6	N/A

Most of the development surrounding the proposed site is residential. An aerial photograph (Attachment “B”) depicting the location of the property and surrounding uses is provided. The Future Land Use (Attachment “C”) and Zoning (Attachment “D”) maps are also provided.

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

**Consistency with Growth Management Plan**

The Town of Cutler Bay Future Land Use Map designates the subject property as mixed use. Areas designated mixed use on the Future Land Use Map along the Old Cutler Road corridor shall be developed with a mix of uses residential/commercial or commercial/retail/office. Horizontal mixed-use development is allowed, with specific uses determined by the underlying zoning district. The following goals, objectives and policies in the Growth Management Plan are relevant to this review.

*Goal 1: Protect and improve the Town’s built and natural environment through the use of land in a manner that enhances existing neighborhoods, conserves*





*resources, ensures the availability of public facilities and services, and realizes the community's vision for its future.*

*Objective FLU-3: Mixed Use Districts. The areas designated "Mixed Use" on the Future Land Use Map shall be developed or redeveloped through the Land Development Regulations as design unified horizontal and vertical mixed use areas in accordance with the adopted plans and studies that reflect the community's vision.*

*Policy FLU-3C: The area located along the Old Cutler Road corridor and designated "Mixed Use" on the Future Land Use Map shall be redeveloped as a place where living, working, shopping, and civic activities can take place within a town center type environment.*

*Policy FLU-3D: New development and redevelopment along Old Cutler Road shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.*

*Policy FLU-3E: The Town, through the Land Development Regulations, shall implement the development of a civic district and public gathering space along the Old Cutler Road corridor.*

*Policy FLU-3F: The Town shall provide improved multi-modal transportation circulation and streetscapes within the Old Cutler Road corridor and adjacent areas through the implementation of capital projects, intergovernmental coordination, and other mechanisms as appropriate.*

*Policy FLU-3G: The Town shall implement unified high quality, well-designed horizontal and vertical mixed use development on the Old Cutler Road corridor.*

*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 current site plan is consistent with these goals, objectives and policies, except with respect to the variances requested.

## **SITE PLAN APPROVAL EVALUATION CRITERIA**

In evaluating an approval of a site plan application under the Town's Land Development Regulations, the following Code evaluation criteria apply.

1. The development permitted by the application, if granted, conforms to the Growth Management Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.

The proposed site plan with the drive-thru Conditional Use and 2 Variances does not conform to the Growth Management Plan including the goal, objectives and policies cited previously. The Site Plan with the Variances requested will not serve a public benefit because it does not foster an attractive and pedestrian-friendly corridor environment, nor protect abutting neighborhoods as required by the Growth Management Plan.

2. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

The proposed development is planned for a vacant parcel and should not have an adverse impact on the environment or natural resources. No irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

3. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town.

The proposed project should have a favorable impact on the economy.

4. The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.





Potable water, sanitary sewer, solid waste, recreation, education and other public facilities are available to adequately serve the project within the adopted level-of-service standards.

5. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

The applicant has submitted a traffic study (Attachment “G”) which has been approved by Miami-Dade County and the Town’s Public Works Department. The project should efficiently use, and not unduly burden public transportation facilities including roads and transit. The project is accessible by public streets including Old Cutler Road and SW 87<sup>th</sup> Avenue.

## **RECOMMENDATION**

Staff recommends **Denial** of the proposed site plan (Attachment “F”). Should the Town Council vote to approve the site plan, it is recommended that the conditions listed below be included in the approval resolution.

### **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 200<sup>th</sup> Street and SW 87<sup>th</sup> 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 87<sup>th</sup> 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. 200<sup>th</sup> 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 200<sup>th</sup> 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. 87<sup>th</sup> 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. 87<sup>th</sup> Ave., north side of Old Cutler Rd. and south side of S.W 200<sup>th</sup> 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.)

## **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” – Traffic Study
- Attachment “H” – Registered Lobbyist

