



Application No.: FLUM-2018-017

Attachment "A"

Consultant's Report

Vista Del Lago Amend LBB Mixed Use

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Memorandum

☐ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: April 18, 2018

To: Kathryn Lyon, AICP, Planning and Zoning Director

From: Alex A. David, AICP, Consultant Planner

Subject: Arc Treo 216, LLC/Vista del Lago

Project: Proposed Text Amendment to the Lakes by the Bay Mixed-Use Land Use Sub-Category

CC: Sarah Sinatra Gould, AICP, Consultant Planner

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S GROWTH MANAGEMENT PLAN FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY MIXED-USE SITE TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT ON PROPERTY GENERALLY LOCATED SOUTH OF S.W. 216TH STREET BETWEEN S.W. 92ND PLACE AND S.W. 89TH COURT (FOLIO NUMBER 36-6016-000-0027), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 18.57 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The request is to amend the Town Growth Management Plan Future Land Use Element Mixed-Use Category as follows:

FROM:

Lakes-by-the-Bay Mixed-Use Site

Commercial, office, community facilities, and recreational open space uses that serve the surrounding residential communities. Floor Area Ratio of .5, maximum building height of two stories, 35 feet. Architectural features can exceed maximum height limitations.

TO:

Lakes-by-the-Bay Mixed-Use Site

Commercial, office community facilities, and recreation open space uses that serve the surrounding residential communities, as well as residential uses as part of a mixed-use project. Floor Area Ratio (FAR) of 0.5, residential density of no more than 7 units per gross acre, maximum building height of two stories, 35 feet. Architectural features can exceed maximum height limitations.

APPLICATION SUMMARY

Staff Coordinator: Kathryn Lyon, AICP, CFM
Planning and Zoning Director

Applicant/Representative: Juan J. Mayol, Jr.
Holland & Knight
701 Brickell Avenue, Suite 3300
Miami, FL 33131
305-789-7787
Juan.mayol@hklaw.com



Memorandum

Owner: Arc/Treo LLC

Future Land Use Map Designation: Mixed-Use (Lakes by the Bay)

Existing Zoning/Site Condition: Neighborhood Center (NC-2)/Vacant*

* Applicant is submitting a concurrent application for amending the Permitted Uses in the NC Neighborhood Center District and NC-2 Development Standards. Additionally, applications for Site Plan approval, release of the Declaration of Restrictions, and amending the boundaries of the existing CDD to incorporate the subject property will also be required.

Folio Number: 36-6016-000-0027

Legal Description: A portion of the N ½ of Section 16, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Begin at the Southeast corner of the plat of LAKES BY THE BAY SECTION EIGHT, according to the plat thereof recorded in Plat Book 139, at Page 50, of the Public Records of Miami-Dade County, Florida, said point also being the Southwest corner of the plat of LAKES BY THE BAY SECTION NINE, according to the plat thereof recorded in Plat Book 141, at Page 2, of the Public Records of Miami-Dade County, Florida, said point lying on the South Right-of-Way line of S.W. 216th Street, as said Street was dedicated and shown on the said plats of LAKES BY THE BAY SECTION EIGHT and LAKES BY THE BAY SECTION NINE; thence N 89°09'53" E along the South line of said LAKES BY THE BAY SECTION NINE and along the said South Right-of-Way of S.W. 216th Street, for 195.88 feet; thence S 00°31'55" E for 698.00 feet ; thence S 89°03'14" W for 1090.15 feet; thence N 00°28'59" W for 886.77 feet to a point on a circular curve concave to the Northeast, said point bearing S 27°31'35" W from the center of said curve, said point lying on the Southerly line of the said LAKES BY THE BAY SECTION EIGHT, said point also lying on the Southerly Right-of-Way line of said S.W. 216th Street; thence run the following courses and distances along the said Southerly line of the LAKES BY THE BAY SECTION EIGHT, and along the said Southerly Right-of-Way line of S.W. 2166 Street: Southeasterly, Easterly and Northeasterly, along said curve to the left, having for its elements a radius of 1,555.00 feet and a central angle of 28°21'42" for an arc distance of 769.73 feet to the point of tangency; thence N 89°09'53" E for 153.83 feet to the Point of Beginning.

STAFF ANALYSIS

General Site Information

<u>Area Boundaries:</u>	North of theo. SW 221st Street South of SW 216th Street East of SW 92nd Place West of SW 89th Court
<u>Size of Area:</u>	18.57 +/- gross acres 808,909 square feet
<u>Existing Site Conditions:</u>	Vacant
<u>Existing Conditions Surrounding Site:</u>	North – Single-Family Cluster Homes South – Lake and Townhouses East – Lake and Townhouses West – Lake and Townhouses
<u>Adjacent Future Land Use:</u>	North – Medium Density



Memorandum

	South – Medium Density East – Medium Density West – Medium Density
<u>Adjacent Zoning District:</u>	North – Neighborhood Residential (NR) South – Multi-Family Residential (MR-13) East – Multi-Family Residential (MR-13) West – Multi-Family Residential (MR-13)

A Declaration of Restrictions (Official Records Book 11485, Page 537) limits this parcel to non-residential uses, and an overall density of 5.46 units/acre for the 722-acre Lakes by the Bay planned development. The applicant must amend the Declaration to permit residential uses on this parcel. If approved, this development would not increase the overall density beyond the 5.46 units/acres.

STAFF ANALYSIS

The Applicant is proposing to amend the Mixed-Use Category Lakes-By-The-Bay Mixed-Use Site to permit residential uses as part of a Mixed-Use Project. Council approval is required in order to facilitate a project consisting of: 128 townhomes (6.91 units per gross acre) and 37,285 square feet of restaurant and retail space; and associated amenities on vacant land south of SW 216th Street between SW 92nd Place and SW 89th Court. A copy of the Amendment application is provided in Appendix "A".

In 1982 plans and the associated Declaration of Restrictions were approved for the Saga Bay Development (now known as Lakes By The Bay). The applicant was Cadillac Fairview South Dade, Inc. for the 722-acre project. Certain development limitations were agreed to as part of the Declaration and include: a maximum 3,941 units, an overall maximum density of 5.46 dwelling units per acre, and set asides for non-residential uses on certain parcels. The parcel that is the subject of this application was zoned BU-2 (Special Business District) at the time and remained so until the Town implemented its Growth Management Plan and Land Development Regulations, in 2008 and 2012, respectively. The Future Land Use was changed to Mixed Use Lakes-By-The-Bay while the zoning was changed to Neighborhood Center (NC-2). Neither designation permitted residential uses.

As part of other associated applications, the Applicant will request text amendments to the Neighborhood Center (NC-2) sub-district in order to accommodate the residential component of the mixed-use development (townhomes and restaurant/retail); Site Plan approval; and, changes to the Declaration of Restrictions and CDD.

In its analysis, Staff has reviewed the Town's Growth Management Plan in order to determine consistency between the request and Plan.

Policy FLU-3A: *Areas designated mixed use shall contain commercial, office, residential, community, institutional and recreation and open space uses integrated vertically or horizontally, in accordance with Policy FLU-1C.*

REFERENCE: Policy FLU-1C: The Town's Land Development Regulations shall conform to, and implement, the use, intensity and density standards prescribed for the land use districts provided on the Future Land Use Map and detailed in Table FLU-1.

Staff Comment: With the addition of a residential component this application will render the development consistent with FLU-3A.

Policy FLU-4C: *Development and redevelopment in the residential districts shall be regulated to ensure compatibility with the existing neighborhood, implement the recommendations of neighborhood improvement plans or initiatives that may be adopted, and prevent the encroachment of incompatible uses. When considering redevelopment proposals, maintaining consistency with existing densities and intensities shall be a major factor. Please see Objective LU-5 and its implementing policies for information regarding development compatibility criteria.*



Memorandum

REFERENCE: 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.

Staff Comment: The addition of the residential component at a proposed density of 6.91 units/acres would be consistent with the densities of the existing development to the east, south and west.

Policy FLU-4D: *The Town shall implement strategies to improve residential neighborhoods.*

Staff Comment: Improving neighborhoods includes the provision of adequate commercial and offices uses. Although diminishing the overall amount of commercial and office uses that would be permitted on this parcel (323,000 square feet), the 37,285 square feet of restaurant/retail would be adequate to serve the needs of community.

Policy FLU-5I: *The Town shall ensure that any applications to amend the Growth Management Plan and/or Future Land Use Map are reflective of the community's vision as expressed in the Growth Management Plan or special neighborhood plans, and will not result in increased sprawl.*

Staff Comment: This location has been proposed for nonresidential development since 1982 but has never been developed. Therefore, the proposed amendment to permit a mixed-use development with a residential component will increase the its potential for development. This proposal will not increase sprawl as this parcel would be considered "infill".

REFERENCE: Infill – Land that is largely vacant and underdeveloped within areas that are already largely developed.

Policy FLU-13C: *The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center and Mixed Use land use districts, in accordance with this Plan.*

Staff Comment: This mixed-use development would support neighboring residential districts and those residences internal to the project. The effect of non-residential uses proximate to residential areas is fewer trips by auto. Residents are provided more opportunities to walk or bicycle to other uses such as restaurants, dry cleaners, banks, etc.

DERM

See Attached memo dated March 29, 2018 (Exhibit "A").

Traffic Comments

See Attached Traffic Review Memo (Exhibit "B").



Current vs. Proposed Analysis

<u>Current Future Land Use:</u> Mixed-Use (Lakes-by-the-Bay) (0.5 floor area ratio for commercial, office and community facilities)	<u>Proposed Future Land Use:</u> Mixed-Use (Lakes-by-the-Bay) (7 units per acre / 0.5 floor area ratio)
<u>Current Permitted Uses:</u> Commercial, office, community facilities, and recreation open space uses that serve the surrounding residential communities	<u>Proposed Permitted Uses:</u> Commercial, office community facilities, and recreation open space uses that serve the surrounding residential communities, as well as residential uses as part of a mixed-use project
<u>Current Permitted Height, Density and Intensity (NC-2):</u> 0.5 floor area ratio with a maximum building height of two (2) stories, 35 feet.	<u>Proposed Permitted Height, Density and Intensity (NC-2):</u> 7* units per gross acre, maximum floor area ratio of 0.7. Maximum building height of two (2) stories, 35 feet.
<u>Current Zoning:</u> Neighborhood Center (NC-2)	<u>Proposed Zoning:</u> Neighborhood Center (NC-2) *

* An application has been submitted to amend the text of the zoning district to allow residential as a permitted use and to amend certain development regulations.

LEVEL OF SERVICE ANALYSIS

This analysis is based on those standards contained in the Town's adopted Growth Management Plan. Where necessary, the average household size of 2.28 persons per household for Miami-Dade County.

The parcel is currently vacant and therefore has no Level of Service impacts.

Transportation

LOS D

See Traffic Review Memo (Exhibit "B")

Potable Water

The adopted Cutler Bay LOS standard for potable water is:

Regional treatment. System shall operate with a maximum daily rated capacity that is no less than 2% above maximum daily flow for the preceding year, and an average daily capacity 2% above the average daily system demand for the preceding 5 years. The maximum daily flow shall be determined by calculating the average of the highest five single day flows for the previous 12 months.

User LOS. Maintain capacity to produce and deliver 74 gallons per capita per day systemwide.

Water Quality. Shall meet all county, state and federal primary potable water standards.

Countywide Storage. Storage capacity for finished water shall equal no less than 15% of countywide average daily demand (County).



Memorandum

Estimated Impact: +21,596 gallons per day

Sewer

1. The system shall maintain the capacity to treat 100 gallons/capita/day.
2. Discharges shall meet all federal, State, and County standards.
3. Regional wastewater treatment plants shall operate with physical capacity no less than the annual average daily sewage flow.

The Countywide system shall maintain the capacity to collect and dispose of 102% of the average daily sewage system demand for the proceeding 5 years (Miami-Dade County).

Estimated Impact: +29,184 gallons per day

Solid Waste

The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows (Miami-Dade County).

Parks and Recreation

1. 3.0 acres per 1,000 permanent residents.
2. Private facilities shall count as 50% towards acreage.
3. County Regional Parks shall count as 30% towards acreage.

Estimated Impact: +0.88 acres

Schools

See School Concurrency Memo (Exhibit "C")

STAFF RECOMMENDATION

- 1) **Approval, subject to conditions**, of the request to amend the Lakes-by-the-Bay Mixed-Use Land Use Designation to permit:
 - a) Residential uses;
 - b) A residential density of up to 8.0 units per acre where the average density in the surrounding Lakes by the Bay community is Medium Density (5-13 units per gross acre); and,
 - c) An increase in Floor Area Ratio from the current maximum 0.5 FAR to the proposed 0.7 FAR.

CONDITIONS

1. General Conditions

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



Memorandum

1.3 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.

1.4 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.

1.5 The Applicant shall comply with applicable conditions and requirements by Miami-Dade County Public Works Department, Fire Rescue Department, and the Department of Regulatory and Economics Resources (DRER).

1.6 If necessary, the property shall be completely de-mucked prior to the unloading of clean fill.

1.7 The applicant must plat the property.

1.8 A draft Declaration of Restrictions or similar recorded document shall be submitted to the Town for review prior to final approval of the application.

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 commencement of construction.

2.1.2 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.

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

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

2.4 The Applicant shall provide an Erosion Control Plan prior to the issuance of any 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.

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).

3.2 The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with DRER requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DRER requirements.

4. Traffic

4.1 No delivery trucks shall use the local neighborhood roads as a route to reach the property.



5. Off-Street Parking/Lighting

5.1 The Applicant shall provide the required number of parking spaces required under Section 3-144. - Minimum Parking Ratios.

5.2 The Applicant shall install and maintain light fixtures which project the light rays directly to the street, 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.

5.3 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.

6. Environmental

6.1 The Applicant shall comply with the requirements of Chapter 3, Article V. – Green Standards.

6.2 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.

6.3 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.

7. Signs

7.1 Provide the Signage Plan, if any, prior to submitting for building permit approval.

7.2 All signs should be consistent with the Town's Sign Regulation in Article VIII of the Town Code.

8. Building

8.1 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.

9. Enforcement

9.1 Noncompliance with the approved site plan and the terms of this approval shall be considered a violation of the Town Code. Penalties for such violation(s) shall be prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

EXHIBIT A



Department of Regulatory and Economic Resources
Environmental Resources Management
Code Coordination and Public Hearings
701 NW 1st Court 4th Floor
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6759

miamidade.gov

March 29, 2018

Ms. Kathryn Lyon, Planning and Zoning Director
Department of Community Development
Town of Cutler Bay
10720 Caribbean Boulevard, Suite 105
Cutler Bay, FL 33189

Re: Municipal Site Plan Review #MZ2018000009
Vista Del Lago Site Plan
FLUT 2018-017
South of SW 216th Street, between SW 92nd Avenue and SW 89th Place
Cutler Bay, FL

Dear Ms. Lyon:

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). Accordingly, the site plan is approved by DERM.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Currently, the corresponding downstream sanitary pump station associated with the proposed development, 30-0583 is under Conditional Moratorium (CH). In accordance with the USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013) between the Environmental Protection Agency and Miami Dade County, DERM cannot issue Sewer Capacity Certification nor approve building permits or Certificates of Use until pump station 30-0583 has been certified complete and operating in compliance.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any

future development order approval. The applicant is advised to contact the DERM Water Control Section (305-372-6681) for further information regarding permitting procedures and requirements. Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Applicant is advised that the proposed surface water management system must be approved by DERM Pollution Remediation Section (PRS). It is the applicant's responsibility to contact the PRS at (305)372-6700 for additional information.

A DERM Class VI Permit shall be required for the construction of the surface water management system.

Pollution Remediation

The site has records of current contamination issues under Vista Del Lago (DERM file HWR-566). Any construction, development, drainage, and dewatering at the subject site will also require DERM review and approval as it relates to environmental contamination issues.

Furthermore, the subject folio is located east of the isochlor line, east of the Urban Development Boundary (UDB), and is not located within a wellfield protection area.

Wetlands

The subject property is located within the Southwest Biscayne Bay Wetland Basin, and contains wetlands as defined by Section 24-5 of the Code. Class IV Permit CLIV06-089 was issued on June 6, 2007 and expired on June 6, 2009. A final inspection conducted on June 9, 2009 indicates that the work authorized in this permit never occurred. Therefore, a Class IV permit will be required before any work occurs in wetlands on the property.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. The Coastal and Wetland Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management

District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

An aerial review of the subject property revealed the presence of tree resources wetlands. Please be advised that tree resources that lie within wetlands areas will be regulated through a Class IV Wetlands Permit; however, any tree resources within areas not designated as wetlands will require a Miami-Dade County Tree Removal Permit prior to removal and/or relocation.

The site plan submitted indicates impacts to tree resources. DERM has no objections provided that applicant obtains a permit and that specimen trees (trees with a trunk diameter at breast height of 18 inches or greater) are preserved. Should the applicant require impacts to specimen trees, substantive changes to the site plans pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. The applicant is advised that a tree survey that includes a tree disposition table will be required prior to the reviewing the tree removal permit application. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standard and the CON-8A of the CDMP. A recommendation of approval is contingent on the applicant obtaining a tree permit.

In accordance with Section 24-49.9 of the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

The applicant is advised to contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

The subject property has one (1) open enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

The Hazardous Waste Remediation (HWR) enforcement record for Vista Del Lago Property (HWR-566) relates to a Phase II Environmental Site Assessment conducted on 1/22/2013 which revealed elevated levels of arsenic contamination on the property. A Contamination Assessment Report Addendum was submitted to DERM for review on 1/13/2015, resulting in the approval of a Monitoring Only Plan on 2/25/2015. The property was monitored via groundwater samples collected and monitoring reports submitted to DERM.

A Notice of Violation was issued on 2/26/2016 for failure to submit the Quarterly Sampling Report that was due on 8/20/2015. The report was submitted on 4/20/2016. The associated reports fees were submitted on 10/5/2016.

The enforcement record remains open due to a past due response to comments. For further information on the Enforcement Records, contact Eric Streett of the Code Enforcement Section at



(305)372-6902. For further information regarding the contamination record, contact the Environmental Monitoring and Restoration Division at (305)372-6700.

In summary, this letter shall constitute written approval for this municipal site plan review as required by Chapter 24 of the Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written in a cursive style.

Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

EXHIBIT B



TOWN OF CUTLER BAY DEVELOPMENT REVIEW COMMENTS

Discipline: *Traffic Engineering*
Reviewed by: *Eric Czerniejewski, PE, ENV SP*
Review Date: *04/11/18*
Phone: *(954) 921-7781*
Fax: *(954) 921-8807*

Application: *Site Plan Amendment*

Project Name: *Vista Del Lago*
Project Number: *15-8193*

Comments Based on Plan Submittal: 6th submittal

☐ *No comments*
☒ *Comments as follows or attached*

-
1. Please address the outstanding comments provided by Miami Dade County Public Works and Waste Management Traffic Engineering Division (copy attached).

Langan 08/10/16 Response: We revised the study to address comments from Miami-Dade County. The response letter is attached.

CGA 10/11/16 Response: Please provide traffic analysis for the following intersections per comments identified by Miami Dade County:

- **SW 92nd Avenue and SW 216th Street**
- **SW 92nd Avenue and Old Cutler Road**
- **SW 216th Street and Florida Turnpike Southbound Ingress/Egress Ramps**
- **SW 216th Street and Florida Turnpike Northbound Ingress/Egress Ramps**

Please provide a copy of your comment response memo to Miami Dade County in the Appendix of your updated report.

Langan 12/12/16 Response: The intersections reviewed in the study were established and accepted by the county in the methodology letter. The county has not reviewed the revised report and has not requested the analysis of additional intersections. Comment/response letters are provided as separate documents and are not considered part of the traffic study.

CGA 01/09/17 Response: Comment Pending. Traffic Analysis at the SW 92nd Avenue and SW 216th Street and the SW 92nd Avenue and Old Cutler Road intersections is required.

Langan 03/29/17 Response: We discussed the additional intersections with the town's traffic consultant and he agreed to require only the additional intersections on SW 92nd Avenue. The report was revised to include the additional intersections.

CGA 04/26/17 Response: Addressed.

2. Please provide the Traffic Analysis Zone data sheet in the Appendix. Please provide the sheets with TAZ 1362 shown from the Miami Dade County 2040 Transportation Model.

Langan 08/10/16 Response: Response: Traffic Analysis Zone data sheets have been included in the report's appendices.

CGA 10/11/16 Response: Addressed.

3. Please revise the intersection capacity analysis (including relevant tables and report sections) based on the current traffic signal timing (copy attached) for the two signalized intersections. The traffic signal timing sheets provided in the Appendix for Old Cutler Road and SW 216th Street (Asset 4184) and SW 87th Avenue and SW 216th Street (Asset 5811) are not current. The current traffic signal timings as of these Development Review comments for Asset 4184 is dated 02/15/2016. The current traffic signal timings as of these Development Review comments for Asset 5811 is dated 04/08/2016.

Langan 08/10/16 Response: We revised the intersection analysis using the current traffic signal timing information.

CGA 10/11/16 Response: Addressed.

4. Please provide narrative within the Build Traffic Volumes section regarding the signal timing modifications proposed. Please provide a table that depicts the specific changes to the traffic signal timing and for what movements. Please provide documentation of Miami Dade County's approval of these traffic signal timing modifications proposed for the intersection of SW 216th Street and SW 87th Avenue.

Langan 08/10/16 Response: A table summarizing the signal timing changes has been included in the report's appendices. The proposed timing changes do not modify the cycle lengths or phasing of the traffic signal.

CGA 10/11/16 Response: The table referenced cannot be found in the Appendices. Please specify which Appendix the table that defines the signal timing changes has been inserted. Please provide documentation of Miami Dade County's approval of these traffic signal modifications.

Langan 12/12/16 Response: A copy of the table has been included in Appendix D. Miami-Dade County will review the impact study and comment if the proposed signal timing modifications are not acceptable.

CGA 01/09/17 Response: Addressed.

5. In the Alternative Modes of Transportation section, please confirm if bicycle facilities are existing along any of the road segments analyzed.

Langan 08/10/16 Response: We revised the report to identify bicycle facilities along analyzed roadways.

CGA 10/11/16 Response: Addressed.

6. Please provide a section in the report regarding traffic impacts related to the area wide schools within the radius of influence for this project. This would include Edward L. Whigham Elementary School and Cutler Bay Senior High School. Please provide details of any deficiencies in the pedestrian, bicycle or vehicular infrastructure at the related signalized intersections or road segments.

Langan 08/10/16 Response: We revised the report to include impacts to the surrounding schools.

CGA 10/11/16 Response: Please include committed trips from the Mater Academy school project located just east of the subject development. Mater Academy recently was approved and the build-out site generated trips need to be added to the road network as part of the traffic analysis.

Langan 12/12/16 Response: The analysis included traffic from the Mater Academy project.

CGA 01/09/17 Response: Addressed. Please update page 6 of the report (Background Traffic) regarding the approved but unbuilt development projects. Since the initial methodology, Mater Academy has since been approved. Although the traffic analysis and back-up (intersection volume worksheets) show committed trips, this portion of the report should reflect the same.

Langan 03/29/17 Response: We included a reference to the inclusion of traffic from the Mater Academy project on page 6 of the report.

CGA 04/26/17 Response: Addressed.

7. Please add a column to Table 6 for the volume to capacity (v/c) ratio.

Langan 08/10/16 Response: Volume-capacity ratio values are included in Table 6.

CGA 10/11/16 Response: Addressed.

8. Although the level of service is within the Town of Cutler Bay's LOS criteria for the roundabout at Old Cutler Road and SW 87th Avenue, there appears to be traffic operational issues for some of the movements. Roundabouts should be designed to operate at no more than 85 percent of their estimated capacity. When traffic flows on an approach exceed approximately 85 percent of capacity, delays and queue lengths vary significantly about their mean values. Please provide field observations during the peak hours to confirm that the approaches in the AM peak hour (WB right, NB left) and the PM peak hour (EB right).

Langan 08/10/16 Response: Old Cutler Road and SW 87th Avenue are county-maintained roadways and are expected to operation at their adopted level of service.

CGA 10/11/16 Response: Please provide narrative in the report that addresses field observations during existing peak hour conditions for the WB left and NB right in the AM peak hour and the EB right in the PM peak hour. The 95th percentile queues in the build condition are approximately 12 vehicles for the WB left and 15 vehicles for the NB left in the AM peak hour and 18 vehicles for the EB right in the PM peak hour.

Langan 12/12/16 Response: Old Cutler Road and SW 87th Avenue are county-maintained roadways and are expected to operation at their adopted level of service.

CGA 01/09/17 Response: Comment still pending.

Langan 03/29/17 Response: We included a narrative in the report regarding the field observations at the intersection.

CGA 04/26/17 Response: Please update the narrative to define the date and time the field observations were made at the intersection of Old Cutler Road and SW 87th Avenue. Please update Tables 1, 2 and 5 to include LOS delay and 95th percentile vehicle queue stacking for each approach of the intersections analyzed.

Langan 05/01/17 Response: We revised the study to include narrative regarding the field observations that were performed at the roundabout at SW 87th Avenue and Old Cutler Road and to indicate that the 95th percentile queues and LOS delays can be found in Appendix G.

CGA 05/24/17 Response: Addressed.

9. Please update Figures 3, 4 and 6 to show the peak hour/peak direction road segment volumes per the current collected traffic data. Please provide an additional table that shows these calculated values which are used in the road segment link analysis as depicted in Table 6.

Langan 12/12/16 Response: We have revised Figures 3, 4 and 6 to include directional volumes. A table summarizing the calculation is included in the appendices.

CGA 01/09/17 Response: Addressed.

10. Please update the LOS D capacity for all of the analyzed road segments. Per page 3 Description of Existing Conditions, each of the road segments referenced are County roadway facilities. The 2013 FDOT Quality LOS Handbook calls for an adjustment factor of -10% for Non-State Signalized Roadways.

Langan 12/12/16 Response: All of the roadways analyzed are county roadways and they have not requested the application of the reduction factor. The 2013 Quality/Level of Service Handbook indicates that the 10 percent factor is applied to non-state facilities because, in general, they have lower green times at signalized intersections than state roads. We believe the reduction factor should not be applied because green times are not generally lower on county roads compared to state roads in Miami-Dade County.

CGA 01/09/17 Response: Addressed. The Town of Cutler Bay will yield to the requirements requested of the applicant by Miami Dade County.

11. Please update Table 6 to reflect peak hour/peak direction volumes and use the appropriate LOS D capacities per the 2013 FDOT LOS Handbook. Please add a footnote to Table 6 that documents which table is being used and which adjustment factors have been applied. Please check the numbers used for the Old Cutler Road between SW 216th Street and SW 87th Avenue road segments. The progression from 2015 volumes to 2018 volumes to 2018 Total Traffic does not add up for the A.M. Peak Hour scenario. Please add a column next to Project Trips for the relevant committed trips for these road segments.

Langan 12/12/16 Response: We revised Table 6 to reflect peak-hour/peak-direction volumes, add a footnote to indicate which tables were used and included the committed trips. Please note that we performed arterials analysis using Synchro software to analyze northbound AM peak-hour vehicle speeds on SW 87th Avenue.

CGA 01/09/17 Response: Please provide a copy of the Synchro files for the arterial analysis for further review.

Please provide a travel time and delay study for the road segments of SW 87th Avenue (Galloway Road) between SW 216th Street and SW 212th Street and SW 212th Street and Old Cutler Road during a normal school day. The travel time and delay study should be conducted per the criteria in the FDOT Manual of Uniform Traffic Studies Chapter 13. Please provide a traffic study methodology for review and approval for this supplemental traffic data collection and analysis.

Langan 03/29/17 Response: We contacted the town's traffic consultant and indicated that the arterial analysis results indicate that the vehicle speeds are at a LOS D and additional analysis should not be required.

CGA 04/26/17 Response: Addressed. Miami Dade County Department of Transportation and Public Works Division of Transportation Strategic Planning has been contacted to receive recent travel time and delay and vehicle speeds for County roadway facilities in the Town of Cutler Bay. This real-time traffic information would come from the partnership between Miami Dade County and the Waze Connected Citizens Program (CCP). A condition to perform a post development travel time and delay study may be required based on information available from the Waze Connected Citizens Program.

12. Please confirm that the trip generation calculated will be for the worst-case scenario for the proposed buildout of the site. Based on the current FLUM and Rezoning submittal, if approved by the Town Council, a total of 540 units (30 units per acre @ 18 acres) could be built plus the commercial component.

Langan 12/12/16 Response: The trip generation is based on the owner's development program and not on the worst-case-scenario.

CGA 01/09/17 Response: Addressed.

13. The link analysis for the Old Cutler Road segment between SW 216th Street and SW 87th Avenue yielded a volume to capacity of 0.99/0.89 for the AM peak hour and 0.92/0.95 for the PM peak hour which is nearing full capacity. Please clarify if there are infrastructure improvements that could be made to improve the roadway capacity along this road segment.

Langan 05/01/17 Response: Old Cutler Road cannot be widened or improved with auxiliary lanes because it is a State Historic Highway.

CGA 05/24/17 Response: Addressed.

14. The traffic data included as part of this traffic impact study dates back to November of 2015. New traffic data should be collected for the subject intersections and road segments. The traffic impact study should be updated accordingly.
 - Intersection analysis should be performed using current Synchro version in lieu of HCS. The buildout year should be revised as the current traffic impact study calls out 2018 as the full buildout.
 - Traffic signal timing sheets have been updated since the 5th traffic study submittal for Vista Del Lago dated 05/01/17. Asset numbers 4184, 5811, 6435 and 6965 should be reviewed and intersection analysis updated based on any timing changes.
15. Please confirm that the minimum spacing per Miami Dade County is provided between the proposed access openings on SW 216th Street.
16. Please provide safe pedestrian crossings using pavement markings and signage per MUTCD for pedestrians at the main intersection between street type D and street type E roadways near the open space and pool cabana area. Please clarify the traffic control proposed at the internal intersections of the development site as part of the pavement marking and signage plan. Please ensure that appropriate Do Not Enter and One-Way signage is placed on the street type A roadways at the main entrance.
17. Please update handicap parking symbols for all proposed handicap parking spaces. The orientation is flipped at the parking spaces near the tot lot and the eastern commercial plaza.
18. Below is a list of items of note from prior review cycles and comment as of this 6th traffic study submittal.
 - Field observations or similar available aerial drone images should be reviewed during peak hours for the intersection of Old Cutler Road and SW 87th Avenue and to confirm the existing traffic operations. Recent aerial drone images were collected for the roundabout at Old Cutler Road and SW 87th Avenue for the Old Cutler Properties development project that can be referred to.
 - Miami Dade County Department of Transportation and Public Works Division of Transportation Strategic Planning has been contacted to receive recent travel time and delay and vehicle speeds for County roadway facilities in the Town of Cutler Bay. This real-time traffic information would come from the partnership between Miami Dade County and the Waze Connected Citizens Program (CCP). A condition to perform a post development travel time and delay study for the SW 87th Avenue (Galloway Road) road segments between SW 216th Street and SW 212th Street and SW 212th Street and Old Cutler Road may be required based on information available from the Waze Connected Citizens Program.



Date: April 11, 2018

Eric S. Czerniejewski, P.E., ENV SP

Director of Traffic Engineering



EXHIBIT "C"

Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System School Concurrency Determination

MDCPS Application Number: SP3617053100335 Local Government (LG): Cutler Bay
Date Application Received: 5/31/2017 5:04:11 PM LG Application Number: SP 2015-014
Type of Application: Site Plan Sub Type: Public

Applicant's Name: ARC Treo 216, LLC
Address/Location: 701 Brickell Ave., Suite 3300, Miami, FL 33131
Master Folio Number: 3660160000027
Additional Folio Number(s):

PROPOSED # OF UNITS 148
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 148
MULTIFAMILY UNITS: 0

CONCURRENCY SERVICE AREA SCHOOLS

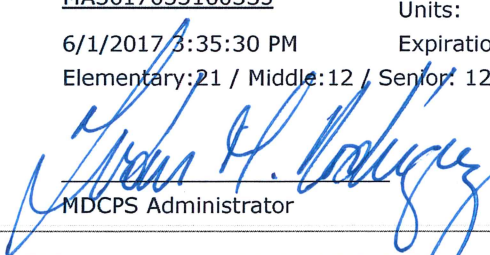
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5981	DR EDWARD L WHIGHAM ELEMENTARY	47	21	21	YES	Current CSA
6111	CUTLER BAY MIDDLE	429	12	12	YES	Current CSA
7731	MIAMI SOUTHRIDGE SENIOR	283	12	12	YES	Current CSA

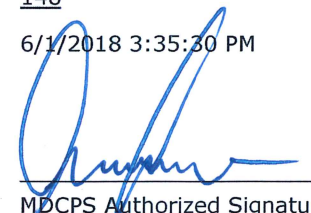
ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of 24.18% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number: MA3617053100335 Total Number of Units: 148
Issue Date: 6/1/2017 3:35:30 PM Expiration Date: 6/1/2018 3:35:30 PM
Capacity Reserved: Elementary: 21 / Middle: 12 / Senior: 12


MDCPS Administrator


MDCPS Authorized Signature

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
concurrency@dadeschools.net