



Application No.: FLUM-2015-015

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

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Date: June 21, 2017

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 .5 0.7, residential density of no more than 8 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
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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 rezoning to Neighborhood Center NC-1. 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



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	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: 148 townhomes and 38,327 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.*

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.*

Staff Comment: The addition of the residential component at a proposed density of 7.99 units/acres would be consistent with the densities of the existing development to the east, south and west.



Memorandum

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 38,327 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".

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.

Policy H1-2C: *The Town, through its Land Development Regulations, shall prohibit out-of-scale development, redevelopment, additions, and/or improvements in residential neighborhoods.*

Staff Comment: The proposal does not seek to increase heights above what is permitted in adjacent residential districts. The proposal would therefore not be out-of-scale with the surrounding Lakes by the Bay residential neighborhoods.

DERM

See Attached memo dated April 20, 2017.

Traffic Comments

See Attached Traffic Review Memo.

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) (8 units per acre / 0.7 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 (MR-13):</u>



Memorandum

	8* 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).

Estimated Impact: +24,971 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: +33,744 gallons per day



Memorandum

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: +0.34 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 The proposed development will be built in accordance with the plans submitted entitled "Vista Del Lago", consisting of 31 sheets and prepared by Valle Valle & Partners and dated stamped received May 2, 2017.
- 1.2 All impact fees shall be paid by the Applicant prior to issuance of building permit.
- 1.3 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.
- 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 the Town's National Insurance Flood Program Ordinance prior to building permit approval.
- 1.6 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).
- 1.7 If necessary, the property shall be completely de-mucked prior to the unloading of clean fill.
- 1.8 The applicant must plat the property.



Memorandum

1.9 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 property shall be landscaped in accordance with the landscape plan, included with the site plan submittal.

3.3 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 minimum required number of parking spaces per residential unit shall be two (2) and for Commercial Uses one (1) space per 300 square feet.

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.



Memorandum

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 meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time.

6.2 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.