



***Application No.: ZC-2015-016***

**Attachment "A"**

**Consultant's Report**

**Vista Del Lago Amend NC**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**



## Memorandum

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☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

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 Section 3-58. - NC, Neighborhood Center Zoning District (NC-2 sub-district)

CC: Sarah Sinatra Gould, AICP, Consultant Planner

### REQUEST

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

The request is to amend the Town Land Development Regulations Section 3-58. – NC, Neighborhood Center zoning district (NC-2 sub-district) as follows:

#### FROM:

“Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

#### (1) *Permitted uses.*

- a. Commercial and retail (not exceeding 25,000 square feet as a single use).
- b. Office (requiring less than 50 parking spaces).
- c. Restaurant.
- d. Multifamily (within a vertical mixed use development).
- e. Civic (excluding educational facility/school).
- f. Medical.
- g. Civic.
- h. Park and open space.



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- i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
- j. Outdoor dining (see supplemental standards for further regulations)."

TO:

"Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

(1) *Permitted uses.*

- a. Commercial and retail (not exceeding 25,000 square feet as a single use).
- b. Office (requiring less than 50 parking spaces).
- c. Restaurant.
- d. Multifamily (within a vertical mixed use development); in the Neighborhood Center 1 (NC-1) zoning district. Residential uses (within a mixed use development) in the Neighborhood Center 2 (NC-2) zoning district.
- e. Civic (excluding educational facility/school).
- f. Medical.
- g. Civic.
- h. Park and open space.
- i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
- j. Outdoor dining (see supplemental standards for further regulations)."

AND

FROM:

"Sec. 3-58. – NC, Neighborhood Center District

(5) *Table of Standards.*

Standard	NC-1	NC-2
Maximum lot area (square feet)	NA	NA
Maximum floor area ratio	1.6	0.4
Maximum floor area ratio with green bonus	2.0	0.5



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Maximum density (units per acre)	15	NA
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	NA
Number of stories	3	
Building Frontage (percent)		
Along primary street	70	NA
Along secondary street	50	
Principal structure setbacks (feet)		
Front (maximum)	20	20
Side street	15	15
Interior side	0	0
Rear	20	20
Rear (abutting an alley)	0	0
Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement		
Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	NA
Minimum lot depth (feet)	NA	NA
Open space (percent)	5	NA
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	
Awning	5	
Accessory structure height (feet)	6	NA
Only permitted in rear yards of townhomes	6	NA

TO:

“Sec. 3-58. – NC, Neighborhood Center District



## Memorandum

(5) *Table of Standards.*

Standard	NC-1	NC-2
Maximum lot area (square feet)	NA	NA
Maximum floor area ratio	1.6	<del>0.4</del> <u>0.6</u>
Maximum floor area ratio with green bonus	2.0	<del>0.5</del> <u>0.7</u>
Maximum density (units per acre)	15	<del>NA</del> <u>8</u>
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	<del>NA</del> <u>35</u>
Number of stories	3	<u>2</u>
Building Frontage (percent)		
Along primary street	70	<del>NA</del> <u>70</u>
Along secondary street	50	<u>50</u>
Principal structure setbacks (feet)		
Front (maximum)	20	20
Side street	15	15
Interior side	0	0
Rear	20	<del>20</del> <u>15</u>
Rear (abutting an alley)	0	0
Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement		
Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	<u>21</u>
Minimum lot depth (feet)	NA	NA
Open space (percent)	5	<del>NA</del> <u>5</u>
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	<u>5</u>
Awning	5	<u>5</u>



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Accessory structure height (feet)	6	NA <u>6</u>
Only permitted in rear yards of townhomes	6	NA <u>6</u>

AND

FROM:

"Sec. 3-58. – NC, Neighborhood Center District

*(4) Site development standards.*

a. Story. Buildings shall be at least two stories. Office, commercial and retail, residential, civic or finished attic space, or facade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.

b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character. Horizontal mixed use development is encouraged on a site that cannot otherwise accommodate vertical mixed use. Commercial and retail uses shall be located on the ground floor of a multi-story building. Office uses should be located on higher floors, while residential may exist on any level. When residential is part of the mix of uses, it can be no less than 20 percent or more than 80 percent, whether vertical or horizontal in form and function.

c. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.

d. Buildings fronting Old Cutler Road. Buildings which are located on Old Cutler Road shall be required to provide an outdoor plaza and/or an area for seating or cafe tables between the building and the right-of-way. No single tenant in a building fronting Old Cutler Road shall exceed 25,000 square feet in size."

TO:

"Sec. 3-58. – NC, Neighborhood Center District

*(4) Site development standards.*

a. Story. Buildings shall be at least two stories. Office, commercial and retail, residential, civic or finished attic space, or facade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.

b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character. Horizontal mixed use development is encouraged on a site that cannot otherwise accommodate vertical mixed use. Commercial and retail uses shall be located on the ground floor of a multi-story building. Office uses should be located on higher floors, while residential may exist on any level. In the Neighborhood Center 1 (NC-1) zoning district, ~~When~~ residential is part of the mix of uses, it can be no less than 20 percent or more than 80 percent, whether vertical or horizontal in form and function.

c. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.



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d. Buildings fronting Old Cutler Road. Buildings which are located on Old Cutler Road shall be required to provide an outdoor plaza and/or an area for seating or cafe tables between the building and the right-of-way. No single tenant in a building fronting Old Cutler Road shall exceed 25,000 square feet in size.”

### 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](mailto:Juan.mayol@hklaw.com)

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 to amend the Growth Management Plan Mixed-Use Lakes-By-The-Bay land use designation to permit residential uses. 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



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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 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 Neighborhood Center (NC-2) zoning district text and development standards in order to permit residential uses on the site as part of a mixed-use development.

The requested changes to the development standards include: increasing the Floor Area Ratio; permitting a residential density of eight (8) units per acre; setting the maximum height of buildings at 35 feet; permitting a residential townhouse lot width of 21 feet; and, a rear yard setback of 15 feet.





## Memorandum

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 just south of SW 216th Street between SW 92nd Place and SW 89th Court. A copy of the Zoning District Text 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 certain parcels. The parcel that is part 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 Lakes-By-The-Bay Mixed-Use Site Future Land Use Designation 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-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.*

**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 Policies FLU-1C and 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.

**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.



## Memorandum

**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.

Staff has also reviewed the Town's Land Development Regulations in order to determine consistency between the request and the proposed amendments to the LDR's.

More specifically, Section 3-38 – Rezoning (4) Approval Criteria was reviewed in order to determine compliance with Town Code.

Sec. 3-38. - Rezoning.

(4) Approval criteria. The town council shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

a. The proposed rezone is consistent with goals, objectives and policies of the town's growth management plan.

Staff Comment: The proposed text amendment to the Neighborhood Center (NC-2) is consistent with the growth management plan as outlined above.

b. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

Staff Comment: The proposed changes to the NC-2 district will permit residential uses and neighborhood commercial to serve the surrounding communities. The density proposed is similar to that in the existing townhouse communities to the east, west and south.

c. The subject property is physically suitable for the uses permitted in the proposed district.

Staff Comment: The property is suitable for the uses proposed and is adjacent to SW 216 Street, providing direct access to the property.

### Traffic Comments

See Attached Traffic Review Memo



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### DERM

See Attached 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> 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 Future Land Use designation to allow residential as a permitted use.

### STAFF RECOMMENDATION

1) **Approval** of the request to amend the zoning district text and development standards for the Neighborhood Center (NC-2) Zoning District.