



***Application No.: ZC-2017-013***

**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

☐ **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: 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.



## Memorandum

- 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



## Memorandum

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



(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>



## Memorandum

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.



## Memorandum

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



## Memorandum

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



## Memorandum

### 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.



## APPENDIX "A"

### DEPARTMENT OF COMMUNITY DEVELOPMENT PLANNING AND ZONING

#### APPLICATION FOR ZONING CHANGE

LIST ALL FOLIO #S: 36-6016-000-0027

DATE RECEIVED: \_\_\_\_\_

PROPOSED PROJECT NAME: Vista del Lago

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Arc/Treo 216, LLC (owner)

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 2950 SW 27 Avenue, Suite 300

City: Miami State: FL Zip: FL Phone#: (305) 789-7783

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): SAME

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

**4. CONTACT PERSON'S INFORMATION:**

Name: Hugo P. Arza, Esq. Company: Holland & Knight, LLP

Mailing Address: 701 Brickell Avenue, Suite 3300

City: Miami State: FL Zip: 33131

Phone# (305) 789-7783 Fax# (305) 789-7799 E-mail: hugo.arza@hklaw.com





**5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

Please see Exhibit "A"

**6. ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc).

South of SW 216 Street, between SW 92 Avenue and SW 89 Place

**7. SIZE OF PROPERTY** (in acres): +/-18.52 (divide total sq. ft. by 43,560 to obtain acreage)

**8. DATE PROPERTY** ☒ acquired ☐ leased: August 2013

**9. LEASE TERM:** N/A Years (Month & year)

**10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),** provide Complete legal description of said contiguous property.

NONE



11. Is there an option to purchase ☒ or lease ☐ the subject property or property contiguous thereto? ☐ no ☐ yes (if yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

Lennar Homes, LLC

12. PRESENT ZONING AND FLU CLASSIFICATION: FLU - Mixed Use ; Zoning - NC-2

(Pending Land Use Text to "Mixed Use: Lakes-by-the-Bay Mixed-Use Site")

13. PROPOSED USE OF PROPERTY (describe nature of the request in space provided)

Amendment to Town of Cutler Bay Land Development Regulations - "Neighborhood Center 2 (NC-2)"

Please see Letter of Intent

14. Has a public hearing been held on this property within the last year & a half?

☒ No ☐ yes.

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing a result of a violation notice?

☒ No ☐ yes. If yes, give name to whom the Violation notice was served and describe the violation:

16. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property:

N/A

17. Is there any existing use on the property? ☒ No ☐ yes. If yes, what use and when established?

Use: Vacant Year:



**18. Submitted Materials Required:**

**Please check all that Apply:**

- ☒ Letter of intent
- ☒ Justifications for change
- ☐ Statement of hardship
- ☒ Poof of ownership or letter from owner
- ☐ Power of attorney
- ☐ Contract to purchase (if applicable)
- ☒ Current survey (2 original sealed and signed and 10 reduced 11x17 copies)
- ☒ Complete set of plans 24'x36", scale 1'=50' (2 original sealed and signed and 10 reduced 11x17 copies)
- ☐ Colored rendering of all 4 sides of each proposed building (If applicable)
- ☐ 20% Property owner signatures (If required)
- ☐ Mailing Labels (set amount depends on number of hearings) and map (If required)
- ☒ Required Fee(s)
- ☐ Plans must be approved by Miami-Dade County Fire and Rescue Department with an original stamp and signature from the Fire Dept.
- ☐ Necessary documentation from DERM and WASD







### APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

### OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(We are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

### CORPORATION AFFIDAVIT

(I)(WE), Otoniel Boudet-Murris, being first duly sworn, depose and say that (I am)(We are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Manager  
Office Held

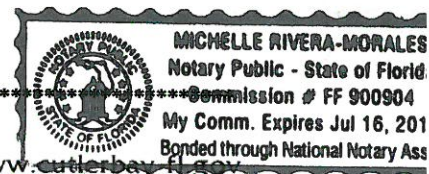
(Corp. Seal)

Sworn to and subscribed to before me

This 22 day of June, 2017

Notary Public: Michelle Rivera-Morales

Commission Expires: \_\_\_\_\_







**PARTNERSHIP AFFIDAVIT**

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that  
(I am )(We are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_  
By \_\_\_\_\_



Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

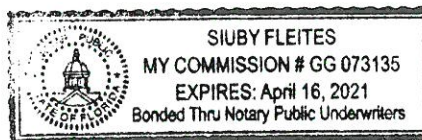
\*\*\*\*\*

**ATTORNEY AFFIDAVIT**

I, Hugo P. Arza, Esq., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me  
This 22<sup>nd</sup> day of June, 2017

  
\_\_\_\_\_  
Signature  
  
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_





## **RESPONSIBILITIES OF THE APPLICANT**

### **I AM AWARE THAT:**

1. The Department Environmental Resources Management (DERM), and other agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other boards, and /or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Application withdrawn within 30 days of the filing are eligible for a refund of 25% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Ominpoint Holdings, Inc. Case No. 3d01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Department professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Town of Cutler Bay Legal Counsel, on Town form, at least 1 month prior to the hearing date. The covenant will be

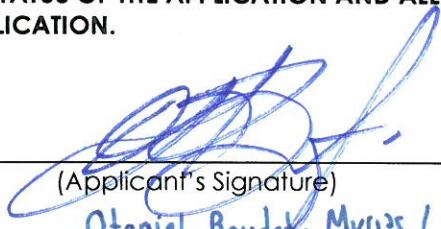






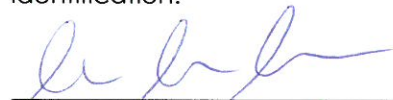
reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date.

7. The Town of Cutler Bay Department of Public Works reviews and critiques Zoning applications and may require conditions for approval.
8. **THE APPLICANT IS RESPONSIBLE FOR TRACKING THE STATUS OF THE APPLICATION AND ALL HEARINGS THAT MAY BE ASSOCIATED WITH THIS APPLICATION.**

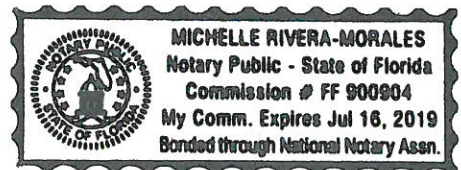
  
(Applicant's Signature)  
Otoniel Boudet-Muniz / Manager

Sworn to and subscribed before me this 22 day of June, 2017.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

  
(Notary Public)

My Commission Expires: 7/16/19





Disclosure of Interest  
ARC|TREO 216, LLC

ARC|TREO 216, LLC, a Florida limited liability company

<u>Managing Member</u>	<u>Percentage Interest</u>
ARC TREO, LLC	20%
<u>Members</u>	<u>Percentage Interest</u>
ARC TREO, LLC	12%
ARN Investments Group, LLC	3%
Emilio & Haymet Sauma	3%
Francisco R. Diaz	3%
Joanli Family Limited Partnership	3%
James W. Kern	3%
Kireland Equity Investments	4%
Luis & Marta Lemes	3%
Orlando A. Gomez Enterprises	3%
Otto Travicso	1%
Rodolfo & Ada Suarez	3%
Rolando & Miriam Delgado	3%
Samkle Investments	36%
<i>Total</i>	<i>100%</i>

Disclosure of Interest  
ARC/TREO 216, LLC

ARC/TREO, LLC

Otto J. Boudet-Murias	20%
Rolando Delgado	20%
Eduardo J. Garcia	20%
Juan T. O'Naghten	20%
Carlos A. Ortega	20%

ARN Investments Group, LLC

Nancy Ramos Mata	50%
Alfonso Ramos	50%

Joanli Family Limited Partnership

Jose Garcia	50%
Elizabeth Garcia	50%

Kireland Equity Investments

EK Family Trust	50.0%
BKJK Trust	25.0%
NK Family Trust	12.5%
RK Family Trust	12.5%

Orlando A. Gomez Enterprises

Ana Garcia Irrevocable Family Trust	42.00%
Eduardo J Garcia Jr	13.75%
Orlando F Garcia	13.75%
Alexa I Garcia	5.00%
Erica M Garcia	5.00%
Orlando A. Garcia	5.00%
Eduardo E Garcia	5.00%
Paola E Garcia	5.00%
Alexa I Garcia Trust	1.10%
Erica M Garcia Trust	1.10%
Orlando A. Garcia Trust	1.10%
Eduardo E Garcia Trust	1.10%
Paola E Garcia Trust	1.10%

Samkle Investments, LLC

S. Klein Family Partnership, a Florida LLC	100%
EK Family Trust	50.0%
BKJK Trust	25.0%
NK Family Trust	12.5%
RK Family Trust	<u>12.5%</u>
	100%







## COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of **all applicable fees** involved as part of my application process. These fees include but are not limited to: application fees, postage, advertising, and attorney fees **regardless of the outcome of the public hearing.**

Please type or print the following:

Date: 6/22/17

Public Hearing No. \_\_\_\_\_

Full Name:

I Mr. Mrs. Ms. Otoniel Boudet-Muriss, as Manager of ARC/TREO 216, LLC

Current Address: 2950 SW 27 Ave City: Miami  
Suite 3300

State: FL Zip: 33133 Telephone Number (305) 789-7783

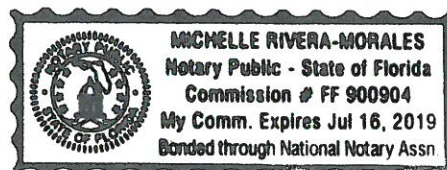
Date of Birth: 6/25/70

Signature [Handwritten Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June 20 17

[Handwritten Signature]  
Notary Public, State of Florida at Large

My Commission expires 7/16 2019



Pursuant to Ordinance No. 2000-09-33-Cost Recovery



## EXHIBIT A

### LEGAL DESCRIPTION

A portion of the N 1/2 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 N89°09'53"E for 153.83 feet to the Point of Beginning.

## "EXHIBIT A"



### Department of Regulatory and Economic Resources

Environmental Resources Management  
Code Coordination and Public Hearings  
701 NW 1st Court 4<sup>th</sup> Floor  
Miami, Florida 33136-3912  
T 305-372-6764 F 305-372-6759

[miamidade.gov](http://miamidade.gov)

April 20, 2017

Kathryn Lyon  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189

Re: Municipal Site Plan Review #MZ2017000027  
Arc/Treo 216 LLC  
South of SW 216<sup>th</sup> Street between SW 92<sup>nd</sup> Avenue and SW 89<sup>th</sup> Place, Town of Cutler Bay

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) and meets the minimum requirements of the Code. Accordingly, the site plan may be 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.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Plan Review Specialty Section of DERM.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

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

An Environmental Resource Permit from the South Florida Water Management District (1-800-432-2045) 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. It is the

applicant's responsibility to contact the above mentioned agency for further information regarding permitting procedures and requirements.

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

Applicant is advised that a DERM Class II Permit shall be required if the proposed surface water management system have an overflow outfall(s) to the adjacent lake. The applicant is advised to contact the DERM Water Control Section at (305)372-6681 for additional information.

Stormwater shall be retained on site utilizing properly 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 plans shall 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.

#### 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 indicates that the work authorized by 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 at (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

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.

Please note that Section 24-49 of the Code provides for the preservation and protection of tree resources. Please be advised that a Tree Removal/Relocation Permit is required for the removal and/or

relocation of trees resources on the subject property that are subject to the Tree Preservation and Protection provisions of the Code.

Section 24-49.9 of the Code and Objective CON8I of the CDMP will require the removal of all prohibited species listed in Section 24-49 of the Code that exist on any development site prior to development or redevelopment and any 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) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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", with a stylized, cursive script.

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

THIS IS SECTION FOUR

Town of Cutler Bay #MZ2017000027-Revised

Arc/Treo 216 LLC

Page 2



## EXHIBIT "B"

### **TOWN OF CUTLER BAY DEVELOPMENT REVIEW COMMENTS**

**Discipline:** *Traffic Engineering*  
**Reviewed by:** *Eric Czerniejewski, PE, ENV SP*  
**Review Date:** *05/24/2017*  
**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: 5<sup>th</sup> 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 92<sup>nd</sup> Avenue and SW 216<sup>th</sup> Street**
- **SW 92<sup>nd</sup> Avenue and Old Cutler Road**
- **SW 216<sup>th</sup> Street and Florida Turnpike Southbound Ingress/Egress Ramps**
- **SW 216<sup>th</sup> 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 92<sup>nd</sup> Avenue and SW 216<sup>th</sup> Street and the SW 92<sup>nd</sup> 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 92<sup>nd</sup> 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 216<sup>th</sup> Street (Asset 4184) and SW 87<sup>th</sup> Avenue and SW 216<sup>th</sup> 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 216<sup>th</sup> Street and SW 87<sup>th</sup> 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 87<sup>th</sup> 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 95<sup>th</sup> 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 87<sup>th</sup> 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 87<sup>th</sup> Avenue. Please update Tables 1, 2 and 5 to include LOS delay and 95<sup>th</sup> 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 95<sup>th</sup> 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 216<sup>th</sup> Street and SW 87<sup>th</sup> 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 87<sup>th</sup> 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 216<sup>th</sup> Street and SW 87<sup>th</sup> 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.**



Date: May 24, 2017

---

*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