



***Application No.:***

***SP 2015-022***

**Attachment "B"**

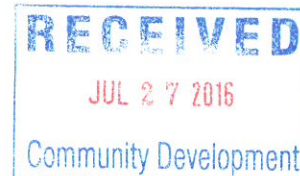
**Application**

**Cutler Properties, LC**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

# Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799  
Holland & Knight LLP | www.hklaw.com



Hugo P. Arza  
305-789-7783  
hugo.arza@hklaw.com

**VIA HAND DELIVERY**

July 25, 2016

Mr. Alex A. David, AICP  
Planning and Zoning, Interim Director  
Department of Community Development  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

**Re: Cutler Properties, LC / Folio No. 36-6003-001-0013 / Revised Letter of Intent for Site Plan Approval (Originally Submitted 10.16.15)**

Dear Alex:

This law firm represents Cutler Properties, LC ("Applicant"), the owner of the property abutting Old Cutler Road located just south of SW 184 Street to approximately SW 185 Terrace, in the Town of Cutler Bay ("Cutler Bay"), further identified by Miami-Dade County Folio No. 36-6003-001-0013 (the "Property").

This letter shall serve as the Applicant's revised letter of intent for site plan approval, pursuant to Section 3-33 of the Town of Cutler Bay Land Development Regulations (the "Revised Application"). As you may be aware, the Applicant previously withdrew a request for the re-designation and rezoning of the Property. As reflected in the accompanying site plan, the Applicant wishes to proceed with the development of the Property in accordance with the current "Low Density" land use designation and "Single-Family Residential District (SR)" zoning.

The Property consists of approximately 8.43 acres of land abutting Old Cutler Road. The Property is currently vacant and unimproved and enjoys a privileged location that is ideally suited for residential development. The approval of the proposed site plan would be consistent with the character of the community and consistent with adjacent future land use designations.

Accompanying this application are elevations, floor plans, landscape plans (the "Updated Plans"), as prepared by Dover, Kohl & Partners and Chael Cooper & Associates, dated July 19, 2016, and consisting of 6 sheets.

As shown in the Updated Plans, the Applicant is proposing to redevelop the Property into a first-class residential neighborhood that will consist of thirty (30) single-family homes (the "Project"). The Project will incorporate beautiful architecture, world-class urban design elements, and high-end materials and finishes that will enhance the attractiveness and visual appeal of the surrounding neighborhood. The Project will provide sufficient off-street parking spaces to accommodate the Project's potential operational demand. The Project will also feature meticulously landscaped open spaces, a signature entrance, and extensive sidewalks around the Property.

Pursuant to Section 33-3(B) of the Town of Cutler Bay Land Development Regulations, in considering approval or disapproval of a site plan, the Town Council shall use the following criteria in making their decision:

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

*The Applicant intends to build the Project under the current Low Density land use designation and Single-Family Residential District (SR) zoning. In fact, the proposed density of development is significantly less than allowed under the land use designation. The Project will help to meet the needs of the Town's growing diverse community, by contributing to the Town's economic prosperity and viability by creating much-needed jobs, improving access to quality housing, cultivating the aesthetic character of the surrounding neighborhood, preserving property values, and increasing the Town's ad valorem tax base. The Project will meet the primary intention of the Growth Management Plan and the respective goals, objectives, and policies, which ultimately serve to protect the public health, safety, and welfare of the Town and its residents.*

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

*The development of the Project will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay. In addition with the beautiful design elements of the Project, the Project will also feature meticulously landscaped open spaces and plentiful views of the restored land adjacent to the Property. The lower lying lands to the east of the Property are the subject of an on-going environmental restoration project. The Project serves to enhance these efforts by providing access for the public to view the flora and fauna of the restored lands, and providing opportunities for trail/boardwalk connections. The Project also encompasses extensive sidewalks and a multi-use trailway that will improve the Town's transportation infrastructure and help to encourage transit ridership, bicycling, and a quality pedestrian.*

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

*The Project will have a favorable impact on the economy of the Town by creating much-needed jobs, improving access to quality housing, preserving property values, and increasing the Town's ad valorem tax base. Furthermore, the Project will help to provide a northeastern gateway into the Town of Cutler Bay.*



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

*The Project will efficiently use and contribute to necessary public facilities, through both improvements and impact fees and ad valorem taxes generated. Connection with water and sewer is available or may be readily available at the Applicant's expense. The Applicant will also meet or exceed County requirements to ensure adequate facility capacity for the development. The proposed Project also encompasses extensive sidewalks and a multi-use trailway that will serve to improve the Town's transportation infrastructure and help to encourage transit ridership, bicycling, and a quality pedestrian.*

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

*The Project will efficiently use, and will not unduly burden public transportation facilities. All public services and facilities, including transit services, required to serve the Property are available or can be made available to the Property. The unification of the Property into one unified site plan will also reduce traffic congestion and improve traffic circulation both internally to the Project and in the surrounding community, as it will be compact and highly connected for those traveling on foot, bicycle, or car.*

In summary, we believe that the proposed Revised Application represents a compatible and eminently reasonable development proposal that will serve to beautify the surrounding neighborhood and provide residents with first-class housing options. Based on the foregoing, we look forward to your favorable recommendation. Should you have any questions or concerns regarding this Application, please do not hesitate to phone my direct line at (305) 789-7783.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Hugo P. Arza, Esq.

Enclosures





DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING

APPLICATION FOR SITE PLAN APPROVAL

LIST ALL FOLIO #S: 36-6003-001-0013

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

PROPOSED PROJECT NAME: Old Cutler Village

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).

Cutler Properties, LC (owner)

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 1300 Brickell Avenue

City: Miami, Florida State:    Zip: 33131 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



10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)



**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).

\_\_\_\_\_  
East of Old Cutler Road from just south of SW 184 Street to approximately SW 185 Terrace  
\_\_\_\_\_

**7. SIZE OF PROPERTY (in acres):** +/- 8.43 (divide total sq. ft. by 43,560 to obtain acreage)

**8. DATE PROPERTY** ☒ acquired ☐ leased: October 2003

**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.**

\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





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)

12. PRESENT ZONING AND FLU CLASSIFICATION: FLU- Low Density; Present Zoning: SR

\*\* Pending Land Use application for re-designation to Mixed Use\*\*

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

Site plan approval for development of Property as a mixed use (commercial/retail/ residential project); please see Letter of Intent for more information

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:

No

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:**

- ☐ Substantial Improvement
- ☒ Letter of intent
- ☒ Justifications for change
- ☐ Statement of hardship
- ☒ Proof 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), Eduardo Imery, 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: \_\_\_\_\_

(Corp. Seal)

Sworn to and subscribed to before me  
This 2 day of Oct., 2015

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

Authorized Representative

Office Held

Notary Public: Sabrina Ferreira

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



**SABRINA FERREIRA**  
MY COMMISSION #FF086874  
EXPIRES January 27, 2018



**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 a tenant of the property described herein which is the subject matter of the proposed hearing.

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

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

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

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

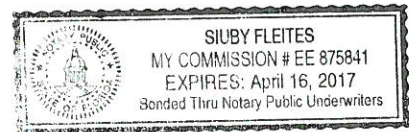
**ATTORNEY AFFIDAVIT**

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.

[Signature]  
Signature

Sworn to and subscribed to before me  
This 15<sup>th</sup> day of Oct., 2015

Notary Public: [Signature]  
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. Omnipoint 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.



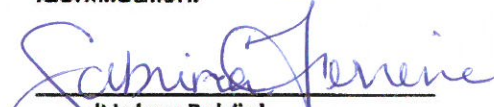


6. Any covenant to be proffered must be submitted to the Town of Cutler Bay Legal Counsel, on Town form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant 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)

Sworn to and subscribed before me this 2 day of October, 2015.

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

  
(Notary Public)

My Commission Expires: 1/27/18







### DISCLOSURE OF INTEREST

If the property, which is the subject of the Application, is owned or leased by a **CORPORATION**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

|                          |                     |
|--------------------------|---------------------|
| Cutler Properties, LC    |                     |
| Corporation Name         |                     |
| Name, Address and Office | Percentage of stock |
| See Exhibit B            |                     |
|                          |                     |
|                          |                     |

If the property, which is the subject of the Application, is owned or leased by a **TRUSTEE**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

|                          |                     |
|--------------------------|---------------------|
| Trust Name               |                     |
| Name, Address and Office | Percentage of stock |
|                          |                     |
|                          |                     |
|                          |                     |

If the property, which is the subject of the Application, is owned or leased by a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

|   |                     |
|---|---------------------|
| Partnership or Limited Partnership Name |                     |
| Name, Address and Office                | Percentage of stock |
|   |                     |
|   |                     |





**EXHIBIT "B"**  
**DISCLOSURE OF INTEREST**

Cutler Properties, LC  
Corporation Name

Name, Address and Office

Percentage of stock

Dempsey Florida Properties, LC

99% of Cutler Properties, LC

Edgardo DeFortuna

99% of Dempsey Florida Properties, LC

Ana DeFortuna

1% of Dempsey Florida Properties, LC

Bay Cut Properties, LLC

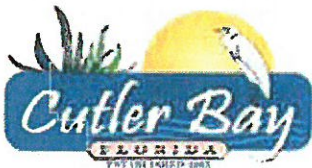
1% of Cutler Properties, LC

Edgardo DeFortuna

99% of Bay Cut Properties, LLC

Ana DeFortuna

1% of Bay Cut Properties, LLC



## 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: 10/2/15

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

Full Name:

☒ Mr. ☐ Mrs. ☐ Ms. Eduardo Imery, as an Authorized Representative of Cutler Properties, LC

Current Address: 1300 Brickell Avenue City: Miami

State: Florida Zip: 33131 Telephone Number (305) 789-7783

Date of Birth: 10/24/77

[Signature]  
Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 2 DAY OF October 2015

[Signature]  
Notary Public, State of Florida at Large

My Commission expires January 27, 2018



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

10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)



Date 10/2/15

I, Eduardo Imery hereby acknowledge that

I received the Town of Cutler Bay's Lobbyist Forms Packet which includes

- Lobbyist Registration Form
- Cutler Bay Ordinance 07-02
- Principal (Client) Disclosure Form
- Lobbyist Expenditure Form
- Lobbyist Withdrawal Form

and will comply with Town Ordinance 07-02 and the Miami Dade County

Lobbyist requirements ([www.miamidade.gov/ethics](http://www.miamidade.gov/ethics))

"I, the undersigned, do hereby depose under oath and say that this information is true and correct."

Eduardo Imery

Signature

Eduardo Imery

Print Name

State of Florida, County of Miami - Dade

Sworn to and subscribed before me this 2

day of October, 2015. Notary Public

☒ Personally Known or ☐ Produced ID

Type of ID Produced: \_\_\_\_\_

[SEAL]



**SABRINA FERREIRA**

MY COMMISSION #FF08687

EXPIRES January 27, 2018

(407) 398-0153

FloridaNotaryService.com

Office Use Only:

Application Number: \_\_\_\_\_



## EXHIBIT "A"

### LEGAL DESCRIPTION

Commence at the Northwest corner of Section 2, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida; thence North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 75.01 feet to the Point of Beginning of the parcel of land hereinafter to be described; thence continue North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 2267.99 feet to a line that is more or less parallel with the Coastal line; thence along said line, South 03 degrees 43 minutes 51 seconds East a distance of 1972.99 feet to the intersection with the South line of the North Half of the South Half of the North Half of the Northwest Quarter of said Section 2; thence along this line South 89 degrees 11 minutes 31 seconds West a distance of 2,440.79 feet to the West line of said Section 2; thence along said West line South 00 degrees 52 minutes 56 seconds East a distance of 642.98 feet to the South line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, Township 56 South, Range 40 East, Miami-Dade County, Florida; thence along said South line, South 89 degrees 16 minutes 16 seconds West a distance of 674.33 feet to the West line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence North 00 degrees 52 minutes 24 seconds West, a distance of 1,279.38 feet to the South line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence along this line South 88 degrees 43 minutes 09 seconds West a distance of 145.49 feet to the Intersection with the Easterly Right of Way line of OLD CUTLER ROAD (INGRAM HIGHWAY), said line is 35 feet Southeasterly as measured at right angles with the center line of OLD CUTLER ROAD; thence Northeasterly along a curve concave to the Northwest that bears North 60 degrees 14 minutes 28 seconds West a radius of 11494.20 feet, a central angle of 02 degrees 12 minutes 31 seconds, and an arc distance of 443.06 feet to a point of tangency, thence along said Easterly Right of Way line North 27 degrees 33 minutes 01 seconds East a distance of 782.01 feet to the intersection with a line 215.03 feet South of and parallel to the North line of said Section 2 and its Westerly extension; thence North 88 degrees 10 minutes 53 seconds East a distance of 303.96 feet to a point; thence North 00 degrees 52 minutes 56 seconds West along a line 75.01 feet Easterly of the West line of said Section 2 a distance of 215.05 feet to the Point of Beginning. Less that portion of the North 50 feet of the West 975 feet of the Northwest  $\frac{1}{4}$  of Section 2, Township 56 South, Range 40 East, lying within the property, said 50 foot strip having been conveyed to Miami-Dade County for road right of way (per Right of Way Deed recorded in Official Record Book 12888 at Page 1275 of the Public Records of Miami-Dade County, Florida).

CUTLER PROPERTIES, LC

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

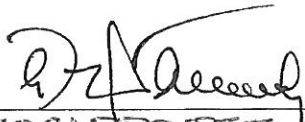
Re: Letter of Authorization for Cutler Properties, LC Site Plan Application

Dear Ms. Lyon:

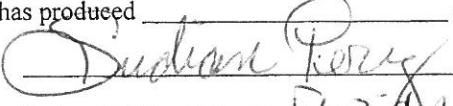
Please allow this letter to serve as the letter of authorization to allow Eduardo Imery, Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Mike Freire, as authorized representatives, to represent Cutler Properties, LC, the owner of the property identified by Miami Dade County Folio No. 36-6003-001-0013 (the "Property"), in the site plan application for the Property described in Exhibit "A" attached hereto, and in all public hearings and meetings related thereto.

Please do not hesitate to contact the undersigned if you need further information.

Sincerely,

  
Name: EDGARDO DE FORTUNA  
Title: MBR

The foregoing instrument was acknowledged before me this 2 day of October, 2015, by Edgardo De Fortuna, as \_\_\_\_\_, of Cutler Properties, LC. He/She is personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

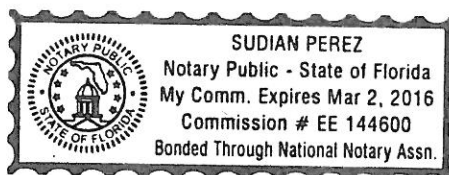
  
Notary Public, State of FLORIDA

Name: SUDIAN PEREZ

Commission Number: EE 144600

My Commission Expires: 3-2-2016

[Notary Seal]



Professional (Individual or Corporation)

PROFESSIONAL PREPARER'S STATEMENT OF LANDSCAPING COMPLIANCE

PROCESS NUMBER

Legal description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision:  
P.B. \_\_\_\_\_ Page \_\_\_\_\_ Development name: Old Cutler Village

We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Ordinance 98-13 (landscape ordinance) as to species, height, trunk width and location at time of planting, and that the species as shown are in accordance with the accepted species approved by Miami Dade County and that none of the species are from the prohibited list.

I/We hereby certify as an arborists and/or landscape architect that there are/are no (circle one) specimen trees on the property.

Additionally automatic sprinkler systems (if applicable) comply with requirement of said ordinance as to type of heads, spray system, location, etc.

I/We further certify that I/We am/are authorized under Chapter 481, Florida statutes to prepare and submit this landscaping/irrigation plan.

  
\_\_\_\_\_  
Professional Preparer's Signature

Seal:

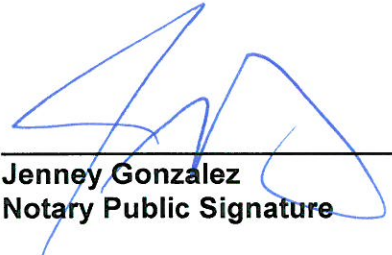
Andrew Witkin  
Witkin Hults Design Group  
307 S. 21<sup>st</sup> Avenue  
Hollywood, FL 33020  
License #889

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this **7<sup>th</sup> of October, 2015**, by *Andrew Witkin*, of *Witkin Hults Design Group*, a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

Witness my signature and official seal this **7<sup>th</sup> of October, 2015** in the County and State aforesaid, the date and year last aforesaid.

My commission expires: 3/25/19

  
\_\_\_\_\_  
Jenney Gonzalez  
Notary Public Signature





# Old Cutler Road Residences

Cutler Bay, Florida

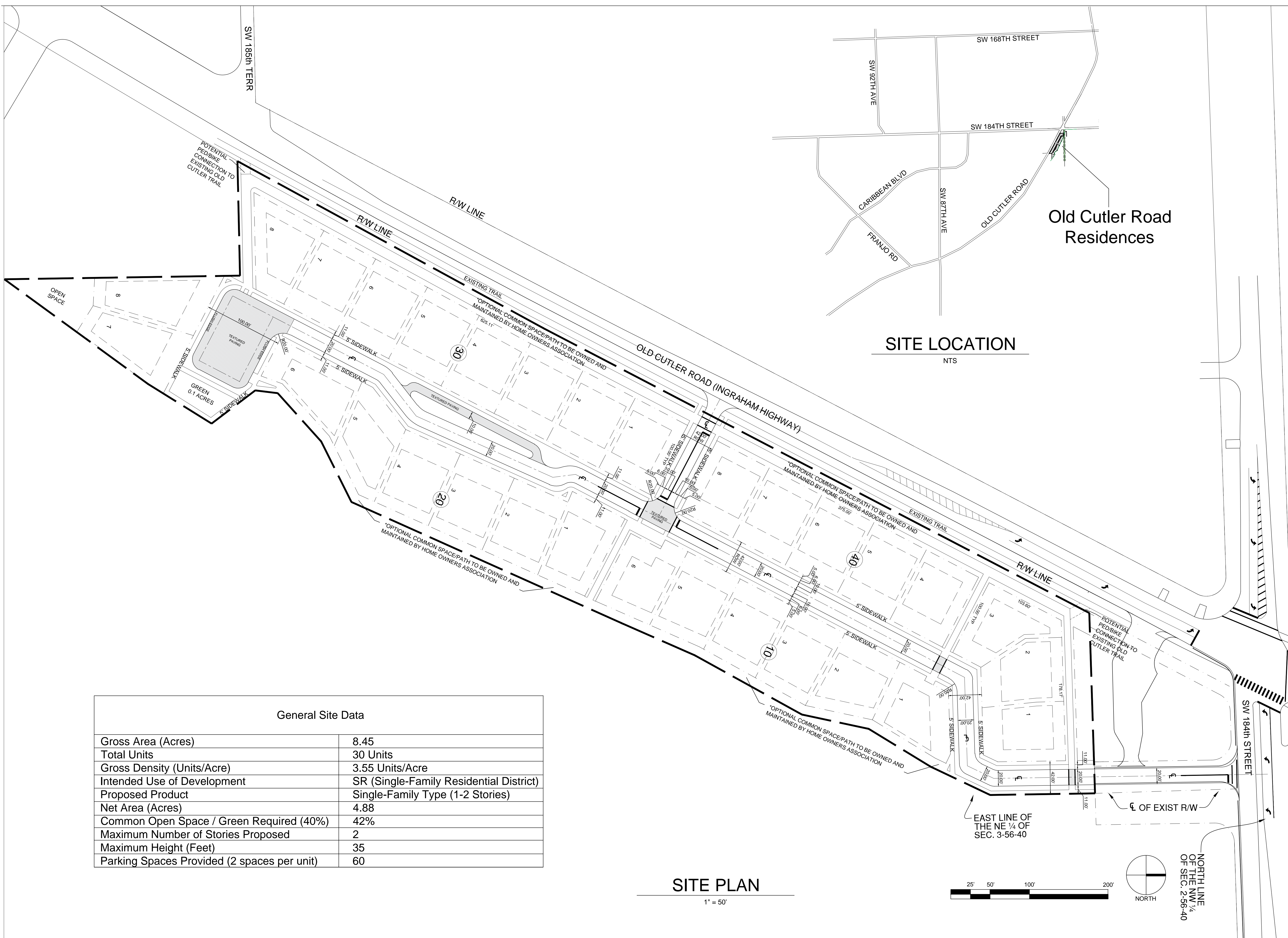
OWNER:  
Fortune  
International  
Group

SEAL:

DATE: February 24, 2017

SP-1

SHEET NO:





Zoning Legend comparing the requirements of the SR Single-Family Residential District to the characteristics of Old Cutler Road Residences

SR, SINGLE-FAMILY RESIDENTIAL DISTRICT REQUIREMENTS:

TOWN OF CUTLER BAY - ADOPTED LAND DEVELOPMENT REGULATIONS  
(Amended, Ordinance No. 13-12, November 20, 2013)

The Single-Family Residential District is coded to permit development of new or the completion of previously approved development of lands within the district and/or annexation of conventional single-family residential subdivisions existing or approved prior to the effective date of these regulations.

- (1)

Permitted Uses.

(a)

Detached Single-family Dwelling

(b)

Group Home limited to six (6) resident clients on the premises. (See supplemental regulations for additional requirements)

(c)

Family Day Care Home

(d)

Single-family Zero Lot Line if based on a site plan approved prior to the adoption of this code.

(3)

Table of Standards.

|                                  |       |
|----------------------------------|-------|
| Standard                         | SR    |
| Minimum Lot Area (square feet)   | 7,500 |
| Maximum Density (units per acre) | 5     |
| Minimum Unit Size (square feet)  | 1,200 |
| Maximum Height (feet)            | 35    |
| Number of stories                | 2     |

Principal Structure Setbacks (feet)

|               |    |
|---------------|----|
| Front         | 25 |
| Side Street   | 15 |
| Interior Side | 5  |
| Rear          | 15 |

Minimum Spacing Between Buildings

10

Maximum Impervious Surface Coverage (percent)

60

Minimum Lot Width (feet)

75

Minimum Lot Depth (feet)

100

Minimum Open Space (percent)

40

Accessory Structure Setback

|               |    |
|---------------|----|
| Front         | 25 |
| Side Street   | 15 |
| Interior Side | 5  |
| Rear          | 5  |

- (4)

No more than 40 percent of the frontage of a lot in the SR zoning district shall be covered by asphalt, concrete or pavers. The 40 percent includes the driveway, an entrance walkway from the edge of property line to the principal structure.

(5) Typical SR Site Plan. See Graphic IV-2.

Characteristics of Old Cutler Road Residences

Old Cutler Road Residences Description

Old Cutler Road Residences features a pedestrian-friendly, walkable, street-oriented design.

- (1)

Permitted Uses.

Detached Single-family Dwelling

Group Home limited to six (6) resident clients on the premises. (See supplemental regulations for additional requirements)

Family Day Care Home

Single-family Zero Lot Line if based on a site plan approved prior to the adoption of this code.

(3)

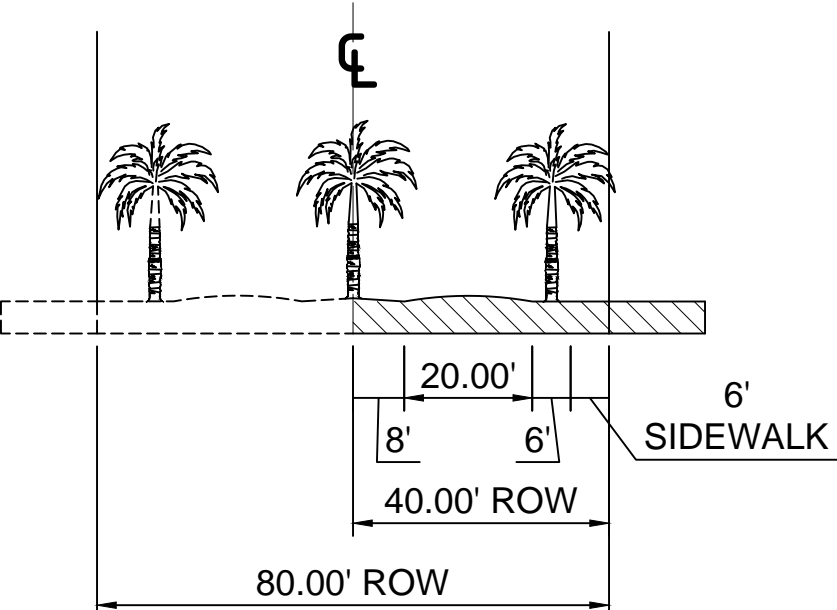
Table of Standards.

|   |   |
|---|---|
| Standard                                      | In Old Cutler Road Residences   |
| Minimum Lot Area (square feet)                | 7,500   |
| Maximum Density (units per acre)              | 3.55  |
| Minimum Unit Size (square feet)               | >1,200  |
| Maximum Height (feet)                         | 35  |
| Number of stories                             | 2   |
| Principal Structure Setbacks (feet)           |   |
| Front   | 25  |
| Side Street                                   | 15  |
| Interior Side                                 | 5   |
| Rear  | 15  |
| Minimum Spacing Between Buildings             | 10  |
| Maximum Impervious Surface Coverage (percent) | 60  |
| Minimum Lot Width (feet)                      | 75 feet minimum for rectangular lots;<br>75 feet minimum average for irregular lots   |
| Minimum Lot Depth (feet)                      | 100 feet minimum for rectangular lots;<br>100 feet minimum average for irregular lots |
| Minimum Open Space (percent)                  | 40  |
| Accessory Structure Setback                   |   |
| Front   | 25  |
| Side Street                                   | 15  |
| Interior Side                                 | 5   |
| Rear  | 5   |

- (4)

No more than 40 percent of the frontage of a lot in the SR zoning district shall be covered by asphalt, concrete or pavers. The 40 percent includes the driveway, an entrance walkway from the edge of property line to the principal structure.

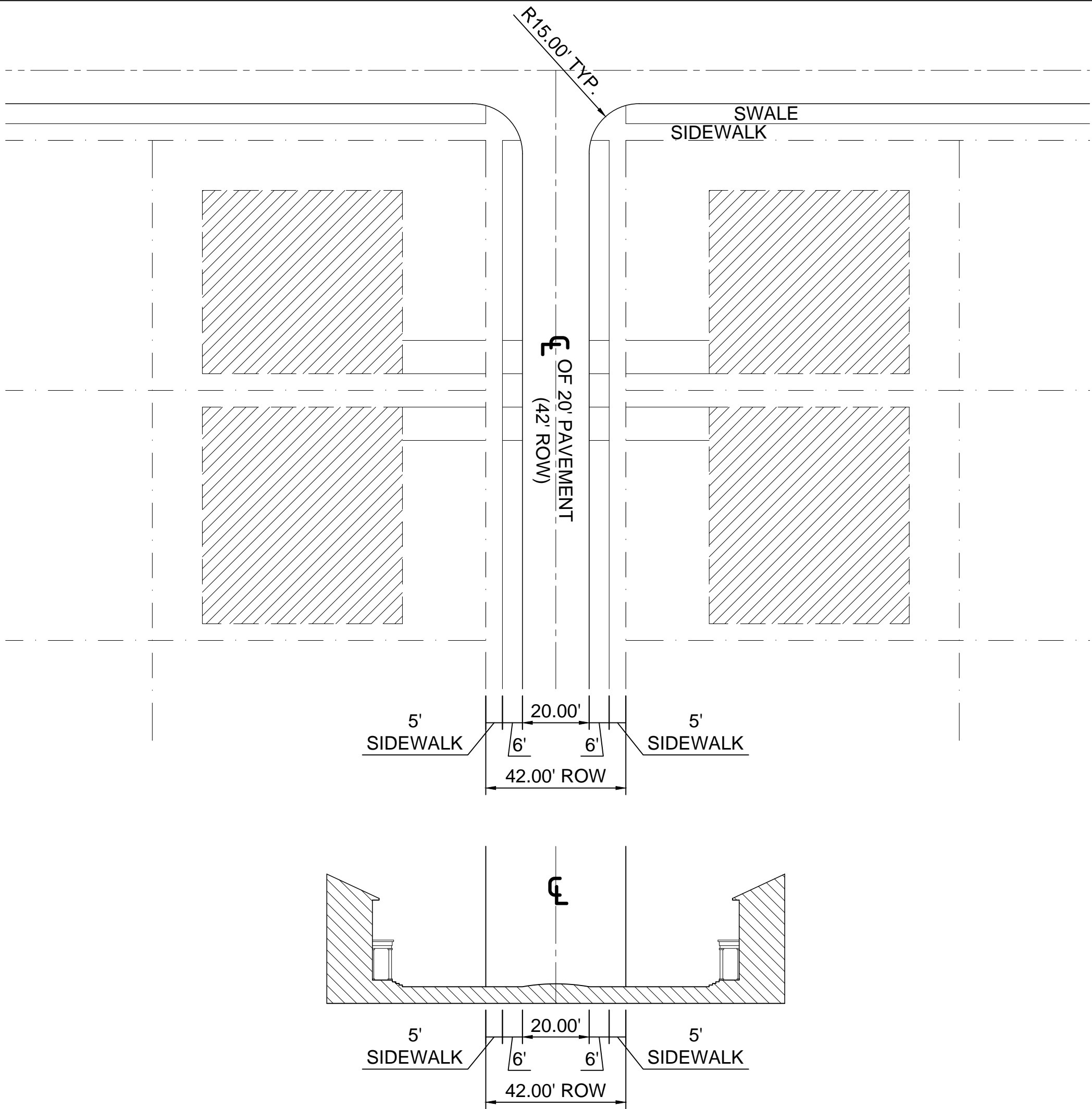
(5) Typical SR Site Plan. See Graphic IV-2.



\*Note: Section based on one side of the Avenue section as shown in the Town of Cutler Bay - Adopted Land Development Regulations, Sec. 3-134. (B)

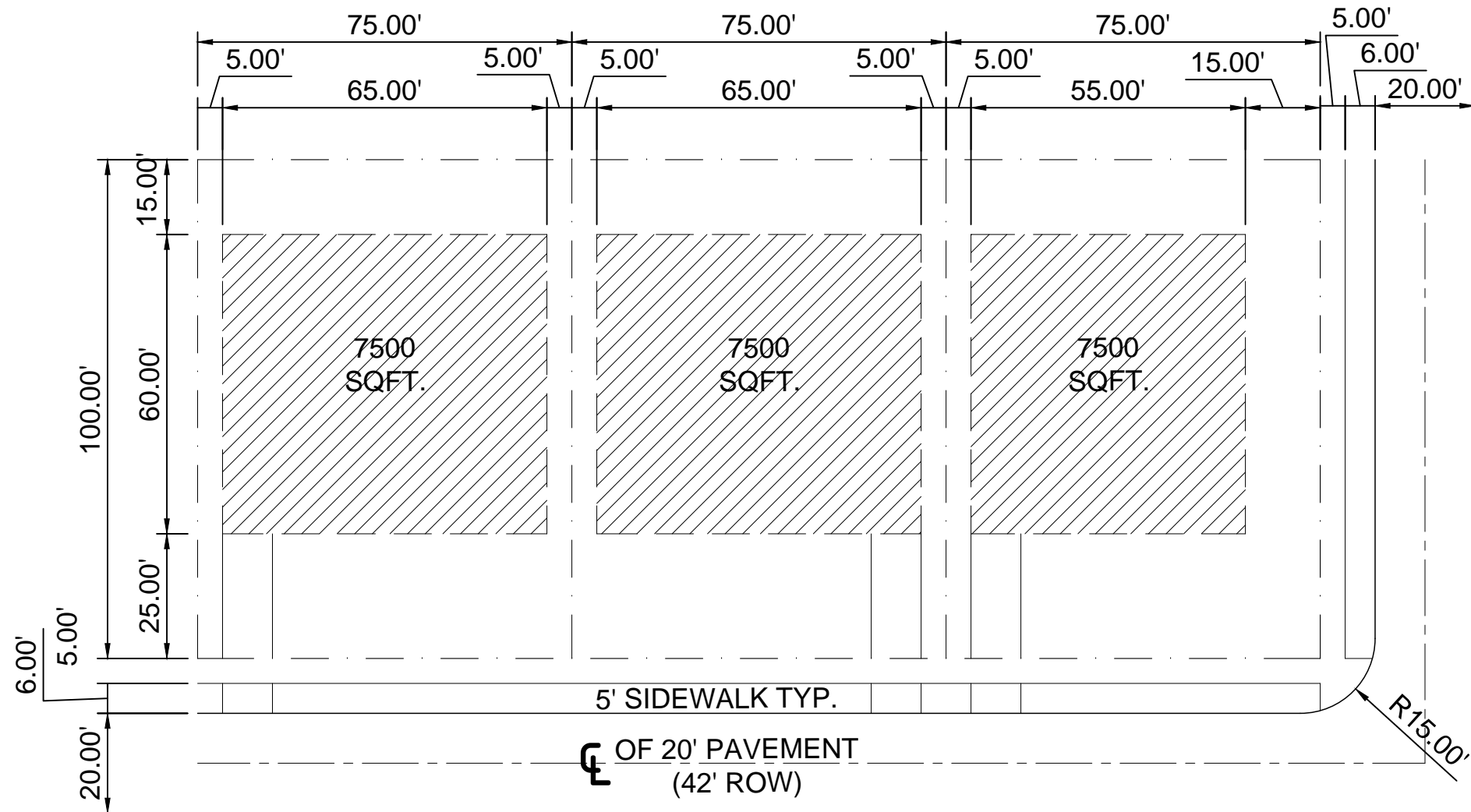
NORTH ACCESS ROAD  
TWO WAY TRAFFIC

1" = 30'



MINOR STREET  
TWO WAY TRAFFIC

1" = 30'



\*Note: Each lot may include an optional swimming pool.

TYPICAL LOTS  
DETACHED SINGLE-FAMILY

1" = 30'

DOVER, KOHL & PARTNERS  
town planning

CHABL, COOPER & ASSOCIATES PA.  
architecture

1571 Sunset Drive  
Coral Gables, FL 33143  
(305) 666-0446  
doverkohl.com

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REVISIONS:

Old Cutler Road Residences  
Cutler Bay, Florida

OWNER:  
Fortune  
International  
Group

SEAL:

DATE: August 12, 2016

SP-2

SHEET NO:

Old Cutler Road Residences

Cutler Bay, Florida

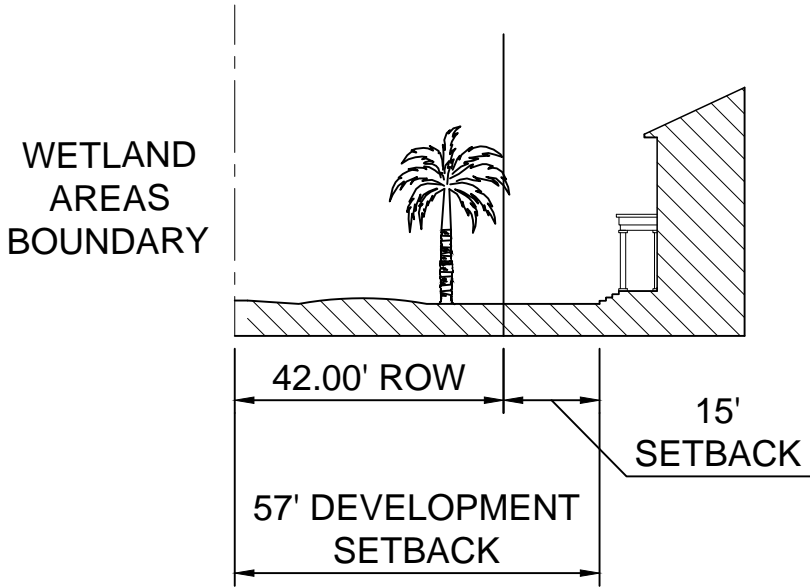
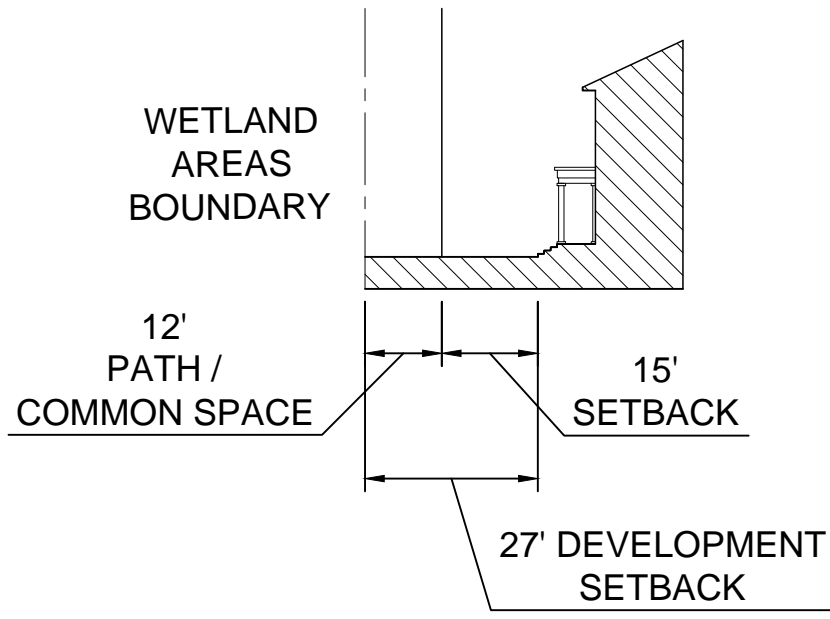
OWNER:  
Fortune  
International  
Group

SEAL:

DATE: March 28, 2017

SP-3

SHEET NO:

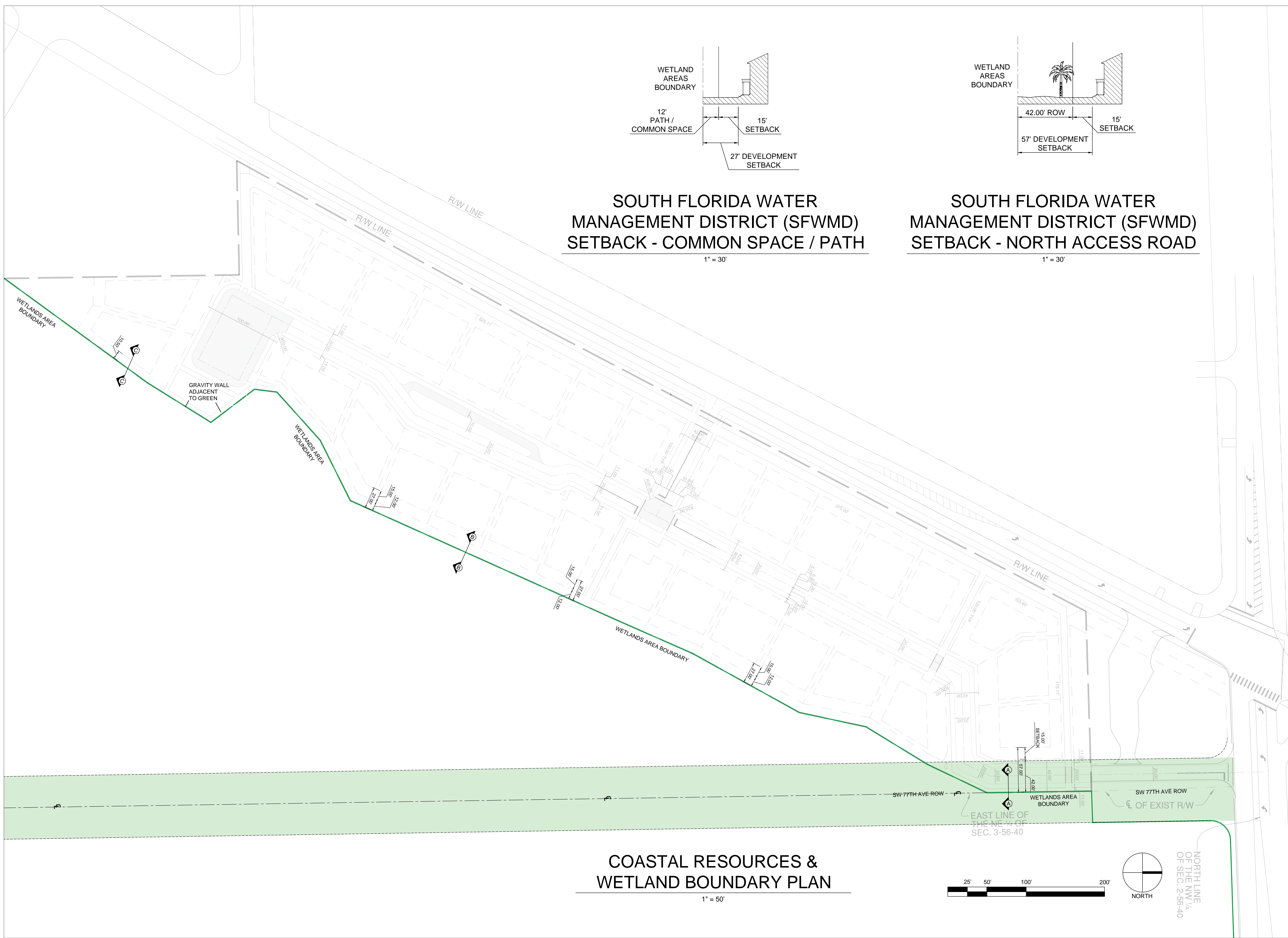


SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT (SFWMD)  
SETBACK - COMMON SPACE / PATH

1" = 30'

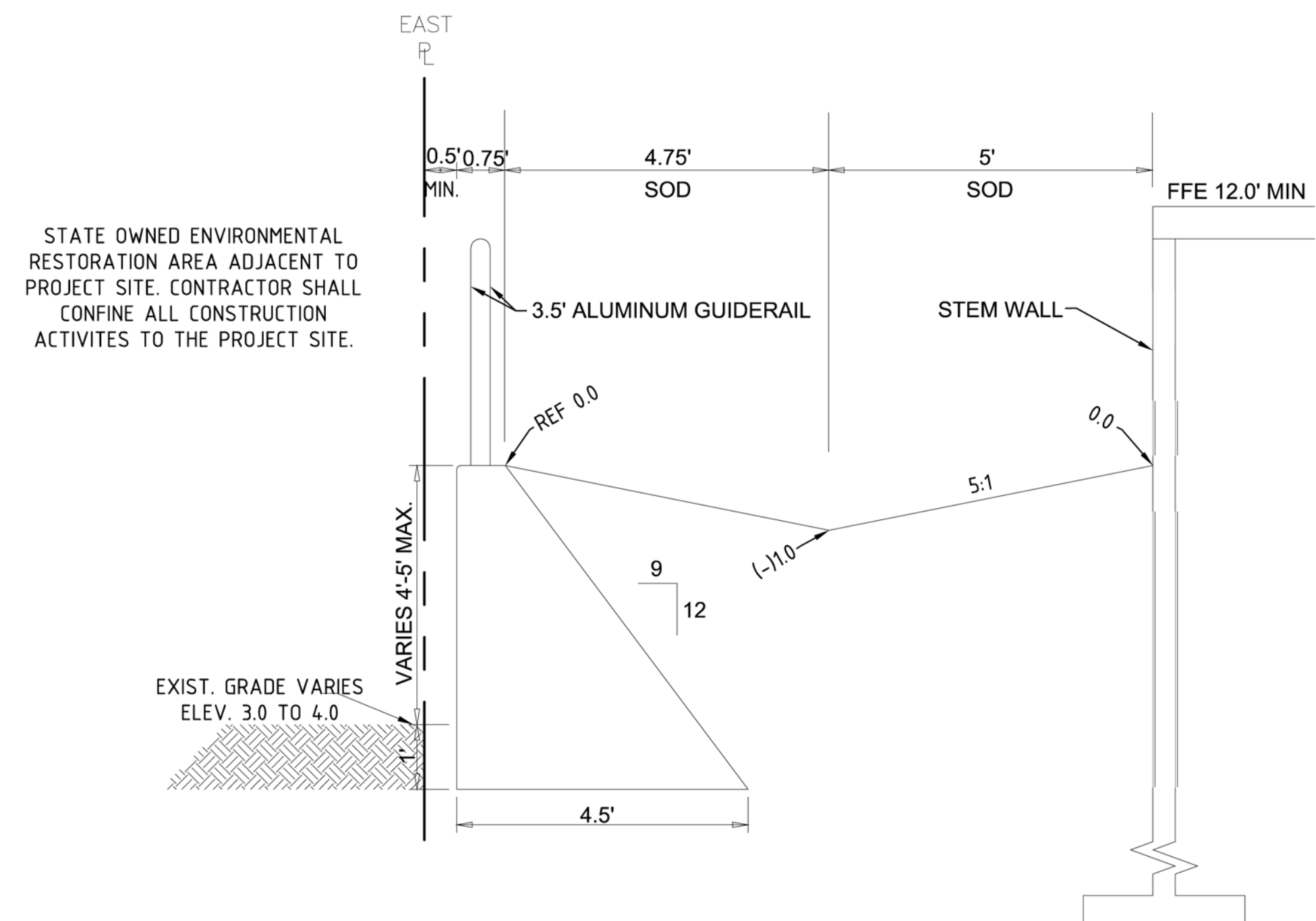
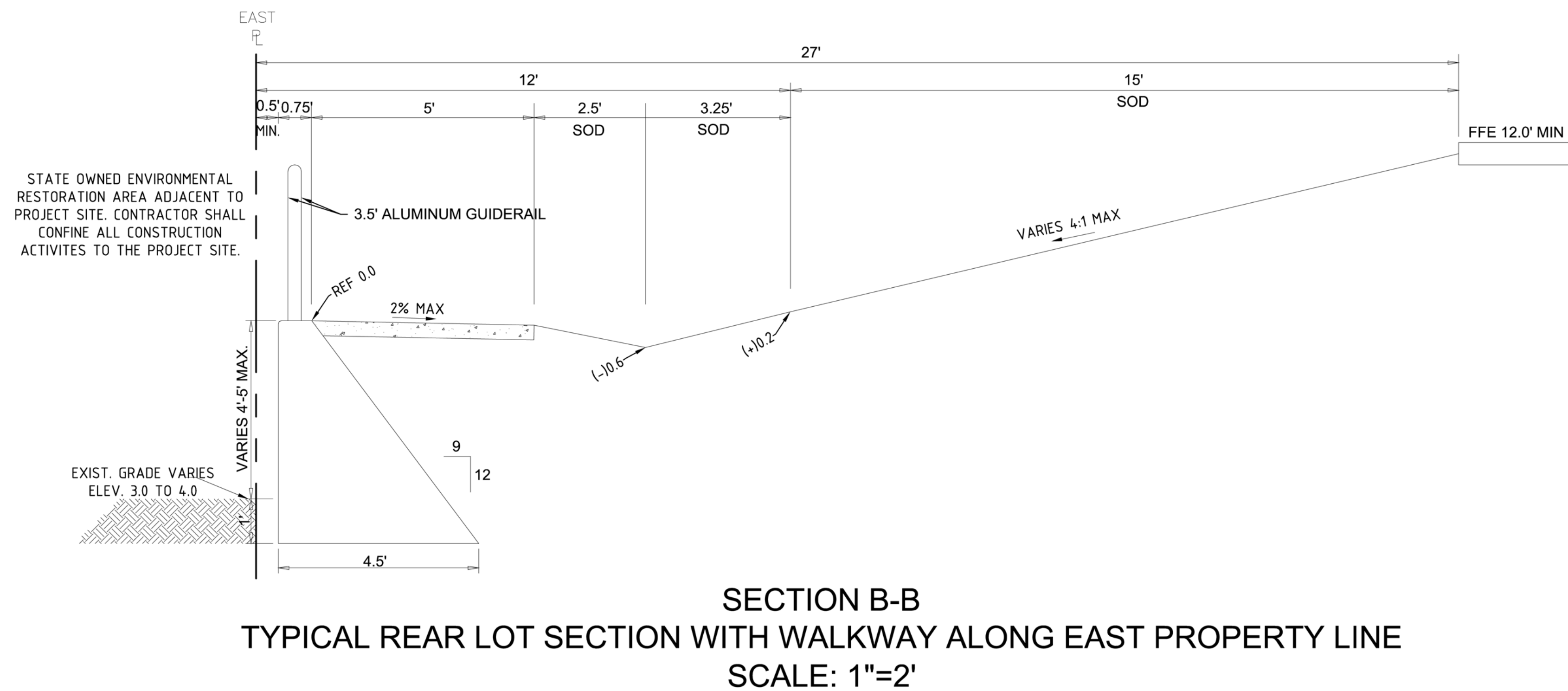
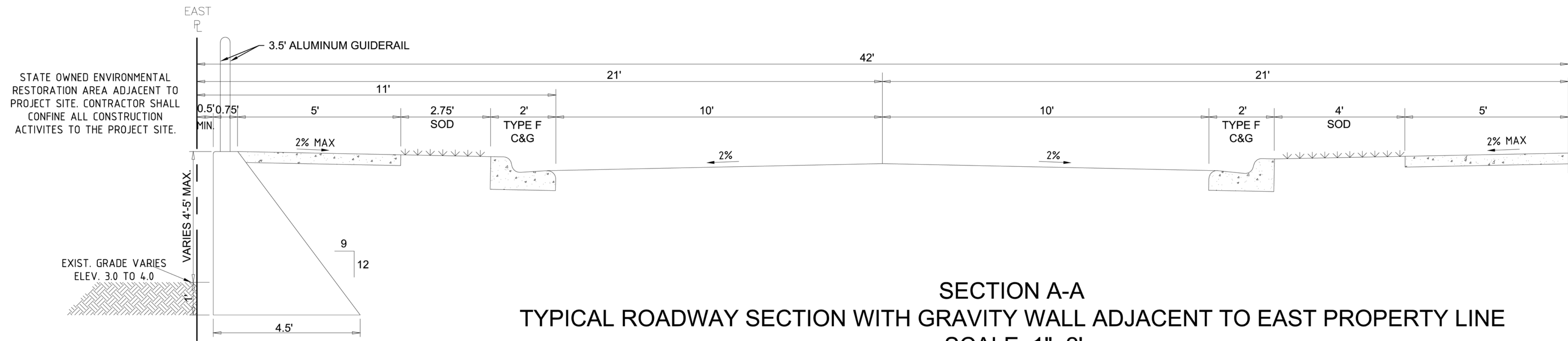
SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT (SFWMD)  
SETBACK - NORTH ACCESS ROAD

1" = 30'





Drawing name: \\SERVER\DATA\ENGINEERING\PROJECTS\2005\2005-07C OLD CUTLER VILLAGE\OLD CUTLER VILLAGE\DWG\2005 07C-C09 thru C10 PGD-SECTIONS.dwg



| NO.                | DATE | DESCRIPTION | BY | APP. | NO. | DATE | DESCRIPTION | BY | APP. |
|--------------------|------|-------------|----|------|-----|------|-------------|----|------|
| RECORD OF REVISION |      |             |    |      |     |      |             |    |      |



LUDOVICI & ORANGE  
CONSULTING ENGINEERS, INC.  
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

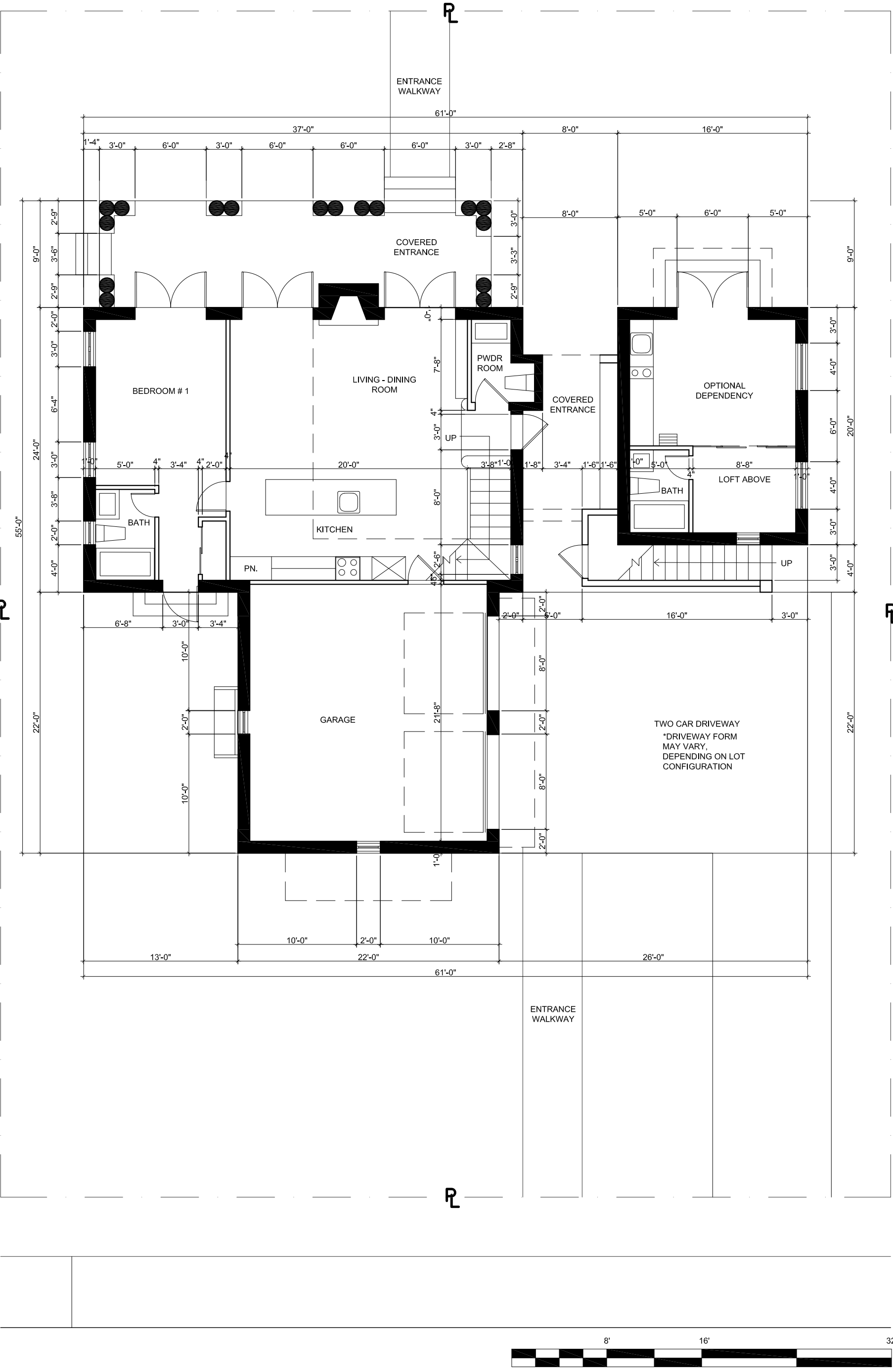
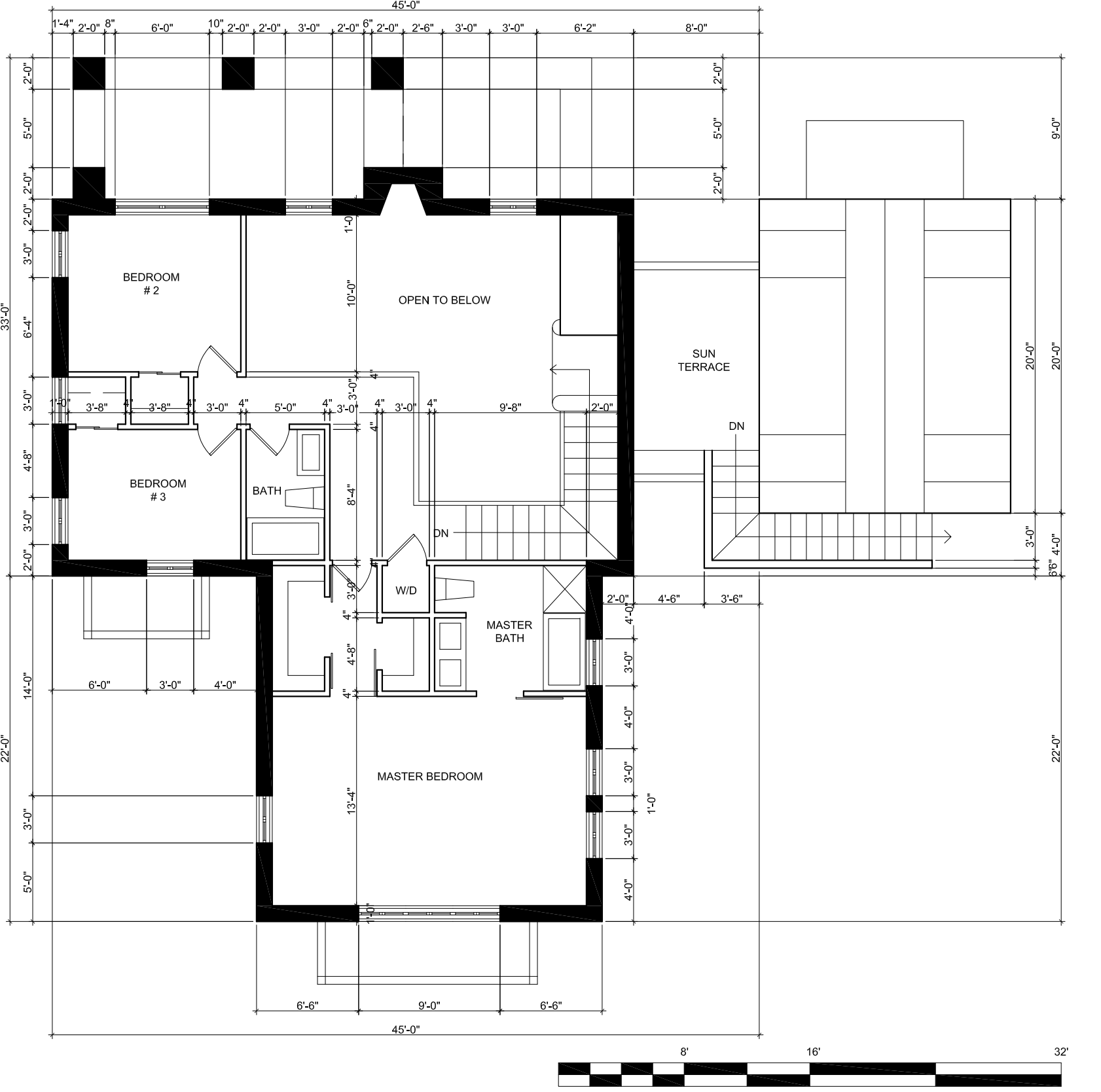
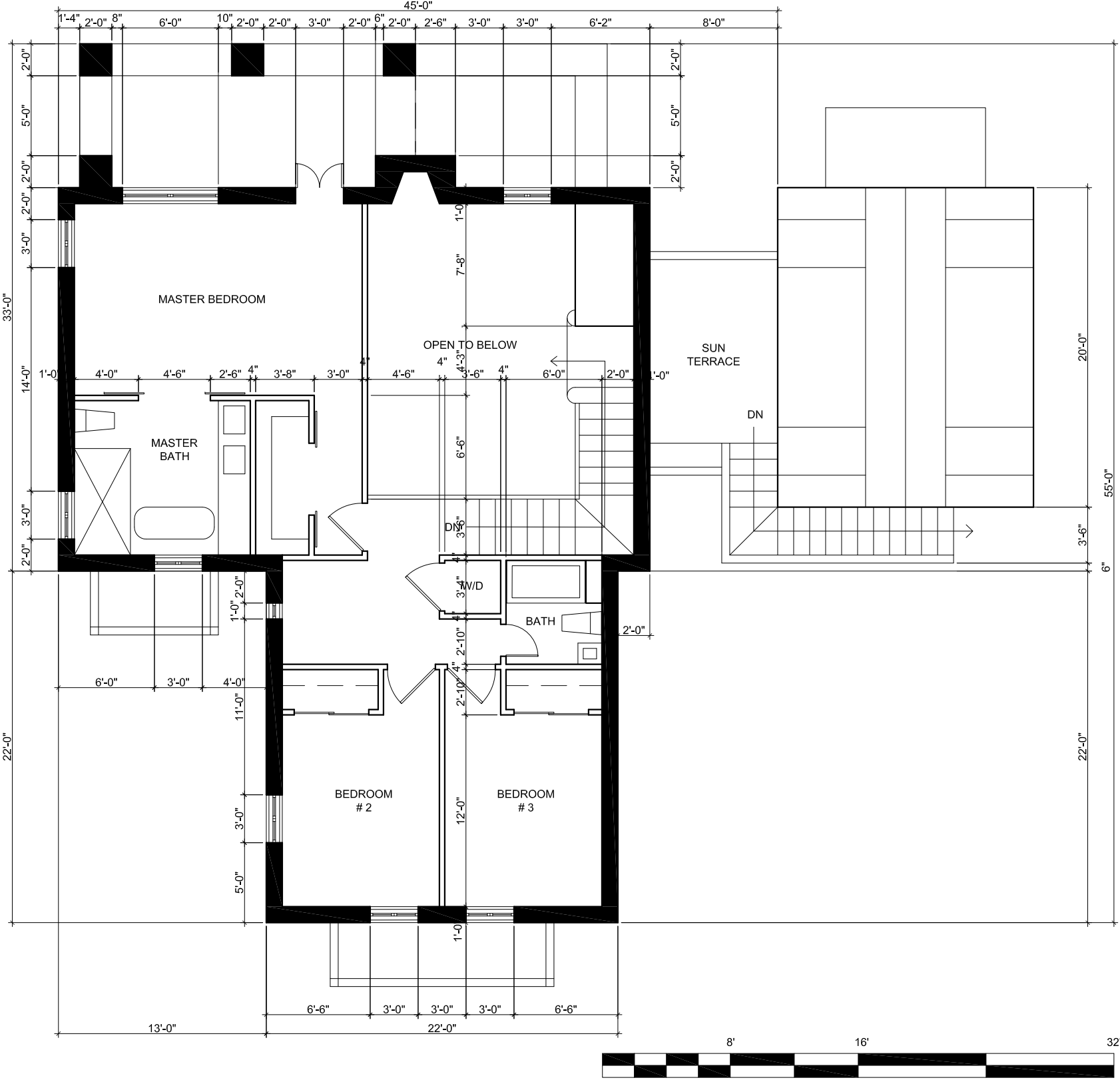
FORTUNE INTERNATIONAL  
GROUP  
CONCEPTUAL CROSS SECTIONS

OLD CUTLER ROAD  
RESIDENCES  
SECTION 3-56S-40E

|   |   |   |
|---|---|---|
| SEAL  | FILE:   | PROJ. NO.                                       |
| Laurie A. Swanson<br>REGISTERED ENGINEER #40254<br>STATE OF FLORIDA | DESIGNED: LAS<br>DRAWN: SB<br>CHECKED: LAS<br>SCALE: 1"=2'<br>DATE: 7/20/2017 | 2005-07C1<br>SHEET:<br><b>C-1</b><br>OF 1 SHEET |

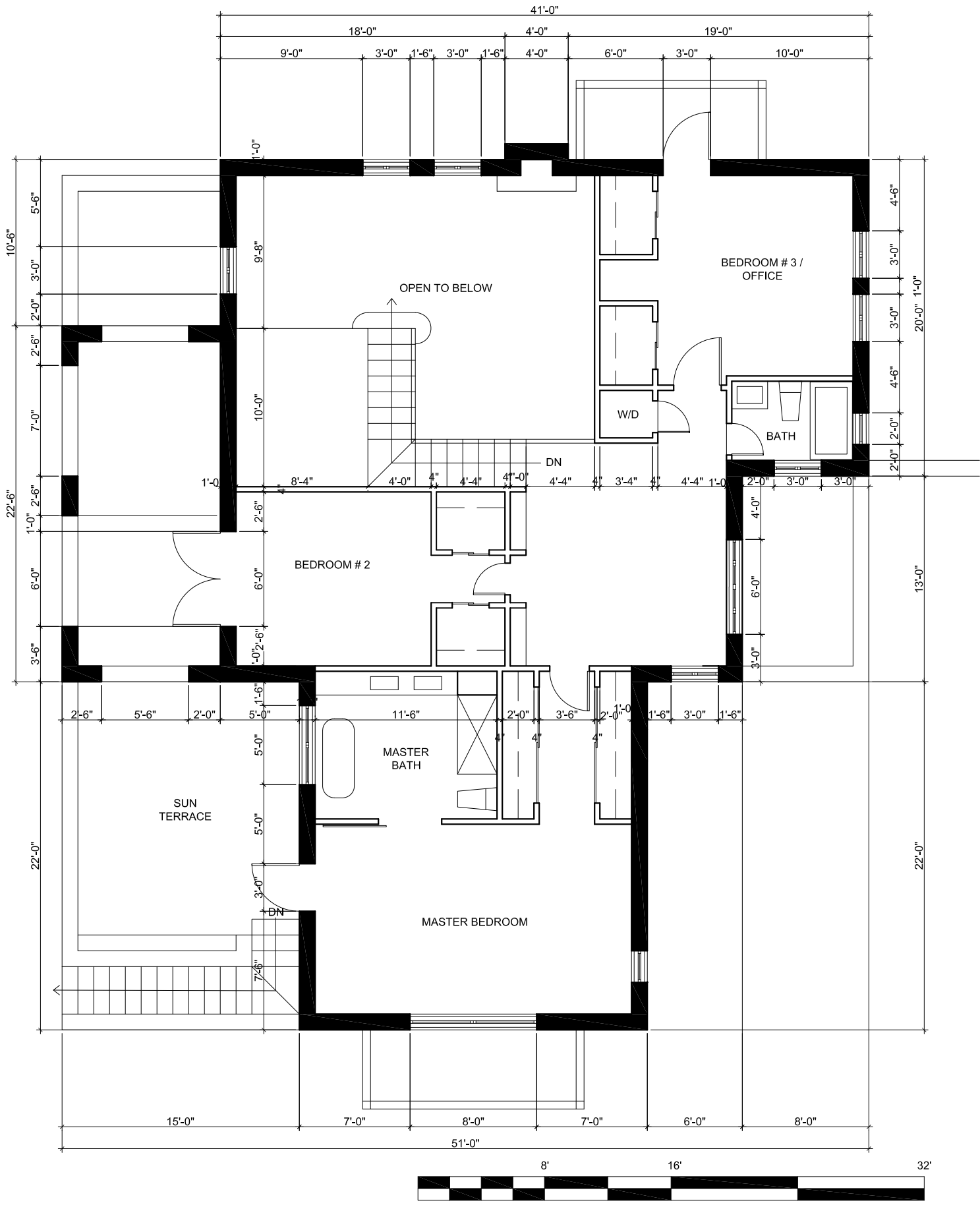
| SAMPLE MODEL "A" |            |
|------------------|------------|
| 1ST FLOOR        | 1,034 SQFT |
| 2ND FLOOR        | 1,186 SQFT |
| TOTAL A/C SPACE  | 2,220 SQFT |
|                  |            |
| GARAGE           | 433 SQFT   |
| COVERED ENTRY    | 32 SQFT    |
| BALCONY          | 172 SQFT   |
| PATIO            | 460 SQFT   |
|                  |            |
| GRAND TOTAL      | 3,317 SQFT |

\*DEPENDENCY IS OPTIONAL

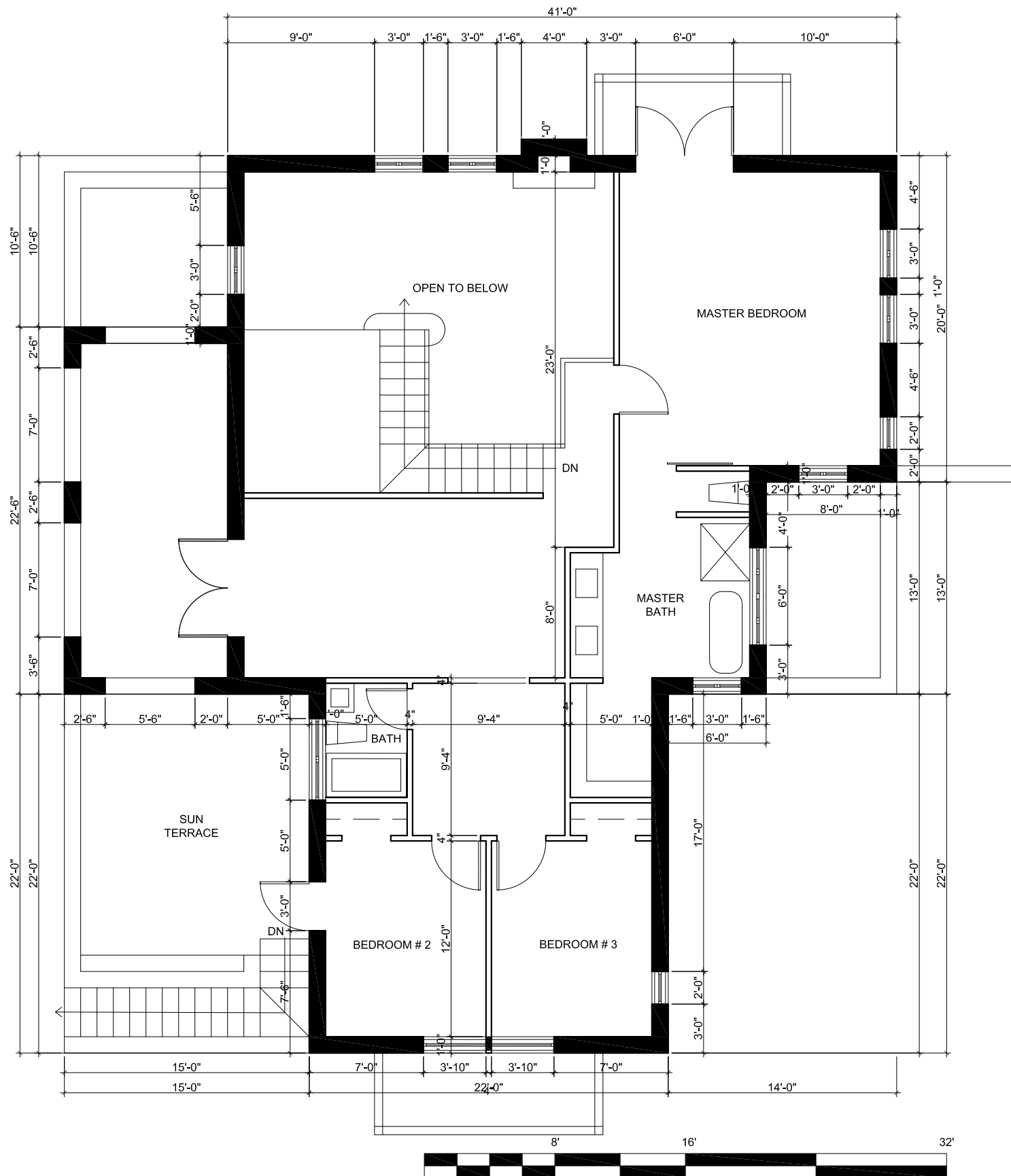




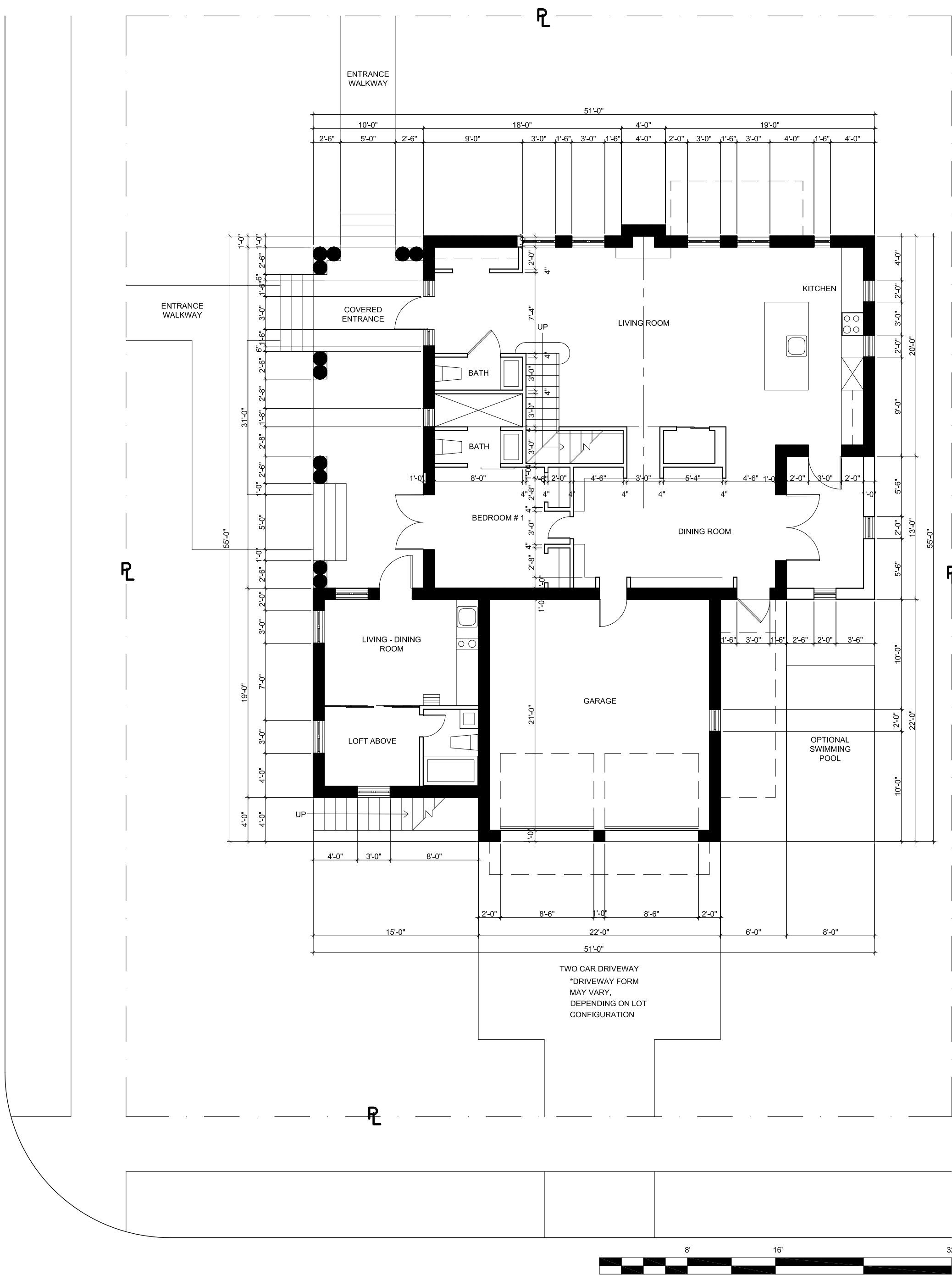
| SAMPLE MODEL "B" |            |
|------------------|------------|
| 1ST FLOOR        | 1,345 SQFT |
| 2ND FLOOR        | 1,100 SQFT |
| TOTAL A/C SPACE  | 2,445 SQFT |
|                  |            |
| GARAGE           | 420 SQFT   |
| COVERED ENTRY    | 320 SQFT   |
| BALCONY          | 360 SQFT   |
| PATIO            | 195 SQFT   |
|                  |            |
| GRAND TOTAL      | 3,740 SQFT |



SECOND FLOOR PLAN - A  
1/8" = 1"



SECOND FLOOR PLAN - B  
1/8" = 1"



FIRST FLOOR PLAN  
1/8" = 1"



EXTERIOR REAR ELEVATION  
1/8" = 1"



EXTERIOR FRONT ELEVATION  
1/8" = 1"



EXTERIOR LEFT ELEVATION  
1/8" = 1"



EXTERIOR RIGHT ELEVATION  
1/8" = 1"





View of sample models “A” and “B” from Old Cutler Road



View of sample models “B” and “A” from interior street



View of the entrance from Old Cutler Road



Pedestrian walk along eastern edge



Pedestrian-friendly, traffic-calmed street geometry

# Old Cutler Road Residences

Cutler Bay, Florida

OWNER:  
Fortune  
International  
Group

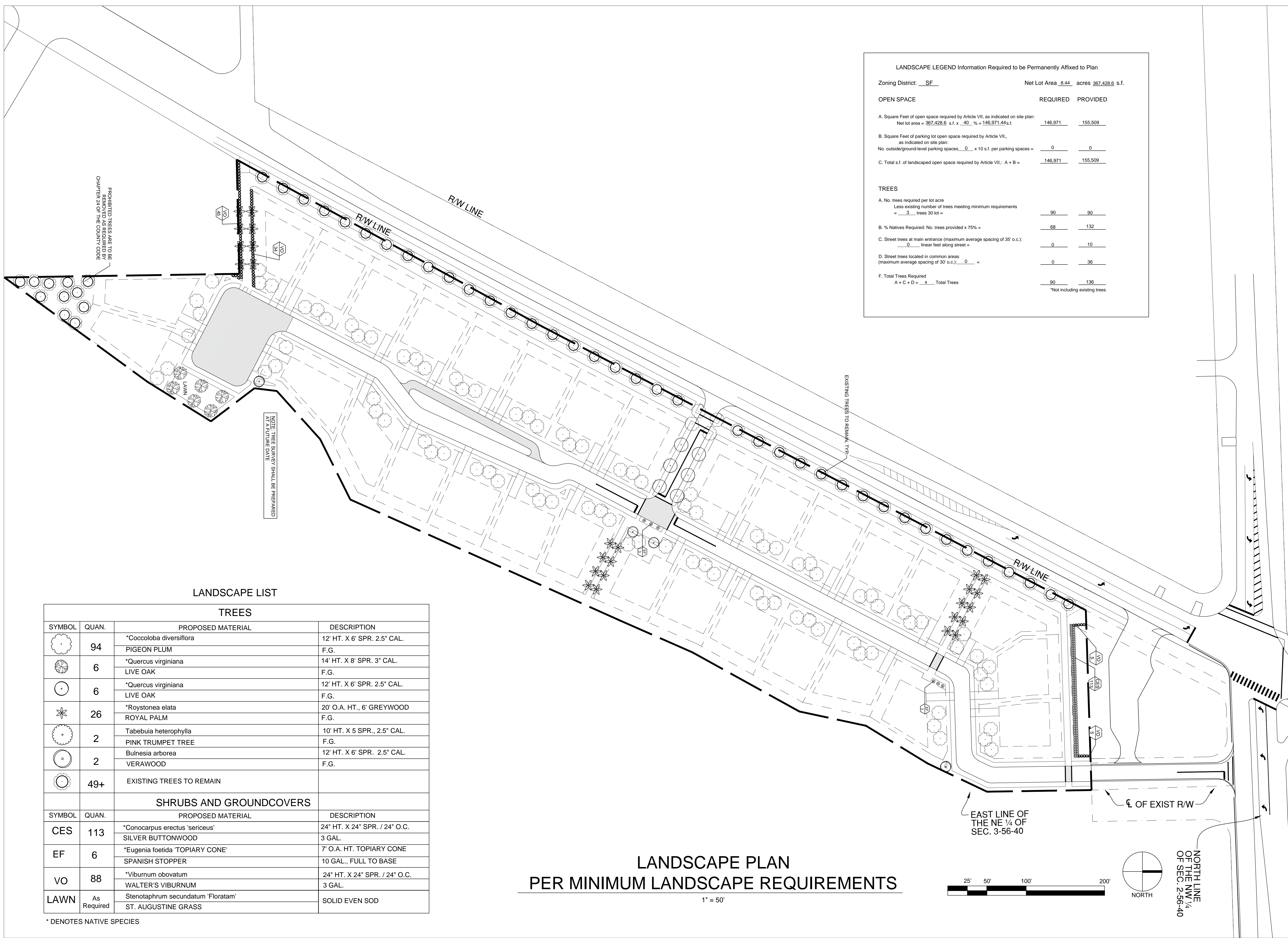
SEAL:

DATE: July 19, 2016

## REN-1

SHEET NO:





# Old Cutler Road Residences

Cutler Bay, Florida

OWNER:  
Fortune  
International  
Group

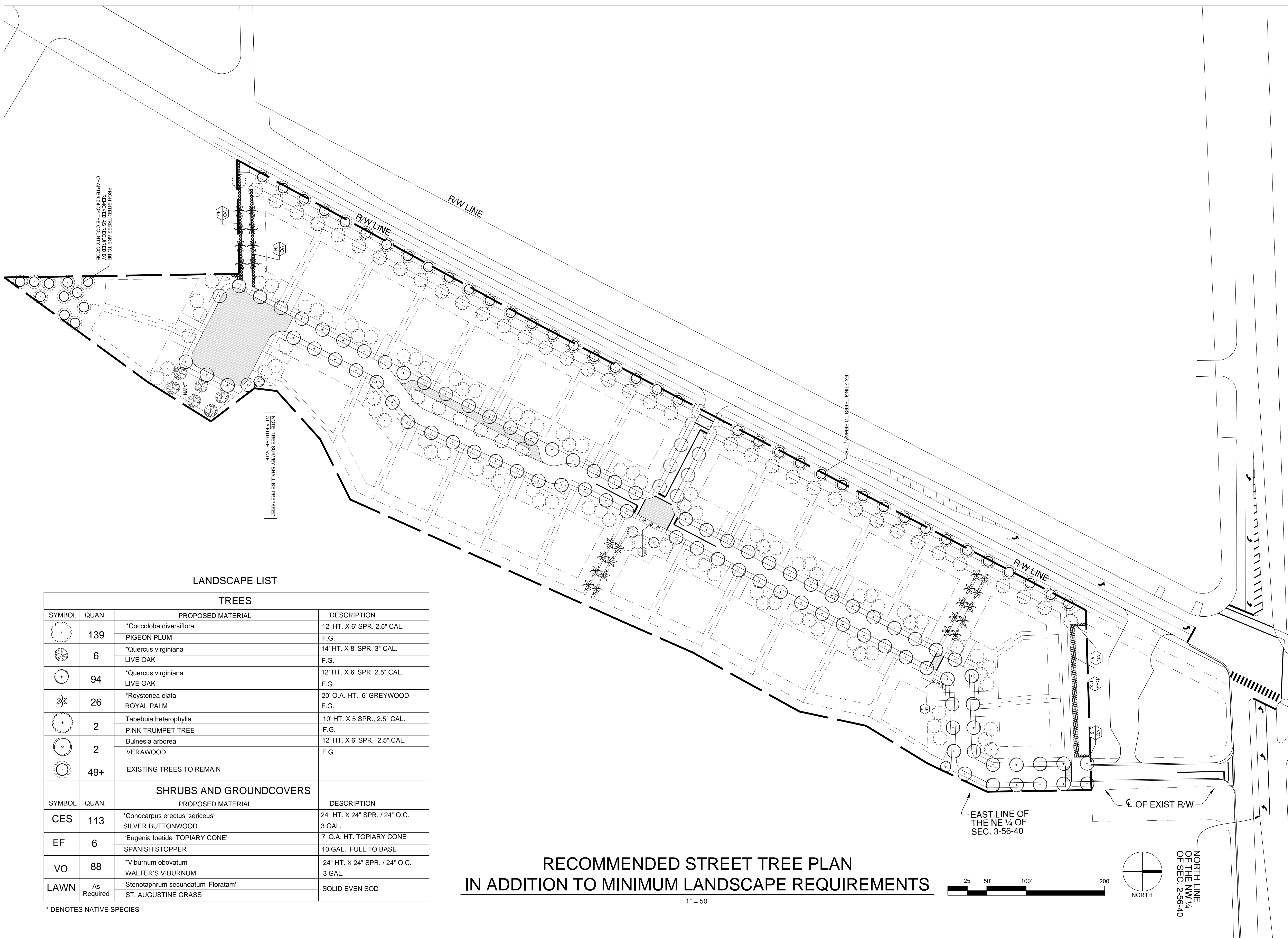
SEAL:

DATE: August 12, 2016

L-1

SHEET NO:





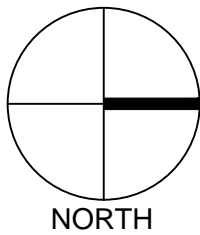
LANDSCAPE LIST

| TREES                   |             |                                    |                               |
|-------------------------|-------------|------------------------------------|-------------------------------|
| SYMBOL                  | QUAN.       | PROPOSED MATERIAL                  | DESCRIPTION                   |
|                         | 139         | *Coccoloba diversiflora            | 12' HT. X 6' SPR. 2.5" CAL.   |
|                         |             | PIGEON PLUM                        | F.G.                          |
|                         | 6           | *Quercus virginiana                | 14' HT. X 8' SPR. 3" CAL.     |
|                         |             | LIVE OAK                           | F.G.                          |
|                         | 94          | *Quercus virginiana                | 12' HT. X 6' SPR. 2.5" CAL.   |
|                         |             | LIVE OAK                           | F.G.                          |
|                         | 26          | *Roystonea elata                   | 20' O.A. HT., 6" GREYWOOD     |
|                         |             | ROYAL PALM                         | F.G.                          |
|                         | 2           | Tabebuia heterophylla              | 10' HT. X 5 SPR., 2.5" CAL.   |
|                         |             | PINK TRUMPET TREE                  | F.G.                          |
|                         | 2           | Bulnesia arborea                   | 12' HT. X 6' SPR. 2.5" CAL.   |
|                         |             | VERAWOOD                           | F.G.                          |
|                         | 49+         | EXISTING TREES TO REMAIN           |                               |
| SHRUBS AND GROUNDCOVERS |             |                                    |                               |
| SYMBOL                  | QUAN.       | PROPOSED MATERIAL                  | DESCRIPTION                   |
| CES                     | 113         | *Conocarpus erectus 'sericeus'     | 24" HT. X 24" SPR. / 24" O.C. |
|                         |             | SILVER BUTTONWOOD                  | 3 GAL.                        |
| EF                      | 6           | *Eugenia foetida 'TOPIARY CONE'    | 7' O.A. HT. TOPIARY CONE      |
|                         |             | SPANISH STOPPER                    | 10 GAL., FULL TO BASE         |
| VO                      | 88          | *Viburnum obovatum                 | 24" HT. X 24" SPR. / 24" O.C. |
|                         |             | WALTER'S VIBURNUM                  | 3 GAL.                        |
| LAWN                    | As Required | Stenotaphrum secundatum 'Floritam' | SOLID EVEN SOD                |
|                         |             | ST. AUGUSTINE GRASS                |                               |

\* DENOTES NATIVE SPECIES

RECOMMENDED STREET TREE PLAN  
IN ADDITION TO MINIMUM LANDSCAPE REQUIREMENTS

1" = 50'



NORTH LINE  
OF THE NW 1/4  
OF SEC. 2-56-40

REVISIONS:

Old Cutler Road Residences  
Cutler Bay, Florida

OWNER:  
Fortune  
International  
Group

SEAL:

DATE: August 12, 2016

L-2

SHEET NO:

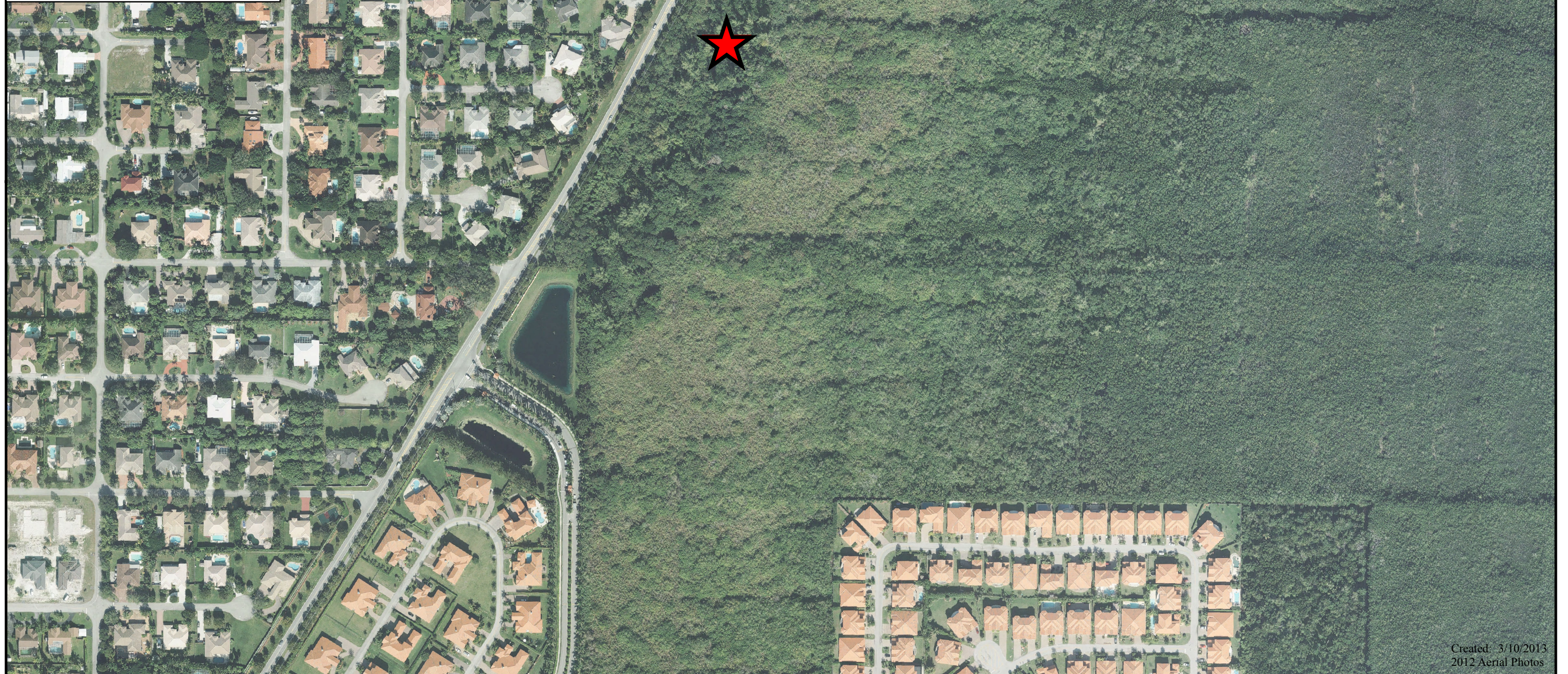


# Town of Cutler Bay
















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

Phone: 305-234-4262  
Fax: 305-234-4251  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)






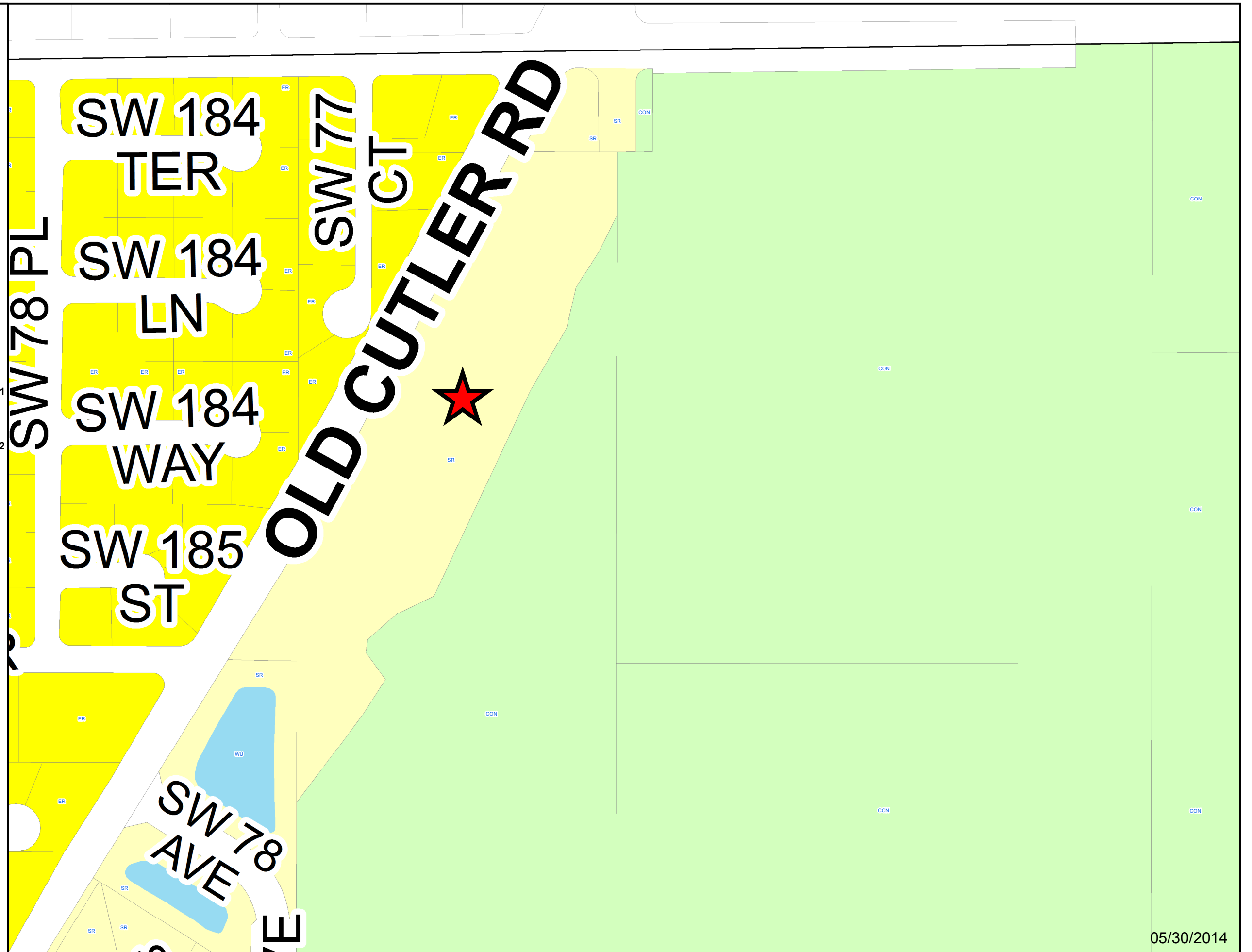
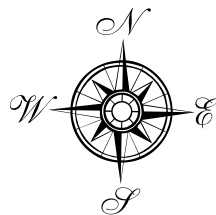


# Town of Cutler Bay Zoning Map

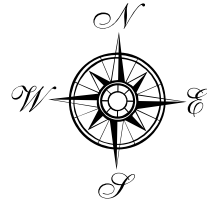
|  |  |
|--|--|
|  <b>ER</b><br>Estate Residential<br>1 Dwelling Unit/15,000 sq. ft.       |  <b>CON</b><br>Conservation           |
|  <b>SR</b><br>Single-Family Residential<br>1 Dwelling Unit/7,500 sq. ft. |  <b>WU</b><br>Water Use               |
|  <b>MR 9</b><br>Multi-Family Residential<br>9 Dwelling Units/Net Acre    |  <b>TRC</b><br>Transit Corridor       |
|  <b>MR 13</b><br>Multi-Family Residential<br>13 Dwelling Units/Net Acre  |  <b>TC</b><br>Town Center             |
|  <b>NR</b><br>Neighborhood Residential<br>5 Dwelling Units/Net Acre      |  <b>NC 1</b><br>Neighborhood Center 1 |
|  <b>INT</b><br>Institutional   |  <b>NC 2</b><br>Neighborhood Center 2 |
|  <b>PK</b><br>Parks   |  |

## Town Center Sub-Districts

|   |                     |
|---|---------------------|
|  | Center Sub-District |
|  | Core Sub-District   |
|  | Edge Sub-District   |



# Town of Cutler Bay 2020 Future Land Use Map



SW 184  
TER

SW 184  
LN

SW 184  
WAY

SW 185  
ST

SW 77  
CT

OLD CUTLER RD

SW 79 C

SW 78 P

SW 78  
AVE

SW 18  
AVE

SW 187 ST

- Residential - Conservation
- 2020 Future Land Use**
- Estate Density
- Low Density
- Medium Density
- Mixed Use
- Town Center
- Institutional
- Parks and Recreation
- Conservation
- Roadway
- Transportation
- Water