

**RESOLUTION NO. 18-\_\_\_\_\_**

**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.**

**WHEREAS**, Cutler Properties, LC (the “Applicant”) has submitted a Site Plan Application (the “Application”) to permit a development containing 30 single family homes on a site consisting of approximately 8.43 +/- acres located at 36-6003-001-0013 (the “Property”), as legally described in Exhibit “A” pursuant to Section 3-33 of the Town Code; and

**WHEREAS**, this Development is to be located along S.W. 184 Street and Old Cutler Road on property zoned SR; and

**WHEREAS**, the Town of Cutler Bay (the “Town”) held a Zoning Workshop regarding the proposed site plan in order to receive comments from both residents and the members of the Town Council; and

**WHEREAS**, Town staff has reviewed the application and is recommending approval; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, found that the Application does meet the requirements of the Town Land Development Regulations and is consistent with the Town’s Comprehensive Plan; and

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recital.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application and finds that it does meet the approval criteria set forth in Section 3-33 of the Town Code.

**Section 3. Conditions.** If the approval is granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

**1. General Conditions**

**1.1** The proposed development will be built in accordance with the plans submitted entitled “Old Cutler Road Properties”, consisting of 9 sheets and prepared by Dover, Kohl & Partners and dated August 12, 2016; July 19, 2016; February 24, 2017; March 28, 2017; and, July 20, 2017. The survey was prepared by Ludovici & Orange and consists of one page dated 6-4-15.

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

**1.3** The Applicant shall provide a letter acknowledging compliance with the applicable Level of Services requirements prior to the issuance of final permit to the property.

**1.4** Applicant shall submit verification from Miami-Dade County that the proposed new development has been reviewed and approved for all access management considerations prior to the issuance of the final building permit.

**1.5** Flood elevations shall be reviewed and approved for consistency with FEMA requirements and the Town’s National Insurance Flood Program Ordinance prior to building permit approval.

**1.6** The Applicant shall comply with applicable conditions and requirements by Miami-Dade County Public Works Department, Fire Rescue Department, the Department of Regulatory and Economic Resources (DRER), the South Florida Water Management District, Army Corps of Engineers and any other regulatory agencies, as applicable.

**1.7** The interior side setback for any principal or accessory building on Lots 1 and 7, as shown on the attached site plan shall not be less than 15 feet, in compliance with South Florida Water Management District or the Miami-Dade RER Division of Environmental requirements.

**1.8** Prior to the issuance of a building permit for a single-family residence, the Applicant shall have commenced construction of the Old Cutler Road pathway. For the purposes of this condition, construction shall be deemed to have commenced once the building’s footers have been poured in the ground.

**1.9** Prior to the clearing of any portion of the proposed SW 77<sup>th</sup> Avenue right-of-way, the Applicant shall notify the Town Manager of its intent to clear the area and shall allow a minimum of fifteen (15) days following the notice for the salvaging of non-invasive, non-exotic plant material within the specified area only to be cleared. Any person desirous of salvaging plant materials must first request authorization from the property owner, which authorization shall not be unreasonably withheld. The Town shall maintain a list of persons interested in salvaging material and shall notify them immediately upon receipt of the notice.

**1.10** That the public common space/path be “required” and not “optional”. The public common/path shall be open to the public and connected to SW 184 Street and Old Cutler Road shared-use path.

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

**1.12** The applicant must plat the property.

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

**1.14** The Applicant shall construct and be responsible for any required mitigation whether onsite, offsite or monetary as a result of the construction of SW 77<sup>th</sup> Avenue.  
Construction of SW 77<sup>th</sup> Avenue shall meet design requirements stated in section 3-134 of the Town Code.

## **2. Construction General Conditions**

### **2.1 Construction Staging**

**2.1.1** The Applicant shall submit a construction staging plan for review and approval prior to commencement of construction.

**2.1.2** A Construction and Maintenance of Traffic (MOT) Plan shall be provided by the Applicant to the Building and Public Works Departments for approval prior to start of construction. Access points by construction vehicles shall be provided within the MOT. All construction vehicles must use Old Cutler Road, unless otherwise approved by the Department.

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

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

**2.4** The Applicant shall provide an Erosion Control Plan prior to the issuance of any building permit. The Applicant shall submit a plan for erosion and sedimentation control to be implemented before the site is cleared or graded including areas where top soil will be removed and contours of slopes will be cleared. The Plan shall also include location and type of erosion control measures, storm water and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The Plan shall remain on-site for the duration of the construction activity.

**2.5** Construction shall only take place Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m.

### **3. Landscaping**

**3.1** The Applicant shall meet all of the minimum requirements of the Town Code, Chapters 18 and 24 of the Miami-Dade County Code and specifically comply with all conditions imposed by Miami-Dade County Department of Regulatory and Economic Resources (DRER).

**3.2** The property shall be landscaped in accordance with the landscape plan, included with the site plan submittal.

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

### **4. Traffic**

**4.1** That the Applicant perform traffic monitoring of the site generated trips for the new Cutler Properties development the year after the final Certificate of Occupancy is issued. Should the actual number of site generated vehicle trips for the development exceed 10% of the number of projected vehicle trips calculated in the original traffic study, the Applicant shall pay for traffic mitigation improvements to ameliorate the condition. The Applicant shall pay all costs including consultant services for design and permitting (approvals) and traffic improvement construction costs. The Applicant will coordinate with the Town of Cutler Bay and/or their Consultant to establish a traffic study methodology for the travel time and delay study for Old Cutler Road between SW 168<sup>th</sup> Street and SW 87<sup>th</sup> Avenue and SW 184<sup>th</sup> Street between SW 87<sup>th</sup> Avenue and SW 97<sup>th</sup> Avenue.

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

### **5. Off-Street Parking/Lighting**

**5.1** The minimum required number of parking spaces per unit shall be two (2).

**5.2** The Applicant shall install and maintain light fixtures which project the light rays directly to the street, and shall include shields which restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky.

**5.3** Due to their high-energy efficiency, long life and spectral characteristics, Pulse-Start Metal Halide or LED lamp sources shall be the illumination sources for outdoor lighting.

**5.4** At the time of platting, the Owner/Applicant shall cause the establishment of a special taxing district pursuant to Chapter 18 of the Miami-Dade County Code to provide for the installation and maintenance of street lighting within the proposed subdivision.

## **6. Environmental**

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

**6.2** All storm water shall be retained inside the property. All storm water drainage systems shall be maintained in working at all times in order to avoid localize flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.

## **7. Signs**

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

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

## **8. Building**

**8.1** The Applicant shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.

## **9. Enforcement**

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

**Section 4. Violation.** Failure to adhere to the terms of any approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon enactment.

PASSED and ADOPTED on this \_\_\_\_\_ day of February, 2018.

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PEGGY R. BELL  
Mayor

Attest:

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Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE SOLE  
USE OF THE TOWN OF CUTLER BAY:

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WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Mary Ann Mixon \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_