RESOLUTION NO. 18-_


#### Abstract

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE X, OFFSTREET PARKING AND LOADING AREAS, SEC. 3-147 OF THE TOWN CODE RELATING TO OFF-STREET LOADING REQUIREMENTS FOR 1622 INVESTMENT CORP GENERALLY LOCATED SOUTHWESTERLY OF CARIBBEAN BOULEVARD AND U.S. 1 EXTENDING A DISTANCE OF 917.27 FEET (FOLIO NOS. 36-6007-000-0333, 36-6007-000-0334, 36-6007-000-0330, 36-6007-000-0336); AND PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, 1622 Investment, Corp. (the "Applicant") has submitted to the Town of Cutler Bay (the "Town") a Site Plan Application to develop a proposed project of three (3) twostory retail/office structures on a site consisting of approximately $\pm 1.05$ net acres generally located Southwesterly of Caribbean Boulevard and U.S. 1, which property bears Folio Nos. 36-6007-0000333, 36-6007-000-0334, 36-6007-000-0330, 36-6007-000-0336 (the "Property"), as legally described in Exhibit "A," attached hereto, and, in accordance with Section 3-36 of the Town Code of Ordinances (the "Code"), has also submitted a variance application (the "Application") to waive the inclusion of one loading berth as required by Section 3-147 of the Town Code; and

WHEREAS, Town staff has reviewed and recommended approval of the Application; 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, finds that the Application meets the requirements of the Town Code and is consistent with the Town's Land Development Regulations and 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 to waive the inclusion of one loading berth as required by Section 3-147 of the Town Code and finds that it meets the variance criteria set forth in Section 3-36 of the Town Code.

Section 3. Conditions. The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated to and proferred at the hearing:
(a) Administrative site plan approval for the Property.
(b) The Property shall be developed in substantial conformance with the plans submitted to the Town entitled "US 1 - Caribbean Blvd. Commercial Center," prepared by Ramos Martinez Architects, consisting of 11 sheets originally dated July 3, 2015, and which is attached hereto as Exhibit "B."

Section 4. Violation. Failure to adhere to the terms of this 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 adoption.

PASSED AND ADOPTED this $\qquad$ day of June, 2018.

PEGGY R. BELL
Attest
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

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

## WEISS SEROTA HELFMAN <br> COLE \& BIERMAN, P.L <br> Town Attorney

Moved By:
Seconded By: $\qquad$

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

## EXHIBIT "A"

Legal Description: This land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

## PARCEL 1:

A Parcel of land lying in the NW $1 / 4$ of the NE $1 / 4$ of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida Being Particularly described as follows:
Commence at the Southwest corner of the NW $1 / 4$ of the NE $1 / 4$ of said Section 7; Thence run S00 $07^{\prime} 19^{\prime \prime} \mathrm{E}$ along the West boundary of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7 for a distance of 485.24 feet to the Point of Intersection with the Northwesterly Right-Of-Way boundary of State Road No. 5; Thence run N42 ${ }^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{E}$ along the last described line for a distance of 910.00 feet to the Point of Beginning of the Parcel of land hereinafter to be described; Thence on the last described course for a distance of 172.27 feet to a Point; Thence run $\mathrm{N} 47^{\circ} 44^{\prime} 59^{\prime \prime} \mathrm{W}$ for a distance of 50.00 feet to the Point of Intersection with the Southeasterly Right-Of-Way boundary of the Florida East Coast Railway; Thence run $\mathrm{S} 42^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{W}$ along the last described line a distance of 172.27 feet to a point, said point being 855.19 feet Northeasterly as measured along Southeasterly Right-Of-Way boundary of said Florida East Coast Railway from the West boundary of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7; Thence run $\mathrm{S} 47^{\circ} 44^{\prime} 59$ ' E a distance of 50.00 feet to the Point of Beginning.

PARCELS 2 AND 3:
A Parcel of land lying in the NE $1 / 4$ of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida more particularly described as Follows:
Commence at the Northwest corner of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7; Thence run S00 $07^{\prime} 19^{\prime \prime}$ E along the Westerly line of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7 for a distance of 411.05 feet to a point on the Southeasterly Right-Of-Way line of the Florida East Coast Railroad; Thence run N42 ${ }^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{E}$ along the Southeasterly Right-Of-Way line of the Florida East Coast Railroad for a distance of 1332.46 feet to the Point of Beginning of the parcel of land hereinafter to be described; Thence continue along the last mentioned course, (The Southeasterly Right-Of-Way of Florida East Coast Railroad) for a distance of 440 feet to a point on the South Right-Of-Way Line of Caribbean Blvd., Thence run N47 ${ }^{\circ} 44^{\prime} 59^{\prime \prime} \mathrm{W}$ for a distance of 50 feet to a point of the Northwesterly Right-of-Way Line of State Road No. 5 (U.S. Highway No. 1); Thence run N $42^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{E}$ along the Northwesterly Right-of-Way line of said State Road No. 5 for a Distance of 440 feet to a point; Thence run N $47^{\circ} 44^{\prime} 59^{\prime \prime} \mathrm{W}$ for a distance of 50 feet to the Point of Beginning;
Less that portion of the above-described property deeded to Miami-Dade County, Florida which is more particularly described as Follows:
That Area Bounded by the Northwesterly Right-Of-Way Line of State Road No. 5 (US No. 1) as shown on State Road Right-Of-Way Map in the NE $1 / 4$ of Section 7, Township 56 South, Range 40 East, and recorded in Plat Book 83, at Page 51, of the Public Records of Miami-Dade County, Florida, and bounded by the Southwesterly Right-Of-Way of Caribbean Boulevard as shown on the Right-Of-Way Deed, dated October 16, 1957 and recorded in Official Records Book 2195, at Page 436, of the Public Records of Miami-Dade County, Florida, and bounded by 25 foot radius arc concave to the West, said arc being tangent to Both of the Last Described Lines.

PARCEL 4:
A Parcel of land lying in the NW $1 / 4$ of the NE $1 / 4$ of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida, more particularly described as follows:
Commencing at the Northwest corner of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7; thence run S $00^{\circ} 07^{\prime} 19^{\prime \prime} \mathrm{E}$ along the Westerly line of the SW $1 / 4$ of the NE $1 / 4$ of said Section 7, a distance of 411.05 feet; Thence run $N 42^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{E}$ along the Southeasterly Right-Of-Way line of the Florida East Coast Railway a distance of 1027.46 feet to the Point of Beginning of the Parcel of land hereinafter to be described; Thence continue along the last mentioned course, along the Southeasterly Right-Of-Way of the Florida East Coast Railway a distance of 305 feet; Thence run $\mathrm{S} 47^{\circ} 44^{\prime} 59^{\prime \prime} \mathrm{E}$ for a distance of 50 feet to a Point on the Northwesterly Right-Of-Way line of State Road No. 5, also known as Dixie Highway; Thence run S $42^{\circ} 15^{\prime} 01^{\prime \prime} \mathrm{W}$ along the Northwesterly Right-Of-Way line of said State Road No. 5, a distance of 305 feet; Thence run N47 $44^{\prime} 59^{\prime} \mathrm{W}$ for a distance of 50 feet to the Point of Beginning.

## EXHIBIT "B" PAGE 1 of 11




(2),
(3) DUMPSTER WALL DETALL $\qquad$

(2) DUMPSTER WALL DETAIL $\qquad$

8) DUMPSTER ENCLOSURE DETAIL

EXHIBIT "B" PAGE 3 of 11


BUILDING 1 SECOND LEVEL FLOOR PLAN


BUILDING 1 FIRST LEVEL FLOOR PLAN


## EXHIBIT "B" PAGE 5 of 11



EXHIBIT "B" PAGE 6 OF 11


## $\underset{\sigma_{i}}{\text { BUILDING }} 2$ NORTH ELEVATION


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BUILDING 2 WEST ELEVATION
BUILDING 2 SOUTH ELEVATION

## Sculeytren






## EXHIBIT "B" PAGE 8 OF 11


(3) TYPICAL BUILDING SECTION $\qquad$

(2) TYPICAL BUILDING SECTION





