A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE X, OFF-STREET PARKING AND LOADING AREAS, SEC. 3-144 OF THE TOWN CODE RELATING TO THE REQUIRED NUMBER OF PARKING SPACES 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. 36-6007-000-0333, 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 permit fifty-two (52) parking spaces where Section 3-144 of the Town Code requires fifty-six (56) parking spaces; 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.

<u>Section 2.</u> <u>Approval.</u> The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application to permit fifty-two (52) parking spaces where Section 3-144 of the Town Code requires fifty-six (56) parking spaces and finds that is 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."

<u>Section 4.</u> <u>Violation.</u> 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 \_\_\_\_\_ day of June, 2018.

Attest:

PEGGY R. BELL Mayor

DEBRA E. EASTMAN, MMC Town Clerk

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

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

Moved 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	

## 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 ¼ of the NE ¼ 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 ¼ of the NE ¼ of said Section 7; Thence run S00°07'19"E along the West boundary of the SW ¼ of the NE ¼ 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°15'01"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 N47°44'59"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 S42°15'01"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 ¼ of the NE ¼ of said Section 7; Thence run S47°44'59"E a distance of 50.00 feet to the Point of Beginning.

#### PARCELS 2 AND 3:

A Parcel of land lying in the NE <sup>1</sup>/<sub>4</sub> 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 ¼ of the NE ¼ of said Section 7; Thence run S00°07'19"E along the Westerly line of the SW ¼ of the NE ¼ 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°15'01"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°44'59"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 N42°15'01"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 N47°44'59"W for a distance of 50 feet to the Point of Beginning;

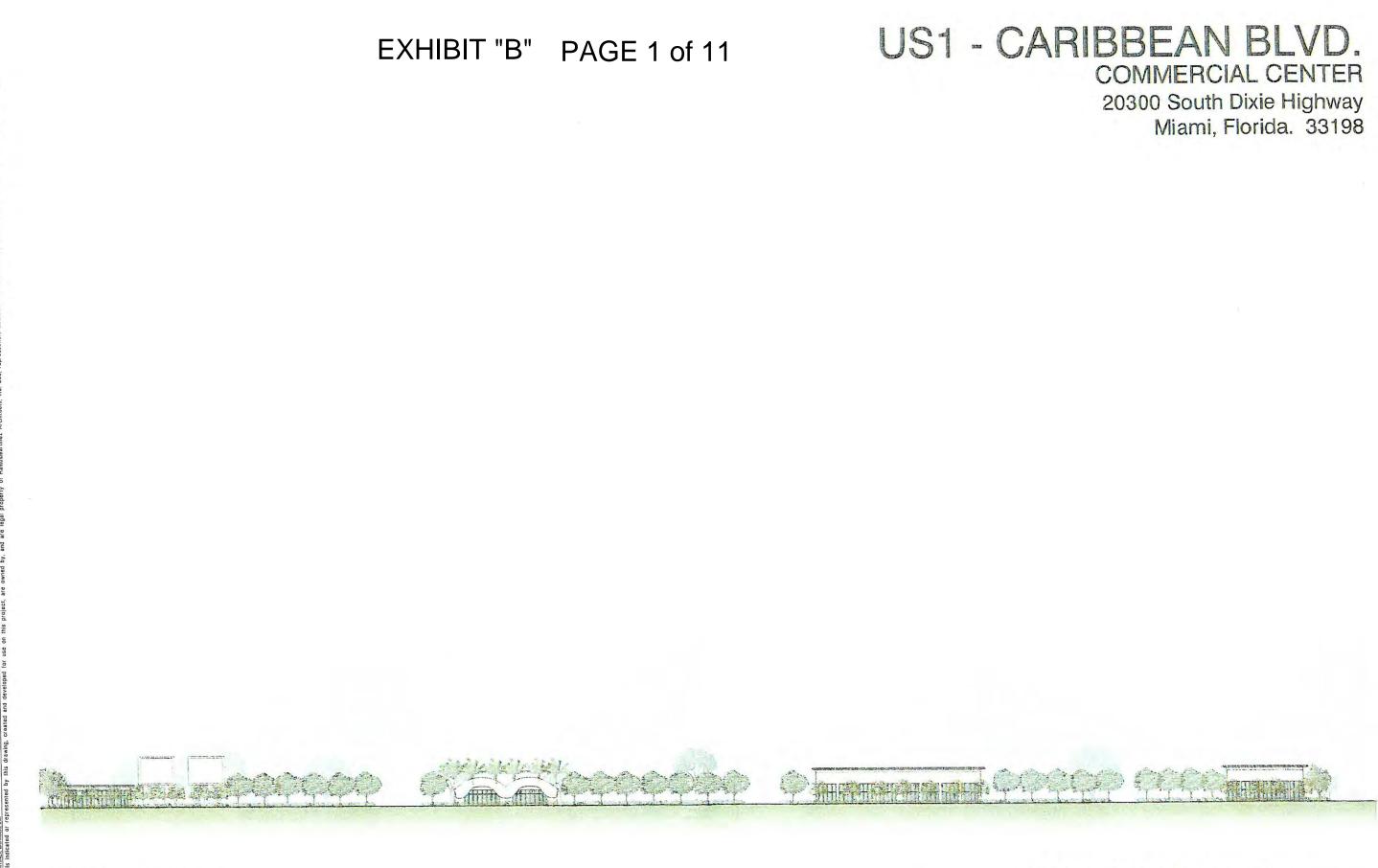
Less that portion of the above-described property deeded to Miami-Dade County, Florida which is more particularly described as Follows:

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 <sup>1</sup>/<sub>4</sub> 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 ¼ of the NE ¼ 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 ¼ of the NE ¼ of said Section 7; thence run S00°07'19"E along the Westerly line of the SW ¼ of the NE ¼ of said Section 7, a distance of 411.05 feet; Thence run N42°15'01"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 S47°44'59"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 S42°15'01"W along the Northwesterly Right-Of-Way line of said State Road No. 5, a distance of 305 feet; Thence run N47°44'59"W for a distance of 50 feet to the Point of Beginning.



## **INDEX OF DRAWINGS:**

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RAMOSMA

2013 -

- COVER SHEET
  COVER SHEET
  A:1 SITE PLAN & CALCULATIONS
  A-2.0 BUILDING 1 FLOOR PLANS / DUMPSTER DETAILS
  A-2.1 BUILDING 1 FLOOR PLANS
  A-3.0 BUILDING 2 FLOOR PLANS
  A-3.1 BUILDING 2 ELEVATIONS

- 1. A-4.0 BUILDING 3 FLOOR PLAN / ELEVATIONS 2. A-5.0 BUILDING 4 FLOOR PLANS 3. A-2 BUILDING 4 ELEVATIONS 4. L-1 LANDSCAPE PLAN

# RAMOSMARTINEZ architects

655 W. FLAGLER ST. SUITE 205 MIAMI, FL 33130

MIAMI

REGISTRATION: A A 26000528 WEBSITE: www.rmarq.com TELEPHONE: 305-548-3006

NEW YORK 11 ERIE STREET 2nd FLOOR JERSEY CITY, NJ 07302

V	

Minimum Rear Setback

Cutler Bay Zoning TC - Site Information	Sq. A.	Acres
Parcel 1	8,613.00	0.20
Parcels 2 & 3	21.865.87	0.50
Parcel 4	15,250.00	0.35
Total Sile Area	45,728.87	1.05
Site Data	Allwd./Regd.	Provided
Minimum Lot Area	N/A	
Minimum Lot Width	NA	
Minimum Lot Depth	N/A	

Max Floor Area Hatio	2.00	0,42
Max Floor Area	91,457.74	18,982.00
Minimun Primary Frontage at Selback	100.00%	32%*
Minimun Secondary Frontage at Selback	75.00%	85.66%
Minimum Green/Open Space	15.00%	16.83%
Minimum Green/Open Lot Area	6,859.33	7,696.87
Maximum Density	150.00	N/A
Minimum Number of Storles	2.00	2.00
Maximum Number of Stories	15.00	2.00
Minimum Front Setback along Principle Front	10'	5**
Maximum Front Setback along Principle Front	20'	5.00
Minimum Side Street Setback	5	10.00
Maxemum Side Street Setback	10'	10.00
Minimum Side interior Setback	0'	5.93

Site Calculations	Area	%
Building Foot Print	12,182.00	28.84%
Ashait Parking	25,000.00	54.87%
Concrete Stoops and Walkways	850.00	1.88%
Open / Green Area	7,698.87	16.83%
Total	45,728.87	100.00%

Building Computations	Level 1 Retail	Level 2 Offices	Total Bidg. Sq. R.
Building 1 - New Two Story	2,469.00	1.000.00	3,469.00
Building 2 - New Two Story	5,208.00	4,800.00	10,008.00
Building 3 - Existing One Story	2,280,00		2,280.00
Building 4 - New Two Story	2,225.00	1,000.00	3.225.00
Total	12,182.00	6,800.00	18,982.00
Impervious Site Area		Allowed	Provided
Maximum Sutace Coverage		100%	83,17%
Parking Calculations		Regulred	Provided
Commercial Spaces (#2,182 Sq. Ft. @ 1:800 Sq. Ft.)		41	41

17	17
58	58
Regulred	Provided
2	2

#### Variance Request

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5

\* 32% Minimum Primary Frontage requested by variance where 1 00% is required.

\*\* 5'-0" Minimun Front Setback requested by variance where 10'-0" is required.

C

\*\*\* 0'-0" Minimun Rear Setback requested by variance where 20'-0" is required. \*\*\*\* 0'-0" Min. Build. Perimeter requested by variance where 1'-8" is required Section 3-102 (B)

22'-0" Back-up Drive requested by variance where 24'-0" is required.

PARCEL 1

\*\*\*\*\*\* 8'-8" x 18'-0" parking space requested by variance where 9'-0" x 18'-0" is require

## EXHIBIT "B" PAGE 2 of 11 LEGAL DESCRIPTION:

The 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 ½ of the NE ½ of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida, Being Particularly described as follows:

Commence at the Southwest comer of the NW ½ of the NE ½ of said Section 7: Thence run S00'07'19'E along the West boundary of the SW ½ of the NE ½ of said Section 7 for a distance of 485.24 leat to the Point of Intersection with the Northwestey (hight)C/MWe boundary of State Alond No. 5', Thence run N20'15'10'E along the last described lines for a distance of 910.00 feet to the Point of Begring of the Review of Intersection with the Northwestey (hight)C/MWe boundary of State 16 of 010 feet to the Point of Begring of the Review of Intersection with the Northwestey (hight)C/MWe boundary of State 16 of 010 feet to the Point of Begring of the Review of Intersection with the Northwestey (hight)C/MWe boundary of a distance of 1500 feet to the Point of Intersection with the Southeastey (hight)C/We boundary of the Review of Intersection with the Southeastey (hight)C/We boundary of the Review of Intersection with the Southeastey (hight)C/We boundary of the Review (hight)C/We boundary (hight)C/We boundary (hight)C/We boundary (hight)C/We boundary (hight)C/We bo

PARCELS 2 AND 3:

A Parcel of land lying in the NE ¼ 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 ¼ of the NE¼ of said Section 7; Thence run S00\*07\*19°E along the Westerly line of the SW ¼ of the NE¼ of said Section 7 for a distance of 411.05 feet to a point on the Southeasterly Right-Of-Way line of the Riorda East Coast Railroad; Thence run Na2\*1501\*E along the Southeasterly Right-Of-Way line of the Riorda East Coast Railroad; of Beginning of the parcel of land herein described; Thence continue along the last matchand course; (The Southeasterly Right-Of-Way of Pforda East Coast Railcad); Thence and Na4 feet to a point on the South Right-Of-Way line of Cast Railcad; Thence run Na\*4459°E 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 S42\*1501°W dong the Northwesterly Right-Of-Way line of saita Road No. 5 for a Distance of 440 feet to a point; Thence run N47\*4459°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-OI-Way Line of State Road No. 5 (US No. 1) as shown on State Road Right-OI-Way Map in the NE X of Section 7, Township 56 South, Range 40 East, and recorded in Plat Book 83, at Page 51, of the Public Records of Mam-Dade County, Riorida, and bounded by the Southwesterly Right-OI-Way of Caribbean Bouleved as shown on the Right-OI-Way Deed, dated October 16, 1957 and records in Official Records Book 2195, at Page 450, of the Public Records of Mami-Dade County, Riorida, and bounded by 25 loot radius arc concave to the West, said arc being tangent to Both of the Last Described Lines.

PARCEL 4:

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A Parcel of land lying in the NW ½ of the NE ½ 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 ½ of the NE ½ of said Section 7; therea run S00\*07\*19\*E along the Westerly line of the SW ½ of the NE ½ of said Section 7, a distance of 411.05 feet. Thence run N42\*150\*12 along the Southeasterly high-OF-Way line of the Florida East Coast Railway a distance of 10.02\*1 of feet to the Point of Beginning of the Parcel of I and hereinaster / high-OF-Way line of the Florida East ast mantioned course, slong the Southeasterly Right-OF-Way into ef State Road No. 5, also known as Dixie Highway; Thence run S42\*150\*11\*40 along the Northwesterly Right-OF-Way line of State Road No. 5, a distance of 305 feet. Thence run N47\*459\*E for a distance of 50 feet to a Point on the Northwesterly Right-OF-Way line of State Road No. 5, a distance of 305 feet. Thence run N47\*4459\*W for a distance of 50 feet to the Point of Beginning.

PARCEL<sup>4</sup>

P.O.B.-PARCELS # 2 & 3

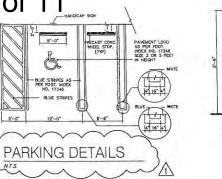
SCALE: 1" = 30'-0"

PROPERTY FOLIO NUMBERS:

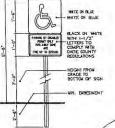
SITE PLAN

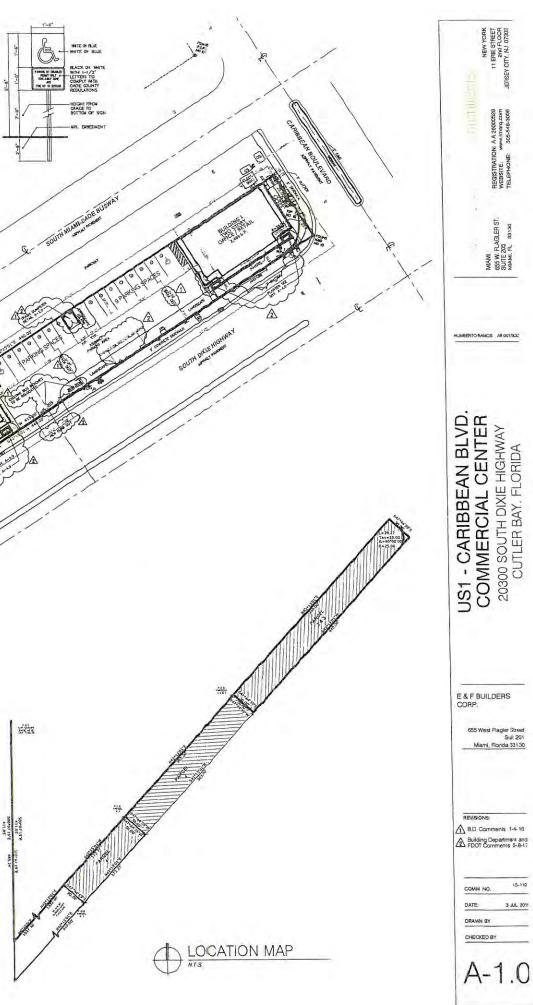
a) 36-6007-000-0333 b) 36-6007-000-0334 c) 36-6007-000-0330 d) 36-6007-000-0336

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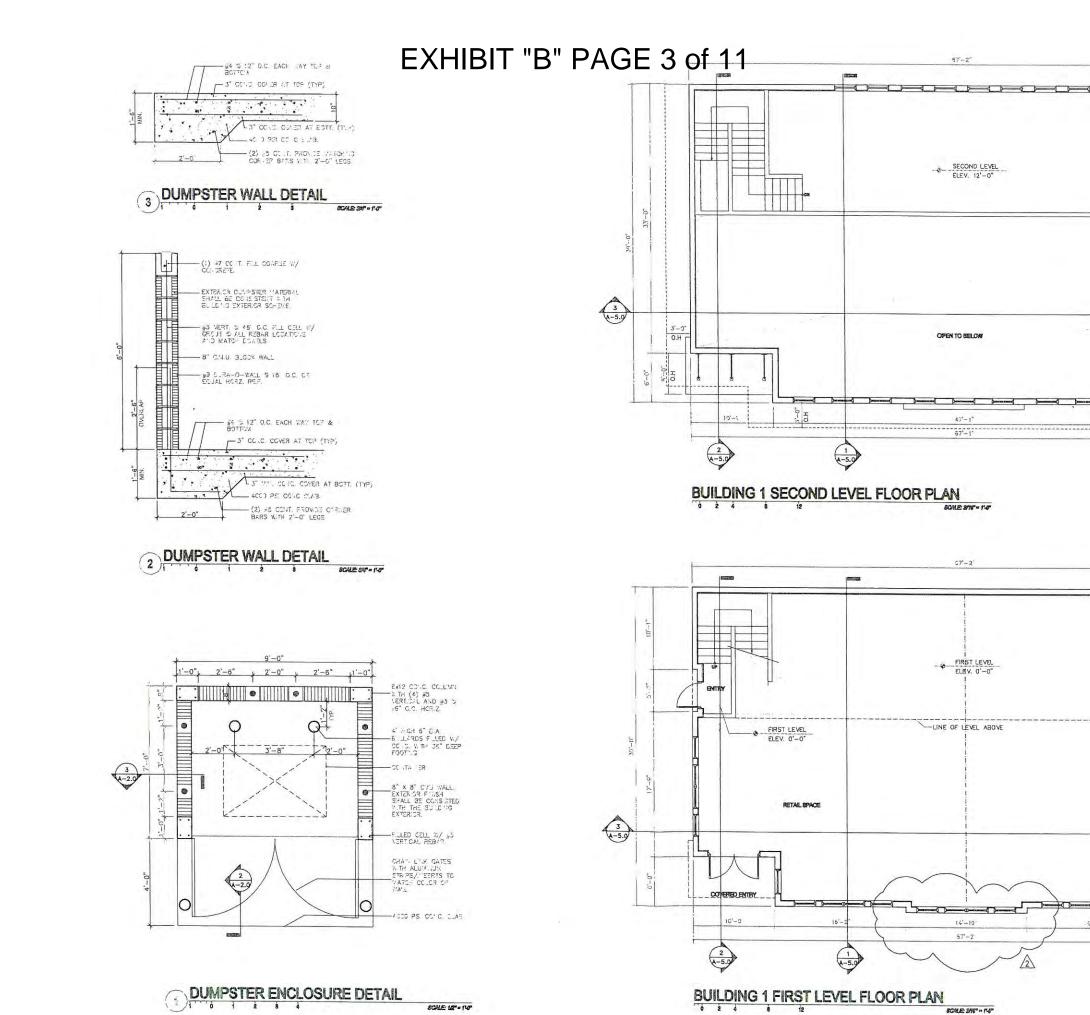


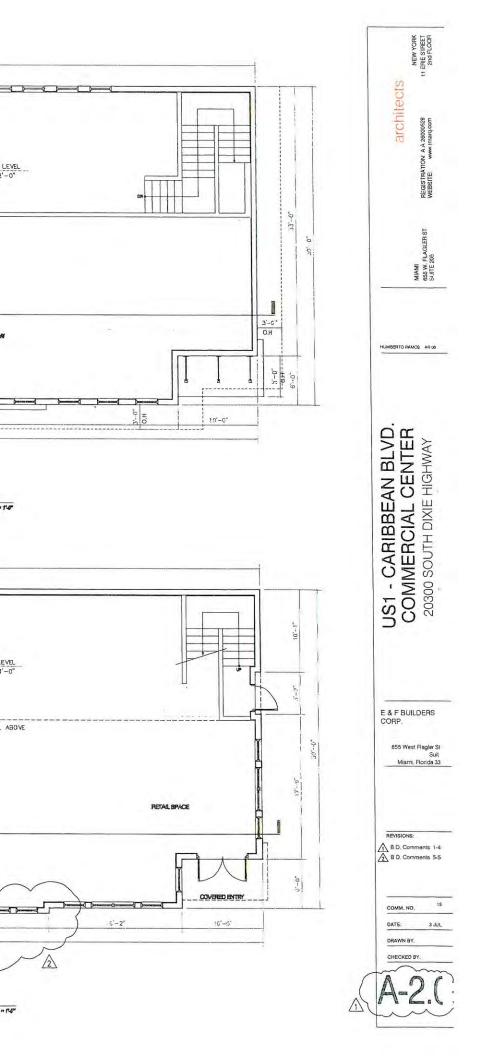
PARCEL 283 PARVACANT





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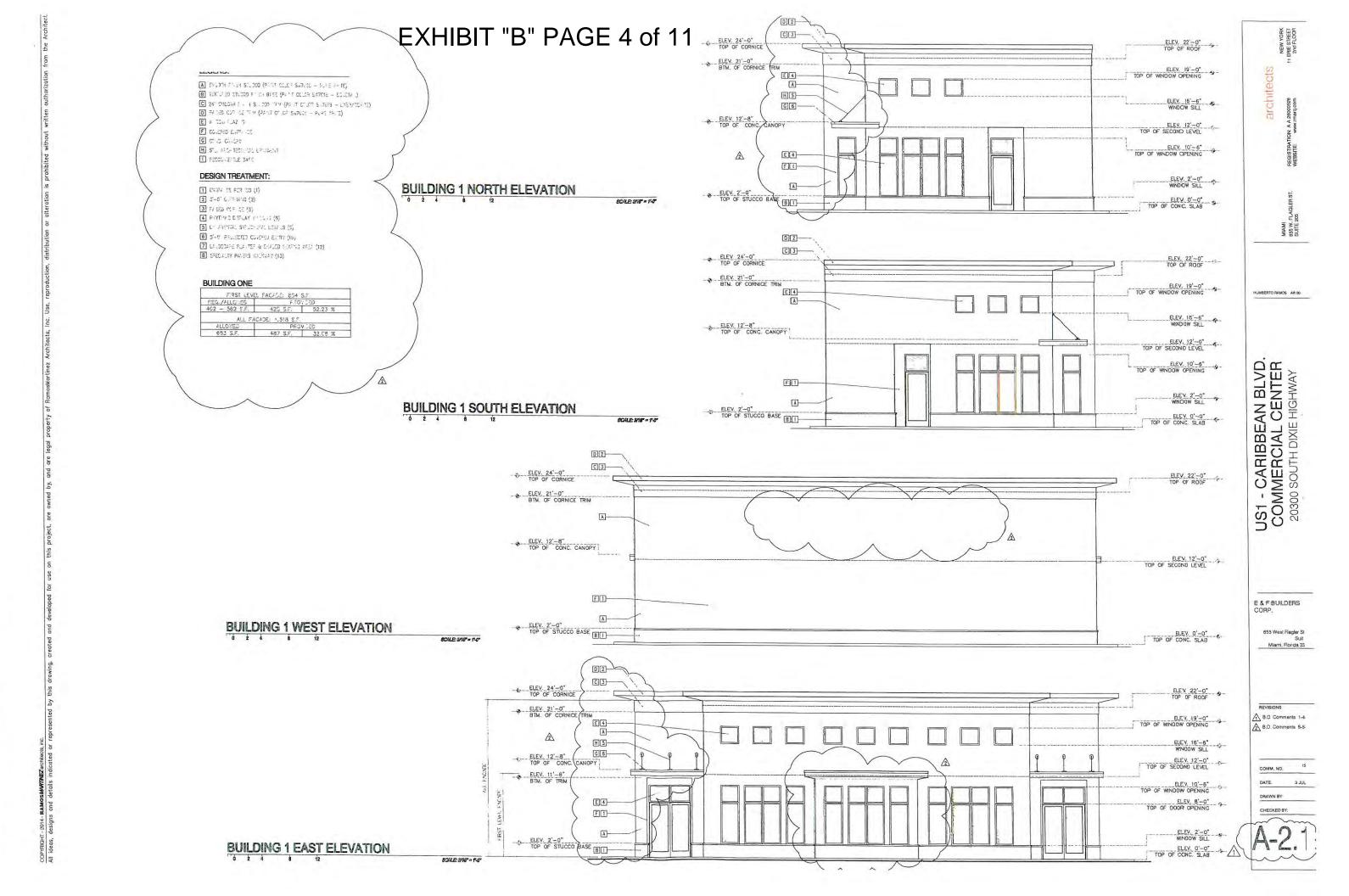
47'-1"

57'-1"

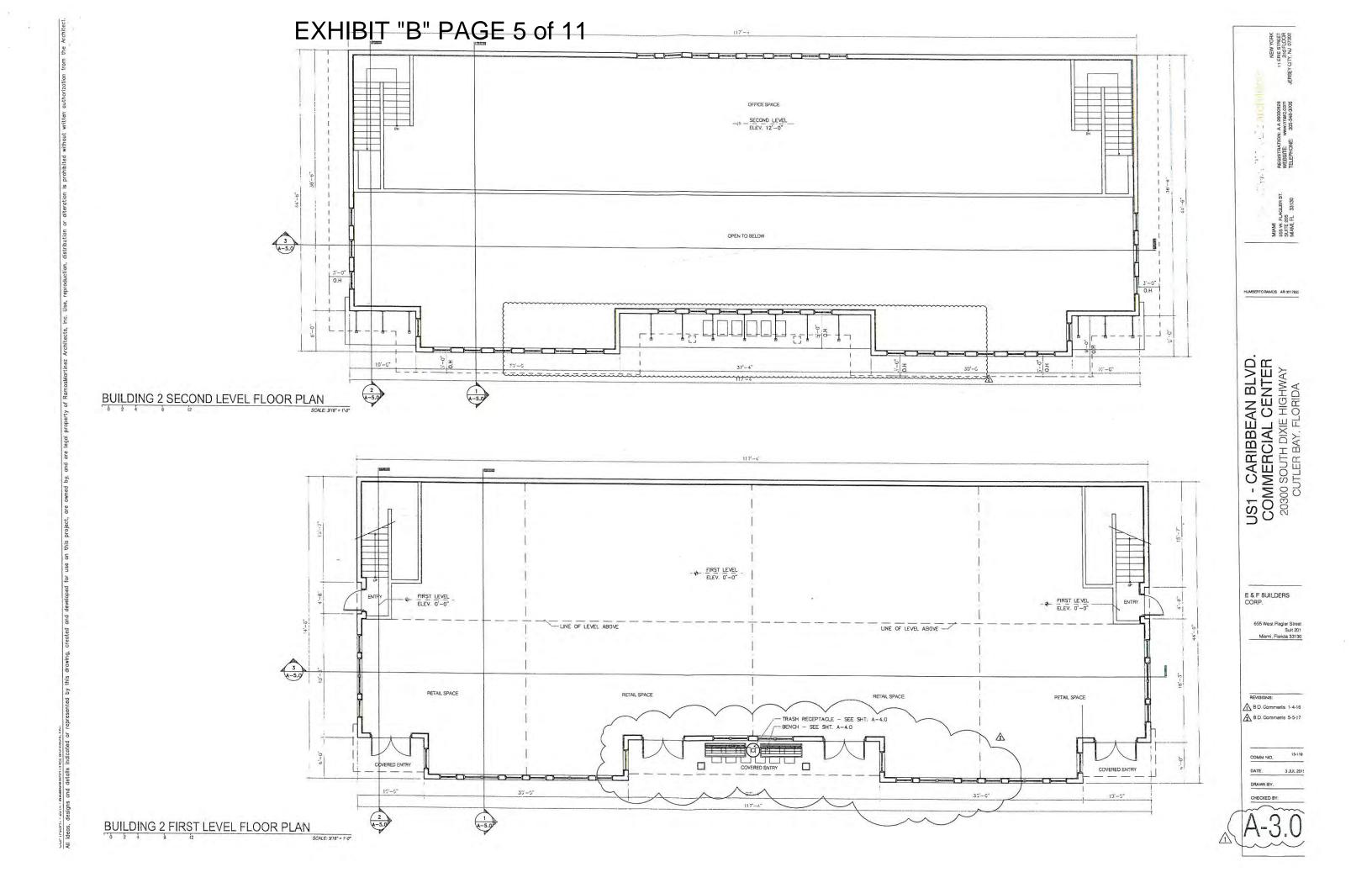
67'-2'

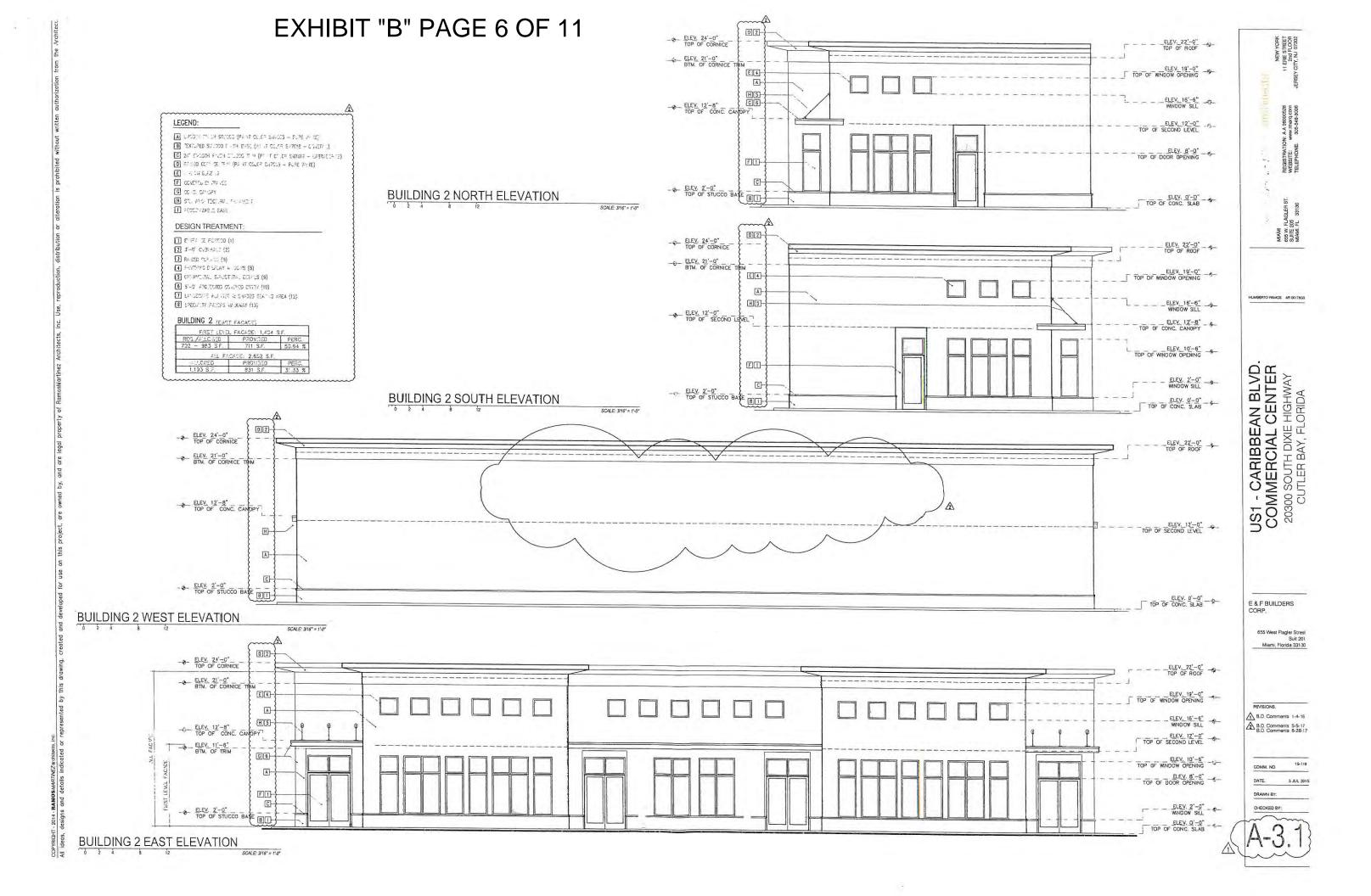
14-10

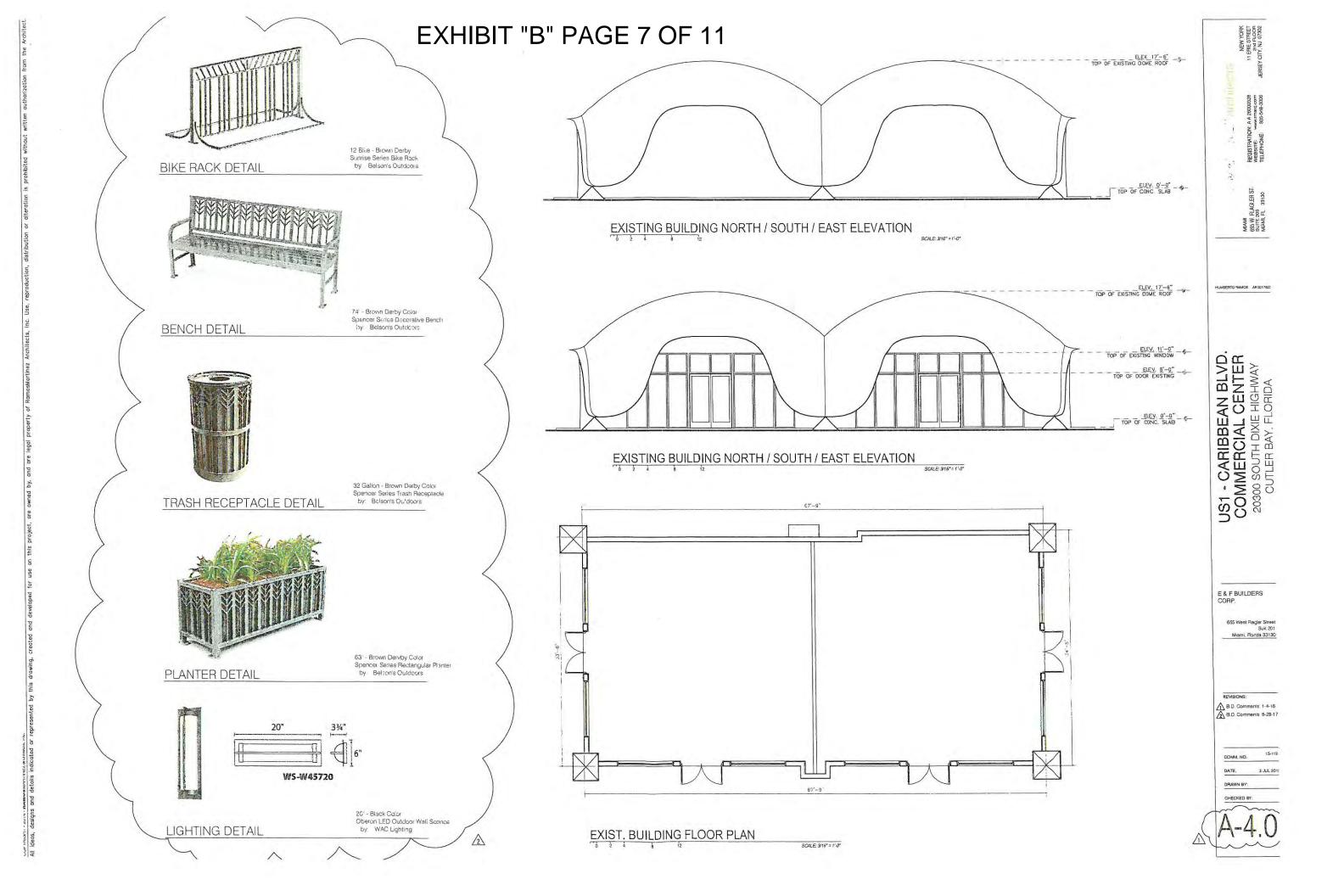
57'-2



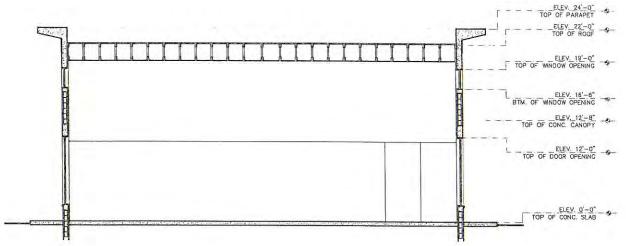
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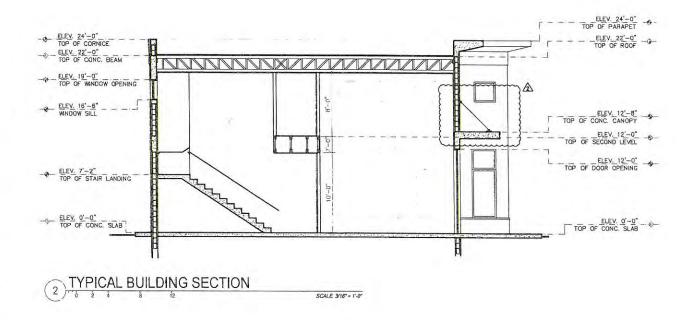


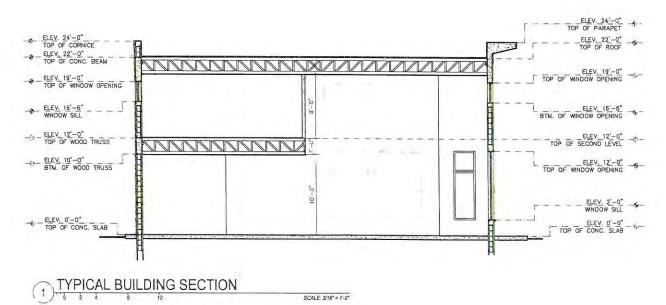


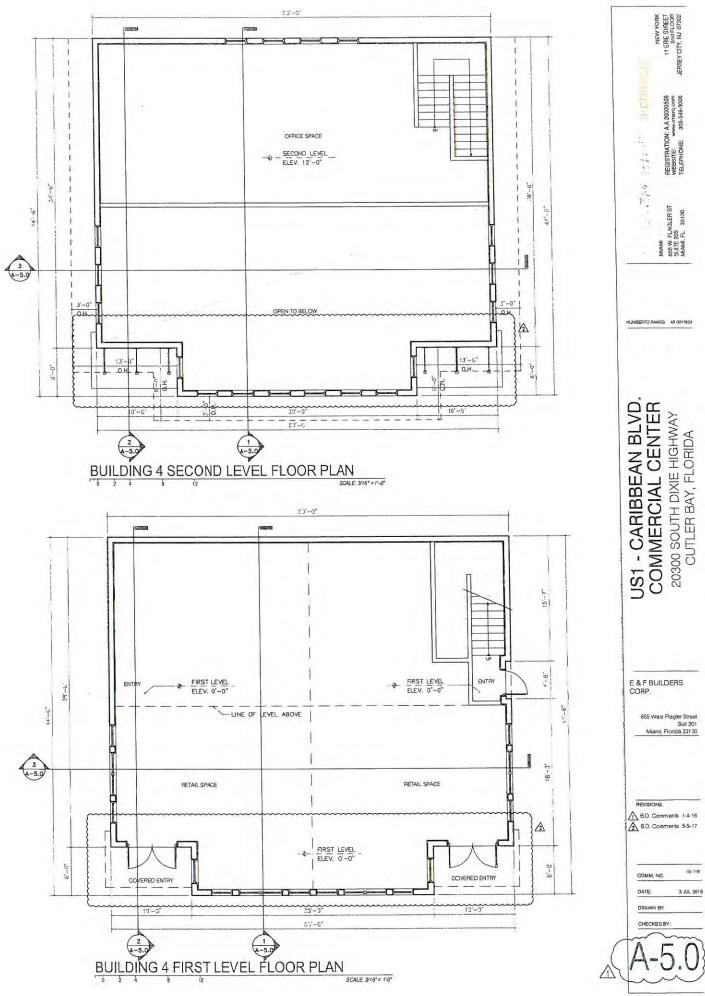


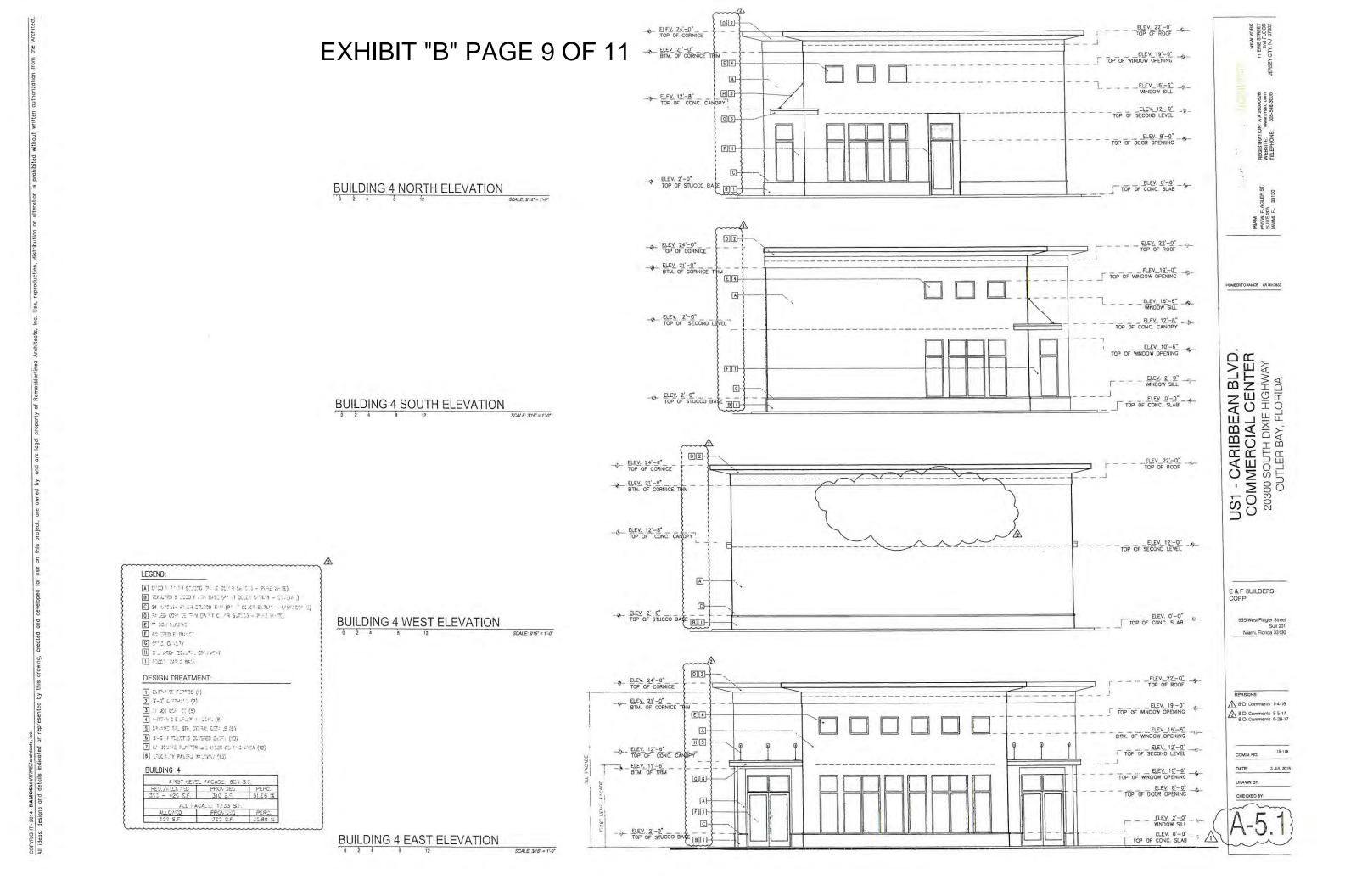


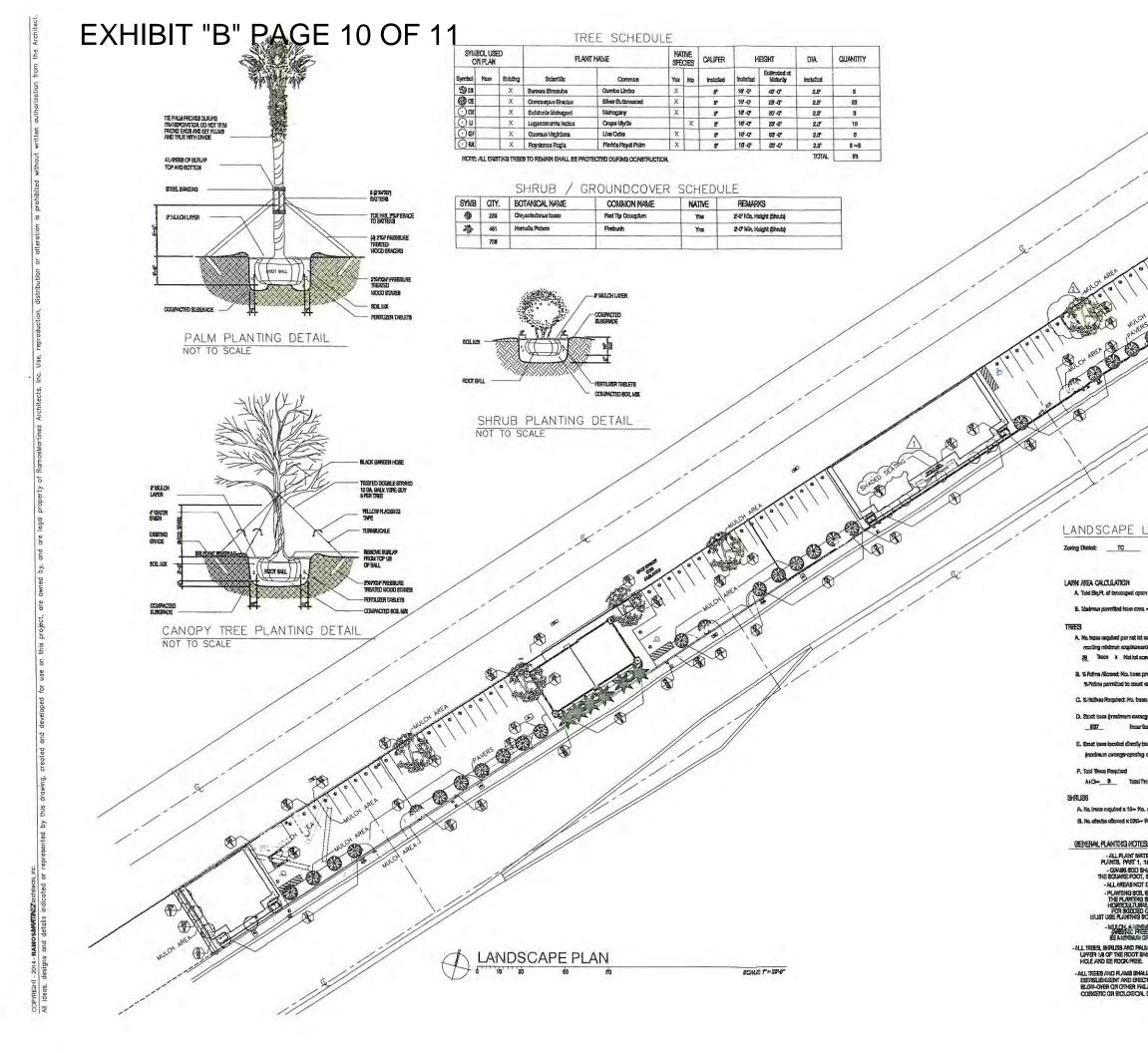
(3) TYPICAL BUILDING SECTION SCALE: 3/16" = 1'-0"





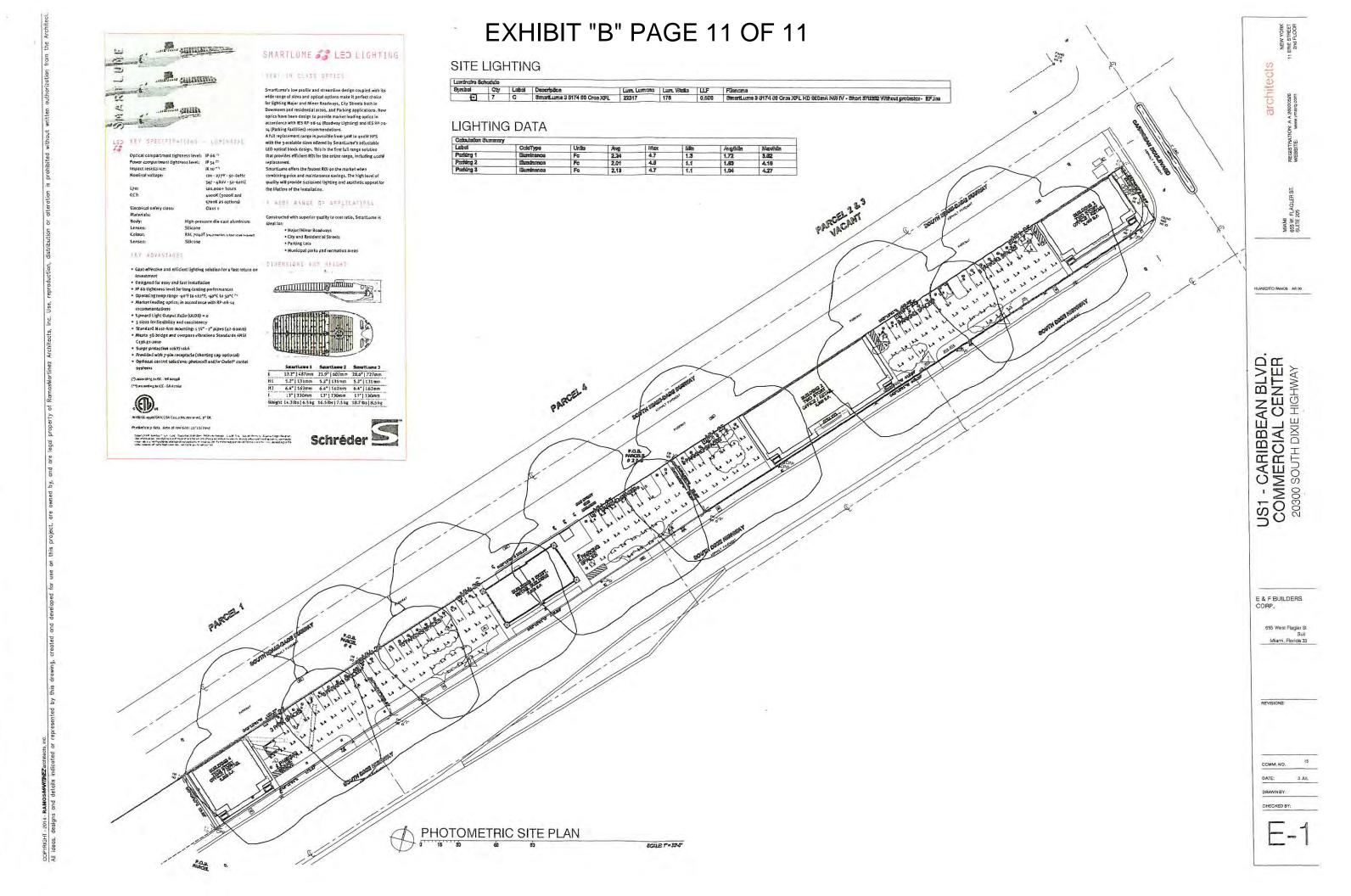






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