



Application No.:

V-2018-013

Attachment "A"

Consultant's Report

Publix Supermarkets

VARIANCE

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS WAIVING THE LANDSCAPE REQUIREMENTS IN SECTION 3-102(2) OF THE TOWN CODE RELATING TO BUILDING PERIMETER PLANTING ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS • PLANNERS • PROGRAM MANAGERS • ENVIRONMENTAL SCIENTISTS

MEMORANDUM

To: Kathryn Lyon, MBA, AICP, CFM, Planning and Zoning Director

From: Scarlet R. Hammons, AICP CTP, Planning Consultant

Date: October 9, 2018

Re: Shoppes of Cutler Bay – Landscape Variance Application
(Application No.: V-2018-013)

REQUEST

Publix Supermarkets is requesting a variance to allow less landscaping around the building perimeter than required by the code of all four buildings in the commercial center.

To waive this requirement, the Town Council must approve such request through the variance approval process set forth in Section 3-36 of the Town Code. Section 3-36 of the Code provides the approval standards for which the proposed variance application is evaluated by the Town Council. A copy of the variance application including the letter of intent is provided.

APPLICANT

Publix Supermarkets

LOCATION

Folio Numbers: 36-6009-006-0012, 36-6009-005-0010 & 36-6009-006-0010

Legal Description: 9 56 40 5.61AC Seminole Plains Replat PB 49-38 TR A Less Beg SE Cor TR A W25.54 Ft to POB Cont WLY 100 Ft TH By Curve to RT NWLY NLY & NELY ARC DIST 60.34FT TH NELY ALG NWLY

9 56 40 30AC Seminole Plains Replat PB 20-42 TRS 3 & 14 & 15 OR 12795-1608 0186 2 F/A/U 30-6009-006-0010

BACKGROUND AND ANALYSIS

The proposed development will be located on approximately 13.18 acres which is part of a larger undeveloped tract of land totaling 35 acres, and is adjacent to Old Cutler Road. The property is bounded by SW 208th Street to the north; SW 92 Avenue to the east; SW 212 Street to the south; and Old Cutler Road to the west. It is anticipated that the Applicant will sell the 13.18-acre site and keep ownership of remaining property, as illustrated in the aerial photograph and Miami-Dade County Property Appraiser Maps. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be serviced by Miami-Dade County. The site has access to major road networks through Old Cutler Road.

Proposed Development Project

The proposed project is a mixed-use commercial development that includes retail, restaurants, banking facilities, and a grocery store with pharmacy. The grocery with pharmacy will be located to the rear of the property. The buildings in parcels 2 and 3 will front Old Cutler Road. The size of these buildings will vary from 4,000 square feet to 7,000 square feet. The size and design of these buildings will not allow any one tenant to occupy more than 25,000 square feet fronting Old Cutler Road. Approximately 33,200 square feet or 38 percent of the total building square footage is dedicated to restaurants, liquor store and retail stores. The remaining square footage will be utilized by the grocery store and pharmacy. The total building area (87,444 SF) covers approximately 16 percent of the total project area. The remaining site area will be used for sidewalks, paved areas, landscape, parking field, natural storm water retention areas, and open space.

Land Use and Zoning

The Future Land Use Map designation is Mixed Use. The Town's adopted policy for mixed-use projects recognizes that the Mixed Use Districts under the Density and Intensity list in Table FLU-1 of the Growth Management Plan allow for a mix of commercial uses without having residential as one of the uses, whether the proposed development is vertical or horizontal in form and function. The residential component in the mixed-use should be considered only if it is incorporated as part of the mixed-use project, and no less than 20 percent of the project should be set aside for residential use.

This parcel is zoned NC-1 (Neighborhood Center District). The NC-1 provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The intent of the district is to develop into an interconnected pattern of streets that is limited to approximately ¼ mile in radius. Uses in the District will have a primary market area of three (3) miles and are intended to service the daily needs of residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes. The following provides an overview of the surrounding zoning and land use designations.

Existing Zoning Districts	Future Land Use Map Designation
Subject Property:	Subject Property:
NC-1 Neighborhood Center 1	Mixed-Use
Surrounding Properties:	Surrounding Properties:
<i>NORTH:</i>	<i>NORTH:</i>
NC-1 Neighborhood Center 1	Mixed-Use
<i>EAST:</i>	<i>EAST:</i>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<i>SOUTH:</i>	<i>SOUTH:</i>
SR - Single Family Residential 1 Dwelling Unit/7,500 Sq. Ft.	Low Density
<i>WEST:</i>	<i>WEST:</i>
NR-Neighborhood Residential 5 Dwelling Units/Net Acre	Low Density

Most of the development surrounding the proposed site is residential. An aerial photograph depicting the location of the property and surrounding uses (zoning districts and future land use map designation) are provided.

Consistency with Growth Management Plan

The Town of Cutler Bay Future Land Use Map designates the subject properties as mixed use. Areas designated mixed use on the Future Land Use Map along the Old Cutler Road corridor shall be developed with a mix of uses residential/commercial or commercial/retail/office. Horizontal mixed-use development is allowed, with specific uses determined by the underlying zoning district.

EVALUATION OF THE VARIANCE CRITERIA

In evaluating an approval of a variance application under per Sec. 3-36(2), Approval Standards of the Town's Land Development Regulations (LDRs), the following evaluation standards are to apply. The variance standards in Sec. 3-36(2) of the Code are non-hardship evaluation standards. There has been discussion by members of the public that the variance "application" requirements provided in Sec. 3-36(1) entitled "Application" asks property owners to provide the particular hardship that would result if the specified provisions of the Town Code were to applied to their property. Given that the Town's variance standard is a non-hardship standard, the property owner's response to this "application" requirement is used solely for informational purposes only.

1. The variance will result in conditions that maintain and are consistent in all material respects with the intent and purpose of these Regulations, and that the general welfare, stability and appearance of the community will be protected and maintained.

The intent of this variance application is to request a waiver from the Town's landscape requirements (Sec. 3-102(2) of the Town Code) relating to building perimeter planting. Section 3-102(2) establishes the development standards for providing building perimeter planting (200 square feet per 1,000 square feet of building ground floor area) along the façade of buildings in a non-residential use. The building perimeter area shall be planted with a minimum of two (2) trees and twenty (20) shrubs per 200 square feet of area and have a minimum width of six (6) feet.

In lieu of providing the required building perimeter planting along the façade of the proposed buildings, the Applicant is proposing to add landscape areas, natural storm water retention areas and planters to enhance the environmental and aesthetic value of the buildings while providing additional open space. For instance, in Building A, the Applicant is adding both planters and additional landscape areas that will be planted with native vegetation. This area is located on the south side of the building and within close proximity to one of several natural storm water retention areas. In addition, more than ten planters will be located throughout the front of the building along the covered walkway. In Building B, over 10 planters will be located throughout the perimeter of the building. Also, approximately 50 feet from the rear walkway a natural storm water retention area will receive most of the storm water runoff from Building B and adjacent parking area. The remaining 30-plus planters will be allocated in Buildings C through E, fronting Old Cutler Road. These planters will be located in front of the buildings and near the outdoor dining areas as part of a mitigation effort for not being able to accommodate the in-ground planting along the perimeter buildings. Other mitigation initiative proposed by the Applicant is a lushly landscaped areas abutting Old Cutler Road, as well as a dedicated bike/pedestrian walkway along the rear boundary of the site.

The combination of planters, additional landscape areas and storm water retention areas covered with native vegetation throughout the developable area will be an adequate option to address the requirements in Sec. Section 3-102(2) of the Code. The landscape areas and natural storm water retention area will serve some of the basic functions provided by landscaping the perimeter of the buildings. For example, the landscape areas provide valuable open space, shade trees, and other amenities with close proximity to each of buildings in the developed areas. The storm water retention areas will an added enhancement to naturally process the storm water run-off from the buildings and parking areas. The planters will enhance the aesthetic features and character of the buildings while providing a limited amount of landscaping within the buildable areas, shaded patios and pedestrian plazas. The potential benefits derived from these proposed alternatives (native landscape areas, storm water retention area and planters) will be no different than the environmental benefit that may be derived from having perimeter planting around the buildings. Furthermore, this variance will not create conditions that would have negative impacts on the general welfare, stability and appearance of the community.

2. The variance will be compatible with the surrounding land uses, and otherwise consistent with these Regulations and the Comprehensive Plan, and will not be detrimental to the community.

The addition of landscape areas, natural storm water retention area and planters to the site plan will serve as an adequate mitigation option to address the building perimeter planting requirements. The environmental benefits that will be generated by the proposed mitigation options will have a positive impact on surrounding land uses, and will further the environmental, landscaping, and open space goals of the Comprehensive Plan and Land Development Regulations. The native landscape areas will also address concerns regarding the lack of pervious areas surrounding the building perimeter as well as open space and on-site landscaping and vegetation. The proposed variance, which includes landscape and natural storm water retention areas located within close proximity of most of the buildings will further several policies in the Growth Management Plan that previous designs were not able to accomplish:

Policy FLU-9B: The Town, through its Conservation Element, shall ensure that development does not negatively impact the natural resources.

Policy FLU-9H: The Town shall require aesthetically pleasing and environmentally sensitive landscaping as an important component of development and redevelopment projects. To the maximum extent feasible, existing on-site native vegetation shall be preserved.

Policy FLU-9L: The Town shall require no net post-development increase in stormwater runoff from development and redevelopment sites.

Policy FLU-C12J: The Town will include requirements in the Land Development Regulations to have new development contribute to significantly increasing the tree canopy of the town.

Policy FLU-C12L: The Town will utilize the site development review process to reduce heat island effects thru provisions in the Land Development Regulations that provide green space with development.

Policy FLU-I5-1A: The Town will maintain and enhance, where appropriate, the capacity and periodicity of natural surface water drainage and recharge.

Policy C-5F: Any new development project is to demonstrate that it does not create a substantial adverse impact to the environment.

3. That the request for a variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.

The request for this variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.

RECOMMENDATION

Town Staff recommends approval of this variance.