



Application No.:

SP-2018-010

Attachment "A"

Consultant's Report

Publix Supermarkets
SITE PLAN

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SITE PLAN APPLICATION FOR PUBLIX SUPERMARKETS TO PERMIT A COMMERCIAL MIXED-USE DEVELOPMENT CONSISTING OF 87,444 SQUARE FEET 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 – Site Plan Application
(Application No.: SP-2018-010)

REQUEST

Publix Supermarkets is seeking approval of a site plan to permit a commercial mixed-use development consisting of 87,444 square feet which includes restaurants, retail, and a grocery store with a drive-thru pharmacy consistent with the approval criteria set forth in Section 3-33 of the Town Code. The Applicant is requesting four variances to the Land Development Regulations (LDRs). These variances are considered in separate applications.

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 Development Regulations

Section 3-33 establishes the development standards for the review and approval of site plans in the Town of Cutler Bay. According to this section of the LDRs, no certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. Section 3-33 of the Code provides the approval standards for which the proposed site plan application is evaluated by the Town Council.

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.

Environmental Review

The proposed project environmental review will be performed by Miami-Dade County Department of Regulatory and Economic Resources (formerly known as “DERM”) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code.

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.

SITE PLAN APPROVAL EVALUATION CRITERIA

In evaluating an approval of a site plan application under the Town's Land Development Regulations, the following evaluation criteria are to apply.

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 proposed development site plan, if granted, will be consistent and conform to the Growth Management Plan and applicable area neighborhood studies or plans. The proposed site plan has incorporated both aesthetic and environmental features which will create such public benefits as improved vehicular traffic flow, enhanced open space areas, and natural storm water retention areas needed to help manage a portion of the run-off generated from surrounding buildings and the parking field in a natural environment. These site plan features will not result in material changes to the Comprehensive Plan. Instead, these features will further the Town's adopted environmental policies in the Comprehensive Plan.

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 proposed development site plan application, if granted, as requested by the Applicant will have a positive impact on the environmental and natural resources of the Town. As mentioned, the proposed site plan calls for additional landscape areas throughout the project area, especially in the parking lot, development of storm water retention areas, and a substantial number of native trees will be planted to create a canopy that protect pedestrians from the elements. In addition, the Applicant proposed environmental features will minimize the projects potential impacts on the natural and human environment by making the overall project more sustainable and representative of the Town's green standards, while furthering the future development vision of the Old Cutler Road corridor and surrounding areas.

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

The proposed development site plan, if granted, is expected to have a favorable impact on the economy of the Town of Cutler Bay through creation of new jobs (retail and commercial sector), additional new retail stores, new property tax revenues, and a direct positive multiplier effect on local businesses in the area.

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 proposed development will make efficient use of the existing infrastructure. Presently, the property is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste services from Miami-Dade County will also be provided. The application will not have an impact on the recreation or education infrastructure of the Town.

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 or private roads, streets or highways.

The proposed development site plan, if granted, will not have an impact on public transportation. The proposed development will have one bus stop in from of the project and several other stops within walking distance.

The proposed project immediate impacts will be to the local road network due to the additional trips that will be generated primarily by the grocery store. The developer, as part of the approval process, is required to mitigate the traffic impact. As a result, the developer has identified a series of improvements to mitigate the project's traffic impacts: (1) A southwest bound left-turn storage lane on Old Cutler Road at Marlin Road; (2) A southwest bound left-turn storage lane on Old Cutler Road at Snapper Place; and (3) An additional approach lane to the westbound approach of SW 208th Street and Old Cutler Road. The Town will work with the Applicant through the approval process to ensure that such impacts are mitigated prior to final approval.

RECOMMENDATION

Town Staff recommends approval of the proposed site plan subject to the following conditions.

1. General Conditions

1.1 The Applicant shall execute a covenant in lieu of unity of title to ensure access between parcels and to SW 208th Street, in a form approved by the Town Attorney, consistent with the requirements of the Town's Land Development Code.

1.2 The Applicant shall install an electronic cart system to ensure that all shopping carts are kept within the property.

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

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

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

1.6 Flood elevations shall be reviewed and approved for consistency with FEMA requirements and the Town's National Insurance Flood Program Ordinance prior to issuance of the first building permit.

1.7 The finish on the wall behind the grocery store which separates the residential area from the grocery shall be coated or constructed with graffiti resistant material.

1.8 The proposed project shall be built in substantial conformance with the plans entitled "Shoppes of Cutler Bay", prepared by Zamora & Associates, Inc., consisting of 18 sheets dated September 9, 2018.

1.9 The Applicant shall comply with applicable conditions and requirements recommended by Miami-Dade County Public Works Department, Fire Rescue Department, and the Department of Regulatory and Economic Resources (DRER).

1.10 Prior to the issuance of a Certificate of Occupancy for the buildings in Parcel 1, the Applicant shall have secured a building permit for, and commenced construction of, at least one of the buildings fronting Old Cutler Road on Parcel 2 or Parcel 3. For the purposes of this condition, construction shall be deemed to have commenced once the building's footers have been poured in the ground.

1.11 The Applicant shall proffer a "cross-parking sharing agreement" that includes Parcels 2 through 3 and the 128 parking spaces required for Building B (Retail/Restaurants) in Parcel 1 prior to the issuance of the first building permit.

1.12 Prior to the issuance of the first principal building permit for Buildings B, C, D, and E, the Applicant shall post a performance bond of five (5) percent of the total cost of the building in order to secure performance and fulfillment of the Applicant's obligation to obtain the applicable green certification noted on the site plan. In lieu of the bond required by this Section, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in

Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the Applicant and the Town of Cutler Bay. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification within one (1) year after receiving the Town's certificate of occupancy, the Applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The Applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may be granted at the sole discretion of the Town Council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the Town's certificate of occupancy, the Applicant shall forfeit one hundred percent of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town.

1.13 Buildings A and B on Parcel 1 and Building D on Parcel 2 shall be built simultaneously.

1.14 Prior to the issuance of building permits for buildings C and E, Applicant shall submit elevations in compliance with Section 3-80(1).

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. No construction vehicles shall access the property through the adjacent neighborhood. 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 a 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.

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, prepared by GSLA, dated October 8, 2018 and included with the site plan submittal.

3.3 The Applicant shall maintain the areas identified as “buffer” in the site plan, and shall be required to perpetually maintain the landscaping within the buffer with the identified native species and other plantings provided in the landscape plan. For five (5) years following the issuance of a certificate of occupancy for the buildings on Parcel 1, the Applicant or its designee shall provide an annual update on the maintenance of the buffer areas and natural storm water retention areas to the Town's Department of Community Development.

3.4 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 Prior to the issuance of a building permit on the property, the Applicant shall execute the proffered “Declaration of Restrictions” providing for the construction of the following necessary roadway improvements:

- (a) Southwest-bound left-turn storage lane at Marlin Road.
- (b) Southwest-bound left-turn storage lane at Snapper Place.
- (c) An additional approach lane to the westbound approach of SW 208th Street and Old Cutler Road.

These improvements shall be completed prior to the issuance of a Certificate of Occupancy for any building on the property.

4.2 Delivery trucks shall only enter the property from Old Cutler Road. Delivery trucks leaving the grocery store shall exit the property through SW 208th Street east to SW 92 Avenue. No delivery trucks shall use the local neighborhood roads as a route to reach the property.

4.3 For the intersection of SW 87th Ave. at SW 208th St., all possible mitigation measures should be further evaluated by the developer and agreed upon by the County. Any improvements shall be completed prior to the issuance of a Certificate of Occupancy for any building on the property.

5. Off-Street Parking/Lighting

5.1 The number and type of trees for the parking lot shall be reviewed and approved by the Building Department prior to the issuance of a building permit.

5.2 The Applicant shall install and maintain parking area light fixtures which project the light rays directly to the parking surface, 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 The parking lot lights and all other outdoor lighting (whether for security, roadway or parking) not attached to structures shall be designed, located and mounted at heights no greater than twenty-five (25) feet above grade.

5.4 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.

5.5 In an effort to illuminate the walkway/trail within the landscape buffer behind Parcel 1, as shown on the site plan, the Applicant shall install LED lighting mounted on bollards or other structures, which structures shall be no higher than five (5) feet above grade, along the sidewalk /trail behind the grocery store.

6. Noise

6.1 No loud music, large congregations of people or noises from other activities not related to the operations of the grocery store shall be permitted near the residential community located on the eastern portion of the site.

6.2 Testing of the emergency generator shall be restricted to Monday through Friday, between the hours of 7:00 am and 7:00 pm. No testing shall occur during the weekends.

6.3 Sound barrier panels should be installed on the roof to shield the sound from rooftop mechanical equipment.

7. Environmental

7.1 The Applicant shall provide a space for the collection and storage of recyclables. This provision provides convenient access to recycling facilities and encourages building occupants to utilize the recycling programs to their fullest. The Applicant shall ensure compliance with the minimum solid waste and recyclables storage requirements. The Applicant shall depict the collection and storage area(s) location on submitted plans.

7.2 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.

7.3 All storm water shall be retained inside the property. All storm water drainage systems shall be maintained in working order 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.

7.4 Trash containers and mechanical equipment shall be located in a side parking area, if no rear parking is available. Trash containers and mechanical equipment shall be screened from view from the public right of way.

8. Operations

8.1 Service and delivery vehicles, including solid waste pick-up, shall be restricted to Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. Saturday deliveries shall be allowed from 10:00 a.m. to 4:00 p.m.

9. Signs

9.1 The Applicant shall provide a Uniform Sign Plan prior to submitting for building permit approval.

9.2 The building signs shall be consistent with the Town's Sign Regulation in Article VIII of Chapter 3 of the Town Code.

10. Building

10.1 The main entrance of Buildings C, D, and E shall front Old Cutler Road.

10.2 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.

10.3 Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan. The compactor area shall be kept clean and odor free at all times.

11. Enforcement

11.1 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.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/9/2018

Property Information	
Folio:	36-6009-006-0012
Property Address:	
Owner	PUBLIX SUPER MARKETS INC
Mailing Address	3300 PUBLIX CORPORATE PKWY LAKELAND, FL 33811
PA Primary Zone	6103 NEIGHBORHOOD-ARTERIAL
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	525,421 Sq.Ft
Year Built	0



Assessment Information			
Year	2018	2017	2016
Land Value	\$2,170,571	\$2,170,571	\$1,576,263
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,170,571	\$2,170,571	\$1,576,263
Assessed Value	\$1,907,277	\$1,733,889	\$1,576,263

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	\$263,294	\$436,682	
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
9 56 40 12.062 AC M/L	
PORT OF TRS 3 & 14 & 15 PB 20-42	
AND PORT OF TR A PB 49-38 BEG AT	
NE COR OF TR 3 TH S855.10FT S 88	
DEG W 781.29FT N 42 DEG W	

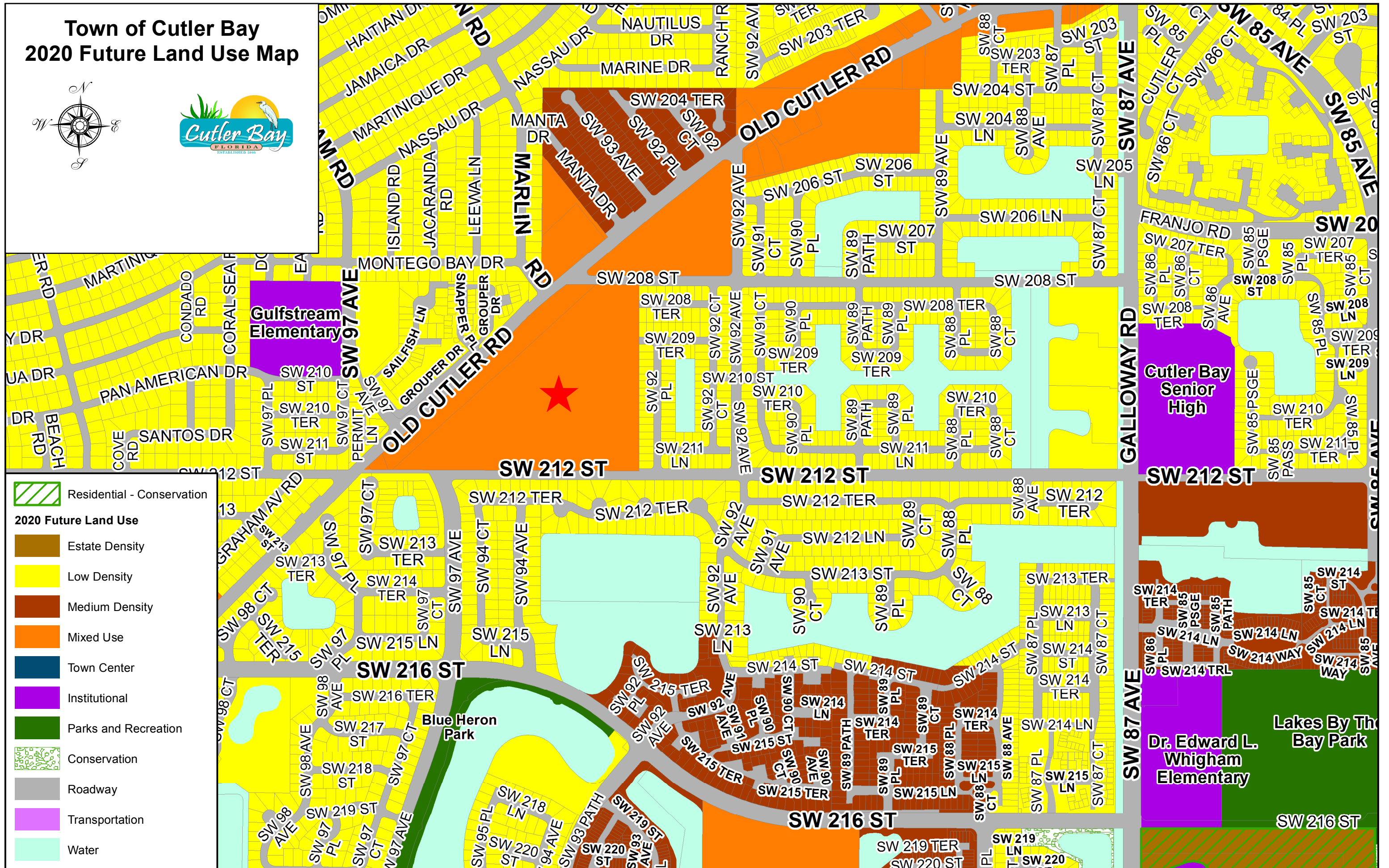
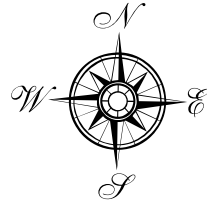
Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,907,277	\$1,733,889	\$1,576,263
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,170,571	\$2,170,571	\$1,576,263
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,907,277	\$1,733,889	\$1,576,263
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,907,277	\$1,733,889	\$1,576,263

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/15/2014	\$100	30944-2047	Corrective, tax or QCD; min consideration
01/15/2014	\$11,300,000	29003-2000	Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

Town of Cutler Bay 2020 Future Land Use Map



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

Town of Cutler Bay Zoning Map

- ER

Estate Residential
1 Dwelling Unit/15,000 sq. ft.
- SR

Single-Family Residential
1 Dwelling Unit/7,500 sq. ft.
- MR 9

Multi-Family Residential
9 Dwelling Units/Net Acre
- MR 13

Multi-Family Residential
13 Dwelling Units/Net Acre
- NR

Neighborhood Residential
5 Dwelling Units/Net Acre
- INT

Institutional
- PK

Parks
- CON

Conservation
- WU

Water Use
- TRC

Transit Corridor
- TC

Town Center
- NC 1

Neighborhood Center 1
- NC 2

Neighborhood Center 2

Town Center Sub-Districts

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

