



***Application No.:***

***CU-2018-015***

**Attachment "B"**  
**Conditional Use Building Size  
Application**

**Publix Supermarkets**

**CONDITIONAL USE TO PERMIT A RETAIL BUILDING IN  
EXCESS OF 25,000 SQUARE FEET.**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A RETAIL BUILDING IN EXCESS OF 25,000 SQUARE FEET AS A SINGLE USE IN THE NEIGHBORHOOD CENTER (NC) ZONING DISTRICT PER SECTION 3-58(3) 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.



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING

## CONDITIONAL USE APPLICATION

**LIST ALL FOLIO #S:** 36-6009-006-0012 & 36-6009-005-0010 & 36-6009-006-0010

**DATE RECEIVED:** February 1, 2018

**PROPOSED PROJECT NAME:** Shoppes of Cutler Bay

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Publix Super Markets, Inc.

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 3300 Publix Corporate Parkway

City: Lakeland State: FL Zip: 33811 Phone#: 863.688.1188

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): [Same as Applicant plus] GCF Investments, Inc.

Mailing Address: 2000 South Bayshore Drive, Villa 38

City: Miami State: FL Zip: 33133 Phone#: 305.789.7462

**4. CONTACT PERSON'S INFORMATION:**

Name: Amanda M. Naldjieff, Esq. Company: Holland & Knight LLP

Mailing Address: 701 Brickell Avenue, Suite 3300

City: Miami State: FL Zip: 33131

Phone# 305.789.7462 Fax# 305.789.7799 E-mail: amanda.naldjieff@hklaw.com





### 5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See Attached "Exhibit A"

### 6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc).

East of Old Cutler Road, between SW 208th Street and 212th Street

### 7. SIZE OF PROPERTY (in acres): 13.18 gross (divide total sq. ft. by 43,560 to obtain acreage)

### 8. DATE PROPERTY ☒ acquired ☐ leased: 01/15/2014 & 10/15/1986 & 01/29/1986

### 9. LEASE TERM: N/A Years (Month & year)

### 10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide Complete legal description of said contiguous property.

See Attached "Exhibit B"



**11. Is there an option** to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☒ no ☐ yes (if yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

N/A

**12. PRESENT ZONING AND FLU CLASSIFICATION:** FLU: Mixed Use; Present Zoning: NC-1

**13. PROPOSED USE OF PROPERTY** (describe nature of the request in space provided)

Request for a Conditional Use permit, as required by the Town of Cutler Bay Land Development Code Section 3-58(3), to allow the development of a commercial and retail building in excess of 25,000 square feet in the Neighborhood Center (NC) zoning district.

See attached Letter of Intent.

**14. Has a public hearing been held on this property within the last year & a half?**

☒ No ☐ yes.

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

\_\_\_\_\_  
\_\_\_\_\_

**15. Is this hearing a result of a violation notice?**

☒ No ☐ yes. If yes, give name to whom the Violation notice was served and describe the violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**16. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property:**

See Attached Exhibit B

**17. Is there any existing use on the property?** ☐ No ☐ yes. If yes, what use and when established?

Use: Agricultural (farming) Year: 1986





### APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

### OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(We are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

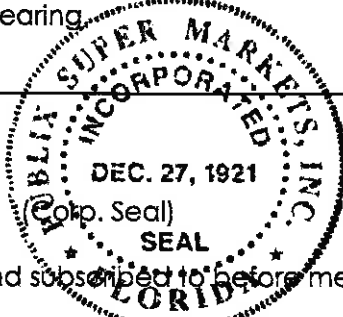
Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

### CORPORATION AFFIDAVIT

(I)(WE), Jeffrey Chamberlain of Publix Super Markets, Inc., being first duly sworn, depose and say that (I am)(We are) the ☐ President ☒ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_



\_\_\_\_\_  
Authorized Signature  
Senior Vice President

\_\_\_\_\_  
Office Held

Sworn to and subscribed to before me

Notary Public: Dirk Balle

This 21st day of February, 2018

Commission Expires 12/26/2020  
MY COMMISSION # GG 052202  
EXPIRES: December 26, 2020  
Reading That Budget Notary Services





### PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that  
(I am )(We are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_  
By \_\_\_\_\_

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

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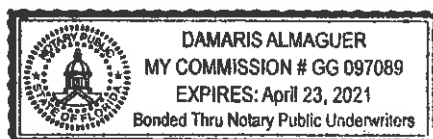
### ATTORNEY AFFIDAVIT

I, Amanda M. Naldjeff, Esq., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

*A. Naldjeff*  
Signature

Sworn to and subscribed to before me  
This 22 day of February, 2018

Notary Public: 4/23/2021  
Commission Expires: \_\_\_\_\_



*Damaris Almaguer*



### **RESPONSIBILITIES OF THE APPLICANT**

#### **I AM AWARE THAT:**

1. The Department Environmental Resources Management (DERM), and other agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other boards, and /or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Application withdrawn within 30 days of the filing are eligible for a refund of 25% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc. Case No. 3d01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Department professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Town of Cutler Bay Legal Counsel, on Town form, at least 1 month prior to the hearing date. The covenant will be





reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date.

7. The Town of Cutler Bay Department of Public Works reviews and critiques Zoning applications and may require conditions for approval.
8. Each party will be limited to a presentation of 20 minutes. This time limitation may be extended by the Chair of the meeting.
9. **THE APPLICANT IS RESPONSIBLE FOR TRACKING THE STATUS OF THE APPLICATION AND ALL HEARINGS THAT MAY BE ASSOCIATED WITH THIS APPLICATION.**

(Applicant's Signature)  
Jeffrey Chamberlain, as Senior Vice President of  
Publix Super Markets, Inc.

Sworn to and subscribed before me this 21st day of February, 2018.

Affiant is personally known to me or has produced \_\_\_\_\_ as  
identification.

(Notary Public)

My Commission Expires: 12/26/20



VICKI L. BREKKE  
MY COMMISSION # GG 062202  
EXPIRES: December 26, 2020  
Bonded Thru Budget Notary Services





### DISCLOSURE OF INTEREST

If the property, which is the subject of the Application, is owned or leased by a **CORPORATION**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

Publix Super Markets, Inc.

Corporation Name

Name, Address and Office

Percentage of stock

\* For disclosure purposes, there are only two shareholders that own more than 5% of the company's outstanding common stock:

1. Employee Stock Ownership Plan

27 %

2. 401(k) Plan

9.43 %

If the property, which is the subject of the Application, is owned or leased by a **TRUSTEE**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

Trust Name

Name, Address and Office

Percentage of stock

If the property, which is the subject of the Application, is owned or leased by a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

Partnership or Limited Partnership Name

Name, Address and Office

Percentage of stock



## COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of **all applicable fees** involved as part of my application process. These fees include but are not limited to: application fees, postage, advertising, and attorney fees **regardless of the outcome of the public hearing.**

Please type or print the following:

Date: February 1, 2018

Public Hearing No. \_\_\_\_\_

Full Name:

1 Mr. 1 Mrs. 1 Ms. Mr. Jeffrey Chamberlain, as Senior Vice President of Publix Super Markets, Inc.

Current Address: 3300 Publix Corporate Parkway City: Lakeland

State: Florida Zip: 33811 Telephone Number ( 863 ) 688-1188

Date of Birth: N/A

  
Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 21st DAY OF February 2018

  
Notary Public, State of Florida at Large

My Commission expires 12/20 2020



VICKI L. BREKKE  
MY COMMISSION # GG 062202  
EXPIRES: December 28, 2020  
Banded Thru Budget Notary Services

Pursuant to Ordinance No. 2000-09-33-Cost Recovery

**Publix.**

Ms. Kathryn Lyon  
 Planning and Zoning Director  
 Town of Cutler Bay  
 Development Services Division  
 10720 Caribbean Boulevard, Suite 105  
 Cutler Bay, Florida 33189

**Re: Letter of Consent for Shoppes of Cutler Bay Applications**

Dear Ms. Lyon:

Please allow this letter to serve as the letter of consent to allow Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Alejandro J. Arias, Esq., Pedro Gassant, Esq., Alberto J. Torres, and Michael A. Freire of Holland & Knight LLP, to file (1) a conditional use application; (2) a site plan application; (3) several variance applications; and (4) a tentative plat application on behalf of Publix Super Markets, Inc., and to participate in all public hearings and meetings related thereto, in connection with the property identified by Miami-Dade County Folio Nos. 36-6009-005-0010, 36-6009-006-0010, and 0012.

Please do not hesitate to contact the undersigned if you need further information.

Sincerely,

Jeffrey Chamberlain

Senior Vice President

The foregoing instrument was acknowledged before me this 21st day of February, 2018, by Mr. Jeffrey Chamberlain, as Senior Vice President of Publix Super Markets, Inc. He is personally known to me.

Notary Public, State of Florida

Name: Vicki Brekke

Commission Number: 12/26/2020

My Commission Expires: #GG052202



[Notary Seal]

**Owner's Sworn-to-Consent Authorizing  
Applicant to File on its Behalf  
(Corporation)**

On behalf of GCF Investments, Inc., a Florida corporation being first duly sworn, deposes and says that as the Vice President of the aforesaid Corporation, which is the Owner of the property legally described below and which is the subject property of the proposed hearing, does hereby grant consent to Publix Super Markets, Inc. to file this application for a public hearing on its behalf.

**Legal Description:**

See Attached "Exhibit A"

**Witnesses:**

Signature

Print Name

Signature

Print Name

GCF Investments, Inc.

Address:

2000 S. Bayshore Drive, Villa 38  
Miami, Florida 33133

Name:

Title:

JORGE GARCIA-SARRAFF  
Vice-President

**STATE OF FLORIDA**

**COUNTY OF MIAMI DADE**

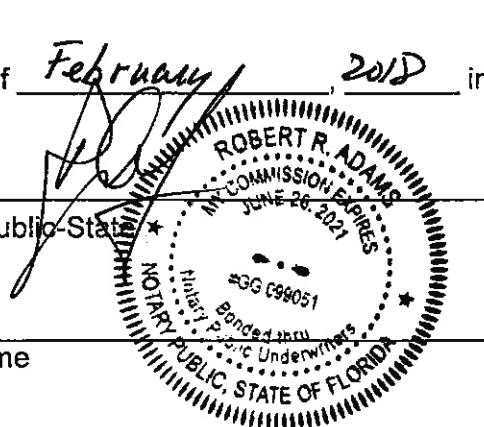
The foregoing instrument was acknowledged before me by JORGE GARCIA-SARRAFF of GCF Investments, Inc., on behalf of the corporation. He/She is personally known to me or has produced personally known, as identification.

Witness my signature and official seal this 22<sup>nd</sup> day of February, 2018 in the County and State aforesaid.

My Commission Expires:

Notary Public-State of

Print Name





# Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799  
Holland & Knight LLP | www.hklaw.com

BY: \_\_\_\_\_

Hugo P. Arza, Esq.  
305-789-7783  
hugo.arza@hklaw.com

**VIA HAND DELIVERY**

September 11, 2018

Ms. Kathryn Lyon  
Planning and Zoning Director  
Town of Cutler Bay  
Development Services Division  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

**Re: Shoppes of Cutler Bay / Revised Letter of Intent / Conditional Use Application (#1)  
to allow the development of a commercial and retail building in excess of 25,000 sq.  
ft. (but less than 55,000 sq. ft.) in the Neighborhood Center (NC) zoning district**

Dear Ms. Lyon:

This law firm represents Publix Super Markets, Inc. (the "Applicant"), in connection with a proposed development on the property located east of Old Cutler Road, between SW 208<sup>th</sup> Street and SW 212<sup>th</sup> Street (the "Property"), in the Town of Cutler Bay, Florida (the "Town"), as further identified by Miami-Dade County Folio Nos. 36-6009-006-0012, 36-6009-005-0010, and 36-6009-006-0010. This letter shall serve as the Applicant's letter of intent in support of the enclosed Conditional Use Application (the "Application"), pursuant to Sections 3-39 and 3-58(3) of the Town's Code of Ordinances (the "Code"). The purpose of the Application is to seek the approval of a conditional use to allow the development of a commercial and retail building in excess of 25,000 square feet in the Neighborhood Center (NC) zoning district. The Applicant has also filed concurrent applications for the site plan, related variances, and a tentative plat. This Revised Letter of Intent restates and supplements the original Letter of Intent to address Staff's comments pursuant to the initial review of plans submitted on February 26, 2018.

Property. The Property is approximately +/- 13.18 gross acres (12.68 net acres) of vacant land located east of Old Cutler Road, between SW 208<sup>th</sup> Street and SW 212<sup>th</sup> Street. The Property has a land use designation of "Mixed Use." The "Mixed Use" land use category envisions that this area along the Old Cutler Road corridor be redeveloped as a place where living, working, shopping, and civic activities can take place within a town center type environment. Such new development and redevelopment shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, outdoor cafes, squares, and plazas. The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center and Mixed Use land use districts, in accordance with the Town's Growth Management Plan.

The Property is zoned "NC-1" or "Neighborhood Central District," which provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood and within walking distance of dwellings. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods.

Ms. Kathryn Lyon  
 September 11, 2018  
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Project. Accompanying this Application are plans for the proposed "Shoppes of Cutler Bay," as prepared by Zamora & Associates, Inc. on September 9, 2018. As shown on the Site Plan, the Applicant's proposed project contemplates the development of a town center type plaza, which provides neighboring residences with convenient access to a premier quality food retailer, as well as a pharmacy, liquor store, restaurant and retail stores, to serve the daily needs of the residents of the surrounding area.

The project incorporates numerous pedestrian-friendly features in order to enhance the Old Cutler Road corridor. The site plan provides for abundantly landscaped areas in front of and in between the buildings fronting Old Cutler Road, as well as outdoor seating for the proposed restaurant (the center building along Old Cutler Road). Moreover, a wide walkway will connect the outparcel buildings with the supermarket building at the rear of the Property, which will allow for pedestrians and bicyclists to enjoy and safely navigate the shopping plaza. As an additional amenity for the community, the Applicant is proposing a linear park and walkway at the rear of the shopping center along the eastern property line. This meandering sidewalk will provide the neighboring residents with a landscaped area with amenities such as benches, exercise stations, and dog bag stations. In addition, the Applicant plans to erect a buffer wall adjacent to the walkway in order to separate the Property from the adjoining residential community.

Application. The Applicant submits the enclosed Conditional Use Application for the purpose of requesting the approval of a conditional use to allow the development of a commercial and retail building in excess of 25,000 square feet (but less than 55,000 square feet) in the Neighborhood Center (NC) zoning district. The purpose of a conditional use is to allow uses not permitted by right but which may provide for an individual or community-serving need and which, subject to conditions, would not negatively impact the integrity of the zoning district. Applicant's proposed conditional use will comply with the criteria set forth in Section 3-39(2) of the Code.

Analysis. Pursuant to Section 3-39(2) of the Town Code, in considering approval or disapproval of a Conditional Use Permit application, the Town Council shall consider the following criteria:

1. Compliance with the town's growth management plan

*The Property encompasses a Town Growth Management Plan Future Land Use Map designation of "Mixed Use," which envisions a town center type environment that encourages pedestrian activity. This project seeks to introduce a variety of uses, including commercial and retail uses, and the grocery supermarket would be consistent with such mixed uses.*

2. Consistent with the "character and purpose" of the zoning district.

*The Property is located within the NC district, which provides for "pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings." The proposed site plan for the project contains numerous pedestrian-friendly features. Additionally, the Property abuts residential development to the east, south, and west on the other side of Old Cutler Road.*

3. The size, shape, and character of the property are suited for the proposed use.

*The property is approximately 13.18 gross acres (12.68 net acres) in size, providing ample space for a larger building such as the grocery supermarket without overwhelming the site. Additionally, the grocery supermarket is set back on the Property to comply with the limitations on the size of buildings that abut Old Cutler Road.*



Ms. Kathryn Lyon  
 September 11, 2018  
 Page 3

4. Is compatible with the existing uses near the property.

*As discussed above, the grocery supermarket would serve the needs of the neighboring residential communities, including those that may choose to access the site by walking or golf cart.*

5. Will not adversely affect the development of the general neighborhood or district.

*The Property is located within the NC district, which is intended to provide mixed uses, including commercial and retail. The adjacent existing residential neighborhoods in the vicinity will benefit from the amenities to be provided.*

6. Will not generate vehicular traffic or create vehicular circulation problems or parking demands that have an unfavorable impact on surrounding properties when compared with uses permitted by right in the same district.

*In order to address any additional issues pertaining to traffic, the Applicant intends to work closely with the Town of Cutler Bay's consultants, as well as with the Miami-Dade County Public Works Traffic Engineering Division, to provide a traffic study and analysis.*

*Numerous design features have been incorporated into the proposed site plan in an effort to alleviate vehicular circulation problems and to provide for service truck delivery routes that minimally impact the community. Additionally, more than the required parking has been provided.*

7. Potential for fire and/or other equally or greater dangerous hazards.

*The development of the proposed project on the Property would not pose any additional fire and/or other equally dangerous hazards.*

8. Creates an unfavorable environmental impact on surrounding uses (e.g. noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance).

*The development of the proposed project on the Property will not create an unfavorable environmental impact on the surrounding areas and will be developed with respect for the surrounding communities.*

9. Is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.

*The Property has been designed to provide integration with the local road network and is designed to provide ingress and egress on Old Cutler Road and SW 208<sup>th</sup> Street. Additionally, a pedestrian walkway provides connectivity throughout the Property, including access from the grocery supermarket, and allows for pedestrian access from neighboring communities.*

10. Site is adequately served by essential public services and facilities not requiring additional public expense in infrastructure improvements.

*All infrastructure requirements are in place or will be provided as part of the development of the Property at the Applicant's expense.*

11. Will not adversely affect any site or feature of historical, cultural, natural or scenic importance.

*No site of historical, cultural, natural, or scenic importance is impacted by the development of the proposed project on the Property.*

12. Will not be contrary to the public health, safety, and welfare.

*Granting this conditional use permit for the grocery supermarket would not be contrary to the public health, safety, or welfare of the Town of Cutler Bay or its residents.*



Ms. Kathryn Lyon  
September 11, 2018  
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In summary, we believe that the proposed application represents a compatible and effective use that will serve the needs of the community, while exemplifying the high quality of development that is representative of the Town of Cutler Bay, and meeting the goals of the Town Council.

Based on the forgoing, we look forward to your favorable consideration of this Application. Should you have any questions or concerns, please do not hesitate to contact our office.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'H. Arza', with a long horizontal line extending to the right.

Hugo P. Arza

## EXHIBIT A

#1465; Cutler Bay, Florida

LEGAL DESCRIPTION FOR SITE PLAN:

A portion of Tracts 3, 14 and 15, of SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 20, Page 42, of the Public Records of Miami-Dade County, Florida.

AND

A portion of Tract A, REPLAT OF LOTS 33 TO 71, INCLUSIVE, SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 49, Page 38, recorded in the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Tract "3"; thence South  $00^{\circ}58'33''$  East on and along the East line of said Tract "3", said line also being the West boundary of C.B. PALMS as recorded in Plat Book 165, Page 28, of the Public Records of Miami-Dade County, Florida, for 855.10 feet to a point; thence South  $88^{\circ}56'00''$  West for 781.29 feet; thence North  $42^{\circ}33'15''$  West for 239.24 feet to a point of curvature of a curve concave to the Northeast having a radius of 150.00 feet, and a central angle of  $13^{\circ}03'00''$ ; thence Northwesterly along the arc of said curve a distance of 34.16 feet to a point of tangency; thence North  $29^{\circ}30'15''$  West for 68.93 feet to a point of curvature of a curve concave to the Southwest having a radius of 150.00 feet, and a central angle of  $13^{\circ}03'00''$ ; thence Northwesterly along the arc of said curve a distance of 34.16 feet to a point of tangency; thence North  $42^{\circ}33'15''$  West for 56.52 feet to a point on the Northwesterly line of said Tract "A" said line also being the Southeasterly Right-of-Way line of Old Cutler Road (Ingraham Highway); thence (the next three courses on and along said Right-of-Way line) North  $44^{\circ}50'30''$  East for 397.39 feet to a point of curvature of a curve concave to Southeast having a radius of 2,829.93 feet, and a central angle of  $04^{\circ}24'00''$ ; thence Northeasterly along the arc of said curve a distance of 217.31 feet to a point of tangency; thence North  $49^{\circ}14'30''$  East for 4.48 feet; thence South  $42^{\circ}46'42''$  East for 83.33 feet; thence South  $01^{\circ}04'00''$  East for 141.15 feet; thence North  $88^{\circ}56'00''$  East for 542.95 feet; thence North  $00^{\circ}58'33''$  West for 263.94 feet; thence South  $89^{\circ}01'27''$  West for 19.00 feet; thence North  $00^{\circ}58'33''$  West for 32.00 feet to the North line of said Tract "3" also being the South Right-of-Way line of S.W. 208th Street as platted; thence North  $88^{\circ}56'00''$  East along said Right-of-Way line for 20.00 feet to the Point of Beginning.

## EXHIBIT B

## LEGAL DESCRIPTION FOR ENTIRE PARCEL OWNED BY GCF INVESTMENTS, INC.:

Tracts 3, 14 and 15, of SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 20, Page(s) 42, of the Public Records of Miami-Dade County, Florida.

AND

Tract A, Replat of Lot 33 to 71, inclusive, SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 49, at Page 38, recorded in the Public Records of Dade County, Florida;

LESS

Commence at the Southeast corner of said Tract A; thence S 89°42'18" along the South boundary of Tract A for 25.54 feet to the POINT OF BEGINNING; thence continue S 89°42'18" W for 100 feet to the point of curvature of a circular curve to the right having a radius of 25.00 and a central angle of 138°17'38"; thence Northwesterly, Northerly and Northeasterly, along the arc of said curve and along the West boundary of said Tract A for 60.34 feet to a point of tangency; thence N 47°59'56" E along the Northwesterly boundary of Tract A for 100.00 feet; thence S 21°08'53" E for 117.92 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

A portion of Tracts 3, 14 and 15, of SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 20, Page 42, of the Public Records of Miami-Dade County, Florida.

AND

A portion of Tract A, REPLAT OF LOTS 33 TO 71, INCLUSIVE, SEMINOLE PLAINS, according to the Plat thereof, as recorded in Plat Book 49, Page 38, recorded in the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Tract "3"; thence South 00°58'33" East on and along the East line of said Tract "3", said line also being the West boundary of C.B. PALMS as recorded in Plat Book 165, Page 28, of the Public Records of Miami-Dade County, Florida, for 855.10 feet to a point; thence South 88°56'00" West for 781.29 feet; thence North 42°33'15" West for 239.24 feet to a point of curvature of a curve concave to the Northeast having a radius of 150.00 feet, and a central angle of 13°03'00"; thence Northwesterly along the arc of said curve a distance of 34.16 feet to a point of tangency; thence North 29°30'15" West for 68.93 feet to a point of curvature of a curve concave to the Southwest having a radius of 150.00 feet, and a central angle of 13°03'00"; thence Northwesterly along the arc of said curve a distance of 34.16 feet to a point of tangency; thence North 42°33'15" West for 56.52 feet to a point on the Northwesterly line of said Tract "A" said line also being the Southeasterly Right-of-Way line of Old Cutler Road (Ingraham Highway); thence (the next three courses on and along said Right-of-Way line) North 44°50'30" East for 397.39 feet to a point of curvature of a curve concave to Southeast having a radius of 2,829.93 feet, and a central angle of 04°24'00"; thence Northeasterly along the arc of said curve a distance of 217.31 feet to a point of tangency; thence North 49°14'30" East for 4.48 feet; thence South 42°46'42" East for 83.33 feet; thence South 01°04'00" East for 141.15 feet; thence North 88°56'00" East for 542.95 feet; thence North 00°58'33" West for 263.94 feet; thence South 89°01'27" West for 19.00 feet; thence North 00°58'33" West for 32.00 feet to the North line of said Tract "3" also being the South Right-of-Way line of S.W. 208th Street as platted; thence North 88°56'00" East along said Right-of-Way line for 20.00 feet to the Point of Beginning.