



Application No.:

V 2018-021

Attachment "A"

Consultant's Report

Frontier Development

Variance to permit 24.89% building frontage where 75% is required along a secondary street.

MEMORANDUM

DATE: March 1, 2019

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

FROM: Kristen Nowicki, AICP, Senior Planner

SUBJECT: Variance Application for Frontier Cutler Plaza at 19875 S. Dixie Highway

Applicant: Frontier Development LLC

Location: 19875 S. Dixie Highway, Folio Number 36-6006-024-0010

Property Size: 0.99 acres

Current Use: Approximately 3,604 square feet retail building for the “O-Gee Paint” store.

Future Land Use: Mixed Use

Zoning: TRC, Transit Corridor Zoning District

Background and Applicant’s Request: Frontier Development has an option to purchase the property from Peggie B. Schultz Inc., with an existing building, with intent to redevelop.

Frontier Development is requesting Site Plan Approval and a Variance. The Site Plan request is under a separate agenda item. They are proposing to demolish an existing 3,604 square foot building and redevelop the subject property with a new, 8,370 square foot building. The new building is proposed to contain three (3) tenants including a medical (dental) office, a restaurant, and general retail space. They are requesting a variance from Transit Corridor Zoning district regulations, specifically Section 3-59(5), regarding building street frontage.

The TRC Zoning district has specific requirements for the amount of building frontage that faces the primary and secondary streets. Frontage means *the length of any one property line of a site, which property line abuts a legally accessible public right-of-way.*

The building is proposed on a corner, with U.S. 1 (S. Dixie Highway) as the primary street and SW 107th Avenue Road as the secondary street. The corner of the property is cut at an angle due to FDOT right of way (part of the Homestead Extension of Florida’s Turnpike; see aerial photo), creating a third “corner frontage”. The Land Development Regulations do not speak to properties shaped like this. During the review process, the Town Staff and Town Attorney confirmed that the corner frontage could be split 50/50, with half attributing to the primary frontage and half to the secondary frontage. The primary frontage is met at 100%. The secondary frontage is not, and a variance is requested. The applicant provided calculations on the Site Plan data table.

The variance requested is shown in the table below.

Code Section	Required by Code	Proposed	Variance
3-59(5)	100% of building frontage along primary street	100% of building frontage along primary street	No Variance Requested
3-59(5)	75% of building frontage along secondary street	24.89% of building frontage along secondary street	50.11% of frontage*

*Please note that the frontages are for buildable area, which subtracts out any area that is required for a setback or required landscape buffer.

Town Consultant Review

The Variance application has been reviewed for consistency with the Town of Cutler Bay's Growth Management Plan and Land Development Regulations, specifically Section 3-36 - Variances, and Section 3-59 - TRC, Transit Corridor District.

Consistency with Growth Management Plan

The subject property is designated as "Mixed Use" on the Town of Cutler Bay Future Land Use Map. This permits sales and service, professional and clerical offices, medical buildings and offices, and the uses proposed by the applicant are among those permitted. Along the U.S. 1 corridor, the Mixed Use designation also allows residential uses in the form of vertical or horizontal mixed use. Residential uses are not proposed in this application.

Zoning

The subject property is in the TRC, Transit Corridor District. Among the permitted uses are Commercial, Retail, Personal Service, Civic uses, Restaurant, Office, Medical uses, and Multifamily Residential. The applicant is proposing a medical (dental) office, a restaurant, and a retail use. Therefore the proposed use complies with the permitted uses in the zoning district. The proposed development complies with the site development standards in the TRC District, with the exception of the percentage of building frontage along the secondary street which is the subject of this variance request.

Surrounding Uses

	Future Land Use	Zoning District
Subject Property: Retail	Mixed Use	TRC, Transit Corridor
Northeast: Motorcycle Sales	Mixed Use	TRC, Transit Corridor
Northwest: US -1, Retail	Mixed Use	TRC, Transit Corridor
Southwest: Highway & Pond	Transportation	N/A (roadway and water use)
Southeast: Vacant	Medium Density	MR-13, Multi-Family Residential

Variance Criteria, per Section 3-36

In evaluating an approval of a variance application under per Sec. 3-36(2), Approval Standards, of the Town's Land Development Regulations, the following evaluation standards apply.

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 variance will not create conditions which would be inconsistent with intent of redevelopment in the Transit Corridor District. Redevelopment of the site will improve the appearance of the corner and create landscape buffers to protect the residential community on the southeast.

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 corner of the subject site is adjacent to the Homestead Extension of Florida's Turnpike on its south, a developed commercial use to the northeast, and on the southeast side is a vacant multi-family zoned parcel which is only accessed through a neighborhood street. Granting the variance does not cause additional impact to the surrounding uses, as it is not extending the building any closer to the adjacent multi-family residential uses by developing the site as proposed. It is otherwise consistent with the goals of the Land Development Regulations and Comprehensive Plan. Redevelopment of the site as proposed does not indicate a detriment to the community.

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 applicant does not indicate that this is a financial hardship. The shape (no distinct corner) and size of the site (just less than one acre) is the main reason for the request in order to reasonably redevelop. In order for a building on this site to meet the primary and secondary frontage requirements, the site would be unable to have enough parking. At the same time, it would also have to be a larger building which would demand more parking.

The applicant has prepared an exhibit showing the site developed with a building that would meet the frontage requirements of the code. This variance exhibit shows that the building would have to shrink down to 17 feet deep on the secondary side which is too narrow to utilize by most tenants.

Recommendation:

The staff recommendation is for **approval** of the requested variance to reduce the secondary frontage.