

RESOLUTION NO. 19-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 3-59(5) OF THE TOWN CODE TO PERMIT 24.89% BUILDING FRONTAGE WHERE 75% IS REQUIRED ALONG A SECONDARY STREET FOR FRONTIER DEVELOPMENT, LLC LOCATED AT 19875 SOUTH DIXIE HIGHWAY CONSISTING OF APPROXIMATELY .99 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with the requirements set forth in Section 3-33 of the Town Code of Ordinances (the “Code”), Frontier Development, LLC (the “Applicant”) has submitted to the Town of Cutler Bay (the “Town”) a site plan application (the “Site Plan”) to permit an 8,370 square foot commercial mixed-use development on a .99-acre development site located at 19875 South Dixie Highway, which property is assigned Folio No. 36-6006-024-0010, and which is legally described in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, in accordance with Section 3-36 of the Town Code, the Applicant has also submitted a variance application (the “Application”) to permit total building frontage of 24.89% where Section 3-59(5) of the Town Code requires 75% total building frontage along a secondary street; 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 the 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. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application to permit total building frontage of 24.89% where Section 3-59(5) of the Town Code requires 75% total building frontage along a secondary street, and finds that it 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 agreed to at the hearing:

- (a) Site Plan approval for the Property.
- (b) The Property shall be developed in substantial conformance with the plans submitted to the Town entitled "Frontier Cutler," prepared by Kimley-Horn and Associates, Inc., consisting of 22 sheets, dated March 6, 2019 and March 7, 2019.

Section 4. **Violation.** 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 on this ____ day of March, 2019.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

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

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

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert “BJ” Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____