

## **RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SITE PLAN FOR FRONTIER DEVELOPMENT, LLC TO PERMIT A COMMERCIAL MIXED-USE DEVELOPMENT CONSISTING OF 8,370 SQUARE FEET ON PROPERTY 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, Frontier Development, LLC (the “Applicant”) has submitted a site plan application (the “Site Plan Application”) to permit an 8,370 square foot commercial mixed-use development on a .99-acre development site zoned TRC 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**, the proposed development provides for the location of a pedestrian-scaled dental office, restaurant, and retail within walking distance of several commercial uses along the South Dixie Highway corridor; and

**WHEREAS**, in addition to the Site Plan Application, the Applicant has submitted a variance application to the Town; 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 Site Plan Application meets the requirements of the Town Code and is consistent with 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 Site Plan Application in accordance with the plans entitled “Frontier Cutler,” prepared by Kimley-Horn and Associates, Inc., consisting of 22 sheets, dated March 6, 2019 and March 7, 2019.

**Section 3. Conditions.** The approval granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

**1. General Conditions**

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

1.2 The Applicant shall provide a letter(s) from the applicable governmental agencies acknowledging compliance with the applicable Level of Service requirements prior to the issuance of the final building permit to the property.

1.3 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.

1.4 Flood elevations shall be reviewed and approved by the Town for consistency with FEMA requirements and Chapter 18 of the Town Code prior to issuance of the first building permit.

1.5 The proposed project shall be built in substantial conformance with the plans entitled "Frontier Cutler", prepared by Kimley-Horn & Associates, Inc., consisting of 22 sheets dated March 6, 2019 and March 7, 2019.

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

**2. Construction General Conditions**

**2.1 Construction Staging**

2.1.1 The Applicant shall submit a construction-staging plan to the Town for review and approval prior to start of construction.

2.1.2 A Construction and Maintenance of Traffic (MOT) Plan shall be provided by the Applicant to the Town's Building and Public Works Departments for approval prior to start of construction. Access points by construction vehicles shall be provided within the MOT.

2.2 The Applicant shall provide a Construction Air Quality Management Plan to the Town prior to the start of construction.

2.3 A Construction, Demolition and Materials Management Plan (CDMMMP) shall be submitted by the Applicant to the Town prior to submitting for building permit approval.

2.4 The Applicant shall provide an Erosion Control Plan (ECP) prior to the issuance of a building permit. The ECP shall include location and type of erosion control measures, storm water and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The ECP shall remain on-site for the duration of the construction activity. The Applicant shall implement a plan for erosion and sedimentation control before the site is cleared or graded including areas where top soil will be removed and contours of slopes will be cleared.

### **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 Kimley-Horn & Associates, Inc. dated March 6, 2019 and included with the site plan submittal.

### **4. Off-Street Parking/Lighting**

4.1 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.

4.2 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.

4.3 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.

4.4 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. Environmental**

5.1 The Applicant shall provide a space for the collection and storage of recyclables. 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.

5.2 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.

5.3 All storm water shall be retained on site. All storm water drainage systems shall be maintained in working order at all times in order to avoid localized flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.

5.4 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.

## **6. Signs**

6.1 No monument signs are approved by this site plan. The Applicant shall provide a Uniform Sign Plan prior to submitting for building permit approval.

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

## **7. Building**

7.1 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.

7.2 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.

## **8. Enforcement**

8.1 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.

**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 \_\_\_\_\_