



**Calvin, Giordano & Associates, Inc.**  
EXCEPTIONAL SOLUTIONS™

## Memorandum

**Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)  
☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: May 2, 2019

To: Alex David, AICP, Acting Community Development Director

From: Silvia E. Vargas, AICP, LEED AP, Consultant Planner

Subject: Arc Treo 216, LLC (Pelican Bay) - ZC 2018-039

Project: Proposed Text Amendment to Section 3-58. - NC, Neighborhood Center Zoning District (NC-2 sub-district)

CC:

### REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The request is to amend the Town Land Development Regulations Section 3-58. – NC, Neighborhood Center zoning district (NC-2 sub-district) as follows:

#### **FROM:**

#### Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of 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 neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. 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. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

- (1) *Permitted uses.*
  - a. Commercial and retail (not exceeding 25,000 square feet as a single use).
  - b. Office (requiring less than 50 parking spaces).
  - c. Restaurant.
  - d. Multifamily (within a vertical mixed use development).
  - e. Civic (excluding educational facility/school).
  - f. Medical.
  - g. Civic.
  - h. Park and open space.
  - i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
  - j. Outdoor dining (see supplemental standards for further regulations).

\* \* \*



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(4) *Site Development Standards*

a. Story. Buildings shall be at least two stories. Office, commercial and retail, residential, civic or finished attic space, or façade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.

b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character. Horizontal mixed use development is encouraged on a site that cannot otherwise accommodate vertical mixed use. Commercial and retail uses shall be located on the ground floor of a multi-story building. Office uses should be located on higher floors, while residential may exist on any level. When residential is part of the mix of uses, it can be no less than 20 percent or more than 80 percent, whether vertical or horizontal in form and function.

c. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.

d. Buildings fronting Old Cutler Road. Buildings which are located on Old Cutler Road shall be required to provide an outdoor plaza and/or an area for seating or café tables between the building and the right-of-way. No single tenant in a building fronting Old Cutler Road shall exceed 25,000 square feet in size.

(5) *Table of Standards.*

Standard	NC-1	NC-2
Minimum lot area (square feet)	NA	NA
Maximum floor area ratio	1.6	0.4
Maximum floor area ratio with green bonus	2.0	0.5
Maximum density (units per acre)	15	NA
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	NA
Number of stories	3	
Building Frontage (percent)		
Along primary street	70	NA
Along secondary street	50	
Principal structure setbacks (feet)		
Front (maximum)	20	20
Side street	15	15
Interior side	0	0
Rear	20	20
Rear (abutting an alley)	0	0



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Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of payment		
Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	NA
Minimum lot depth (feet)	NA	NA
Open space (percent)	5	NA
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	
Awning	5	
Accessory structure height (feet)	6	NA
Only permitted in rear yards of townhomes	6	NA"

### TO THE FOLLOWING:

#### Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of 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 neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. 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. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

#### (1) *Permitted uses.*

- a. Commercial and retail (not exceeding 25,000 square feet as a single use).
- b. Office (requiring less than 50 parking spaces).
- c. Restaurant.
- d. Multifamily (within a vertical mixed-use development)- in the Neighborhood Center 1 (NC-1) zoning district. Residential uses (within a mixed-use development) in the Neighborhood Center 2 (NC-2) zoning district.
- e. Civic (excluding educational facility/school).
- f. Medical.
- g. Civic.
- h. Park and open space.
- i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
- j. Outdoor dining (see supplemental standards for further regulations)."

\* \* \*



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(5) *Table of Standards.*

Standard	NC-1	NC-2
Minimum lot area (square feet)	NA	<del>NA</del> <u>5,000</u>
Maximum floor area ratio	1.6	<del>0.4</del> <u>0.5</u>
Maximum floor area ratio with green bonus	2.0	0.5
Maximum density (units per acre)	15	<del>NA</del> <u>4</u>
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	<del>NA</del> <u>35</u>
Number of stories	3	<u>2</u>
Building Frontage (percent)		
Along primary street	70	<del>NA</del> <u>35</u>
Along secondary street	50	<u>40</u>
Principal structure setbacks (feet)		
Front (maximum)	20	<del>20</del> <u>15</u>
Side street	15	<del>15</del> <u>10</u>
Interior side	0	<del>0</del> <u>5</u>
Rear	20	<del>20</del> <u>15</u>
Rear (abutting an alley)	0	0
Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement		



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Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	<u>50</u>
Minimum lot depth (feet)	NA	<del>NA</del> <u>100</u>
Open space (percent)	5	<del>NA</del> <u>5</u>
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	<u>5</u>
Awning	5	<u>5</u>
Accessory structure height (feet)	6	<del>NA</del> <u>6</u>
Only permitted in rear yards of townhomes	6	<del>NA</del> <u>6</u>
<u>Minimum Setbacks for Accessory Structures, Pools and Spas (Residential)</u>		
<u>Front</u>	<u>NA</u>	<u>75</u>
<u>Rear</u>	<u>NA</u>	<u>5</u>
<u>Side</u>	<u>NA</u>	<u>5</u>
<u>Spacing Between Structures</u>	<u>NA</u>	<u>5</u>

### APPLICATION ZC 2018-039 SUMMARY

Staff Coordinator: Kathryn Lyon, AICP, CFM  
Planning and Zoning Director

Applicant/Representative: Hugo P. Arza, Esq.  
Holland & Knight  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131  
305-789-7787  
[hugo.arza@hklaw.com](mailto:hugo.arza@hklaw.com)

Owner: Arc/Treo LLC

Future Land Use Map Designation: Mixed-Use (Lakes by the Bay)

Existing Zoning/Site Condition: Neighborhood Center (NC-2)/Vacant\*

\* Applicant has submitted concurrent applications to amend the Growth Management Plan Mixed-Use Lakes-By-The-Bay Site land use designation to permit residential uses, to modify the Declaration of Restrictions, and to obtain Site Plan approval. If these applications are approved, an application to amend the boundaries of the existing CDD to incorporate the subject property will also be required.

Folio Number: 36-6016-000-0027



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## Memorandum

**Legal Description:** A portion of the N ½ of Section 16, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Begin at the Southeast corner of the plat of LAKES BY THE BAY SECTION EIGHT, according to the plat thereof recorded in Plat Book 139, at Page 50, of the Public Records of Miami-Dade County, Florida, said point also being the Southwest corner of the plat of LAKES BY THE BAY SECTION NINE, according to the plat thereof recorded in Plat Book 141, at Page 2, of the Public Records of Miami-Dade County, Florida, said point lying on the South Right-of-Way line of S.W. 216th Street, as said Street was dedicated and shown on the said plats of LAKES BY THE BAY SECTION EIGHT and LAKES BY THE BAY SECTION NINE; thence N 89°09'53" E along the South line of said LAKES BY THE BAY SECTION NINE and along the said South Right-of-Way of S.W. 216th Street, for 195.88 feet; thence S 00°31'55" E for 698.00 feet ; thence S 89°03'14" W for 1090.15 feet; thence N 00°28'59" W for 886.77 feet to a point on a circular curve concave to the Northeast, said point bearing S 27°31'35" W from the center of said curve, said point lying on the Southerly line of the said LAKES BY THE BAY SECTION EIGHT, said point also lying on the Southerly Right-of-Way line of said S.W. 216th Street; thence run the following courses and distances along the said Southerly line of the LAKES BY THE BAY SECTION EIGHT, and along the said Southerly Right-of-Way line of S.W. 216th Street: Southeasterly, Easterly and Northeasterly, along said curve to the left, having for its elements a radius of 1,555.00 feet and a central angle of 28°21'42" for an arc distance of 769.73 feet to the point of tangency; thence N 89°09'53" E for 153.83 feet to the Point of Beginning.

### STAFF ANALYSIS

#### **General Site Information**

*Table 1. General Site and Context Information*

Area Boundaries	North of SW 221st Street South of SW 216th Street East of SW 92nd Place West of SW 89th Court
Size of Area	808,909 square feet 18.57 +/- gross acres
Existing Site Conditions	Vacant
Existing Conditions Surrounding Site	North – Single-Family Cluster Homes South – Lake and Townhouses East – Lake and Townhouses West – Lake and Townhouses
Adjacent Future Land Use	North – Medium Density South – Medium Density East – Medium Density West – Medium Density
Adjacent Zoning District	North – Neighborhood Residential (NR) South – Multi-Family Residential (MR-13) East – Multi-Family Residential (MR-13) West – Multi-Family Residential (MR-13)



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## Memorandum

A Declaration of Restrictions (Official Records Book 11485, Page 537) limits this parcel to non-residential uses, and an overall density of 5.46 units/acre for the 722-acre Lakes by the Bay planned development. Through concurrent applications, the Applicant has requested to amend the land use text in the Growth Management Plan and to modify the Declaration of Restrictions to permit residential uses on this parcel. Staff is recommending approval of the modification to the Declaration of Restrictions. Development of the property, if approved, will not exceed the maximum allowed overall density.

### STAFF ANALYSIS

The Applicant is proposing to amend the Neighborhood Center (NC-2) zoning district text and development standards in order to permit residential uses on the site as part of a mixed-use development.

The applicant is also asking for related changes to the development standards, many of which involve creating standards that do not exist today in the NC-2 district (particularly as they relate to the proposed residential land use), as follows:

- increasing the Floor Area Ratio from 0.4 to 0.5;
- putting in place a residential density of four (4) units per acre;
- setting a maximum height of buildings to adjacent residential zoning of 35 feet;
- setting minimum building frontages of 35 percent for a primary street frontage, and 40 percent for a secondary street;
- establishing a minimum lot width and depth 50 and 100 feet, respectively, and a minimum lot size of 5,000 square feet;
- changing the primary structure setbacks from 20 to 15 feet, the side setback from 15 to 10 feet, the interior side setback from 0 to 5 feet, and the rear setback from 20 to 15 feet;
- establishing new setbacks for accessory structures, swimming pools and spas;
- establishing a required minimum of open space; and
- setting an encroachment maximum for balconies and awnings into the right of way.

The proposed standards are in line with standards applicable to various residential zoning districts in the Town's Land Development Code.

Council approval of this requested amendment, together with the proposed and concurrent request for amendment to the Growth Management Plan, is required in order to facilitate a development project consisting of sixty-nine (69) single-family residential units (3.72 units per gross acre); 25,810 square feet of commercial space (i.e., retail and personal services, including restaurant use); and an approximately 2-acre public park on that portion of the property that abuts the south side of SW 216th Street and is located west of SW 89th Court.

In 1982, plans and the associated Declaration of Restrictions were approved for the Saga Bay Development (now known as Lakes by the Bay). The applicant for the 722-acre project was Cadillac Fairview South Dade, Inc. Certain development limitations were agreed to as part of the Declaration, specifically: a maximum of 3,941 residential units, a maximum overall density of 5.46 dwelling units per acre, and set asides for non-residential uses on certain parcels. At the time, the parcel that is part of this application was zoned BU-3 (Liberal Business District) and remained so until the Town implemented its Growth Management Plan and Land Development Regulations, in 2008 and 2012, respectively. The Future Land Use was changed to Mixed Use Lakes-By-The-Bay while the zoning was changed to Neighborhood Center (NC-2). Neither designation currently permits residential uses.

As part of associated applications, the Applicant is requesting a text amendment to the Lakes-By-The-Bay Mixed-Use Site Future Land Use Designation in order to accommodate the residential component of the mixed-use development (townhomes and restaurant/retail), a modification of the existing Declaration of Restrictions, and approval of the proposed Site Plan. If approved, the Applicant will also need to change the CDD in order to move forward with the planned site development.



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## Memorandum

In the following analysis, Staff has reviewed the Town's Growth Management Plan in order to determine consistency between the request and Plan.

**Policy FLU-1C:** *The Town's Land Development Regulations shall conform to, and implement, the use, intensity and density standards prescribed for the land use districts provided on the Future Land Use Map, and detailed in Table FLU-1.*

**Policy FLU-3A:** *Areas designated mixed use shall contain commercial, office, residential, community, institutional and recreation and open space uses integrated vertically or horizontally, in accordance with Policy FLU-1C.*

Staff Comment: With the addition of a residential component the NC-2 zoning district will be rendered consistent with Policies FLU-1C and FLU-3A.

**Policy FLU-4C:** *Development and redevelopment in the residential districts shall be regulated to ensure compatibility with the existing neighborhood, implement the recommendations of neighborhood improvement plans or initiatives that may be adopted, and prevent the encroachment of incompatible uses. When considering redevelopment proposals, maintaining consistency with existing densities and intensities shall be a major factor. Please see Objective LU-5 and its implementing policies for information regarding development compatibility criteria.*

Staff Comment: The addition of the residential component to the land use mix and the proposed restriction of density at no more than 4 dwelling units/acre are compatible with the character and densities of the existing development to the east, south and west. The request is consistent with the intent of Policy FLU-4C.

**Policy FLU-4D:** *The Town shall implement strategies to improve residential neighborhoods.*

Staff Comment: The concept of improving neighborhoods includes promoting the completion of an adequate and appropriate array of transportation, infrastructure, recreation and services to meet the daily needs of neighborhood residents, including access to convenient retail, personal services and entertainment opportunities. At present, there are no such opportunities located in this neighborhood. The amended NC-2 zoning district will allow improvement of the neighborhoods in this part of the Town by facilitating development that provides unmet retail and service opportunities, as well as an additional community recreation space.

**Policy FLU-5E:** *The Town shall discourage urban sprawl by directing new development and redevelopment in accordance with the Future Land Use Map, which provides for mixed-use development in areas currently served by urban infrastructure and services, and by designating environmentally sensitive areas as "Conservation."*

Staff Comment: By adding a residential component to the mix of uses allowed in the Lakes by the Bay Mixed-Use Site district, the Town will facilitate the development of a site within an existing mixed-use area that is currently served by infrastructure. Therefore, approval of the amendment will discourage sprawl consistent with Policy FLU-5E.

**Policy FLU-13C:** *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 this Plan.*

Staff Comment: The mix of uses that would be allowed in the amended district would support neighboring residential districts as well as residences internal to the site. The effect of non-residential uses proximate to residential areas is fewer trips by auto because residents in the neighboring districts will have more opportunities to safely and conveniently walk or bicycle to other uses such as restaurants, dry cleaners, banks, etc. to meet their daily needs.





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**Policy C-12D:** *The Town encourages mixed-use development and infill development.*

Staff Comment: The amendment will facilitate the development of a true mixed-use Lakes-by-the-Bay district and encourage the development of a long-vacant infill site.

**Policy H1-2C:** *The Town, through its Land Development Regulations, shall prohibit out-of-scale development, redevelopment, additions, and/or improvements in residential neighborhoods.*

Staff Comment: The proposal does not seek to increase densities or heights above what is permitted or what exists in adjacent residential districts. The proposal would therefore not be out-of-scale with the surrounding Lakes by the Bay residential neighborhoods.

Staff has also reviewed the Town's Land Development Regulations in order to determine consistency between the request and the proposed amendments to the LDR's.

More specifically, Section 3-38 – Rezoning (4) Approval Criteria was reviewed in order to determine compliance with Town Code.

Sec. 3-38. - Rezoning.

(4) Approval criteria. The town council shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

a. The proposed rezoning is consistent with goals, objectives and policies of the town's growth management plan.

Staff Comment: The proposed text amendment to the Neighborhood Center (NC-2) is consistent with the growth management plan as outlined above.

b. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

Staff Comment: The proposed changes to the NC-2 district will permit residential uses and compatible accessory structures, along with the previously permitted neighborhood commercial uses and amenities to serve the surrounding communities. The density proposed is lower than that in the existing townhouse communities to the east, west and south.

c. The subject property is physically suitable for the uses permitted in the proposed district.

Staff Comment: The property is suitable for the uses proposed and is adjacent to SW 216 Street, providing direct access to the property.

### Traffic Comments

See attached Memo by Calvin, Giordano & Associates, Inc., dated April 22, 2019 (Exhibit "A").

### DERM

See attached letter from DERM dated April 15, 2019. (Exhibit "B").



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## Memorandum

### *Current vs. Proposed Summary*

<u>Current Future Land Use:</u> Mixed-Use (Lakes-by-the-Bay) (0.5 floor area ratio for commercial, office and community facilities)	<u>Proposed Future Land Use:</u> Mixed-Use (Lakes-by-the-Bay) (4 units per acre for residential * / 0.5 floor area ratio for commercial, office and community facilities)
<u>Current Permitted Uses:</u> Commercial, office, community facilities, and recreation open space uses that serve the surrounding residential communities	<u>Proposed Permitted Uses:</u> Commercial, office, community facilities, and recreation open space uses that serve the surrounding residential communities, as well as residential uses as part of a mixed-use project *
<u>Current Permitted Height, Density and Intensity (NC-2):</u> 0.5 floor area ratio with a maximum building height of two (2) stories, 35 feet.	<u>Proposed Permitted Height, Density and Intensity (NC-2):</u> 4 units per gross acre. * Maintains existing maximum floor area ratio of 0.5 and maximum building height of two (2) stories, 35 feet.
<u>Current Zoning:</u> Neighborhood Center (NC-2)	<u>Proposed Zoning:</u> Neighborhood Center (NC-2) *

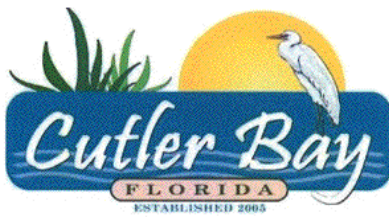
\* Concurrent applications have been submitted to amend the text of the Future Land Use designation to allow residential as a permitted use in this Mixed Use district, and to approve a mixed-use site plan consisting of 69 single-family dwellings and 25,810.51 square feet of retail and services.

### STAFF RECOMMENDATION

1) **Approval** of the request to amend the zoning district text and development standards for the Neighborhood Center (NC-2) Zoning District.

### EXHIBITS

- Exhibit A: Traffic Engineering Memorandum dated April 22, 2019
- Exhibit B: DERM Letter dated April 15, 2019



**TOWN OF CUTLER BAY  
DEVELOPMENT REVIEW COMMENTS**

**Discipline:** Traffic Engineering  
**Reviewed by:** Eric Czerniejewski, PE, ENV SP  
**Review Date:** 04/22/19  
**Phone:** (954) 921-7781  
**Fax:** (954) 921-8807

**Application:** Site Plan Amendment

**Project Name:** Pelican Bay  
**Project Number:** 18-1427

**Comments Based on Plan Submittal: 3<sup>rd</sup> submittal**

<u>          </u>	No comments
<u>  X  </u>	Comments as follows or attached

1. Please address comments provided by Miami Dade County Public Works and Waste Management Traffic Engineering Division.

*Langan 12/13/18 Response: The proposed development consists on the same type of uses with less intensity than the previously approved Vista del Lago project and is expected to generate fewer trips. The county will not require a revised traffic study.*

**CGA 02/08/19 Response: Addressed. Please provide details regarding approval by Miami Dade County Public Works and Waste Management Traffic Engineering Division of the proposed eastbound right turn lane and westbound left turn lane on SW 216<sup>th</sup> Street as well as any required turn lane extensions on Miami Dade County maintained roadway facilities.**

*Langan 04/04/19 Response: The county approved the traffic study and site plan for the previous project (Vista Del Lago) that included the proposed westbound left-turn lane on SW 216<sup>th</sup> Street at our project driveway. The county will review and approved the turn-lane design during their review of the paving and drainage plans.*

**CGA 04/22/19 Response: Addressed.**

2. Please update label on the site plan from Vista De Lago to Pelican Bay.  
*Langan 12/13/18 Response: The proposed Site Plan shown in Appendix B is labeled as Pelican Bay. No revisions were required.*

**CGA 02/08/19 Response: Addressed.**

3. Please update Scope of Study section to specify the date of the methodology memo for this project. The approved methodology memo had a different land use breakdown for the Vista Del Lago project.

*Langan 12/13/18 Response: We amended the report to specify the date of the methodology and to note the difference of the land use breakdown between the proposed project and Vista del Lago. The difference is also mentioned on the Executive Summary section of the report.*

**CGA 02/08/19 Response: Addressed.**

4. Please specify in the Background Traffic Conditions if there are committed trips from approved but unbuilt development projects that need to be included in the traffic analysis per the Town of Cutler Bay. It is my understanding that the recent nearby Publix project was recently approved by the Town Council. Please update the traffic analysis accordingly.

*Langan 12/13/18 Response: We amended the report, figures, capacity analysis and appendices to include the committed development trips from the recently approved Shoppes at Cutler Bay project.*

**CGA 02/08/19 Response: Addressed.**

5. Please provide additional narrative in the driveway analysis section of the traffic study that discusses the left turn lane analysis and warrant at the main driveway for the proposed Pelican Bay site. The Executive Summary and Conclusions section references the westbound left turn lane but a detailed analysis is not provided.

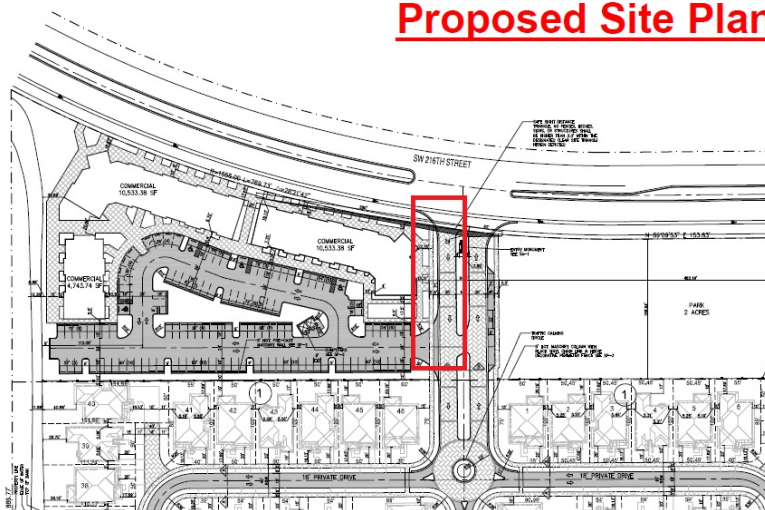
*Langan 12/13/18 Response: The county requires a left-turn lane at existing median openings where the number of peak-hour left-turns is 25 vehicles or more. Appendix G includes the intersection analysis capacity report for the proposed driveway connection. The Vista del Lago project was approved with the proposed westbound left-turn by Miami Dade Traffic Engineering Division. No revisions were required.*

**CGA 02/08/19 Response: Addressed.**

6. Please consider providing an eastbound right turn lane as well into the primary driveway entrance. The eastbound right turn volume is 75 vehicles in the PM which is near the threshold of 80 vehicles for a warranted right turn lane. The current site plan includes an east-west internal drive aisle that is offset by only a couple vehicle lengths from 216<sup>th</sup> Street which could create vehicles stacking into

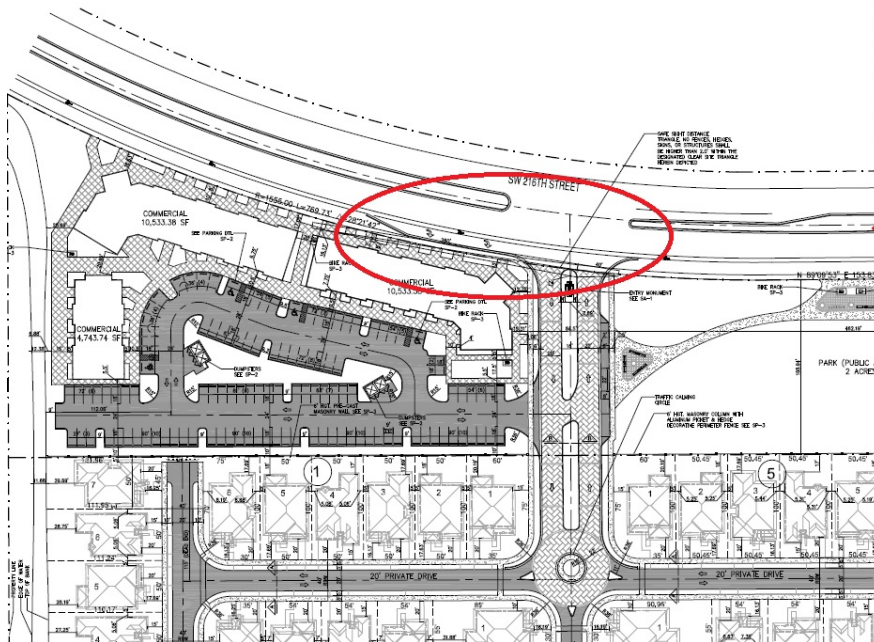
the public right-of-way.

### **Proposed Site Plan**



*Langan 12/13/18 Response: The site plan was revised to show the right-turn lane on SW 216th Street for the development's main driveway.*

## Proposed Site Plan



**CGA 02/08/19 Response: Addressed.** Please provide label with details regarding storage length and taper length of the new turn lane on the site plan and pavement marking and signage plan.

7. Please update the LOS D capacity in Table 6 for SE 216<sup>th</sup> Street from 2,000 to 1,630. Per the FDOT Quality/LOS Handbook Table 7 for a four-lane roadway at 35 mph or less, the LOS D capacity is 1,630.

*Langan 12/13/18 Response: We revised Table 6 of the report to update the roadway capacity of SW 216th Street from 2,000 to 1,630.*

**CGA 02/08/19 Response: Addressed.**

8. The level of service for the roundabout at Old Cutler Road and SW 87<sup>th</sup> Avenue is failing in the PM peak hour and there appears to be traffic operational issues for some of the movements. Roundabouts should be designed to operate at no more than 85 percent of their estimated capacity. When traffic flows on an approach exceed approximately 85 percent of capacity, delays and queue lengths very significantly about their mean values. Please provide field observations during the peak hours to confirm the traffic conditions for the roundabout approaches in the AM peak hour (NB left) and the PM peak hour (WB left and SB left).\_\_\_\_ Please update the narrative to define the date and time the field observations were made at the intersection of Old Cutler Road and SW 87<sup>th</sup> Avenue. Please note that recent aerial drone images were collected for the roundabout at Old Cutler Road and SW 87<sup>th</sup> Avenue for the Old Cutler Properties development project that can be referred to as well.

*Langan 12/13/18 Response: We amended the report to include the field observations conducted at the intersection of Old Cutler Road and SW 87th Avenue. The field observations verified that the estimated queue lengths observed during the peak-hour field observations was consistent with the 95th percentile queues of the no-build analysis. We noted also that, despite the queue lengths, traffic continued to flow through the intersection with minimal vehicle delays and recommend that the roundabout remain at the intersection.*

**CGA 02/08/19 Response: Addressed.**



9. Please provide a table that summarizes the 95<sup>th</sup> percentile vehicle queue stacking for the key add turn lanes for each approach of the intersections that were analyzed. Please provide the Synchro Queue reports for each intersection for each scenario in the resubmitted traffic study. Please also ensure that these exhibits/tables include the most current LOS and delay information from the submitted Synchro reports for each intersection for each scenario. For instance, at the roundabout at Old Cutler Road and SW 87<sup>th</sup> Avenue, the Synchro Reports indicate that there is 255.9 seconds of delay and 32 vehicles stacking/queuing in the PM peak hour for the SB left turn movement. A narrative should be added to the Roadway Capacity Analysis for Future Conditions that addresses any 95<sup>th</sup> percentile vehicle queue that extends past the existing turn lane storage length provided at each intersection.

*Langan 12/13/18 Response: We amended Appendix G to include the summary tables showing the 95<sup>th</sup> percentile queues for turn-lanes at each intersection and scenario.*

**CGA 02/08/19 Response: This item is still pending. Please provide narrative in the Roadway Capacity Analysis section that provides details regarding turn lane extensions required due to vehicle stacking past the existing turn lane storage. For example, turn lane extensions will be required for the eastbound left turn lane on SW 216<sup>th</sup> Street at Old Cutler Road. Please provide aerial drone image during existing peak hour to confirm existing vehicle stacking at the subject intersections.**



*Langan 04/04/19 Response: We collected drone video of the eastbound left-turn movement at the intersection of SW 216<sup>th</sup> Street and Old Cutler Road and found that the queue during the morning peak hour extends up to the beginning of the taper for this turn lane. The developer has agreed to lengthen the eastbound exclusive left-turn lane at the intersection of SW 216<sup>th</sup> Street and Old Cutler Road (by approximately 200 feet) to meet the current and future peak hour demands even though this project does not assign traffic to this left-turn movement. We stated in the report that a copy of the drone video was forwarded to you.*

**CGA 04/22/19 Response: Addressed.**

10. Please provide safe pedestrian crossings using pavement markings and signage per MUTCD for pedestrians at the main intersection between street type D and street type E roadways near the open space and pool cabana area. Please clarify the traffic control proposed at the internal intersections of the development site as part of the pavement marking and signage plan. Please ensure that appropriate Do Not Enter and One-Way signage is placed on the street type A roadways at the main entrance.

*Langan 12/13/18 Response: Acknowledged.*

**CGA 02/08/19 Response: Addressed.**

11. Please provide a travel time and delay study for existing conditions during the AM and PM peak hour periods for the Old Cutler Road segment between SW 216<sup>th</sup> Street and SW 87<sup>th</sup> Avenue. Please ensure that travel speeds are also collected along this road segment.

*Langan 04/04/19 Response: We conducted a travel-time delay study on Old Cutler Road between SW 87<sup>th</sup> Avenue and SW 216<sup>th</sup> Street and found that the average speeds on Old Cutler Road are at LOS D or better during the morning and afternoon peak hours. The data is included as an appendix to the report.*

**CGA 04/22/19 Response: Addressed. Clarification regarding the correlation between the travel time and delay data in Appendix J (NB/SB) versus the link/capacity analysis results in table 6 (EB/WB) should be provided by the applicant team for the public hearing.**



Date: April 22, 2019

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Eric S. Czerniejewski, P.E., ENV SP  
Director of Traffic Engineering



Department of Regulatory and Economic Resources  
Environmental Resources Management  
Code Coordination and Public Hearings  
701 NW 1<sup>st</sup> Court 4<sup>th</sup> Floor  
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[miamidade.gov](http://miamidade.gov)

February 4, 2019

Kathryn Lyon, Planning and Zoning Director  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189

Re: Municipal Site Plan Review #MZ2019000003  
Arc/Treo 216, LLC  
SW 216<sup>th</sup> Street, between SW 92<sup>nd</sup> Avenue and SW 89<sup>th</sup> Place  
Cutler Bay, Florida  
Town of Cutler Bay Site Plan SP-2018-038

Dear Ms. Lyon:

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced Municipal Site Plan Review for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is not approved and therefore must be denied pursuant to Section 24-43.1 of the Code. With respect to other issues discussed herein the application DERM has no objections with respect to stormwater management, wetlands, coastal, and tree resources.

***NOT IN COMPLIANCE WITH:***

**Potable Water Supply and Wastewater Disposal**

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements.

The property owner shall submit a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(6)(c) of the Code. The covenant provides that prior to DERM approval of any building permit, certificate of use and occupancy or municipal license for any nonresidential land use the Owner shall ensure the property is connected to a public water main and public sanitary sewer main.

**The above-noted covenant must be submitted to and approved by DERM prior to DERM issuing written approval of the subject application.**

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code





requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

***APPROVED FOR COMPLIANCE WITH:***

Stormwater Management

Applicant is advised that an Environmental Resource Permit modification from the South Florida Water Management District (1-800-432-2045) may be required for the construction and operation of the required surface water management system. It is the applicant's responsibility to contact the above-mentioned agency for further information regarding permitting procedures and requirements.

Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

Applicant is advised that the proposed surface water management system must be approved by the DERM's Pollution Remediation Section (PRS). Please contact the PRS at (305)372-6700 for additional information.

Additionally, a Class VI Permit shall be required for the construction of the proposed surface water management system. Please contact DERM's Water Control Section (305-372-6681) for additional information.

The review of the above noted plans shall not constitute DERM approval of paving and drainage plans. Paving and drainage plans shall be reviewed and approved by the RER Environmental Plan Review office.

Pollution Remediation

The site has records of current contamination issues under Vista Del Lago (DERM file HWR-566). Any construction, development, drainage, and dewatering at the subject site will also require DERM review and approval as it relates to environmental contamination issues.

Wetlands

The subject property is located within the Southwest Biscayne Bay Wetland Basin, and contains wetlands as defined by Section 24-5 of the Code. Class IV Permit CLIV06-089 was issued on June 6, 2007 and expired on June 6, 2009. A final inspection conducted on June 9, 2009 indicates that the work authorized in this permit never occurred. Therefore, a Class IV permit will be required before any work occurs in wetlands on the property.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources.

The DERM Coastal and Wetland Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.



The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

A review of the subject properties revealed the presence of tree resources and wetlands. Please be advised that tree resources that lie within wetlands areas will be regulated through a Class IV Wetlands Permit; however, any tree resources within areas not designated as wetlands will require a Miami-Dade County Tree Removal Permit prior to removal and/or relocation.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. Should the applicant require impacts to specimen trees (trunk diameter equal to or greater than 18 inches), substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(1)(2) of the Code shall be made. The applicant is advised that a tree survey that includes a tree disposition table may be required prior to reviewing the tree removal permit application. A recommendation of approval is contingent on the applicant obtaining a permit.

It is advised that pursuant to Policy Con-8I of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on the subject property, they shall be removed prior to development or redevelopment and developed property shall be maintained to prevent the growth or accumulation of prohibited species.

Please contact DERM's Tree and Forest Resources Section at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

#### Enforcement History

The subject property has no closed and one (1) open enforcement records for violations of Chapter 24 of the Code:

Vista Del Lago (DERM file HWR-566): On February 26, 2016, a Notice of Violation (NOV) was issued for failure to submit to DERM a Quarterly Sampling Report (QSR) for contamination on the subject property. DERM received a QSR, which was approved, and the case was closed on October 5, 2016. Due to non-compliance with a letter dated September 18, 2017 issued by DERM regarding requirements for completion of a No Further Action with Conditions Closure (NFAC), this case was reopened, and a NOV was issued on October 9, 2018 followed by a Final Notice Prior to Court Action (FNPTCA) on November 29, 2018. This case remains open.

Please contact the DERM's Environmental Monitoring & Restoration Division at (305)372-6700.

In summary, this application for municipal site plan review cannot be approved by DERM until the County officer, employee or Board affirmatively determines that the land use will comply with one or more of the requirements as set forth in Section 24-43.1 of the Code.



If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Istambouli".

Rashid Istambouli, P.E.  
Department of Regulatory and Economic Resources