



***Application No.:***

***SP 2015-022***

**Attachment "A"**

**Consultant Report**

**Cutler Properties, LC**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT TWENTY-NINE (29) SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**



**Calvin, Giordano & Associates, Inc.**  
E X C E P T I O N A L   S O L U T I O N S™

## 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: June 11, 2019

---

To: Rafael G. Casals, ICMA-CM, CFM, Town Manager

---

From: Alex A. David, AICP, Consultant Planner

---

Subject: Cutler Properties (Application No. SP-2015-022)

---

Project: Site Plan Approval

---

CC: Sarah Sinatra Gould, AICP, Consultant Planner

---

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT TWENTY-NINE (29) SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Cutler Properties, LC is seeking approval of a site plan to permit a 29 single family homes on an ±8.43 gross acre site.

### APPLICANT

Cutler Properties, LC

Applicant/Representative: Juan J. Mayol, Jr.  
 Holland & Knight  
 701 Brickell Avenue, Suite 3300  
 Miami, FL 33131  
 305-789-7787  
[Juan.mayol@hklaw.com](mailto:Juan.mayol@hklaw.com)

Staff Coordinator: Alex A. David, AICP  
 Acting Community Development Director

### PROPERTY INFORMATION

Location: Southeasterly of the intersection of SW 184<sup>th</sup> Street and Old Cutler Road

Folio Number: 36-6003-001-0013



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

## Memorandum

**Legal Description:** A portion of land in Section 3, Township 56 South, Range 40 East in Miami-Dade County, being more particularly described as follows:

Commence at the Northeast corner of said Section 3; thence S00°52'56"E, as basis of bearing along the East line of the Northeast ¼ of said Section 3 for a distance of 215.05 feet to the point of beginning of the following described parcel of land; thence continue S00°52'56"E along said West line for a distance of 133.28 feet; thence S25°26'43"W for a distance of 83.85 feet; thence S31°25'21"W for a distance of 91.99 feet; thence S12°05'47"W for a distance of 86.85 feet; thence S28°56'34"W for a distance of 155.31 feet; thence S23°43'49"W for a distance of 102.19 feet; thence S24°08'59"W for a distance of 375.62 feet; thence S63°27'40"W for a distance of 85.82 feet; thence S48°01'12"W for a distance of 82.65 feet; thence S07°00'01"W for a distance of 28.73 feet; thence S37°11'21"E for a distance of 69.66 feet; thence S31°54'24"W for a distance of 95.33 feet; thence S36°05'51"W for a distance of 225.55 feet; thence N00°52'54"W for a distance of 299.32 feet; thence S88°43'09"W for a distance of 145.49 feet to a point of intersection with the easterly right-of-way line of Old Cutler Road (Ingram Highway) and also a point of intersection with a non-tangent curve to the left, said curve having a radius of 11494.20 feet and a central angle of 2°12'31" to a point of tangency; thence N27°33'01"E for a distance of 782.01 feet; thence N88°10'53"E along a line 215.03 feet South of and parallel to the North line of the Northeast ¼ of said Section 3 for a distance of 229.19 feet to the point of beginning, containing 367,447.55 square feet, 8.43 acres, more or less.

### **BACKGROUND AND ANALYSIS**

The proposed development, if approved, will be located on a vacant parcel approximately ±8.43 acres in size. The property is located east of Old Cutler Road, south of SW 184<sup>th</sup> Street and north of theoretical SW 186<sup>th</sup> Street. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be provided by Miami-Dade County. The site currently has access to the County roadway network through Old Cutler Road and as proposed this will remain the only ingress/egress from the development.

On February 21, 2018 the Town Council voted to deny an application for Site Plan approval (*Exhibit "I"*). Subsequently, Cutler Properties, LC (the "applicant") submitted a request (*Exhibit II*) for relief from the denial under the Florida Land Use and Environmental Dispute Resolution Act, Fla. Statute § 70.51 (FLUEDRA). This process allows for negotiations to take place between both parties with the aid of a third-party magistrate. Based on the applicant's request for relief, the Town agreed to enter into further discussion (*Exhibit "III"*). The applicant has submitted revised plans.

Initially, the property owned by the Applicant totaled ± 132 acres in size. As part of the Comprehensive Everglades Restoration Plan (CERP), the eastern ± 123.57 acres were sold to the State of Florida/South Florida Water Management District for the Acceler8 initiative. This Coastal Wetlands project's aim is to expand and restore the wetlands adjacent to Biscayne Bay to enhance the ecological health of Biscayne National Park. It should be noted that the State of Florida/South Florida Water Management District had the option to purchase the remaining ±8.43 acres at that time, however this site was designated as uplands, with no sensitive environmental value. As such, and as confirmed by the SFWMD, this proposed development will take place wholly within non-jurisdictional wetlands.



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

## Memorandum

### **Proposed Development Project**

The proposed project is a 29-unit, single family development. The proposed density is 3.43 units per gross acre and which is less than the 5 units per gross acres permitted under the Town's Low Density Residential Future Land Use Category and corresponding SR Zoning District. The applicant is proposing four model options: A (3,025 sq. ft.), B (2,986 sq. ft.), C (3,816 sq. ft.) and D (3,843 sq. ft.). A central street is proposed with Live Oaks. Three Pigeon Plums are proposed per each lot in the front yard. The existing trees along Old Cutler Road are proposed to remain.

The residential units abutting Old Cutler Road are designed to have two "fronts" so that there is pedestrian access to and from the Old Cutler Road pedestrian path/bikeway.

The Applicant proposes to dedicate 42 feet as right-of-way for 77<sup>th</sup> Avenue which will be improved only with underground utilities and appropriate contextually sensitive landscape material as approved by DERM. DERM has indicated that the remainder of the right-of-way may also be used at some future date for a canal or pipe to convey water through the area and that there would be no conflicts. The applicant is also proposing an easement (27' wide x 233' long) for public pedestrian access to the restoration area. This walkway will connect the Old Cutler Road pathway to the restoration area and will be improved with paving and appropriate landscape materials.

### **Land Development Regulations**

Section 3-33 establishes the development standards for the review and approval of site plans in the Town of Cutler Bay. According to this section of the LDRs, no certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. Section 3-33(B) of the Code provides the approval standards used by the Town Council to evaluate a proposed site plan application.

Section 3-55 SR, Single-Family Residential District establishes the permitted uses and development parameters of any development within this zoning district. Cutler Properties as proposed meets the requirements of this section and does not require any variances.

In addition to the above referenced Sections, the proposed development must comply with: Article VII, Landscaping and Tree Preservation; Chapter 18A, Miami-Dade County Code of Ordinances; Article X, Off-Street Parking and Loading Areas; Article XII, Subdivision of Land; Chapter 28, Miami-Dade County Code of Ordinances; and, any other regulations required in order to develop this parcel of land.

### **Land Use and Zoning**

The Future Land Use Map designation is Low Density Residential-Conservation. This land use category permits 2.5 to 5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms. The proposal is consistent with the property's Future Land Use Designation.



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

## Memorandum

The development as proposed is consistent with the following Goal and Policies found in the Town's Growth Management Plan:

### Future Land Use Element

#### Goal 1

PROTECT AND IMPROVE THE TOWN'S BUILT AND NATURAL ENVIRONMENT THROUGH THE USE OF LAND IN A MANNER THAT ENHANCES EXISTING NEIGHBORHOODS, CONSERVES RESOURCES, ENSURES THE AVAILABILITY OF PUBLIC FACILITIES AND SERVICES, AND REALIZES THE COMMUNITY'S VISION FOR ITS FUTURE.

Policy FLU-5B: Development and redevelopment in the Town shall provide for pedestrian friendly street design, an interconnected street network and hierarchy to reduce congestion and improve traffic flow, design that promotes the use of non-motorized transportation modes, connectivity to transit, and a range of uses in a compact area to reduce the need for external trips.

Policy FLU-5F: The Town shall require aesthetically pleasing and environmentally sensitive landscaping as an important component of development and redevelopment projects. To the maximum extent feasible, existing on-site native vegetation shall be preserved.

Policy FLU-7C: The Town, through its Land Development Regulations, shall require developers to provide for the necessary on-site infrastructure improvements, including: parking; safe and convenient traffic circulation; sidewalks and multi-modal transportation facilities, as appropriate; open space; water and wastewater connections or facilities, and drainage and stormwater management.

### Transportation Element

Policy T1-1H: The Town shall control vehicular access onto Town and County streets through its Land Development Regulations and site plan review process in order to reduce existing or potential congestion and safety problems. Access Management studies shall be undertaken by the Town and financed by the developers on facilities when appropriate. Access to state highways is controlled by the Florida Department of Transportation.

Policy T1-3L: All requests for development shall be required to install safe and convenient pedestrian and bicycle access, as provided for in the Land Development Regulations.

### Recreation and Open Space

Policy ROS-4C: The Town will promote non-motorized access to all existing and future parks and recreation open spaces within Cutler Bay by creating and improving greenways, trails, bike lanes, sidewalks and improved connectivity between parks and residences, schools, community centers, activity centers and transportation hubs.



Memorandum

Zoning

This parcel is zoned SR, Single-Family Residential District. The Single-Family Residential District is coded to permit development of new or the completion of previously approved development of lands within the district and/or annexation of conventional single-family residential subdivisions existing or approved prior to the effective date of these regulations.

*Permitted uses include:* Detached single-family dwelling; Group home limited to six resident clients on the premises. (See supplemental regulations for additional requirements.); Family day care home; Single-family zero lot line if based on a site plan approved prior to the adoption of this code. The proposed development meets the standards of the zoning district and all other requirements of the Town and County Codes.

The following Table provides an overview of the land use designations and zoning districts.

FUTURE LAND USE MAP DESIGNATION	EXISTING ZONING DISTRICT
Subject Property:	Subject Property:
Low Density Residential-Conservation	SR, Single-Family Residential
Surrounding Properties:	Surrounding Properties:
North Low Density Residential-Conservation	North SR, Single-Family Residential
South Low Density	South SR, Single-Family Residential CON, Conservation
East Low Density Residential-Conservation Estate Density Residential-Conservation	East CON, Conservation
West Estate Density	West ER, Estate Residential



Memorandum

The following Table provides an overview of the existing conditions surrounding the site.

EXISTING CONDITIONS		
Subject Property:		
Vacant		
Surrounding Properties:		
North	MDWASD	Sewer Pump Station
South	Cutler Cay	Single-Family Homes and Lake
East	SFWMD Conservation Area	
West	Whispering Pines	Single-Family Homes

An aerial photograph depicts the location of the property and surrounding uses. The Future Land Use and Zoning Maps are also provided. Additionally, the applicant’s traffic report and Town consultant responses are included.

**SITE PLAN APPROVAL EVALUATION CRITERIA (Section 3-33)**

In evaluating an approval of a site plan application under the Town’s Land Development Regulations, the following evaluation criteria are to apply.

- 1. The development permitted by the application, if granted, conforms to the Growth Management Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.

**Staff Comment:** *The proposed development is generally consistent with the Growth Management Plan and more specifically with Policy FLU-1D and the associated Low Density Residential Land Use Designation which permits 2.5 to 5 units per gross acre. It will implement the Goal and Policies referenced under the Land Use and Zoning Section of this report.*



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

## Memorandum

2. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

**Staff Comment:** *The development will have a favorable impact by on the environment and natural resources by buffering the ± 123.57 State owned Comprehensive Everglades Restoration Plan from the already developed areas of the Town. The low-density development, as proposed, will offer a transition to the natural area to the east. The applicant has proffered that there will be reasonable opportunities to harvest and relocate non-invasive, non-exotic plant materials from within the proposed right-of-way.*

3. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town.

**Staff Comment:** *The development if permitted will have a favorable economic impact by expanding the Town's tax base without unduly burdening the Town.*

4. The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.

**Staff Comment:** *The planned development of 29 single family residences has been reviewed in order to determine the impacts on level of service for public facilities. The development as proposed does not negatively impact the referenced public facilities. Miami-Dade County has adequate facilities to provide water, sewer and solid waste disposal, Miami-Dade County Public Schools has reviewed this application and the Town has adequate recreational facilities to provide the recreational needs of this residential community.*

5. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Staff Comment:** *The 29 single-family home residential development will only be accessed via Old Cutler Road and will not unduly burden the roadways. This access point will ensure adequate ingress/egress for both automobiles, pedestrians, bicyclists and emergency vehicles.*

### **ADVERTISEMENTS**

The advertisement was published on Sunday, June 9, 2019 in the Neighbors Section of the Miami Herald.





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

## Memorandum

### **RECOMMENDATION**

Town Staff recommends approval of the proposed site plan subject to the following conditions.

#### **1. General Conditions**

- 1.1** The proposed development will be built in accordance with the plans submitted entitled "Old Cutler Road Residences", consisting of 10 sheets and prepared by Dover, Kohl & Partners and date stamped received June 4, 2019, attached hereto as Exhibit "A."
- 1.2** All impact fees shall be paid by the Applicant prior to issuance of the first building permit.
- 1.3** 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 final building permit to the property.
- 1.4** The 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.
- 1.5** 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.
- 1.6** 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).
- 1.7** The interior side setback for any principal or accessory building on Lots 1 and 18, as shown on the attached site plan (Exhibit "A") shall not be less than 15 feet, in compliance with South Florida Water Management District or the Miami-Dade RER Division of Environmental requirements.
- 1.8** Prior to clearing any portion of the proposed SW 77th Avenue right-of-way, the Applicant shall notify the Town Manager of its intent to clear the area and shall allow a minimum of thirty (30) business days following the notice for the salvaging of non-invasive, non-exotic plant material only within the specified area to be cleared.
- 1.9** The common space/path shall be required, as shown on the attached Site Plan (Exhibit "A").
- 1.10** If necessary, the property shall be completely de-mucked prior to the unloading of clean fill.
- 1.11** The Applicant must plat the property.
- 1.12** An "Easement for Public Pedestrian Access to Restoration Area" shall be submitted to the Town, in substantially the form, attached hereto as Exhibit "B", and shall be subject to approval of the Town Attorney as to form, content, and legal sufficiency.



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

## Memorandum

### **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 the 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 the start of construction. Access points by construction vehicles shall be provided within the MOT. All construction vehicles must use Old Cutler Road, unless otherwise approved by the Town.

**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 (CDMMP) 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 any building permit. The ECP shall also 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 topsoil will be removed and contours of slopes will be cleared.

**2.5** Construction shall only take place Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m.

### **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) and more specifically, DERM.

**3.2** The property shall be landscaped in accordance with the landscape plan, prepared by Dover, Kohl & Partners and date stamped received June 4, 2019, included with the site plan submittal.

**3.3** The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall mitigate the impact in accordance with DERM requirements. If the relocated trees do not survive, the Applicant shall replace the trees in compliance with DERM requirements.

**3.4** The Applicant shall provide a planting plan for the dedicated area of theoretical SW 77th Avenue for review and approval by DERM.



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

## Memorandum

#### **4. Traffic**

**4.1** The Applicant shall perform traffic monitoring of the site-generated vehicle trips for the new Cutler Properties development the year after the final Certificate of Occupancy is issued. In the event the actual number of site-generated vehicle trips for the development exceeds 10% of the number of projected vehicle trips calculated in the original traffic study by David Plummer and Associates (dated February 2017), the Applicant shall pay the Town for traffic mitigation improvements to ameliorate the condition. The Applicant shall pay all of the Town's costs, including consultant services for design and permitting (approvals) and traffic improvement construction costs. The Applicant will coordinate with the Town of Cutler Bay and/or their consultant to establish a traffic study methodology for the travel time and delay study for Old Cutler Road between SW 168th Street and SW 87th Avenue and SW 184th Street between SW 87th Avenue and SW 97th Avenue.

**4.2** Delivery trucks shall not use the local neighborhood roads as a route to reach the property.

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

**5.1** A minimum of two (2) parking spaces per unit shall be required.

**5.2** The Applicant shall install and maintain light fixtures that project the light rays directly to the street, and shall include shields that restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky.

**5.3** 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.

**5.4** At the time of platting, the Owner/Applicant shall cause the establishment of a special taxing district pursuant to Chapter 18 of the Miami-Dade County Code to provide for the installation and maintenance of street lighting within the proposed subdivision.

#### **6. Environmental**

**6.1** 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.

**6.2** All newly developed private storm water facilities and Best Management Practices constructed shall be inspected each year, and the property owner shall provide a certificate of inspection from a registered engineer each year on a form provided by the Town.

**6.3** The applicant shall be required that all post-development runoff does not exceed pre-development runoff conditions to control adverse effects of post construction stormwater runoff, illicit discharges, flood damage and sediment and erosion control. All storm water drainage systems shall be maintained in good working condition 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.



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

## Memorandum

**6.4** The Town shall use the September 2018 Town of Cutler Bay, FL Stormwater Manual as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater best management practices (BMPs).

**6.5** The Town shall use the September 2018 Town of Cutler Bay, FL Watershed Master Plan as the basis for decisions about stormwater permits and about the design, implementation and performance of developing stormwater facilities.

**6.6** Runoff discharge rates shall be limited to the pre-development conditions based on the 10-year and 25-year design storm event.

**6.7** Low Impact Design Techniques shall be implemented, to the maximum extent possible, on parcels one acre or greater in size in order to control peak runoff (10 year and 25-year design storm event) and to maintain or restore a basin's hydrologic cycle and to improve water quality.

### **7. Signs**

**7.1** The Applicant shall provide a Signage Plan, if any, prior to submitting for building permit approval.

**7.2** All signs shall comply with the Town's Sign Regulations set forth in Article VIII, Chapter 3 of the Town Code.

### **8. Building**

**8.1** 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.

### **9. Enforcement**

**9.1** 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.

### **Exhibit(s)**

- Exhibit "I" – Town Council Site Plan Denial for Cutler Properties, LC
- Exhibit "II" – Cutler Properties, LC Request for Relief from Denial Under FLUEDRA (Fla. Statute § 70.51)
- Exhibit "III" – Cutler Properties, LC/ Town of Cutler Bay Response to Request for Relief
- Exhibit "IV" – Cutler Properties, LC/ FLUEDRA Process Summary



## Office of the Town Manager

Rafael G. Casals, ICMA-CM  
Town Manager

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

March 5, 2018

Cutler Properties, LC  
1300 Brickell Avenue  
Miami, Florida 33131

cc: Juan Mayol, Jr.  
Holland & Knight  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131

**RE: Denial of Site Plan for Cutler Properties, LC (the “Property”) Generally Located at 18551 Old Cutler Road Southeasterly of the Intersection of SW 184 Street and Old Cutler Road (Folio # 36-6003-001-0013)**

Dear Property Owner:

On July 25, 2016, you submitted a site plan application for site plan approval, pursuant to Section 3-33 of the Town of Cutler Bay Land Development Regulations (the “Revised Application”) Site Plan (SP-2015-022) to the Town of Cutler Bay (the “Town”) on the above referenced property. On February 21, 2018, the Town Council held a duly noticed public hearing on the site plan application (SP-2015-022) (the “Development Permit”). After considering all testimony and other competent substantial evidence presented and otherwise made part of the record at the public hearing, the Town Council found that the Development Permit did not meet the requirements of Sec. 3-33 of the Town of Cutler Bay Land Development Regulations and consequently denied the Development Permit.

Please be advised that this letter shall constitute a development order as defined by Section 163.3164(15), Florida Statutes (the “Development Order”). This Development Order denying the Development Permit has been provided to you in accordance with Section 166.033, Florida Statutes and was rendered in the Town Clerk’s Office on the date provided below.

If you have any questions or concerns please feel free to contact me.

Very truly yours,

Rafael G. Casals, ICMA-CM  
Town Manager

Attest and Rendered This 5<sup>th</sup> Day of March 2018:

Debra E. Eastman, MMC  
Town Clerk



Writer's E-Mail Address: [JMuniz@gunster.com](mailto:JMuniz@gunster.com)

March 23, 2018

**VIA IN-HAND DELIVERY**

Mayor Peggy R. Bell  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

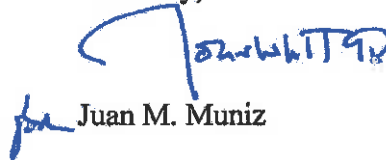
**Re: Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA")  
Petition on Behalf of Cutler Properties, LC**

Dear Mayor Bell:

On behalf of Cutler Properties, LC, a Florida limited liability company, enclosed please find a FLUEDRA Petition in connection with the Town of Cutler Bay Town Council's March 5, 2018 development order denying Cutler Properties' site plan application for property located at 18551 Old Cutler Road, Cutler Bay, Florida 33157.

Kindly acknowledge receipt of the referenced Petition by signing the enclosed Receipt of Delivery and returning it to me (via email will suffice, at [jmuniz@gunster.com](mailto:jmuniz@gunster.com)). Please feel free to contact me with any questions or comments.

Sincerely,

  
Juan M. Muniz

Enclosures

### REQUEST FOR RELIEF UNDER FLUEDRA

Cutler Properties, LC, a Florida limited liability company ("Cutler Properties"), hereby submits this Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, Fla. Stat. § 70.51 ("FLUEDRA"), from the Town of Cutler Bay's ("Town") March 5, 2018 action in denying Cutler Properties' site plan application for property located at 18551 Old Cutler Road, Cutler Bay, Florida, 33157 ("Subject Property"), as more particularly described in the attached **Exhibit A**. In support of this request, and pursuant to section 70.51(6), Fla. Stat., Cutler Properties states as follows:

#### **I. Cutler Properties' Proposed Use**

Cutler Properties is the owner of the Subject Property pursuant to that Warranty Deed dated October 13, 2003, recorded February 2, 2004 in Official Records Book 22016, Page 4515 in the Public Records of Miami-Dade County, Florida. A copy of the warranty deed is attached hereto as **Exhibit B**. The Subject Property is a vacant parcel consisting of approximately 8.43 acres, located southeasterly of the intersection of SW 184th Street and Old Cutler Road. The Subject Property has a Low Density Residential future land use designation and a corresponding Single-Family Residential (SR) zoning designation. The Subject Property is designated as uplands with no sensitive environmental value and is not within jurisdictional wetlands.

Cutler Properties proposes to build a 30-unit, single-family development on the 8.43 acres. The site plan application is an as-of-right proposal that does not require a comprehensive plan amendment, rezoning, special exception, or waivers. The proposed density is 3.55 units per gross acre, which is less than the 5 units per gross acre permitted by the Town's Growth Management Plan and land development regulations. The primary access to the proposed development will be Old Cutler Road, with secondary access to SW 184th Street, as required by



Miami-Dade Fire Rescue. Additionally, the application proposes pedestrian and bikeway access, internal pathways, and a 42-foot right-of-way dedication for 77<sup>th</sup> Avenue.

## **II. Summary of Development Order**

On February 21, 2018, Town staff submitted a memorandum and incorporated Consultant Report to the Town of Cutler Bay Town Council ("Town Council"), recommending approval of the site plan application. The memorandum is attached hereto as **Exhibit C**. Town staff found that the proposal is consistent with the Town's Growth Management Plan and the criteria set forth in the Town's land development regulations, specifically Sections 3-33 and 3-55. The site plan application was considered by Town Council at the February 21, 2018 Town Council Meeting. At the meeting, land planning experts and traffic engineers provided by both the Town and Cutler Properties agreed that the site plan application met all necessary requirements for approval. No expert testimony was presented to the Town Council to oppose those opinions and findings. Despite staff's recommendation of approval and the proposal's compliance with all Town requirements, the Town Council voted 5 to 0 to deny the site plan application. On March 5, 2018, the Town entered the development order denying the site plan application, which is attached hereto as **Exhibit D**. The Town's denial letter constitutes a development order as defined by Section 163.3164(15) and is actionable under FLUEDRA.

## **III. Statement of Impact**

The Development Order is unreasonable and unfairly burdens the use of the Subject Property as it denies Cutler Properties its reasonable investment backed expectations. Cutler Properties had a reasonable investment backed expectation of developing the Subject Property pursuant to its proposed site plan application, which is consistent with the Growth Management Plan's Low Density Residential land use designation in place, and in conformance with the




Town's existing single-family residential zoning requirements. There was no basis for the Town Council to deny the site plan application. The Town Council's denial inordinately burdens Cutler Properties' use of its property.

**IV. Request for Relief**

Cutler Properties requests that, within ten (10) days of the receipt hereof, the Town forward this request for relief to a Special Magistrate mutually agreed upon by Cutler Properties and the Town, for proceedings to determine whether the Town's actions as set forth herein were unreasonable or unfairly burdened the use of the Subject Property, and for such other relief as appropriate in accordance with Section 70.51, Florida Statutes.

Respectfully submitted,



JUAN M. MUNIZ, ESQ.  
Florida Bar No. 133329  
JOHN W. LITTLE, III, ESQ.  
Florida Bar No. 384798  
S. KAITLIN DEAN, ESQ.  
Florida Bar No. 124973  
GUNSTER, YOAKLEY & STEWART, P.A  
600 Brickell Avenue, Suite 3500  
Miami, Florida 33131  
Phone: (305) 376-6086  
Fax: (786) 425-4074  
Primary: [jmuniz@gunster.com](mailto:jmuniz@gunster.com)  
Secondary: [avalido@gunster.com](mailto:avalido@gunster.com)  
Secondary: [eservice@gunster.com](mailto:eservice@gunster.com)  
*Attorneys for Cutler Properties, LC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy has been served via in-hand delivery to Mayor Peggy R. Bell, head elected official of the Town of Cutler Bay, 10720 Caribbean Boulevard, Suite 105, Cutler Bay, Florida 33189, and Town Attorney Mitchell A. Bierman and Assistant Town Attorney Chad Friedman, 2525 Ponce de Leon Blvd., Suite 700, Coral Gables, Florida 33134, this 23rd day of March, 2018.

  
JUAN M. MUNIZ, ESQ.  
Florida Bar No. 133329

# EXHIBIT A

## Legal Description

A portion of land in Section 3, Township 56 South, Range 40 East in Miami-Dade County, being more particularly described as follows:

Commence at the Northeast corner of said Section 3; thence S00°52'56"E, as basis of bearing along the East line of the Northeast  $\frac{1}{4}$  of said Section 3 for a distance of 215.05 feet to the point of beginning of the following described parcel of land; thence continue S00°52'56"E along said West line for a distance of 133.28 feet; thence S25°26'43"W for a distance of 83.85 feet; thence S31°25'21"W for a distance of 91.99 feet; thence S12°05'47"W for a distance of 86.85 feet; thence S28°56'34"W for a distance of 155.31 feet; thence S23°43'49"W for a distance of 102.19 feet; thence S24°08'59"W for a distance of 375.62 feet; thence S63°27'40"W for a distance of 85.82 feet; thence S48°01'12"W for a distance of 82.65 feet; thence S07°00'01"W for a distance of 28.73 feet; thence S37°11'21"E for a distance of 69.66 feet; thence S31°54'24"W for a distance of 95.33 feet; thence S36°05'51"W for a distance of 225.55 feet; thence N00°52'54"W for a distance of 299.32 feet; thence S88°43'09"W for a distance of 145.49 feet to a point of intersection with the easterly right-of-way line of Old Cutler Road (Ingram Highway) and also a point of intersection with a non-tangent curve to the left, said curve having a radius of 11494.20 feet and a central angle of 2°12'31" to a point of tangency; thence N27°33'01"E for a distance of 782.01 feet; thence N88°10'53"E along a line 215.03 feet South of and parallel to the North line of the Northeast  $\frac{1}{4}$  of said Section 3 for a distance of 229.19 feet to the point of beginning, containing 367,447.55 square feet, 8.43 acres, more or less.

## **EXHIBIT B**



CFN 2004R0073223  
 OR Bk 22016 Pgs 4515 - 4517; (3pgs)  
 RECORDED 02/02/2004 14:36:07  
 DEED DOC TAX 14,400.00  
 TAX 10,800.00  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

Parcel Identification Number: 30-6002-000-0040; 30-6002-000-0030; 30-6002-000-0000; 30-6002-000-0000; 30-6002-000-0120; 30-6002-000-0060; 30-6003-001-0000; 30-6002-000-0010; and 30-6002-000-0050

### Warranty Deed

This Indenture, made this 13 day of OCTOBER, 2003 A.D., Between TREBLOC CORPORATION, a British Virgin Islands company whose address is c/o Icaza, Gonzalez-Ruiz & Aleman, Vanterpool Plaza 2<sup>nd</sup> Floor, P.O. Box 873, Road Town, Tortola, British Virgin Islands, GRANTOR; and CUTLER PROPERTIES, L.C, a Florida Limited Liability Company, whose address is 1300 Brickell Avenue, Miami, Florida 33131, of the County of Miami-Dade, State of Florida, GRANTEE.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00), and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S successors and assigns forever, the following described land, situated, lying and being in the County of Miami-Dade, State of Florida to wit:

#### SEE EXHIBIT "A" ATTACHED HERETO

Subject to:

1. Taxes for the year 2003 and all subsequent years.
2. Conditions, restrictions, limitations and easements of record, if any, and zoning ordinances without reimposing same.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the GRANTOR hereby covenants with said GRANTEE that GRANTOR is lawfully seized of said land in fee simple, that GRANTOR has good right and lawful authority to sell and convey said land, and does hereby fully warrants the title to said land, and will defend the same against lawful claims of all persons whomever.

In Witness Whereof, the GRANTOR has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Rosa Arnold  
 Printed Name:  
 Witness  
Karin Jones  
 Printed Name:  
 Witness

TREBLOC CORPORATION,  
 a British Virgin Islands company

Lilian de Muschett (Seal)  
 By: Lilian de Muschett  
 Its: Sole Director

The foregoing instrument was acknowledged before me this 13 day of OCTOBER 2003, by Lilian de Muschett, as Sole Director of Trebloc Corporation, a British Virgin Islands company, on behalf of the company, who [ ] is personally known to me or who [ ] has produced \_\_\_\_\_ as identification.

Dr. RAFAEL FERNANDEZ LARA  
 Notary Public  
 SEAL



This Document Prepared By:  
 Jose A. Rodriguez, P.A.  
 Jose A. Rodriguez, Esq.  
 150 Alhambra Circle, Suite 1270  
 Coral Gables, Florida 33134  
 Telephone: (305) 445-6600



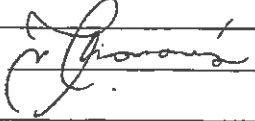
160 REPUBLICA de PANAMA  
1804 \* TIMBRE NACIONAL \*  
1172  
13 10 03  
P.B. 1109  
006.00

### APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. En Panamá el presente documento público
2. ha sido firmado por RAFAEL FERNANDEZ LARA
3. quién actúa en calidad de NOTARIO
4. y está revestido del sello / timbre de LA NOTARIA PUBLICA  
NOVENA DEL CIRCUITO DE PANAMA

### CERTIFICADO

5. En el Ministerio de Relaciones Exteriores 6. el día 13-10-03
7. por EL JEFE DE LEGALIZACIONES Y AUTENTICACIONES
8. bajo el número 106-CG
9. sello / timbre
10. Firma 

123633



Lic. JUAN J. CHAVARRIA G.  
Jefe de Autenticación y Legalización A. L.  
Ministerio de Relaciones Exteriores

{SEAL}  
Republic of Panama  
Foreign Relations Ministry  
Board of Legalization and Authentications

### APOSTILLE

(The Hague Convention of October 5, 1961)

1. In Panama the foregoing public document
2. has been signed by RAFAEL FERNANDEZ LARA
3. who acts in his capacity as Notary Public
4. and is covered by the seal of the Notary Public of the Ninth Circuit of Panama

### CERTIFIED

5. At the Foreign Relations Ministry
6. on October 13, 2003
7. by the Head of Legalization and Authentications
8. under No. 106-CG
9. Seal 123633
10. Signature of Lic. Juan J. Chavarria G.  
Head of Legalization and Authentications  
Foreign Relations Ministry

{SEAL}  
Republic of Panama  
Foreign Relations Ministry  
Board of Legalization and Authentications

OR BK 22016 PG 4517  
LAST PAGEEXHIBIT "A"LEGAL DESCRIPTION

Commence at the Northwest corner of Section 2, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida; thence North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 75.01 feet to the Point of Beginning of the parcel of land hereinafter to be described; thence continue North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 2267.99 feet to a line that is more or less parallel with the Coastal line; thence along said line, South 03 degrees 43 minutes 51 seconds East a distance of 1972.99 feet to the intersection with the South line of the North Half of the South Half of the Northwest Quarter of said Section 2; thence along this line South 89 degrees 11 minutes 31 seconds West a distance of 2,440.79 feet to the West line of said Section 2; thence along said West line South 00 degrees 52 minutes 56 seconds East a distance of 642.98 feet to the South line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, Township 56 South, Range 40 East, Miami-Dade County, Florida; thence along said South line, South 89 degrees 16 minutes 16 seconds West a distance of 674.33 feet to the West line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence North 00 degrees 52 minutes 24 seconds West, a distance of 1,279.38 feet to the South line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence along this line South 88 degrees 43 minutes 09 seconds West a distance of 145.49 feet to the Intersection with the Easterly Right of Way line of OLD CUTLER ROAD (INGRAM HIGHWAY), said line is 35 feet Southeasterly as measured at right angles with the center line of OLD CUTLER ROAD; thence Northeasterly along a curve concave to the Northwest that bears North 60 degrees 14 minutes 28 seconds West a radius of 11494.20 feet, a central angle of 02 degrees 12 minutes 31 seconds, and an arc distance of 443.06 feet to a point of tangency, thence along said Easterly Right of Way line North 27 degrees 33 minutes 01 seconds East a distance of 782.01 feet to the intersection with a line 215.03 feet South of and parallel to the North line of said Section 2 and its Westerly extension; thence North 88 degrees 10 minutes 53 seconds East a distance of 303.96 feet to a point; thence North 00 degrees 52 minutes 56 seconds West along a line 75.01 feet Easterly of the West line of said Section 2 a distance of 215.05 feet to the Point of Beginning. Less that portion of the North 50 feet of the West 975 feet of the Northwest ¼ of Section 2, Township 56 South, Range 40 East, lying within the property, said 50 foot strip having been conveyed to Miami-Dade County for road right of way (per Right of Way Deed recorded in Official Record Book 12888 at Page 1275 of the Public Records of Miami-Dade County, Florida).



## **EXHIBIT C**



## Office of the Town Manager

Rafael G. Casals  
Town Manager

# MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, CFM, Town Manager

Date: February 21, 2018

Re: Cutler Properties– Site Plan Application  
(Application No.: SP-2015-022)

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Cutler Properties, LC is seeking approval of a site plan to permit a 30 single family homes on a ±8.43 gross acre site. A copy of the proposed site plan application is provided in Attachment "B".

## APPLICANT

Cutler Properties, LC

Applicant/Representative: Juan J. Mayol, Jr.  
Holland & Knight  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131  
305-789-7787  
[Juan.mayol@hklaw.com](mailto:Juan.mayol@hklaw.com)

## PROPERTY INFORMATION



10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)





Location: Southeasterly of the intersection of SW 184<sup>th</sup> Street and Old Cutler Road

Folio Number: 36-6003-001-0013

Legal Description: A portion of land in Section 3, Township 56 South, Range 40 East in Miami-Dade County, being more particularly described as follows:

Commence at the Northeast corner of said Section 3; thence S00°52'56"E, as basis of bearing along the East line of the Northeast ¼ of said Section 3 for a distance of 215.05 feet to the point of beginning of the following described parcel of land; thence continue S00°52'56"E along said West line for a distance of 133.28 feet; thence S25°26'43"W for a distance of 83.85 feet; thence S31°25'21"W for a distance of 91.99 feet; thence S12°05'47"W for a distance of 86.85 feet; thence S28°56'34"W for a distance of 155.31 feet; thence S23°43'49"W for a distance of 102.19 feet; thence S24°08'59"W for a distance of 375.62 feet; thence S63°27'40"W for a distance of 85.82 feet; thence S48°01'12"W for a distance of 82.65 feet; thence S07°00'01"W for a distance of 28.73 feet; thence S37°11'21"E for a distance of 69.66 feet; thence S31°54'24"W for a distance of 95.33 feet; thence S36°05'51"W for a distance of 225.55 feet; thence N00°52'54"W for a distance of 299.32 feet; thence S88°43'09"W for a distance of 145.49 feet to a point of intersection with the easterly right-of-way line of Old Cutler Road (Ingram Highway) and also a point of intersection with a non-tangent curve to the left, said curve having a radius of 11494.20 feet and a central angle of 2°12'31" to a point of tangency; thence N27°33'01"E for a distance of 782.01 feet; thence N88°10'53"E along a line 215.03 feet South of and parallel to the North line of the Northeast ¼ of said Section 3 for a distance of 229.19 feet to the point of beginning, containing 367,447.55 square feet, 8.43 acres, more or less.

### RECOMMENDATION

On July 30, 2014 Staff assigned Town Consultant Calvin Giordano and Associates the task of reviewing the proposed site plan.

Enclosed please find Town Consultants findings (ATTACHMENT A) with a recommendation of **approval** for the proposed site plan.

### Attachments:



10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)





- Attachment "A" – Consultants Report
- Attachment "B" – Application
- Attachment "C" – Advertisement, Courtesy Notices, and Posting





***Application No.:***

***SP 2015-022***

**Attachment "A"**

**Consultant Report**

**Cutler Properties, LC**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**



**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: February 21, 2018

To: Rafael Casals, Town Manager/ Kathryn Lyon, Planning & Zoning Director

From: Alex A. David, AICP, Consultant Planner

Subject: Cutler Properties (Application No. SP-2015-022)

Project: Site Plan Approval

CC: Sarah Sinatra Gould, AICP, Consultant Planner

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A REQUEST BY CUTLER PROPERTIES, LC TO PERMIT A 30-UNIT SINGLE-FAMILY HOME DEVELOPMENT GENERALLY LOCATED SOUTHEASTERLY OF OLD CUTLER ROAD AND SW 184 STREET (FOLIO NO. 36-6003-001-0013); PROVIDING FOR AN EFFECTIVE DATE.**

Cutler Properties, LC is seeking approval of a site plan to permit a 30 single family homes on an ±8.43 gross acre site. A copy of the proposed site plan application including the letter of intent is provided in Attachment "B".

### APPLICANT

Cutler Properties, LC

Applicant/Representative: Juan J. Mayol, Jr.  
Holland & Knight  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131  
305-789-7787  
[Juan.mayol@hklaw.com](mailto:Juan.mayol@hklaw.com)

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

### PROPERTY INFORMATION

Location: Southeasterly of the intersection of SW 184<sup>th</sup> Street and Old Cutler Road

Folio Number: 36-6003-001-0013



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

## Memorandum

**Legal Description:** A portion of land in Section 3, Township 56 South, Range 40 East in Miami-Dade County, being more particularly described as follows:

Commence at the Northeast corner of said Section 3; thence S00°52'56"E, as basis of bearing along the East line of the Northeast ¼ of said Section 3 for a distance of 215.05 feet to the point of beginning of the following described parcel of land; thence continue S00°52'56"E along said West line for a distance of 133.28 feet; thence S25°26'43"W for a distance of 83.85 feet; thence S31°25'21"W for a distance of 91.99 feet; thence S12°05'47"W for a distance of 86.85 feet; thence S28°56'34"W for a distance of 155.31 feet; thence S23°43'49"W for a distance of 102.19 feet; thence S24°08'59"W for a distance of 375.62 feet; thence S63°27'40"W for a distance of 85.82 feet; thence S48°01'12"W for a distance of 82.65 feet; thence S07°00'01"W for a distance of 28.73 feet; thence S37°11'21"E for a distance of 69.66 feet; thence S31°54'24"W for a distance of 95.33 feet; thence S36°05'51"W for a distance of 225.55 feet; thence N00°52'54"W for a distance of 299.32 feet; thence S88°43'09"W for a distance of 145.49 feet to a point of intersection with the easterly right-of-way line of Old Cutler Road (Ingram Highway) and also a point of intersection with a non-tangent curve to the left, said curve having a radius of 11494.20 feet and a central angle of 2°12'31" to a point of tangency; thence N27°33'01"E for a distance of 782.01 feet; thence N88°10'53"E along a line 215.03 feet South of and parallel to the North line of the Northeast ¼ of said Section 3 for a distance of 229.19 feet to the point of beginning, containing 367,447.55 square feet, 8.43 acres, more or less.

### BACKGROUND AND ANALYSIS

The proposed development, if approved, will be located on a vacant parcel approximately ±8.43 acres in size. The property is located east of Old Cutler Road, south of SW 184<sup>th</sup> Street and north of theoretical SW 186<sup>th</sup> Street. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be provided by Miami-Dade County. The site currently has access to the County roadway network through Old Cutler Road. As required by Miami-Dade Fire Rescue and with the concurrence of DERM a second access point will be SW 77<sup>th</sup> Avenue to SW 184<sup>th</sup> Street.

Initially, the property owned by the Applicant totaled ± 132 acres in size. As part of the Comprehensive Everglades Restoration Plan (CERP), the eastern ± 123.57 acres were sold to the State of Florida/South Florida Water Management District for the Acceler8 initiative. This Coastal Wetlands project's aim is to expand and restore the wetlands adjacent to Biscayne Bay to enhance the ecological health of Biscayne National Park. It should be noted that the State of Florida/South Florida Water Management District had the option to purchase the remaining ±8.43 acres at that time, however this site was designated as uplands, with no sensitive environmental value. As such, and as confirmed by the SFWMD, this proposed development will take place wholly within non-jurisdictional wetlands.





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

## Memorandum

### Proposed Development Project

The proposed project is a 30-unit, single family development. The proposed density is 3.55 units per gross acre which is less than the 5 units per gross acres permitted under the Town's Low Density Residential Future Land Use Category and corresponding SR Zoning District. The applicant is proposing two model options, A and B. Option A is a two-story unit with 3,317 square feet and Option B is a two-story unit with 3,740 square feet. A central street is proposed with Live Oaks. Three Pigeon Plums are proposed per each lot in the front yard. The existing trees along Old Cutler Road are proposed to remain and a row of additional Pigeon Plums is proposed behind the existing trees.

The residential units abutting Old Cutler Road are designed to have two "fronts" so that there is pedestrian access to and from the Old Cutler Road pedestrian path/bikeway. An additional amenity being proposed is an internal pathway around the property.

The applicant will be required by Miami-Dade Fire Rescue with DERM's concurrence to provide a secondary access to SW 184 Street, although the primary ingress/egress will be Old Cutler Road. The Applicant proposes to dedicate 42 feet as right-of-way for 77<sup>th</sup> Avenue which will be improved with a 5-foot sidewalk and 20 feet of pavement for two lanes for vehicles. DERM has indicated that the remainder of the right-of-way may also be used for a canal or pipe to convey water through the area and that there would be no conflicts.

### Land Development Regulations

Section 3-33 establishes the development standards for the review and approval of site plans in the Town of Cutler Bay. According to this section of the LDRs, no certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. Section 3-33(B) of the Code provides the approval standards used by the Town Council to evaluate a proposed site plan application.

Section 3-55 SR, Single-Family Residential District establishes the permitted uses and development parameters of any development within this zoning district. Cutler Properties as proposed meets the requirements of this section and does not require any variances.

In addition to the above referenced Sections, the proposed development must comply with: Article VII, Landscaping and Tree Preservation; Chapter 18A, Miami-Dade County Code of Ordinances; Article X, Off-Street Parking and Loading Areas; Article XII, Subdivision of Land; Chapter 28, Miami-Dade County Code of Ordinances; and, any other regulations required in order to develop this parcel of land.

### Land Use and Zoning

The Future Land Use Map designation is Low Density Residential-Conservation. This land use category permits 2.5 to 5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms. The proposal is consistent with the property's Future Land Use Designation.





**Calvin, Giordano & Associates, Inc.**  
EXCEPTIONAL SOLUTIONS<sup>SM</sup>

## Memorandum

The development as proposed is consistent with the following Goal and Policies found in the Town's Growth Management Plan:

### Future Land Use Element

#### Goal 1

PROTECT AND IMPROVE THE TOWN'S BUILT AND NATURAL ENVIRONMENT THROUGH THE USE OF LAND IN A MANNER THAT ENHANCES EXISTING NEIGHBORHOODS, CONSERVES RESOURCES, ENSURES THE AVAILABILITY OF PUBLIC FACILITIES AND SERVICES, AND REALIZES THE COMMUNITY'S VISION FOR ITS FUTURE.

Policy FLU-5B: Development and redevelopment in the Town shall provide for pedestrian friendly street design, an interconnected street network and hierarchy to reduce congestion and improve traffic flow, design that promotes the use of non-motorized transportation modes, connectivity to transit, and a range of uses in a compact area to reduce the need for external trips.

Policy FLU-5F: The Town shall require aesthetically pleasing and environmentally sensitive landscaping as an important component of development and redevelopment projects. To the maximum extent feasible, existing on-site native vegetation shall be preserved.

Policy FLU-7C: The Town, through its Land Development Regulations, shall require developers to provide for the necessary on-site infrastructure improvements, including: parking; safe and convenient traffic circulation; sidewalks and multi-modal transportation facilities, as appropriate; open space; water and wastewater connections or facilities, and drainage and stormwater management.

### Transportation Element

Policy T1-1H: The Town shall control vehicular access onto Town and County streets through its Land Development Regulations and site plan review process in order to reduce existing or potential congestion and safety problems. Access Management studies shall be undertaken by the Town and financed by the developers on facilities when appropriate. Access to state highways is controlled by the Florida Department of Transportation.

Policy T1-3L: All requests for development shall be required to install safe and convenient pedestrian and bicycle access, as provided for in the Land Development Regulations.

### Recreation and Open Space

Policy ROS-4C: The Town will promote non-motorized access to all existing and future parks and recreation open spaces within Cutler Bay by creating and improving greenways, trails, bike lanes, sidewalks and improved connectivity between parks and residences, schools, community centers, activity centers and transportation hubs.



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

## Memorandum

### Zoning

This parcel is zoned SR, Single-Family Residential District. The Single-Family Residential District is coded to permit development of new or the completion of previously approved development of lands within the district and/or annexation of conventional single-family residential subdivisions existing or approved prior to the effective date of these regulations.

*Permitted uses include:* Detached single-family dwelling; Group home limited to six resident clients on the premises. (See supplemental regulations for additional requirements.); Family day care home; Single-family zero lot line if based on a site plan approved prior to the adoption of this code. The proposed development meets the standards of the zoning district and all other requirements of the Town and County Codes.

The following Table provides an overview of the land use designations and zoning districts.

FUTURE LAND USE MAP DESIGNATION	EXISTING ZONING DISTRICT
<b>Subject Property:</b>	<b>Subject Property:</b>
Low Density Residential-Conservation	SR, Single-Family Residential
<b>Surrounding Properties:</b>	<b>Surrounding Properties:</b>
<b>North</b> Low Density Residential-Conservation	North SR, Single-Family Residential
<b>South</b> Low Density	South SR, Single-Family Residential CON, Conservation
<b>East</b> Low Density Residential-Conservation Estate Density Residential-Conservation	East CON, Conservation
<b>West</b> Estate Density	West ER, Estate Residential

The following Table provides an overview of the existing conditions surrounding the site.



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

## Memorandum

EXISTING CONDITIONS
<b>Subject Property:</b>
Vacant
<b>Surrounding Properties:</b>
North MDWASD Sewer Pump Station
South Cutler Bay Single-Family Homes and Lake
East SFWMD Conservation Area
West Whispering Pines Single- Family Homes

An aerial photograph (Attachment "B") depicts the location of the property and surrounding uses. The Future Land Use and Zoning Maps are provided in (Attachment "B").

### SITE PLAN APPROVAL EVALUATION CRITERIA (Section 3-33)

In evaluating an approval of a site plan application under the Town's Land Development Regulations, the following evaluation criteria are to apply.

1. The development permitted by the application, if granted, conforms to the Growth Management Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.

**Staff Comment:** *The proposed development is generally consistent with the Growth Management Plan and more specifically with Policy FLU-1D and the associated Low Density Residential Land Use Designation which permits 2.5 to 5 units per gross acre. It will implement the Goal and Policies referenced under the Land Use and Zoning Section of this report.*

2. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any



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

## Memorandum

irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

**Staff Comment:** *The development will have a favorable impact by on the environment and natural resources by buffering the ± 123.57 State owned Comprehensive Everglades Restoration Plan from the already developed areas of the Town. The low-density development, as proposed, will offer a transition to the natural area to the east. The applicant has proffered that there will be reasonable opportunities to harvest and relocate non-invasive, non-exotic plant materials from within the proposed right-of-way.*

3. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town.

**Staff Comment:** *The development if permitted will have a favorable economic impact by expanding the Town's tax base without unduly burdening the Town.*

4. The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.

**Staff Comment:** *The planned development of 30 single family residences has been reviewed in order to determine the impacts on level of service for public facilities. The development as proposed does not negatively impact the referenced public facilities. Miami-Dade County has adequate facilities to provide water, sewer and solid waste disposal, Miami-Dade County Public Schools has reviewed this application and the Town has adequate recreational facilities to provide the recreational needs of this residential community.*

5. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Staff Comment:** *The 30 single-family home residential development will only be accessed via Old Cutler Road and SW 184<sup>th</sup> Street and will not unduly burden the roadways. These two access points will ensure adequate ingress/egress for both automobiles, pedestrians, bicyclists and emergency vehicles.*

### **ADVERTISEMENTS**

See Attachment "C"

### **RECOMMENDATION**

Town Staff recommends approval of the proposed site plan subject to the following conditions.



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

## Memorandum

### **1. General Conditions**

**1.1** The proposed development will be built in accordance with the plans submitted entitled "Old Cutler Road Properties", consisting of 9 sheets and prepared by Dover, Kohl & Partners and dated August 12, 2016; July 19, 2016; February 24, 2017; March 28, 2017; and, July 20, 2017. The survey was prepared by Ludovici & Orange and consists of one page dated 6-4-15.

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

**1.3** The Applicant shall provide a letter acknowledging compliance with the applicable Level of Services requirements prior to the issuance of final permit to the property.

**1.4** Applicant shall submit verification from Miami-Dade County that the proposed new development has been reviewed and approved for all access management considerations prior to the issuance of the final building permit.

**1.5** Flood elevations shall be reviewed and approved for consistency with FEMA requirements and the Town's National Insurance Flood Program Ordinance prior to building permit approval.

**1.6** The Applicant shall comply with applicable conditions and requirements by Miami-Dade County Public Works Department, Fire Rescue Department, the Department of Regulatory and Economic Resources (DRER), the South Florida Water Management District, Army Corps of Engineers and any other regulatory agencies, as applicable.

**1.7** The interior side setback for any principal or accessory building on Lots 1 and 7, as shown on the attached site plan shall not be less than 15 feet, in compliance with South Florida Water Management District or the Miami-Dade RER Division of Environmental requirements.

**1.8** Prior to the issuance of a building permit for a single-family residence, the Applicant shall have commenced construction of the Old Cutler Road pathway. For the purposes of this condition, construction shall be deemed to have commenced once the building's footers have been poured in the ground.

**1.9** Prior to the clearing of any portion of the proposed SW 77<sup>th</sup> Avenue right-of-way, the Applicant shall notify the Town Manager of its intent to clear the area and shall allow a minimum of fifteen (15) days following the notice for the salvaging of non-invasive, non-exotic plant material within the specified area only to be cleared. Any person desirous of salvaging plant materials must first request authorization from the property owner, which authorization shall not be unreasonably withheld. The Town shall maintain a list of persons interested in salvaging material and shall notify them immediately upon receipt of the notice.

**1.10** That the public common space/path be "required" and not "optional". The public common/path shall be open to the public and connected to SW 184 Street and Old Cutler Road shared-use path.

**1.11** If necessary, the property shall be completely de-mucked prior to the unloading of clean fill.



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

## Memorandum

**1.12** The applicant must plat the property.

**1.13** A draft Declaration of Restrictions or similar recorded document shall be submitted to the Town for review prior to final approval of the application.

**1.14** The Applicant shall construct and be responsible for any required mitigation whether onsite, offsite or monetary as a result of the construction of SW 77<sup>th</sup> Avenue. Construction of SW 77<sup>th</sup> Avenue shall meet design requirements stated in section 3-134 of the Town Code.

## **2. Construction General Conditions**

### **2.1 Construction Staging**

**2.1.1** The Applicant shall submit a construction staging plan for review and approval prior to commencement of construction.

**2.1.2** A Construction and Maintenance of Traffic (MOT) Plan shall be provided by the Applicant to the Building and Public Works Departments for approval prior to start of construction. Access points by construction vehicles shall be provided within the MOT. All construction vehicles must use Old Cutler Road, unless otherwise approved by the Department.

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

**2.3** A Construction, Demolition and Materials Management Plan (CDMMP) must be submitted by the Applicant at time of building permit.

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

**2.5** Construction shall only take place Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m.

## **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).





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

## Memorandum

**3.2** The property shall be landscaped in accordance with the landscape plan, included with the site plan submittal.

**3.3** The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with DRER requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DRER requirements.

#### **4. Traffic**

**4.1** That the Applicant perform traffic monitoring of the site generated trips for the new Cutler Properties development the year after the final Certificate of Occupancy is issued. Should the actual number of site generated vehicle trips for the development exceed 10% of the number of projected vehicle trips calculated in the original traffic study, the Applicant shall pay for traffic mitigation improvements to ameliorate the condition. The Applicant shall pay all costs including consultant services for design and permitting (approvals) and traffic improvement construction costs. The Applicant will coordinate with the Town of Cutler Bay and/or their Consultant to establish a traffic study methodology for the travel time and delay study for Old Cutler Road between SW 168<sup>th</sup> Street and SW 87<sup>th</sup> Avenue and SW 184<sup>th</sup> Street between SW 87<sup>th</sup> Avenue and SW 97<sup>th</sup> Avenue.

**4.2** No delivery trucks shall use the local neighborhood roads as a route to reach the property.

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

**5.1** The minimum required number of parking spaces per unit shall be two (2).

**5.2** The Applicant shall install and maintain light fixtures which project the light rays directly to the street, 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.

**5.3** 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.

**5.4** At the time of platting, the Owner/Applicant shall cause the establishment of a special taxing district pursuant to Chapter 18 of the Miami-Dade County Code to provide for the installation and maintenance of street lighting within the proposed subdivision.

#### **6. Environmental**

**6.1** 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.



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

## Memorandum

**6.2** All storm water shall be retained inside the property. All storm water drainage systems shall be maintained in working at all times in order to avoid localize flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.

### **7. Signs**

**7.1** Provide the Signage Plan, if any, prior to submitting for building permit approval.

**7.2** All signs should be consistent with the Town's Sign Regulation in Article VIII of the Town Code.

### **8. Building**

**8.1** 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.

### **9. Enforcement**

**9.1** 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.





***Application No.:***

***SP 2015-022***

**Attachment "B"**

**Application**

**Cutler Properties, LC**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

# Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.769.7799  
Holland & Knight LLP | www.hklaw.com



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

VIA HAND DELIVERY

July 25, 2016

Mr. Alex A. David, AICP  
Planning and Zoning, Interim Director  
Department of Community Development  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

**Re: Cutler Properties, LC / Folio No. 36-6003-001-0013 / Revised Letter of Intent for Site Plan Approval (Originally Submitted 10.16.15)**

Dear Alex:

This law firm represents Cutler Properties, LC ("Applicant"), the owner of the property abutting Old Cutler Road located just south of SW 184 Street to approximately SW 185 Terrace, in the Town of Cutler Bay ("Cutler Bay"), further identified by Miami-Dade County Folio No. 36-6003-001-0013 (the "Property").

This letter shall serve as the Applicant's revised letter of intent for site plan approval, pursuant to Section 3-33 of the Town of Cutler Bay Land Development Regulations (the "Revised Application"). As you may be aware, the Applicant previously withdrew a request for the re-designation and rezoning of the Property. As reflected in the accompanying site plan, the Applicant wishes to proceed with the development of the Property in accordance with the current "Low Density" land use designation and "Single-Family Residential District (SR)" zoning.

The Property consists of approximately 8.43 acres of land abutting Old Cutler Road. The Property is currently vacant and unimproved and enjoys a privileged location that is ideally suited for residential development. The approval of the proposed site plan would be consistent with the character of the community and consistent with adjacent future land use designations.

Accompanying this application are elevations, floor plans, landscape plans (the "Updated Plans"), as prepared by Dover, Kohl & Partners and Chael Cooper & Associates, dated July 19, 2016, and consisting of 6 sheets.

As shown in the Updated Plans, the Applicant is proposing to redevelop the Property into a first-class residential neighborhood that will consist of thirty (30) single-family homes (the "Project"). The Project will incorporate beautiful architecture, world-class urban design elements, and high-end materials and finishes that will enhance the attractiveness and visual appeal of the surrounding neighborhood. The Project will provide sufficient off-street parking spaces to accommodate the Project's potential operational demand. The Project will also feature meticulously landscaped open spaces, a signature entrance, and extensive sidewalks around the Property.

Mr. Alex A. David, AICP  
Planning and Zoning, Interim Director  
July 25, 2016  
Page 2

Pursuant to Section 33-3(B) of the Town of Cutler Bay Land Development Regulations, in considering approval or disapproval of a site plan, the Town Council shall use the following criteria in making their decision:

1. The development permitted by the application, if granted, conforms to the Growth Management Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.

*The Applicant intends to build the Project under the current Low Density land use designation and Single-Family Residential District (SR) zoning. In fact, the proposed density of development is significantly less than allowed under the land use designation. The Project will help to meet the needs of the Town's growing diverse community, by contributing to the Town's economic prosperity and viability by creating much-needed jobs, improving access to quality housing, cultivating the aesthetic character of the surrounding neighborhood, preserving property values, and increasing the Town's ad valorem tax base. The Project will meet the primary intention of the Growth Management Plan and the respective goals, objectives, and policies, which ultimately serve to protect the public health, safety, and welfare of the Town and its residents.*

2. The development permitted by the application, if granted will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

*The development of the Project will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay. In addition with the beautiful design elements of the Project, the Project will also feature meticulously landscaped open spaces and plentiful views of the restored land adjacent to the Property. The lower lying lands to the east of the Property are the subject of an on-going environmental restoration project. The Project serves to enhance these efforts by providing access for the public to view the flora and fauna of the restored lands, and providing opportunities for trail/boardwalk connections. The Project also encompasses extensive sidewalks and a multi-use trailway that will improve the Town's transportation infrastructure and help to encourage transit ridership, bicycling, and a quality pedestrian.*

3. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town.

*The Project will have a favorable impact on the economy of the Town by creating much-needed jobs, improving access to quality housing, preserving property values, and increasing the Town's ad valorem tax base. Furthermore, the Project will help to provide a northeastern gateway into the Town of Cutler Bay.*

Mr. Alex A. David, AICP  
Planning and Zoning, Interim Director  
July 25, 2016  
Page 3

4. The development permitted by the application, if granted will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.

*The Project will efficiently use and contribute to necessary public facilities, through both improvements and impact fees and ad valorem taxes generated. Connection with water and sewer is available or may be readily available at the Applicant's expense. The Applicant will also meet or exceed County requirements to ensure adequate facility capacity for the development. The proposed Project also encompasses extensive sidewalks and a multi-use trailway that will serve to improve the Town's transportation infrastructure and help to encourage transit ridership, bicycling, and a quality pedestrian.*

5. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public roads or private roads, streets or highways.

*The Project will efficiently use, and will not unduly burden public transportation facilities. All public services and facilities, including transit services, required to serve the Property are available or can be made available to the Property. The unification of the Property into one unified site plan will also reduce traffic congestion and improve traffic circulation both internally to the Project and in the surrounding community, as it will be compact and highly connected for those traveling on foot, bicycle, or car.*

In summary, we believe that the proposed Revised Application represents a compatible and eminently reasonable development proposal that will serve to beautify the surrounding neighborhood and provide residents with first-class housing options. Based on the foregoing, we look forward to your favorable recommendation. Should you have any questions or concerns regarding this Application, please do not hesitate to phone my direct line at (305) 789-7783.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Hugo P. Arza, Esq.

Enclosures



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING

**APPLICATION FOR SITE PLAN APPROVAL**

**LIST ALL FOLIO #S:** 36-6003-001-0013

**DATE RECEIVED:** \_\_\_\_\_

**PROPOSED PROJECT NAME:** Old Cutler Village

- 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).

Cutler Properties, LC (owner)

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

Mailing Address: 1300 Brickell Avenue

City: Miami, Florida State: FL Zip: 33131 Phone#: (305) 789-7783

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

Owner's Name (Provide name of ALL owners): SAME

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

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

Name: Hugo P. Arza, Esq. Company: Holland & Knight, LLP

Mailing Address: 701 Brickell Avenue, Suite 3300

City: Miami State: FL Zip: 33131

Phone# 305-789-7783 Fax# (305) 789-7799 E-mail: hugo.arza@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).

\_\_\_\_\_  
Please see Exhibit "A"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
East of Old Cutler Road from just south of SW 184 Street to approximately SW 185 Terrace  
\_\_\_\_\_  
\_\_\_\_\_

**7. SIZE OF PROPERTY** (in acres): +/- 8.43 (divide total sq. ft. by 43,560 to obtain acreage)**8. DATE PROPERTY** ☒ acquired ☐ leased: October 2003**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.

\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





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)

12. PRESENT ZONING AND FLU CLASSIFICATION: FLU- Low Density; Present Zoning: SR

\*\* Pending Land Use application for re-designation to Mixed Use\*\*

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

Site plan approval for development of Property as a mixed use (commercial/retail/ residential project); please see Letter of Intent for more information

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:

No

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

Use: Vacant Year:



**18. Submitted Materials Required:**  
**Please check all that Apply:**

- ☐ Substantial Improvement
- ☒ Letter of Intent
- ☒ Justifications for change
- ☐ Statement of hardship
- ☒ Proof of ownership or letter from owner
- ☐ Power of attorney
- ☐ Contract to purchase (if applicable)
- ☒ Current survey (2 original sealed and signed and 10 reduced 11x17 copies)
- ☒ Complete set of plans 24'x36", scale 1'=50' (2 original sealed and signed and 10 reduced 11x17 copies)
- ☐ Colored rendering of all 4 sides of each proposed building (if applicable)
- ☐ 20% Property owner signatures (if required)
- ☐ Mailing Labels (set amount depends on number of hearings) and map (if required)
- ☒ Required Fee(s)
- ☐ Plans must be approved by Miami-Dade County Fire and Rescue Department with an original stamp and signature from the Fire Dept.
- ☐ Necessary documentation from DERM and WASD





**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), Eduardo Imery, 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: \_\_\_\_\_

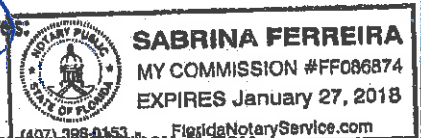
(Corp. Seal)

Sworn to and subscribed to before me  
This 2 day of Oct., 2015

[Signature]  
Authorized Signature  
Office Held

Notary Public: [Signature]

Commission Expires: \_\_\_\_\_





### 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 or 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: \_\_\_\_\_

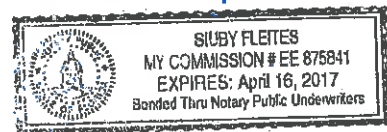
### ATTORNEY AFFIDAVIT

I, Hugo P. Arza, 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.

[Signature]  
Signature

Sworn to and subscribed to before me  
This 15<sup>th</sup> day of Oct., 2015

Notary Public: [Signature]  
Commission Expires: \_\_\_\_\_





### 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. **THE APPLICANT IS RESPONSIBLE FOR TRACKING THE STATUS OF THE APPLICATION AND ALL HEARINGS THAT MAY BE ASSOCIATED WITH THIS APPLICATION.**

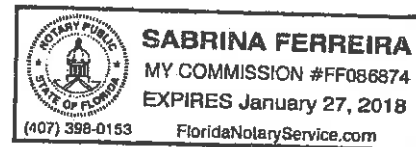
(Applicant's Signature)

Sworn to and subscribed before me this 2 day of October, 2015.

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

(Notary Public)

My Commission Expires: 1/27/18



**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.

Cutler Properties, LC

Corporation Name

Name, Address and Office

Percentage of stock

See Exhibit B

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

**EXHIBIT "B"**  
**DISCLOSURE OF INTEREST**

Cutler Properties, LC  
Corporation Name

Name, Address and Office

Percentage of stock

Dempsey Florida Properties, LC

99% of Cutler Properties, LC

Edgardo DeFortuna

99% of Dempsey Florida Properties, LC

Ana DeFortuna

1% of Dempsey Florida Properties, LC

Bay Cut Properties, LLC

1% of Cutler Properties, LC

Edgardo DeFortuna

99% of Bay Cut Properties, LLC

Ana DeFortuna

1% of Bay Cut Properties, LLC



### 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: 10/2/15 Public Hearing No. \_\_\_\_\_

Full Name:

☒ Mr. ☐ Mrs. ☐ Ms. Eduardo Imery, as an Authorized Representative of Cutler Properties, LC

Current Address: 1300 Brickell Avenue City: Miami

State: Florida Zip: 33131 Telephone Number ( 305 ) 789-7783

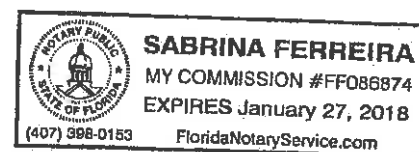
Date of Birth: 10/24/77

[Signature]  
Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 2 DAY OF October 2015

[Signature]  
Notary Public, State of Florida at Large

My Commission expires January 27, 2018



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

10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)





Date 10/2/15

I, Eduardo Imery hereby acknowledge that

I received the Town of Cutler Bay's Lobbyist Forms Packet which includes

- Lobbyist Registration Form
- Cutler Bay Ordinance 07-02
- Principal (Client) Disclosure Form
- Lobbyist Expenditure Form
- Lobbyist Withdrawal Form

and will comply with Town Ordinance 07-02 and the Miami Dade County

Lobbyist requirements ([www.miamidade.gov/ethics](http://www.miamidade.gov/ethics))

"I, the undersigned, do hereby depose under oath and say that this information is true and correct."

Eduardo Imery  
Signature

Eduardo Imery  
Print Name

State of Florida, County of Miami - Dade

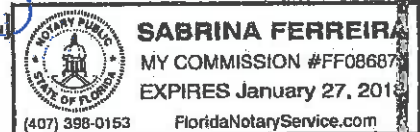
Sworn to and subscribed before me this 2

day of October, 2015. Notary Public

☒ Personally Known or ☐ Produced ID

Type of ID Produced: \_\_\_\_\_

[SEAL]



Office Use Only:

Application Number: \_\_\_\_\_



## EXHIBIT "A"

## LEGAL DESCRIPTION

Commence at the Northwest corner of Section 2, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida; thence North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 75.01 feet to the Point of Beginning of the parcel of land hereinafter to be described; thence continue North 88 degrees 10 minutes 53 seconds East, along the North line of said Section 2, a distance of 2267.99 feet to a line that is more or less parallel with the Coastal line; thence along said line, South 03 degrees 43 minutes 51 seconds East a distance of 1972.99 feet to the intersection with the South line of the North Half of the South Half of the North Half of the Northwest Quarter of said Section 2; thence along this line South 89 degrees 11 minutes 31 seconds West a distance of 2,440.79 feet to the West line of said Section 2; thence along said West line South 00 degrees 52 minutes 56 seconds East a distance of 642.98 feet to the South line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, Township 56 South, Range 40 East, Miami-Dade County, Florida; thence along said South line, South 89 degrees 16 minutes 16 seconds West a distance of 674.33 feet to the West line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence North 00 degrees 52 minutes 24 seconds West, a distance of 1,279.38 feet to the South line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 3; thence along this line South 88 degrees 43 minutes 09 seconds West a distance of 145.49 feet to the Intersection with the Easterly Right of Way line of OLD CUTLER ROAD (INGRAM HIGHWAY), said line is 35 feet Southeasterly as measured at right angles with the center line of OLD CUTLER ROAD; thence Northeasterly along a curve concave to the Northwest that bears North 60 degrees 14 minutes 28 seconds West a radius of 11494.20 feet, a central angle of 02 degrees 12 minutes 31 seconds, and an arc distance of 443.06 feet to a point of tangency, thence along said Easterly Right of Way line North 27 degrees 33 minutes 01 seconds East a distance of 782.01 feet to the intersection with a line 215.03 feet South of and parallel to the North line of said Section 2 and its Westerly extension; thence North 88 degrees 10 minutes 53 seconds East a distance of 303.96 feet to a point; thence North 00 degrees 52 minutes 56 seconds West along a line 75.01 feet Easterly of the West line of said Section 2 a distance of 215.05 feet to the Point of Beginning. Less that portion of the North 50 feet of the West 975 feet of the Northwest ¼ of Section 2, Township 56 South, Range 40 East, lying within the property, said 50 foot strip having been conveyed to Miami-Dade County for road right of way (per Right of Way Deed recorded in Official Record Book 12888 at Page 1275 of the Public Records of Miami-Dade County, Florida).

## CUTLER PROPERTIES, LC

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

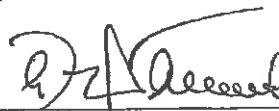
Re: Letter of Authorization for Cutler Properties, LC Site Plan Application

Dear Ms. Lyon:

Please allow this letter to serve as the letter of authorization to allow Eduardo Imery, Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Mike Freire, as authorized representatives, to represent Cutler Properties, LC, the owner of the property identified by Miami Dade County Folio No. 36-6003-001-0013 (the "Property"), in the site plan application for the Property described in Exhibit "A" attached hereto, and in all public hearings and meetings related thereto.

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

Sincerely,

  
 Name: EDGARDO DE FORTUNA  
 Title: MEMBER

The foregoing instrument was acknowledged before me this 2 day of October, 2015, by Edgardo De Fortuna, as \_\_\_\_\_, of Cutler Properties, LC. He/She is personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

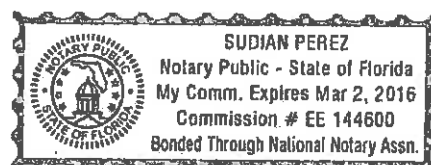
  
 Notary Public, State of Florida

Name: SUIDAN PEREZ

Commission Number: EE 144600

My Commission Expires: 3-2-2016

[Notary Seal]



**Professional (Individual or Corporation)****PROFESSIONAL PREPARER'S STATEMENT OF LANDSCAPING COMPLIANCE****PROCESS NUMBER**

Legal description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision:  
 P.B. \_\_\_\_\_ Page \_\_\_\_\_ Development name: Old Cutler Village

We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Ordinance 98-13 (landscape ordinance) as to species, height, trunk width and location at time of planting, and that the species as shown are in accordance with the accepted species approved by Miami Dade County and that none of the species are from the prohibited list.

I/We hereby certify as an arborists and/or landscape architect that there are/are no (circle one) specimen trees on the property.

Additionally automatic sprinkler systems (if applicable) comply with requirement of said ordinance as to type of heads, spray system, location, etc.

I/We further certify that I/We am/are authorized under Chapter 481, Florida statutes to prepare and submit this landscaping/irrigation plan.

  
 Professional Preparer's Signature

Seal:

**Andrew Witkin**  
**Witkin Hults Design Group**  
**307 S. 21<sup>st</sup> Avenue**  
**Hollywood, FL 33020**  
**License #889**

**STATE OF FLORIDA**  
**COUNTY OF BROWARD**

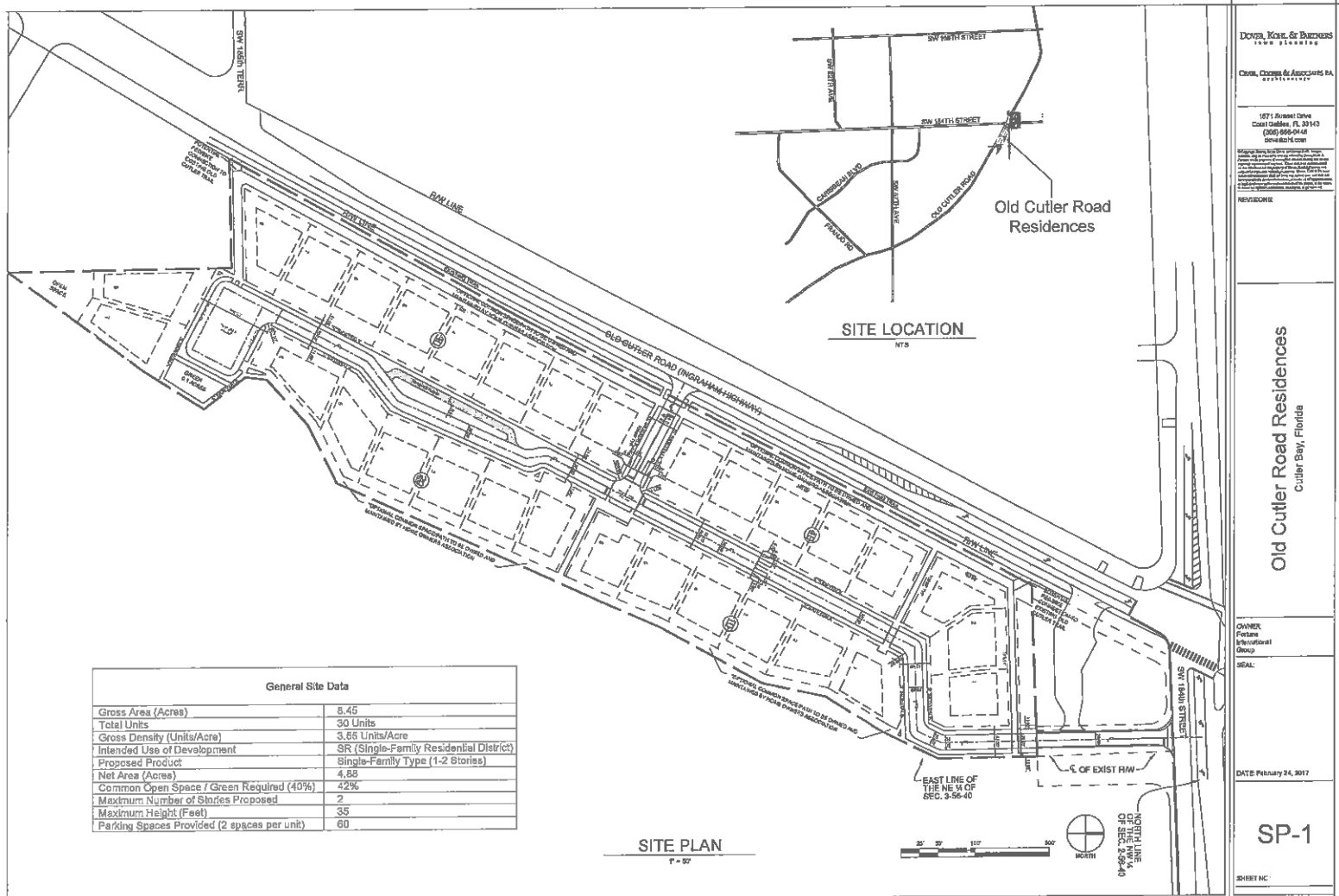
The foregoing instrument was acknowledged before me this **7<sup>th</sup> of October, 2015**, by **Andrew Witkin**, of **Witkin Hults Design Group**, a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

Witness my signature and official seal this **7<sup>th</sup> of October, 2015** in the County and State aforesaid, the date and year last aforesaid.

My commission expires: 3/25/19

  
 Jenney Gonzalez  
 Notary Public Signature





# Zoning Legend comparing the requirements of the SR Single-Family Residential District to the characteristics of Old Cutler Road Residences

## SR, SINGLE-FAMILY RESIDENTIAL DISTRICT REQUIREMENTS:

### TOWN OF CUTLER BAY - ADOPTED LAND DEVELOPMENT REGULATIONS

(Amended, Ordinance No. 13-12, November 20, 2013)

The Single-Family Residential District is used to permit development of new or the completion of previously approved development of lots within the district under provisions of conventional single-family detached subdivisions existing or approved prior to the effective date of these regulations.

- (1) Permitted Uses
- (a) Detached Single-Family Dwelling
  - (b) Group Home limited to six (6) resident clients on the premises (See supplemental regulations for additional requirements)
  - (c) Family Day Care Home
  - (d) Single-Family Zone Lot Line if based on a site plan approved prior to the adoption of this code.

### (2) Table of Standards

Standard	SR
Minimum Lot Area (square feet)	7,500
Maximum Density (units per acre)	3
Minimum Unit Size (square feet)	1,300
Maximum Height (feet)	35
Number of stories	2
Principal Structure Setbacks (feet)	
Front	25
Side Eject	15
Interior Side	5
Rear	15
Minimum Spacing Between Buildings	10
Maximum Impervious Surface Coverage (percent)	80
Minimum Lot Width (feet)	75
Minimum Lot Depth (feet)	100
Minimum Open Space (percent)	40
Accessory Structure Setbacks	
Front	25
Side Eject	15
Interior Side	5
Rear	15

(3) No more than 40 percent of the frontage of a lot in the SR zoning district shall be covered by asphalt, concrete or pavers. The 40 percent includes the driveway, an entrance walkway from the edge of property line to the principal structure.

(4) Typical SR Site Plan, See Graphic IV-2.

## Characteristics of Old Cutler Road Residences

### Old Cutler Road Residences Description

Old Cutler Road Residences features a pedestrian-friendly, walkable, street-oriented design.

### (1) Permitted Uses

- Detached Single-Family Dwelling
- Group Home limited to six (6) resident clients on the premises (See supplemental regulations for additional requirements)
- Family Day Care Home
- Single-Family Zone Lot Line if based on a site plan approved prior to the adoption of this code.

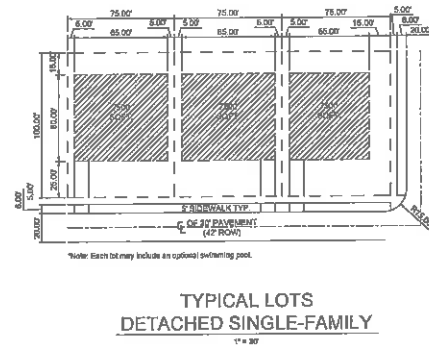
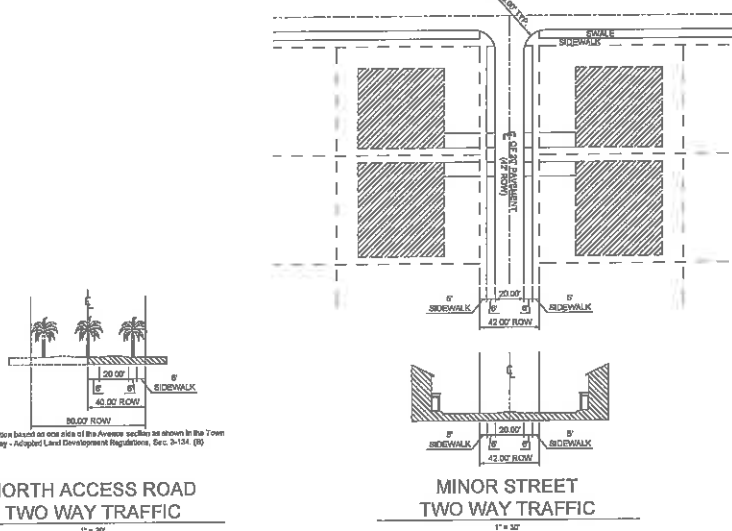
### (2) Table of Standards

Standard	In Old Cutler Road Residences
Minimum Lot Area (square feet)	7,500
Maximum Density (units per acre)	3.65
Minimum Unit Size (square feet)	> 1,300
Maximum Height (feet)	35
Number of stories	2
Principal Structure Setbacks (feet)	
Front	25
Side Eject	15
Interior Side	5
Rear	15
Minimum Spacing Between Buildings	10
Maximum Impervious Surface Coverage (percent)	80
Minimum Lot Width (feet)	75 feet minimum for rectangular lots; 75 feet minimum average for irregular lots
Minimum Lot Depth (feet)	100 feet minimum for rectangular lots; 100 feet minimum average for irregular lots
Minimum Open Space (percent)	40
Accessory Structure Setbacks	
Front	25
Side Eject	15
Interior Side	5
Rear	15

(3) No more than 40 percent of the frontage of a lot in the SR zoning district shall be covered by asphalt, concrete or pavers. The 40 percent includes the driveway, an entrance walkway from the edge of property line to the principal structure.

(4) Typical SR Site Plan, See Graphic IV-2.

(4) Typical SR Site Plan, See Graphic IV-2.



DOVER, KIRK, & BARNES  
LAND PLANNING

CIVIL, CIVIL & ARCHITECTURAL  
CONSULTANTS

1371 Summit Drive  
Coral Gables, FL 33145  
(305) 444-6449  
dover@dkb.com

REVISIONS

Old Cutler Road Residences  
Cutler Bay, Florida

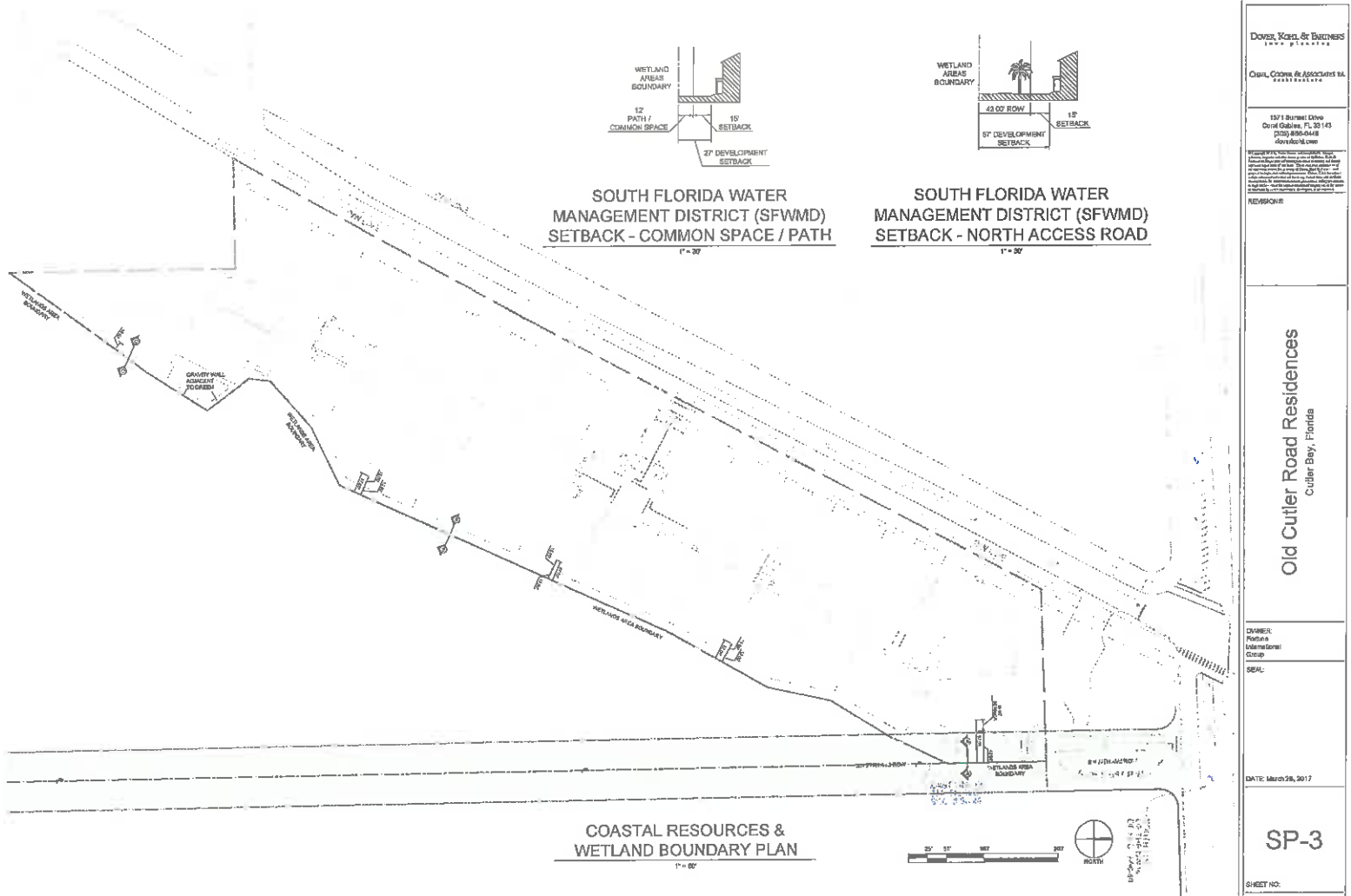
OWNER:  
Fortuna  
International  
Group

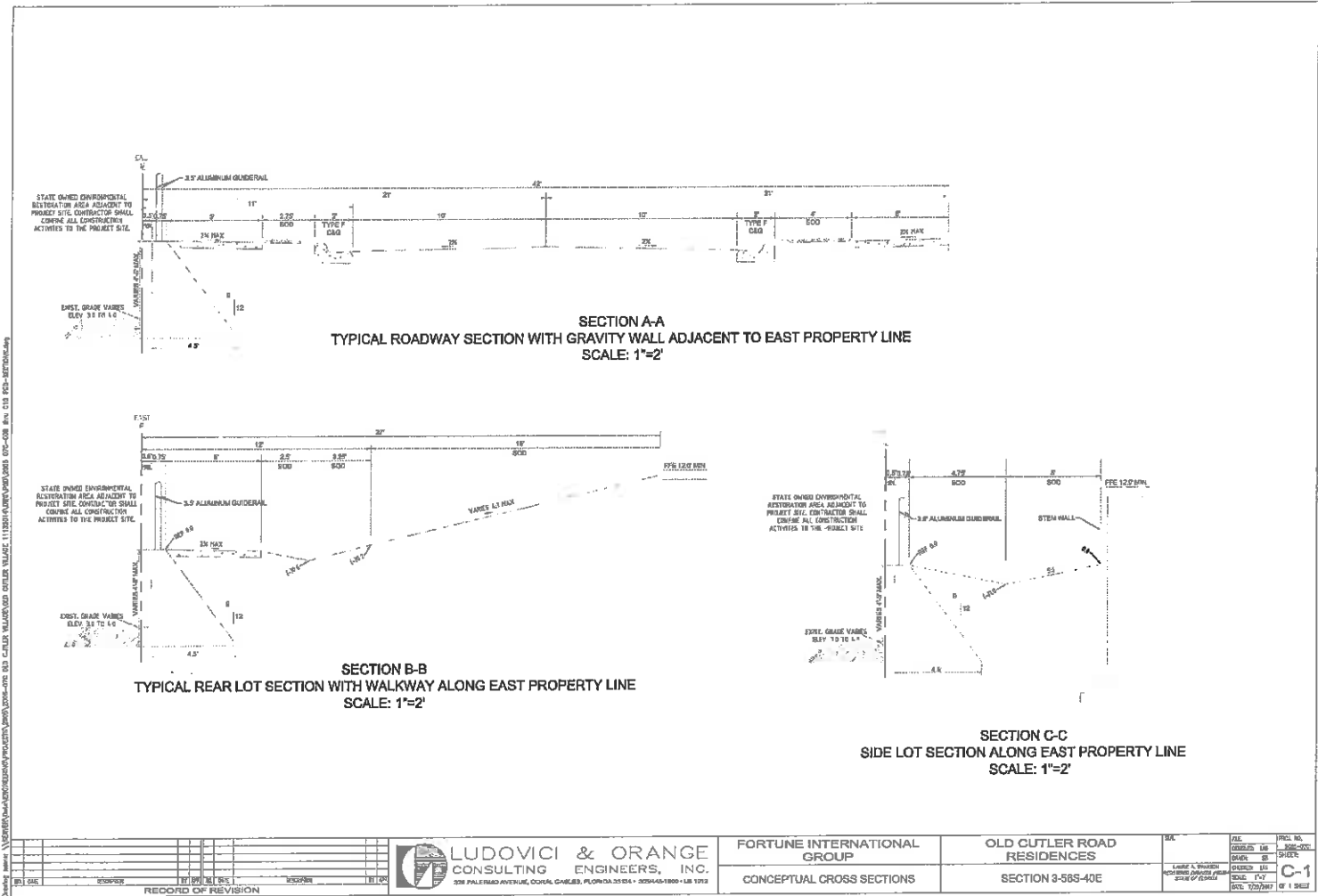
BDL

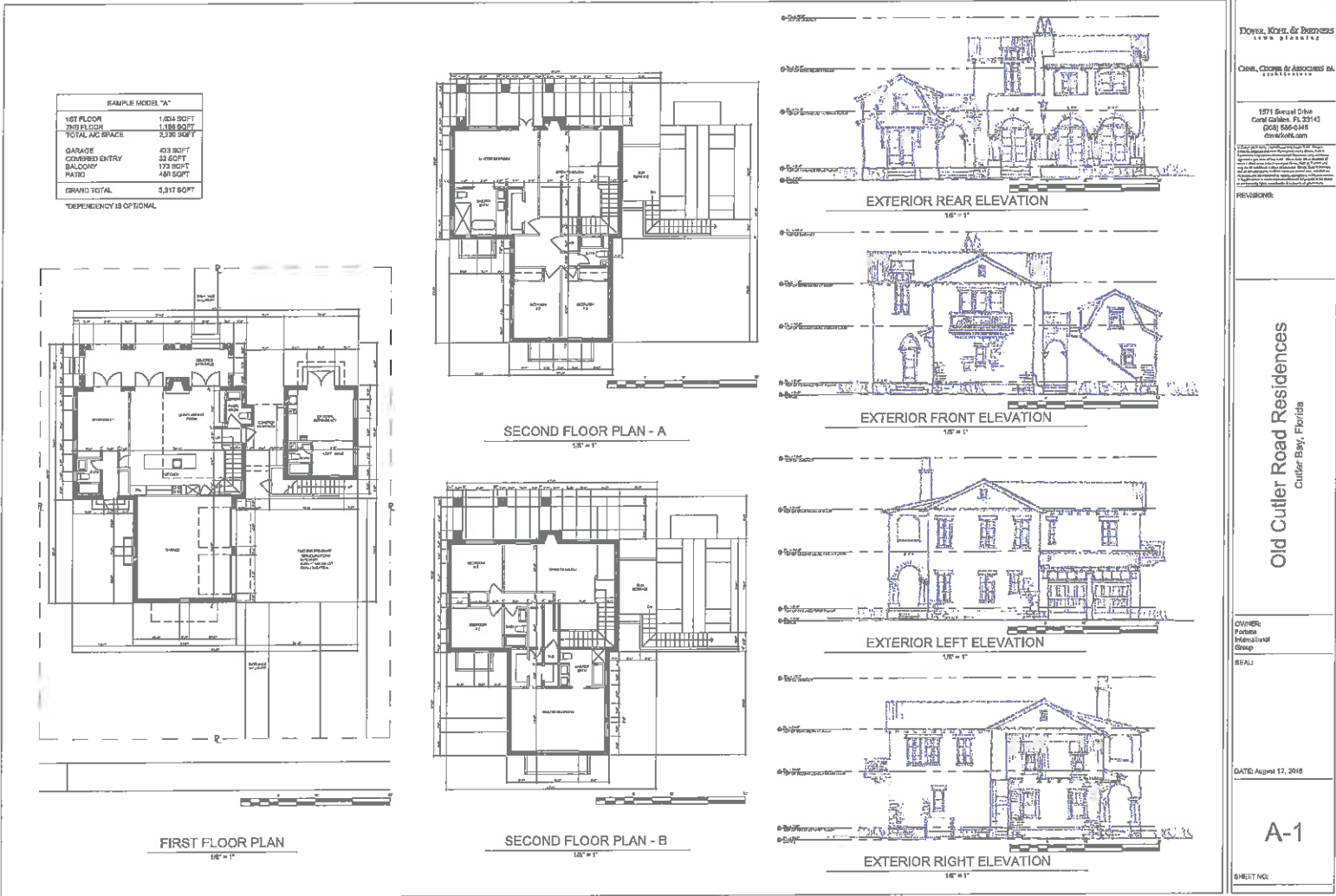
DATE: August 12, 2015

SP-2

SHEET NO:

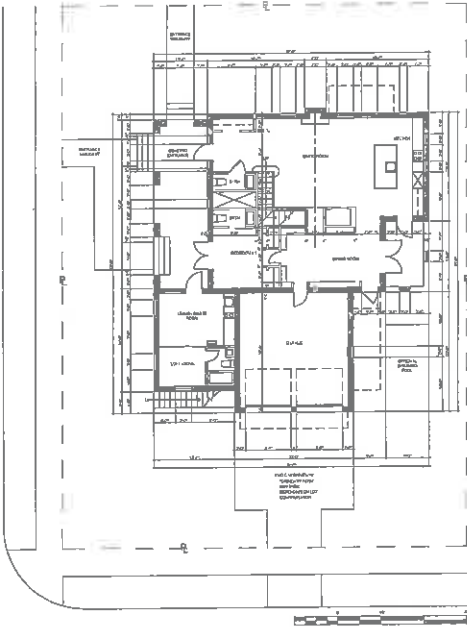




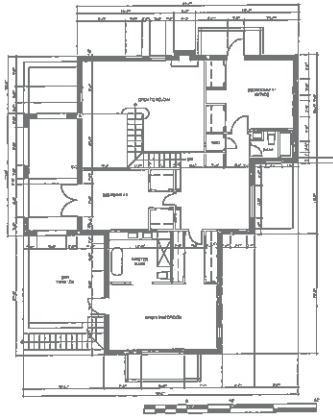




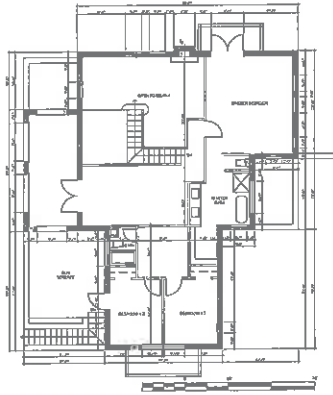
SAMPLE MODEL "B"	
1ST FLOOR	1,345 SQFT
2ND FLOOR	1,100 SQFT
TOTAL AG SPACE	2,445 SQFT
GARAGE	
COVERED ENTRY	430 SQFT
BALCONY	330 SQFT
PATIO	158 SQFT
GRAND TOTAL	3,363 SQFT



FIRST FLOOR PLAN  
1/8" = 1'



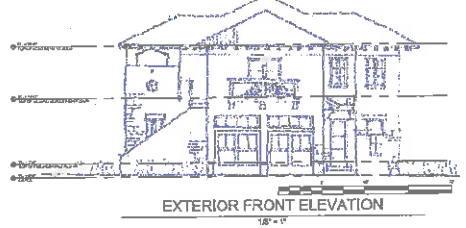
SECOND FLOOR PLAN - A  
1/8" = 1'



SECOND FLOOR PLAN - B  
1/8" = 1'



EXTERIOR REAR ELEVATION  
1/8" = 1'



EXTERIOR FRONT ELEVATION  
1/8" = 1'



EXTERIOR LEFT ELEVATION  
1/8" = 1'



EXTERIOR RIGHT ELEVATION  
1/8" = 1'

DOVER, KORN & BARNHART  
ARCHITECTS

1571 Sunset Drive  
Coral Gables, FL 33143  
(305) 441-0444  
doverkorn.com

1571 Sunset Drive  
Coral Gables, FL 33143  
(305) 441-0444  
doverkorn.com

REVISIONS:

Old Cutler Road Residences  
Cutler Bay, Florida

OWNER:  
Fishes  
Henderson  
Group

SCALE:

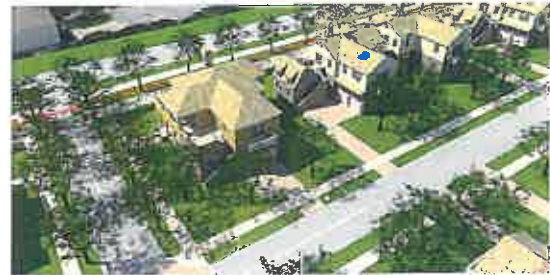
DATE: August 12, 2014

A-2

PROJECT NO:



View of sample models "A" and "B" from Old Cutler Road



View of sample models "B" and "A" from interior street



View of the entrance from Old Cutler Road



Pedestrian walk along eastern edge



Pedestrian-friendly, traffic-calmed street geometry

DAVIS, BROWN & DODD  
ARCHITECTS  
1271 South Orange  
Avenue, Suite 100  
Orlando, FL 32806  
(407) 850-0000  
www.davisbrown.com

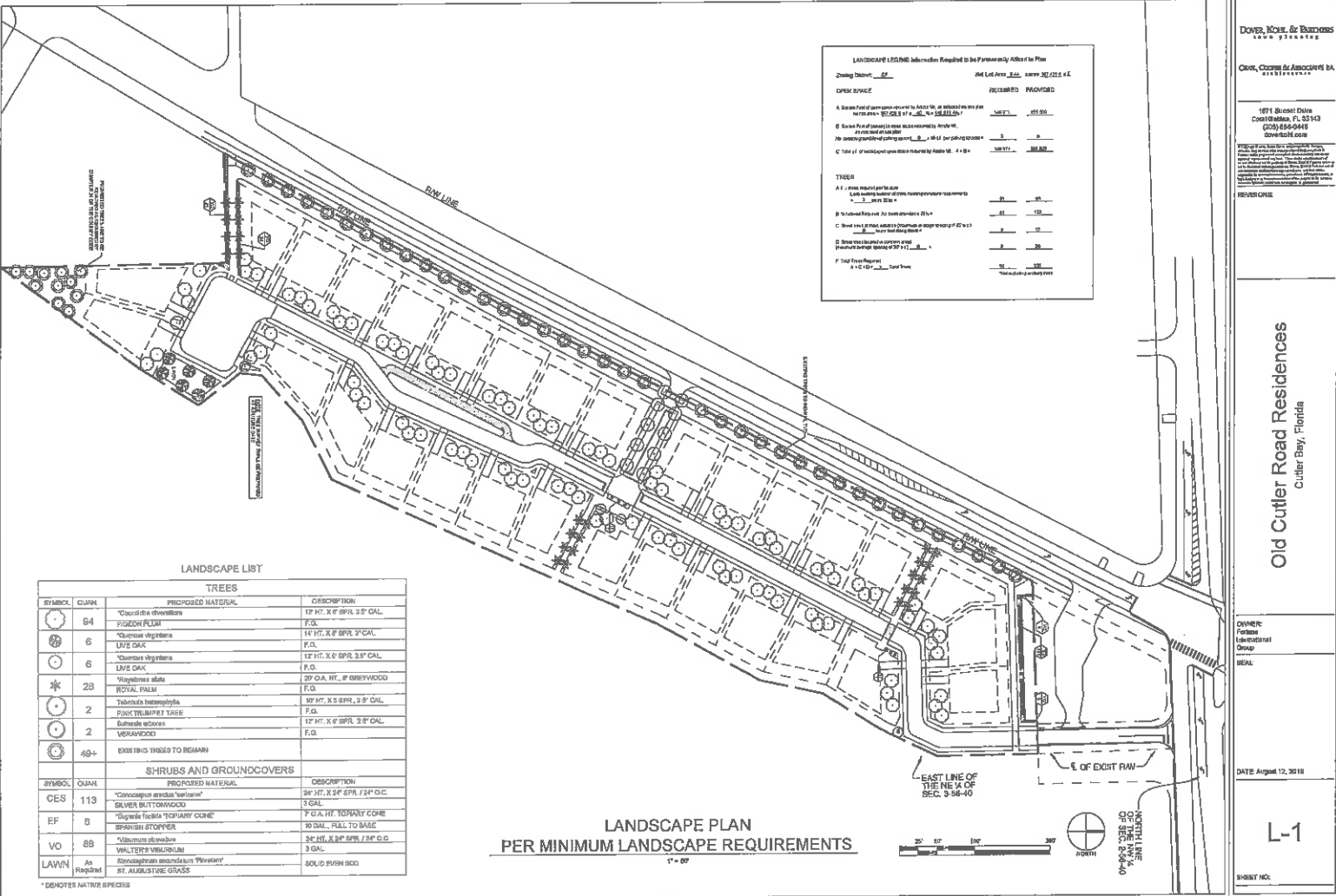
Old Cutler Road Residences  
Old Cutler Road, Florida

PROJECT  
Name  
Address  
Date

REVISIONS  
DATE  
BY  
REASON

REN-1

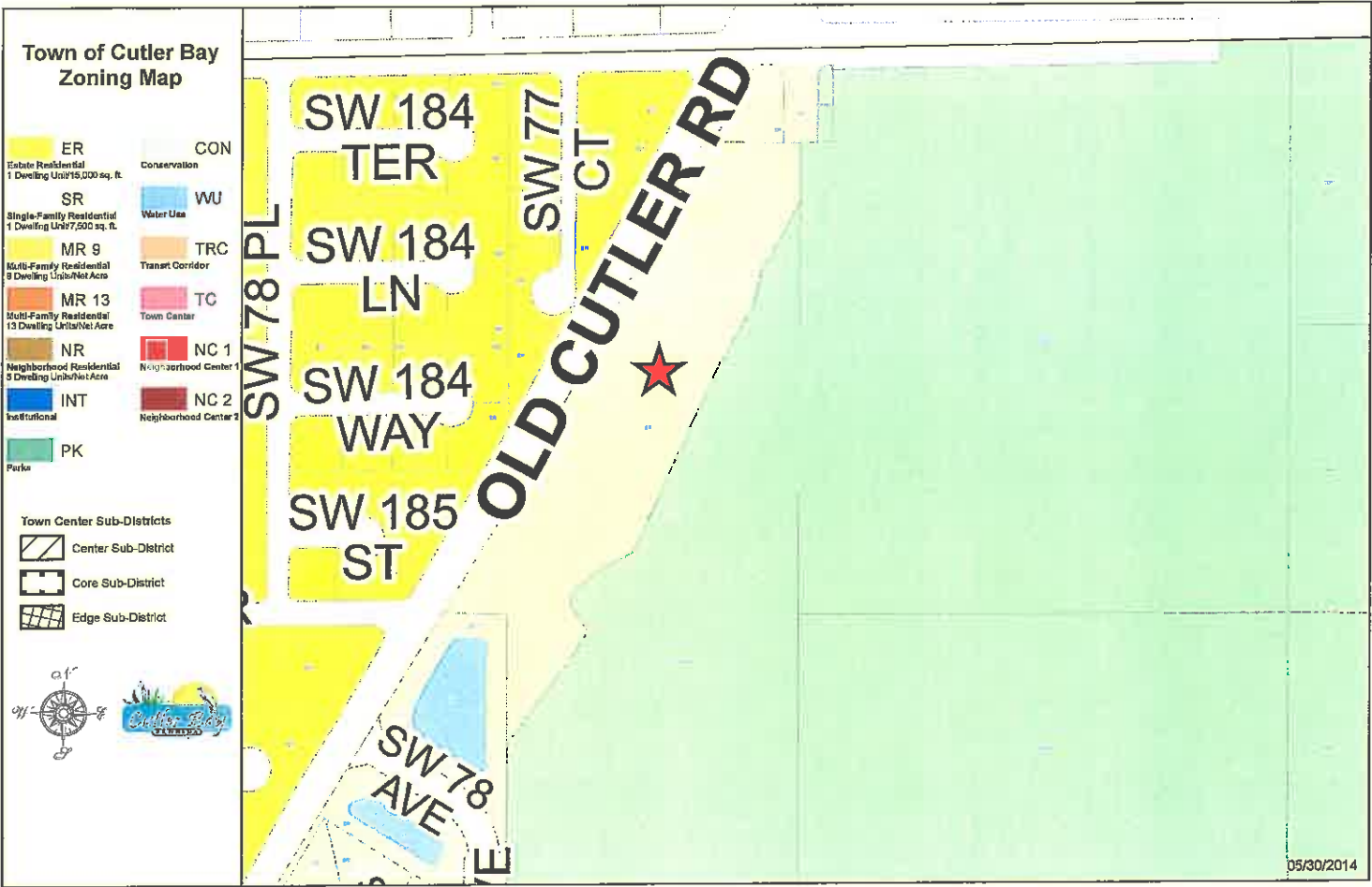
PROJECT



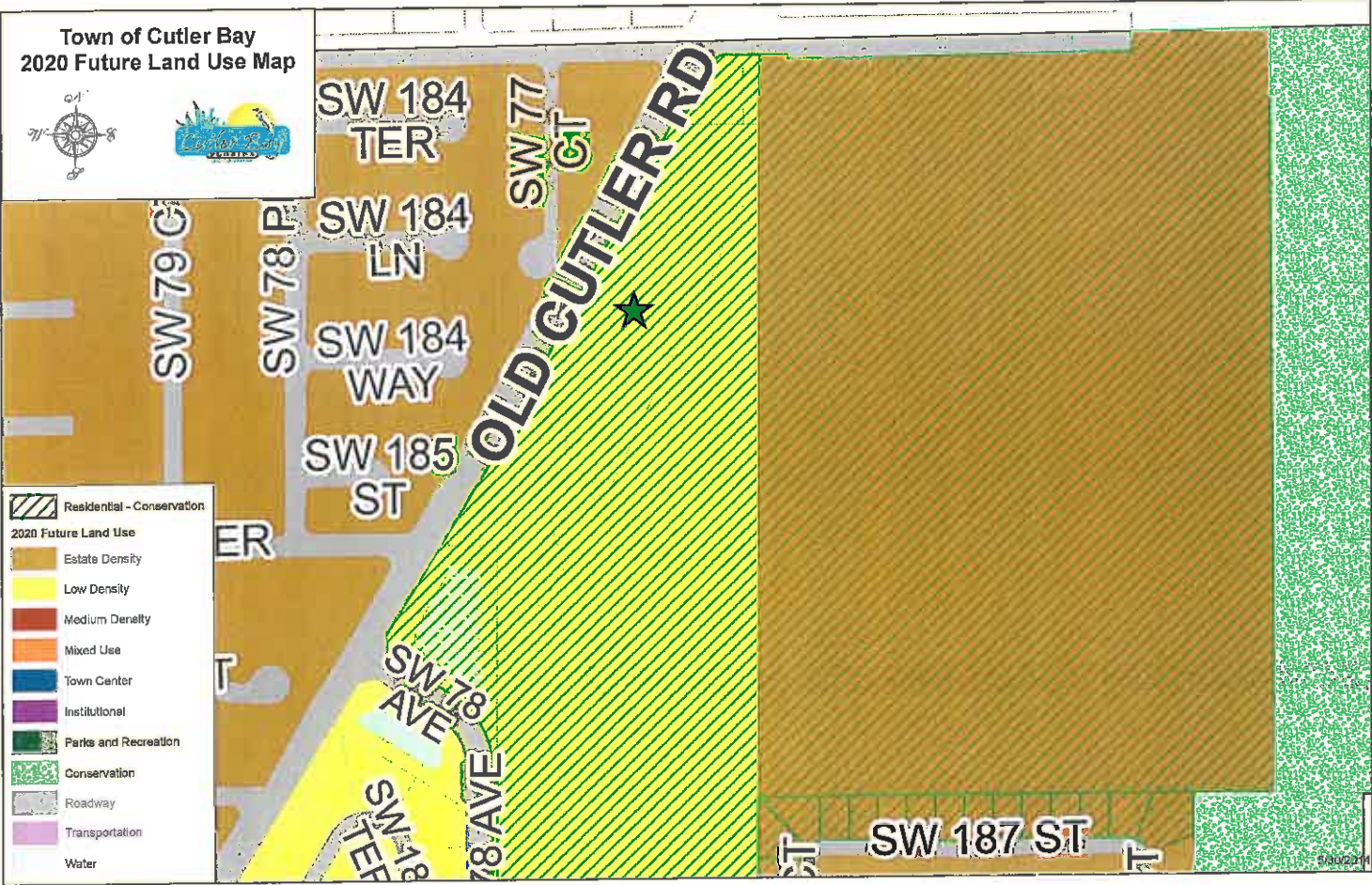














***Application No.:***

***SP 2015-022***

**Attachment "C"**

**Advertisement, Courtesy Notices, and  
Posting**

**Cutler Properties, LC**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**



THURSDAY FEBRUARY 8 2018  
MIAMIHERALD.COM

## NEIGHBORS

75E



Various Types of Coffee  
Smoothies • Salads • Breakfast  
Pastelitos • Various Paninis  
Pizza • Fine Sweets  
Cakes for every occasion

LATIN AMERICAN  
**Bakery & Cafe**  
890 S.W. 57 Avenue, Miami  
Ph: 305-264-2800

*The Best at the  
Best Prices!*

**HOT BREAKFAST SERVED UNTIL NOON:**

Scrambled Eggs or Fried with Potatoes, Ham  
Bacon or Sausage, Toast and Café con Leche **\$4.99**

OUR SPECIALTY  
**Crème brûlée**

Monday thru Thursday: 6am-10pm  
Friday: 6am-12m - Saturday: 7am-12m  
Sunday: 8am-9pm



# MIAMI

FEBRUARY 14, 2018 | JAMES L. KNIGHT CENTER | RIVERFRONT HALL

NETWORK WITH THOUSANDS OF LIKE-MINDED  
BUSINESS OWNERS & ENTREPRENEURS

**FREE TO ATTEND**

9 AM - 5 PM - EXPO HALL OPEN  
4:30 PM - 6 PM - FINAL PRESENTATION

REGISTER ONLINE AT  
[http://bit.ly/SBE\\_Herald](http://bit.ly/SBE_Herald)

LEARN MORE AT  
**THESMALLBUSINESSEXPO.COM**

PHOTOGRAPH BY  
**Miami Herald**  
JAMES L. KNIGHT CENTER

## TOWN OF CUTLER BAY NOTICE OF PUBLIC HEARING

The Town of Cutler Bay will be holding a public hearing on Wednesday, February 21, 2018 at 8:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 10720 Caribbean Boulevard, Cutler Bay, Florida. The purpose of the Public Hearing is to consider the adoption of the Resolution described below:

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT THIRTY (30) SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 6.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Council may continue or defer the hearing to a new date and time certain without further notice provided the date and time of the continuance or deferral is announced at the hearing. The Resolution in its entirety may be inspected at the Office of the Town Clerk during regular business hours.

Persons wishing to appeal any decisions made by the Town Council with respect to any matter considered at such hearing, will need a record of the proceeding, and for such purpose may need to ensure that a verbatim record of the proceedings is made; which includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Any and all interested parties may appear at the above meeting and be heard with respect to the proposed items. In accordance with the Americans with Disabilities Act of 1990 (ADA), persons needing special accommodations to participate in these proceedings should contact the Town Clerk's Office for assistance at (305) 234-4262, no later than four (4) business days prior to such proceeding.

Debra E. Eastman, MMC  
Town Clerk

*Luis Galindo's*  
**LATIN  
AMERICAN**  
CAFETERIA - RESTAURANT  
*Best Cuban Food In Town*



**Enjoy Our Daily  
Chef Specials**

**We Cater Parties  
Size Not A Problem**

**We are Open  
7am to Midnight • Seven Days a Week**

*We Can Serve You  
Inside and Outside*

**898 SW 57 Avenue  
305.267.9995**  
Major Credit Cards Accepted  
Including Prepaid



**TOWN OF CUTLER BAY  
PLANNING AND ZONING DIVISION**

**AFFIDAVIT OF MAILING - COURTESY NOTICE**

On February 8, 2018, I Odalys Padron, mailed 157  
Courtesy Notices via First Class Mail. The mailing labels were provided by  
The Zoning Specialists Group, Inc. (copy attached), for the  
purpose of informing adjacent property owners of an upcoming Public Hearing  
for Application # SP-2015-022.

For Office Use

Odalys Padron  
(Planning and Zoning Staff Member)

  
(Signature)

February 2, 2018  
(Date)

Kathryn Lyon  
(Planning & Zoning Director)

  
(Signature)

2/8/18  
(Date)



Town of Cutler Bay  
10720 Caribbean Blvd, Suite 105  
Cutler Bay, FL 33189  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

## Department of Community Development

# SAMPLE

### TOWN OF CUTLER BAY PUBLIC HEARING *COURTESY* NOTICE

**Hearing Number:** SP-2015-022

**Applicant:** Cutler Properties, LC

**Location:** East of Old Cutler Road from SW 184 Street to approximately SW 185 Terrace

**Folio Number:** 36-6003-001-0013

**Request:** Development of thirty (30) single family homes

**Hearing Location:** Town Hall Council Chambers Suite 115, 10720 Caribbean Blvd.  
Cutler Bay, FL 33189

**Hearing Date:** Wednesday, February 21, 2018

**Hearing Time:** 8:00 PM

**Note:**

Documents are on file and may be examined at Town Hall, 10720 Caribbean Blvd., Suite 105, Cutler Bay, FL 33189 or viewed on the Town's website at [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov) one (1) week prior to the Town Council Hearing. Community Development Department staff is available via phone at (305) 234-4262 or to meet with you in-person during regular business hours (Monday – Friday, 8:00 AM – 5:00 PM) to respond to any questions or concerns regarding the proposed project that you may have.

# Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Alejandro J. Arias, Esq.  
305-789-7446  
[Alejandro.arias@hklaw.com](mailto:Alejandro.arias@hklaw.com)

VIA HAND DELIVERY

December 13, 2017

Ms. Katheryn Lyon  
Director of Planning and Zoning  
Department of Community Development  
Town of Cutler Bay  
10720 Caribbean  
Cutler Bay, Florida 33189

**Re: Cutler Properties, LC / Folio No. 36-6003-001-0013 / 18551 Old Cutler Road /  
Mailing Labels**

Dear Ms. Lyon

In connection with the Cutler Properties, LC public hearing application for the property located at 18551 Old Cutler Road (Folio No. 36-6003-001-0013), and scheduled to be heard on January 17, 2018; enclosed please find the mailing labels, radius map, etc., as prepared by The Zoning Specialists Group, Inc. Thank you for your help, and should you have any questions or concerns, please do not hesitate to phone my direct line at (305) 789-7446.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Alejandro J. Arias, Esq.

Enclosures



December 12, 2017

**Town of Cutler Bay  
Community Development Department  
10720 Caribbean Boulevard, Suite 120  
Cutler Bay, FL 33189**

**Property Owners List within 1,000 feet of:**

**LEGAL DESCRIPTION:**

Portion of Tracts 1, 2, and 8 lying Southeasterly of Ingraham Highway, and lying the NE ¼ of Section 3, Township 56 South, Range 40 East, City of Cutler Bay, Miami-Dade County, Florida.

**LOCATION:** 18551 Old Cutler Road, Cutler Bay, FL 33157

**FOLIO NO.** 36-6003-001-0013

**FOR:** HOLLAND & KNIGHT LLP

**ORDER:** 171208

**TOTAL NO. OF LABELS WITHOUT REPETITION: 157**

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 1,000 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Tax Assessor's Office.

Sincerely,

**THE ZONING SPECIALISTS GROUP, INC.**

A handwritten signature in blue ink, appearing to read 'Jose Lopez', is written over the printed name of José F. Lopez.

**José F. Lopez, P.S.M. #3086**

**PROPERTY OWNERS LIST**

**THE FOLLOWING ARE PROPERTY OWNERS WITHIN A 1,000-FOOT RADIUS FROM THE FOLLOWING LEGALLY DESCRIBED PROPERTY:**

**LEGAL DESCRIPTION:**

Portion of Tracts 1, 2, and 8 lying Southeasterly of Ingraham Highway, and lying the NE ¼ of Section 3, Township 56 South, Range 40 East, City of Cutler Bay, Miami-Dade County, Florida.

**LOCATION:** 18551 Old Cutler Road, Cutler Bay, FL 33157

**FOLIO NO.** 36-6003-001-0013

**FOR:** HOLLAND & KNIGHT LLP

**ORDER:** 171208

Cape Cutler Ests PB 102-26 Lot 1 Blk 1  
Property address: 7880 183 Ter SW  
Folio number: 3350340230010

Jean Bl Charlot & W Rita  
7880 SW 183rd Ter  
Miami, FL 33157-6231

Cape Cutler Ests PB 102-26 Lot 2 Blk 1  
Property address: 7860 183 Ter SW  
Folio number: 3350340230020

Donald Spivey & W Diane  
7860 SW 183rd Ter  
Miami, FL 33157-6231

Cape Cutler Ests PB 102-26 Lot 3 Blk 1  
Property address: 7840 183 Ter SW  
Folio number: 3350340230030

Benjamin T Barlow & W Kelley E  
7840 SW 183rd Ter  
Miami, FL 33157-6231

Cape Cutler Ests PB 102-26 Lot 1 Blk 2  
Property address:  
Folio number: 3350340230040

Cape Cutler Homeowners Assoc Inc  
7865 SW 183rd Ter  
Miami, FL 33157-6230

Cape Cutler Ests PB 102-26 Lot 2 Blk 2  
Property address: 7740 183 Ter SW  
Folio number: 3350340230050

New Day Miami LLC  
PO Box 144010  
Coral Gables, FL 33114-4010

Cape Cutler Ests PB 102-26 Lot 5 Blk 2  
Property address: 7720 182 Ter SW  
Folio number: 3350340230080

William A Sheremata & W Leah  
7720 SW 182nd Ter  
Miami, FL 33157-6203

Cape Cutler Ests PB 102-26 Lot 6 Blk 2  
  
Property address: 7740 182 Ter SW  
Folio number: 3350340230090

Mahmood R Rezaie  
& W Mandana Rezaie  
7740 SW 182nd Ter  
Miami, FL 33157-6203

Cape Cutler Ests PB 102-26 Lot 7 Blk 2  
Property address: 7760 182 Ter SW  
Folio number: 3350340230100

Gary Thomas  
7760 SW 182nd Ter  
Miami, FL 33157-6203

Cape Cutler Ests PB 102-26 Lot 8 Blk 2  
Property address: 7800 182 Ter SW  
Folio number: 3350340230110

Dennis D Johnson & W Carol R  
7800 SW 182nd Ter  
Miami, FL 33157-6239

Cape Cutler Ests PB 102-26 Lot 9 Blk 2  
 Property address: 7820 182 Ter SW  
 Folio number: 3350340230120

Rick Schweitzer & W Maritza  
 39400 SW 215th Ave  
 Homestead, FL 33034-6827

Cape Cutler Ests PB 102-26 Lot 10 Blk 2  
 Property address: 7840 182 Ter SW  
 Folio number: 3350340230130

Juan Diego Guzman  
 Maria Del Pilar Rueda  
 7840 SW 182nd Ter  
 Miami, FL 33157-6239

Cape Cutler Ests PB 102-26 Lot 11 Blk 2  
 Property address: 7860 182 Ter SW  
 Folio number: 3350340230140

Micheal Lucas & W Deborah  
 7860 SW 182nd Ter  
 Miami, FL 33157-6239

Cape Cutler Ests PB 102-26 Lot 13 Blk 2  
 Property address: 18245 78 Pl SW  
 Folio number: 3350340230160

Christopher Bleakly Rishona Rothschild  
 18245 SW 78th Pl  
 Miami, FL 33157-6226

Cape Cutler Ests PB 102-26 Lot 14 Blk 2  
 Property address: 7865 183 Ter SW  
 Folio number: 3350340230170

Benjamin F Gay & W Daneri  
 7865 SW 183rd Ter  
 Miami, FL 33157-6230

Cape Cutler Ests PB 102-26 Lot 15 Blk 2  
 Property address: 7841 183 Ter SW  
 Folio number: 3350340230180

George Tzelepis & W Mary E  
 7841 SW 183rd Ter  
 Miami, FL 33157-6230

Cape Cutler Ests PB 102-26 Lot 16 Blk 2  
 Property address: 7821 183 Ter SW  
 Folio number: 3350340230190

Jacob Benchetrit Trs Benchetrit Family  
 Trust Lucia Benchetrit Trs  
 7821 SW 183rd Ter  
 Miami, FL 33157-6230

Cape Cutler Ests PB 102-26 Lot 17 Blk 2  
 Property address: 7805 183 Ter SW  
 Folio number: 3350340230200

Karl Bonhomme  
 7805 SW 183rd Ter  
 Miami, FL 33157-6230

Cape Cutler Ests PB 102-26 Lot 18 Blk 2  
 Property address: 7761 183 Ter SW  
 Folio number: 3350340230210

Ryan H Shay Michelle C Shay  
 7761 SW 183rd Ter  
 Miami, FL 33157-6232

Cape Cutler Ests PB 102-26 Lot 19 Blk 2  
 Property address: 7745 183 Ter SW  
 Folio number: 3350340230220

Raimondo Astorini & W Gina  
 7745 SW 183rd Ter  
 Miami, FL 33157-6232

Cape Cutler Ests PB 102-26 Lot 20 Blk 2  
 Property address: 7725 183 Ter SW  
 Folio number: 3350340230230

Richard Worthmann Trs Margaret  
 Worthmann Trs Richard Worthmann  
 7725 SW 183rd Ter  
 Miami, FL 33157-6232

Cape Cutler Ests PB 102-26 Lot 5 Blk 4  
 Property address: 7800 181 Ter SW  
 Folio number: 3350340230370

James T Sanders III Patricia Gail Sanders  
 7800 SW 181st Ter  
 Miami, FL 33157-6225



Cape Cutler Ests PB 102-26 Lot 6 Blk 4

Property address: 7760 181 Ter SW  
Folio number: 3350340230380

Cape Cutler Ests PB 102-26 Lot 7 Blk 4

Property address: 7740 181 Ter SW  
Folio number: 3350340230390

Cape Cutler Ests PB 102-26 Lot 8 Blk 4

Property address: 7720 181 Ter SW  
Folio number: 3350340230400

Cape Cutler Ests PB 102-26 Lot 9 Blk 4

Property address: 7700 181 Ter SW  
Folio number: 3350340230410

Cape Cutler Ests PB 102-26 Lot 10 Blk 4

Property address: 7701 182 Ter SW  
Folio number: 3350340230420

Cape Cutler Ests PB 102-26 Lot 11 Blk 4

Property address: 7721 182 Ter SW  
Folio number: 3350340230430

Cape Cutler Ests PB 102-26 Lot 12 Blk 4

Property address: 7741 182 Ter SW  
Folio number: 3350340230440

Cape Cutler Ests PB 102-26 Lot 13 Blk 4

Property address: 7761 182 Ter SW  
Folio number: 3350340230450

Cape Cutler Ests PB 102-26 Lot 14 Blk 4

Property address: 7801 182 Ter SW  
Folio number: 3350340230460

Cape Cutler Ests PB 102-26 Lot 15 Blk 4

Property address: 7821 182 Ter SW  
Folio number: 3350340230470

Cape Cutler Ests PB 102-26 Lot 16 Blk 4

Property address: 7841 182 Ter SW  
Folio number: 3350340230480

Cape Cutler Ests PB 102-26 Lot 1 Blk 5

Property address: 18198 Old Cutler Rd  
Folio number: 3350340230510

Antonio G Pargas & W Mercedes J  
& Mercedes Pargas Jtrs  
7760 SW 181st Ter  
Miami, FL 33157-6223

Thomas French & W Lynn  
7740 SW 181st Ter  
Miami, FL 33157-6223

Webby G Samuels & W Juliet J  
7720 SW 181st Ter  
Miami, FL 33157-6223

St Andrews Episcopal Church Inc  
14260 Old Cutler Rd  
Miami, FL 33158-1347

Jorge Molina Jessica Molina  
7701 SW 182nd Ter  
Miami, FL 33157-6240

Gustavo A Tijerino & W Silvia  
7721 SW 182nd Ter  
Miami, FL 33157-6240

Jorge M Mundulas Vivian Bentley  
7741 SW 182nd Ter  
Miami, FL 33157-6240

Michael A Cohen & W Iris I  
7761 SW 182nd Ter  
Miami, FL 33157-6240

Alan L Flinn & W Lourdes M  
7801 SW 182nd Ter  
Miami, FL 33157-6238

Virginia Moreno Daniel L Schiller  
7821 SW 182nd Ter  
Miami, FL 33157-6238

Lloyd F Hough & W Nikki P  
7841 SW 182nd Ter  
Miami, FL 33157-6238

Miami Dade County Isd R/E Mgmt  
111 NW 1st St Ste 17 202  
Miami, FL 33128-1905



Replat Port Of Cape Cutler Ests PB 120-47 Lot 21 Blk 2  
 Property address: 7702 182 Ter SW  
 Folio number: 3350340300010

Justo R Delgado Priscila Merida Delgado  
 7702 SW 182nd Ter  
 Miami, FL 33157-6203

Replat Port Of Cape Cutler Ests PB 120-47 Lot 22 Blk 2

Property address: 7705 183 Ter SW  
 Folio number: 3350340300020

Christian Tapia & Luz Maria Tapia  
 Jorge A Uribe Jtrs  
 7705 SW 183rd Ter  
 Miami, FL 33157-6232

Replat Port Of Cape Cutler Ests PB 120-47 Lot 23 Blk 2  
 Property address: 7720 183 Ter SW  
 Folio number: 3350340300030

Paul T Ryder Jr & W Michele  
 7720 SW 183rd Ter  
 Miami, FL 33157-6233

Burger King World Headquarters PB 127-86 Tr A Tr A Sub To Rest  
 Cov As PeR Or 12428-990  
 Property address: 17901 Old Cutler Rd  
 Folio number: 3350350130010

17777 Old Cutler Rd LLC  
 18001 Old Cutler Rd Ste 600  
 Miami, FL 33157-6444

2 56 40 20 Ac N1/2 Of S1/2 Of Nw1/4 Of Nw1/4 Including Excess

Property address:  
 Folio number: 3660020000050

South Fla Water Mgmt Dist  
 Attn: Real Estate Mgmt Section  
 3301 Gun Club Rd  
 West Palm Beach, FL 33406-3007

2 56 40 37.797 Ac M/L N1/2 Of Nw1/4 Of Nw1/4 Inc Excess Less W75.01Ft Of  
 N215.03Ft & Less N50ft Of E899.99Ft Of W975ft For R/W

Property address:  
 Folio number: 3660020000120

South Fla Water Mgmt Dist  
 Attn: Real Estate Mgmt Section  
 3301 Gun Club Rd  
 West Palm Beach, FL 33406-3007

2 56 40 .37 Ac M/L W75.01Ft Of N215.03Ft Of Nw1/4 Less W & N 40 Ft  
 & ExtArea Of Curve In NW Cor For R/W  
 Property address:  
 Folio number: 3660020000121

Miami Dade County Water And Sewer  
 3071 SW 38th Ave  
 Miami, FL 33146-1520

3 56 40 .84 Ac M/L N215.03Ft Of Ne1/4 Lyg Ely Of E/L Of Ingraham Hwy  
 Property address: 18445 Old Cutler Rd  
 Folio number: 3660030000011

Miami Dade County Water And Sewer  
 3071 SW 38th Ave  
 Miami, FL 33146-1520

3 56 40 1.305 Ac M/L Perrine Grant Sub PB 4-10 Port Of Tr 6 & 7 In Ne1/4Desc  
 Beg At X Of W R/W Old Cutler Rd & N R/W SW 187 St Th W210ft N210ftE To W  
 R/W Old Cutler Rd SWly To POB  
 Property address: 18690 Old Cutler Rd  
 Folio number: 3660030010010

Gabriel Herrero Roxana Herrero  
 7995 SW 187th Ter  
 Miami, FL 33157-7474

3 56 40 9.475 Ac M/L Perrine Grant Sub PB 4-10 Tracts 1 & 2 & 8 Lyg SElyOf  
 Ingraham Hwy Less N215.03Ft Thereof In Ne1/4 & Less Beg 348.32Ft OfNW  
 Cor Of Sec 2 Cont S 00 Deg E 1447.5Ft S 00 Deg E 776.28Ft S 89 Deg W674.33Ft  
 N 00 Deg W 980.05Ft N 36 Deg E 225 .55Ft N31 Deg E 95.33Ft N 37Deg W 69.66Ft  
 N 07 Deg E 28.73Ft N 48 Deg E 82.65Ft N 63 Deg E 85.82FtN 24 Deg E 375.62Ft  
 N 23 Deg E 102.19Ft N 28 Deg E 155.31Ft N 12 Deg E 86.85Ft W 31 Deg E 91.99Ft  
 N 25 Deg E 83.85Ft To POB  
 Property address: 18551 Old Cutler Rd  
 Folio number: 3660030010013

Cutler Properties Lc  
 1300 Brickell Ave  
 Miami, FL 33131-3308

3 56 40 24.205 Ac M/L Perrine Grant Sub PB 4-10 Tracts 1 & 2 & 8 Lyg SelY Of  
 Ingraham Hwy Des As Beg 348.32Ft Of NW Cor Of Sec 2 Cont S 00 Deg E1447.5Ft  
 S 00 Deg E 776.28Ft S 89 Deg W 674.33Ft N 00 Deg W 980.05Ft N36 Deg  
 E 225.55Ft N 31 Deg E 95.33Ft N 37 Deg W 69.66Ft N07 Deg E 28.73FT N 48  
 Deg E 82.65Ft N 63 Deg E 85.82Ft N 24 Deg E 375.62Ft N 23 Deg E 102.19Ft  
 N 28 Deg E 155.31Ft N 12 Deg E 86.85Ft N 31 Deg E91.99Ft N 25 DeG E 83.85Ft  
 To POB

Property address:  
 Folio number: 3660030010015

South FI Management District  
 Attn: Real Estate Mgmt Section  
 3301 Gun Club Rd  
 West Palm Beach, FL 33406-3007

South Grove PB 115-75 Lot 4 Blk 1  
 Property address: 18440 79 Ct SW  
 Folio number: 3660030180040

Emily M Engel Frank Diaz Silveira  
 18440 SW 79th Ct  
 Miami, FL 33157-7446

South Grove PB 115-75 Lot 5 Blk 1  
 Property address: 18450 79 Ct SW  
 Folio number: 3660030180050

Lisvet Matos  
 18450 SW 79th Ct  
 Miami, FL 33157-7446

South Grove PB 115-75 Lot 6 Blk 1  
 Property address: 18502 79 Ct SW  
 Folio number: 3660030180060

Mark Klingbeil & W Amy  
 18502 SW 79th Ct  
 Miami, FL 33157-7461

South Grove PB 115-75 Lot 7 Blk 1  
 Property address: 18508 79 Ct SW  
 Folio number: 3660030180070

Mark C Clark & W Susan V  
 18508 SW 79th Ct  
 Miami, FL 33157-7461

South Grove PB 115-75 Lot 8 Blk 1  
 Property address: 18520 79 Ct SW  
 Folio number: 3660030180080

John Bell & W Gwyneth  
 18520 SW 79th Ct  
 Miami, FL 33157-7461

South Grove PB 115-75 Lot 9 Blk 1  
 Property address: 18536 79 Ct SW  
 Folio number: 3660030180090

Serafin Gonzalez Trs Gonzalez Family  
 Trust Mercedes Celina Gonzalez Trs  
 18536 SW 79th Ct  
 Miami, FL 33157-7461

South Grove PB 115-75 S110.00Ft Of Lot 1 Blk 2 As Per W/P 21237  
 Property address: 18419 79 Ct SW  
 Folio number: 3660030180101

Danielle Rodriguez  
 18419 SW 79th Ct  
 Miami, FL 33157-7447

South Grove PB 115-75 Lot 2 Blk 2  
Property address: 18425 79 Ct SW  
Folio number: 3660030180110

Mildred Mejia  
1095 NW 38th St  
Miami, FL 33127-3020

South Grove PB 115-75 Lot 3 Blk 2  
Property address: 18435 79 Ct SW  
Folio number: 3660030180120

Stefan Zankow & W Carmen Rosa  
18435 SW 79th Ct  
Miami, FL 33157-7447

South Grove PB 115-75 Lot 4 Blk 2  
Property address: 18475 79 Ct SW  
Folio number: 3660030180130

Gregory J Hawkins  
18475 SW 79th Ct  
Miami, FL 33157-7447

South Grove PB 115-75 Lot 5 Blk 2  
Property address: 18485 79 Ct SW  
Folio number: 3660030180140

Ian Cope  
18485 SW 79th Ct  
Miami, FL 33157-7447

South Grove PB 115-75 Lot 6 Blk 2  
Property address: 18499 79 Ct SW  
Folio number: 3660030180150

Reinaldo Alvarez Anna Rossie Alvarez  
18499 SW 79th Ct  
Miami, FL 33157-7447

South Grove PB 115-75 Lot 7 Blk 2  
Property address: 18501 79 Ct SW  
Folio number: 3660030180160

Las Palomas Investments LLC  
18321 SW 86th Ave  
Miami, FL 33157-6022

South Grove PB 115-75 Lot 8 Blk 2  
Property address: 18515 79 Ct SW  
Folio number: 3660030180170

Margarita & Susana Brito Jtrs  
18515 SW 79th Ct  
Miami, FL 33157-7462

South Grove PB 115-75 Lot 9 Blk 2

Property address: 18537 79 Ct SW  
Folio number: 3660030180180

Hector De Los Reyes Ana De Los Reyes  
Adrian De Los Reyes  
18537 SW 79th Ct  
Miami, FL 33157-7462

Old Cutler Forest PB 127-50 Lot 1 Blk 1  
Property address: 18400 77 Ct SW  
Folio number: 3660030210010

Moshe Weitz Lc  
244 Poinciana Dr Apt 502  
North Miami Beach, FL 33160-4517

Old Cutler Forest PB 127-50 Lot 2 Blk 1  
Property address: 18420 77 Ct SW  
Folio number: 3660030210020

Moshe Weitz L C  
244 Poinciana Dr Apt 502  
North Miami Beach, FL 33160-4517

Old Cutler Forest PB 127-50 Lot 3 Blk 1  
Property address: 18440 77 Ct SW  
Folio number: 3660030210030

Ricardo Arlain  
18440 SW 77th Ct  
Miami, FL 33157-7463

Old Cutler Forest PB 127-50 Lot 4 Blk 1

Property address:  
Folio number: 3660030210040

Chandralakha Bisnauth  
& Jagjit S Sidhu & W Barbara S  
18550 SW 87th Ave  
Miami, FL 33157-7223

Old Cutler Forest PB 127-50 Lot 5 Blk 1  
Property address: 18480 77 Ct SW  
Folio number: 3660030210050

Marsha E Jackman Regina A Sandilands  
18480 SW 77th Ct  
Miami, FL 33157-7463

Old Cutler Forest PB 127-50 Lot 6 Blk 1  
Property address: 18465 77 Ct SW  
Folio number: 3660030210060

Lynwood LLC  
PO Box 565483  
Miami, FL 33256-5483

Old Cutler Forest PB 127-50 Lot 7 Blk 1  
Property address: 18435 77 Ct SW  
Folio number: 3660030210070

Shauheen Raee  
18435 SW 77th Ct  
Miami, FL 33157-7463

Old Cutler Forest PB 127-50 Lot 8 Blk 1  
Property address: 18405 77 Ct SW  
Folio number: 3660030210080

Mario H Hernandez & W Yanet Miranda  
18405 SW 77th Ct  
Miami, FL 33157-7463

Old Cutler Forest PB 127-50 Lot 9 Blk 1  
Property address: 18415 77 Ct SW  
Folio number: 3660030210090

Lylith Wadsworth  
18415 SW 77th Ct  
Miami, FL 33157-7463

Cutler Country Groves Plat PB 136-30 Lot 1 Blk 1  
Property address: 7771 184 Ter SW  
Folio number: 3660030240010

Alfonso Johnson & W Denise E  
7771 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 2 Blk 1  
Property address: 7761 184 Ter SW  
Folio number: 3660030240020

Anthony P Sanson & W Fabiola M  
7761 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 3 Blk 1  
Property address: 7751 184 Ter SW  
Folio number: 3660030240030

Paola Orso Moseley & H Gary  
7751 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 4 Blk 1  
Property address: 7741 184 Ter SW  
Folio number: 3660030240040

Everett P Watson & W Julie B  
7741 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 5 Blk 1  
Property address: 7740 184 Ter SW  
Folio number: 3660030240050

Fernando Alvarez & W Rosa  
7740 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 6 Blk 1  
  
Property address: 7750 184 Ter SW  
Folio number: 3660030240060

Jeffrey P Naicken & Vishnu &  
Moonsammy Naicken  
7750 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 7 Blk 1  
Property address: 7760 184 Ter SW  
Folio number: 3660030240070

Robert Goodin  
7760 SW 184th Ter  
Miami, FL 33157-7464

Cutler Country Groves Plat PB 136-30 Lot 8 Blk 1

Property address: 7770 184 Ter SW  
Folio number: 3660030240080

Cutler Country Groves Plat PB 136-30 Lot 9 Blk 1

Property address: 7773 184 Ln SW  
Folio number: 3660030240090

Cutler Country Groves Plat PB 136-30 Lot 10 Blk 1

Property address:  
Folio number: 3660030240100

Cutler Country Groves Plat PB 136-30 Lot 11 Blk 1

Property address: 7753 184 Ln SW  
Folio number: 3660030240110

Cutler Country Groves Plat PB 136-30 Lot 12 Blk 1

Property address: 7743 184 Ln SW  
Folio number: 3660030240120

Cutler Country Groves Plat PB 136-30 Lot 13 Blk 1

Property address: 7742 184 Ln SW  
Folio number: 3660030240130

Cutler Country Groves Plat PB 136-30 Lot 14 Blk 1

Property address: 7752 184 Ln SW  
Folio number: 3660030240140

Cutler Country Groves Plat PB 136-30 Lot 15 Blk 1

Property address: 7762 184 Ln SW  
Folio number: 3660030240150

Cutler Country Groves Plat PB 136-30 Lot 16 Blk 1

Property address: 7772 184 Ln SW  
Folio number: 3660030240160

Cutler Country Groves Plat PB 136-30 Lot 17 Blk 1

Property address: 7769 184 Way SW  
Folio number: 3660030240170

Cutler Country Groves Plat PB 136-30 Lot 18 Blk 1

Property address: 7759 184 Way SW  
Folio number: 3660030240180

Cutler Country Groves Plat PB 136-30 Lot 19 Blk 1

Property address: 7749 184 Way SW  
Folio number: 3660030240190

Helen M Stone Trs  
Helen M Stone 2012 Rev Trust  
7770 SW 184th Ter  
Miami, FL 33157-7464

Carlos Rodriguez Jr & W Josephine  
7773 SW 184th Ln  
Miami, FL 33157-7465

Confidential

Melvin O Perez  
7753 South West 184 Ln  
Cutler Bay, FL 33157

Kay Sullivan Trs Kay Sullivan Living Trust  
7743 SW 184th Ln  
Miami, FL 33157-7465

Gloria A Kelly  
7742 SW 184th Ln  
Miami, FL 33157-7465

Thomas G Sander  
7752 SW 184th Ln  
Miami, FL 33157-7465

Linda Johnson Marlon Johnson  
7762 SW 184th Ln  
Miami, FL 33157-7465

Owen L Henriques & W Genevive  
7772 SW 184th Ln  
Miami, FL 33157-7465

James Shaleesh Jr Trs Shaleesh Family  
Rev Trust Hilda A Shaleesh Trs  
7769 SW 184th Way  
Miami, FL 33157-7486

Clinton Gulley & W Margaret T  
7759 SW 184th Way  
Miami, FL 33157-7486

Johnny Brown & W Ella R  
7749 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 20 Blk 1  
Property address: 7739 184 Way SW  
Folio number: 3660030240200

Clarence A Nesbitt & W Patricia  
7739 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 21 Blk 1  
Property address: 7738 184 Way SW  
Folio number: 3660030240210

Ronny Sirvas & W Isabel C  
7738 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 22 Blk 1  
Property address: 7748 184 Way SW  
Folio number: 3660030240220

Osiris Villacampa Jr & Wmaria C  
7748 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 23 Blk 1  
Property address: 7758 184 Way SW  
Folio number: 3660030240230

Gerald J Arthur & W Sandra N  
7758 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 24 Blk 1  
Property address: 7768 184 Way SW  
Folio number: 3660030240240

Albert Mun Sen Lim Alison Chong  
7768 SW 184th Way  
Miami, FL 33157-7486

Cutler Country Groves Plat PB 136-30 Lot 25 Blk 1  
Property address: 7771 185 St SW  
Folio number: 3660030240250

Jorge F Navarro & W Maria C  
7771 SW 185th St  
Miami, FL 33157-7485

Cutler Country Groves Plat PB 136-30 Lot 26 Blk 1  
Property address: 7761 185 St SW  
Folio number: 3660030240260

Roberto Robledo & W Iraida Castillo  
7761 SW 185th St  
Miami, FL 33157-7485

Cutler Country Groves Plat PB 136-30 Lot 27 Blk 1  
Property address: 7751 185 St SW  
Folio number: 3660030240270

Marshall D Steingold & W Yvonne  
7751 SW 185th St  
Miami, FL 33157-7485

Cutler Country Groves Plat PB 136-30 Lot 28 Blk 1  
Property address: 7750 185 St SW  
Folio number: 3660030240280

Moises Levy  
6619 S Dixie Hwy # 385  
Miami, FL 33143-7919

Cutler Country Groves Plat PB 136-30 Lot 29 Blk 1  
Property address: 7760 185 St SW  
Folio number: 3660030240290

Paul L Rodgers Suzanne M Rodgers  
7760 SW 185th St  
Miami, FL 33157-7485

Cutler Country Groves Plat PB 136-30 Lot 30 Blk 1  
Property address: 7770 185 St SW  
Folio number: 3660030240300

Carol A Lindo Leslie M Lindo  
7770 SW 185th St  
Miami, FL 33157-7485

Cutler Country Groves Plat PB 136-30 Lot 1 Blk 2  
Property address: 18400 78 Pl SW  
Folio number: 3660030240310

Gerardo Hevia Maria Hevia Erik Hevia  
18400 SW 78th Pl  
Miami, FL 33157-7459

Cutler Country Groves Plat PB 136-30 Lot 2 Blk 2

Property address: 18410 78 Pl SW  
Folio number: 3660030240320

Cutler Country Groves Plat PB 136-30 Lot 3 Blk 2

Property address: 18420 78 Pl SW  
Folio number: 3660030240330

Cutler Country Groves Plat PB 136-30 Lot 4 Blk 2

Property address: 18430 78 Pl SW  
Folio number: 3660030240340

Cutler Country Groves Plat PB 136-30 Lot 5 Blk 2

Property address: 18440 78 Pl SW  
Folio number: 3660030240350

Cutler Country Groves Plat PB 136-30 Lot 6 Blk 2

Property address: 18450 78 Pl SW  
Folio number: 3660030240360

Cutler Country Groves Plat PB 136-30 Lot 7 Blk 2

Property address: 18460 78 Pl SW  
Folio number: 3660030240370

Cutler Country Groves Plat PB 136-30 Lot 8 Blk 2

Property address: 18470 78 Pl SW  
Folio number: 3660030240380

Cutler Country Groves Plat PB 136-30 Lot 9 Blk 2

Property address: 18500 78 Pl SW  
Folio number: 3660030240390

Cutler Country Groves Plat PB 136-30 Lot 10 Blk 2

Property address: 18510 78 Pl SW  
Folio number: 3660030240400

Allom Estates PB 139-99 Lot 1 Blk 1

Property address: 7900 185 Ter SW  
Folio number: 3660030290010

Allom Estates PB 139-99 Lots 2 & 3 Blk 1

Property address: 18550 Old Cutler Rd  
Folio number: 3660030290030

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 1 Blk 1

Property address: 7973 185 Ter SW  
Folio number: 3660030300010

Marshall W Mcallister Trs  
Marshall W Mcallister Rev Tr  
18410 SW 78th Pl  
Miami, FL 33157-7459

Joanne M Yoham  
18420 SW 78th Pl  
Miami, FL 33157-7459

Tropical Island Investments LLC  
9001 SW 97th Ter  
Miami, FL 33176-2940

Willie Watson & W Eoline  
18440 SW 78th Pl  
Miami, FL 33157-7459

Frederic Larson Angela Larson  
Eva Larson  
18450 SW 78th Pl  
Miami, FL 33157-7459

Harold Stewart & W Luvoina G  
18460 SW 78th Pl  
Miami, FL 33157-7459

John Leung & W Toywen  
18470 SW 78th Pl  
Miami, FL 33157-7459

Gonzalo H Vargas Marlene A Vargas  
18500 SW 78th Pl  
Miami, FL 33157-7489

Clyde Edward Hines Jr  
18510 SW 78th Pl  
Miami, FL 33157-7489

Lane Mark Bonwit & W Lois J  
7900 SW 185th Ter  
Miami, FL 33157-7434

Fabiola Nachon Priscilla Nachon  
18550 Old Cutler Rd  
Miami, FL 33157-7428

Peter Warwar Kelly Ann Marie Warwar  
7973 SW 185th Ter  
Miami, FL 33157-7433



Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 4 Blk 1  
 Property address: 7962 185 St SW  
 Folio number: 3660030300040

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 5 Blk 1  
 Property address: 7971 185 St SW  
 Folio number: 3660030300050

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 8 Blk 1  
 Property address: 7960 184 Ter SW  
 Folio number: 3660030300080

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 1 Blk 2  
 Property address: 7904 185 Ter SW  
 Folio number: 3660030300090

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 2 Blk 2  
 Property address: 7924 185 Ter SW  
 Folio number: 3660030300100

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 3 Blk 2  
 Property address: 7944 185 Ter SW  
 Folio number: 3660030300110

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 4 Blk 2  
 Property address: 7964 185 Ter SW  
 Folio number: 3660030300120

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 7 Blk 2  
 Property address: 7971 186 St SW  
 Folio number: 3660030300150

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 8 Blk 2  
 Property address: 7951 186 St SW  
 Folio number: 3660030300160

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 9 Blk 2  
 Property address: 7931 186 St SW  
 Folio number: 3660030300170

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 10 Blk 2  
 Property address: 7911 186 St SW  
 Folio number: 3660030300180

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 11 Blk 2  
 Property address: 7881 186 St SW  
 Folio number: 3660030300190

Carol Raymond & Ricardo Salisbury  
 7962 SW 185th St  
 Miami, FL 33157-7487

Joaquin Sueiro & W Agnes Sylvana  
 7971 SW 185th St  
 Miami, FL 33157-7490

James W Thompson & W Penny  
 7960 SW 184th Ter  
 Miami, FL 33157-7488

John Paul Hefty Dania Estrella Hefty  
 7904 SW 185th Ter  
 Miami, FL 33157-7434

Barbara Fonte  
 7924 SW 185th Ter  
 Miami, FL 33157-7434

Jude Wein Julie Wein  
 7944 SW 185th Ter  
 Miami, FL 33157-7434

Manuel I Periu & W Olga P Manuel  
 Periu & W Frances Ginsberg  
 7964 SW 185th Ter  
 Miami, FL 33157-7434

Alejandro V Borbolla & W Ana M  
 7971 SW 186th St  
 Miami, FL 33157-7472

Mohamed Niser & W Magdalena  
 7951 SW 186th St  
 Miami, FL 33157-7472

Timothy J Daniels & W Kathleen  
 7931 SW 186th St  
 Miami, FL 33157-7472

James Brown & W Deloise  
 7911 SW 186th St  
 Miami, FL 33157-7472

James M Goodrich & W Theresa L  
 7881 SW 186th St  
 Miami, FL 33157-7481



Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 12 Blk 2  
 Property address: 7841 186 St SW  
 Folio number: 3660030300200

Manuel R Mayor & W Celia R  
 7841 SW 186th St  
 Miami, FL 33157-7481

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 3 Blk 3  
 Property address: 7942 186 St SW  
 Folio number: 3660030300230

Lydia R Avick  
 7942 SW 186th St  
 Miami, FL 33157-7482

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 4 Blk 3  
 Property address: 7922 186 St SW  
 Folio number: 3660030300240

Michael Kohl  
 7922 SW 186th St  
 Miami, FL 33157-7482

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 5 Blk 3  
  
 Property address: 7933 187 St SW  
 Folio number: 3660030300250

Yaelyn Orozco Jtrs  
 Gabriel R Azcunce Jtrs  
 7933 SW 187th St  
 Miami, FL 33157-7476

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 6 Blk 3  
 Property address: 7953 187 St SW  
 Folio number: 3660030300260

Stephen G Bodner Jr  
 7953 SW 187th St  
 Miami, FL 33157-7476

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 1 Blk 4  
 Property address: 7904 187 St SW  
 Folio number: 3660030300290

Ryan C Davis & W Melinda  
 7904 SW 187th St  
 Miami, FL 33157-7475

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 2 Blk 4  
 Property address: 7924 187 St SW  
 Folio number: 3660030300300

Carole Engels Francine Engels Jo Wilder  
 7924 SW 187th St  
 Miami, FL 33157-7475

Cutler Country Groves 1St Addn PB 144-7 T-17065 Lot 9 Blk 4  
 Property address: 7935 187 Ter SW  
 Folio number: 3660030300370

Hollis Terry Bradwell M Victoria Funes  
 7935 SW 187th Ter  
 Miami, FL 33157-7474

Cutler Cay PB 162-23 T-21739 Lot 2 Blk 1  
  
 Property address: 18775 78 Ct SW  
 Folio number: 3660030340020

Laurence Lebaut Trs  
 Laurence Lebaut Rev Tr  
 18775 SW 78th Ct  
 Miami, FL 33157-7404

Cutler Cay PB 162-23 T-21739 Lot 3 Blk 1  
 Property address: 18765 78 Ct SW  
 Folio number: 3660030340030

Richard M Flores & W Christine  
 18765 SW 78th Ct  
 Miami, FL 33157-7404

Cutler Cay PB 162-23 T-21739 Lot 4 Blk 1  
 Property address: 18755 78 Ct SW  
 Folio number: 3660030340040

Mark P Lowe  
 18755 SW 78th Ct  
 Miami, FL 33157-7404

Cutler Cay PB 162-23 T-21739 Lot 5 Blk 1  
 Property address: 18745 78 Ct SW  
 Folio number: 3660030340050

Adrian Del Boca & W Silvia  
 18745 SW 78th Ct  
 Miami, FL 33157-7404

Cutler Cay PB 162-23 T-21739 Lot 6 Blk 1  
Property address: 18735 78 Ct SW  
Folio number: 3660030340060

Carlos Perez & W Diana  
18735 SW 78th Ct  
Miami, FL 33157-7404

Cutler Cay PB 162-23 T-21739 Lot 7 Blk 1  
Property address: 7837 187 Ter SW  
Folio number: 3660030340070

Walberto A Molina  
7837 SW 187th Ter  
Miami, FL 33157-6508

Cutler Cay PB 162-23 T-21739 Lot 8 Blk 1  
Property address: 7857 187 Ter SW  
Folio number: 3660030340080

Nick Kos Irene Bermudez  
7857 SW 187th Ter  
Miami, FL 33157-6508

Cutler Cay PB 162-23 T-21739 Lot 9 Blk 1  
Property address: 7877 187 Ter SW  
Folio number: 3660030340090

Janine Pallais  
7877 SW 187th Ter  
Miami, FL 33157-6508

Cutler Cay PB 162-23 T-21739 Lot 10 Blk 1  
Property address: 18758 79 Ave SW  
Folio number: 3660030340100

Est Of Carmen F Cabrera  
18758 SW 79th Ave  
Miami, FL 33157-7408

Cutler Cay PB 162-23 T-21739 Lot 11 Blk 1  
Property address: 18768 79 Ave SW  
Folio number: 3660030340110

Ana Maria Ward  
18768 SW 79th Ave  
Miami, FL 33157-7408

Cutler Cay PB 162-23 T-21739 Lot 12 Blk 1  
Property address: 18778 79 Ave SW  
Folio number: 3660030340120

Jose L Collado  
18778 SW 79th Ave  
Miami, FL 33157-7408

Cutler Cay PB 162-23 T-21739 Lot 3 Blk 2  
Property address: 18776 78 Ct SW  
Folio number: 3660030340330

Sandra C Silva  
18776 SW 78th Ct  
Miami, FL 33157-7405

Cutler Cay PB 162-23 T-21739 Lot 4 Blk 2  
Property address: 18766 78 Ct SW  
Folio number: 3660030340340

Liliam Martinez  
7367 SW 168 St  
Miami, FL 33157

Cutler Cay PB 162-23 T-21739 Lot 5 Blk 2  
Property address: 18756 78 Ct SW  
Folio number: 3660030340350

Pedro L Figueroa Jeanny Figueroa  
18756 SW 78th Ct  
Miami, FL 33157-7405

Cutler Cay PB 162-23 T-21739 Lot 6 Blk 2  
Property address: 7858 187 Ter SW  
Folio number: 3660030340360

Rosa M D Braz Martins  
2125 The Oaks Blvd  
Kissimmee, FL 34746-3890

Cutler Cay PB 162-23 T-21739 Lot 7 Blk 2  
Property address: 18757 79 Ave SW  
Folio number: 3660030340370

Dominick Columbro  
18757 SW 79th Ave  
Miami, FL 33157-7409

Cutler Cay PB 162-23 T-21739 Lot 8 Blk 2  
Property address: 18767 79 Ave SW  
Folio number: 3660030340380

Donald M Jones & W Terri M Anderson  
18767 SW 79th Ave  
Miami, FL 33157-7409

Cutler Cay PB 162-23 T-21739 Lot 9 Blk 2  
 Property address: 18777 79 Ave SW  
 Folio number: 3660030340390

Ahmet Alpay Nuh Liliana Lais  
 18777 SW 79th Ave  
 Miami, FL 33157-7409

Cutler Cay PB 162-23 T-21739 Lot 5 Blk 17  
 Property address: 18703 76 Ct SW  
 Folio number: 3660030344020

Luiz A Alvarenga Maria Valeska Martins  
 18703 SW 76th Ct  
 Miami, FL 33157-8073

Cutler Cay PB 162-23 T-21739 Lot 1 Blk 18  
 Property address: 7783 188 St SW  
 Folio number: 3660030344250

George Ibanez Laura A Ibanez  
 7783 SW 188th St  
 Miami, FL 33157-6739

Cutler Cay PB 162-23 T-21739 Lot 11 Blk 18  
 Property address: 18744 76 Ct SW  
 Folio number: 3660030344350

Granville Tummings & W Ellissa  
 22 Pine Gate  
 Patchogue, NY 11772-4509

Cutler Cay PB 162-23 T-21739 Lot 12 Blk 18  
  
 Property address: 18734 76 Ct SW  
 Folio number: 3660030344360

Oscar F Rodriguez Barreneche Trs  
 The Family Spirit Trust  
 18734 SW 76th Ct  
 Miami, FL 33157-8072

Cutler Cay PB 162-23 T-21739 Lot 13 Blk 18  
 Property address: 18724 76 Ct SW  
 Folio number: 3660030344370

18724 Sw 76 Court LLC  
 19529 SW 80th Ct  
 Miami, FL 33157-8007

Cutler Cay PB 162-23 T-21739 Lot 14 Blk 18  
  
 Property address: 18714 76 Ct SW  
 Folio number: 3660030344380

Victor G Gallegos  
 Yedel Fernandez Gallegos  
 18714 SW 76th Ct  
 Miami, FL 33157-8072

Cutler Cay PB 162-23 T-21739 Lot 15 Blk 18  
 Property address: 18704 76 Ct SW  
 Folio number: 3660030344390

Joseph A Ramirez Cristina M Ramirez  
 18704 SW 76th Ct  
 Miami, FL 33157-8072

Cutler Cay PB 162-23 T-21739 Lot 16 Blk 18  
 Property address: 7621 187 St SW  
 Folio number: 3660030344400

Carmelo Giancarlo Blanco  
 7621 SW 187th St  
 Miami, FL 33157-7316

Cutler Cay PB 162-23 T-21739 Lot 17 Blk 18  
 Property address: 7611 187 St SW  
 Folio number: 3660030344410

Freddy Mannella  
 9475 SW 77th Pl  
 Miami, FL 33156-7483

Cutler Cay PB 162-23 T-21739 Lot 18 Blk 18  
 Property address: 7601 187 St SW  
 Folio number: 3660030344420

Zoran Mirkovic Susan Mirkovic  
 7601 SW 187th St  
 Miami, FL 33157-7316

Cutler Cay PB 162-23 T-21739 Trs A & G Thru K & N Thru X & Aa Thru Cc (C  
  
 Property address:  
 Folio number: 3660030345060

Cutler Cay Community Dev District  
 C/O Sds  
 2501 Burns Rd Ste A  
 Palm Beach Gardens, FL 33410-5207



**TOWN OF CUTLER BAY  
AFFIDAVIT OF POSTING**

On February 8, 2018, I posted a copy of the attached Notice on the following described property located at East of Old Cutler Road from SW 184 Street to approximately SW 185 Terrace. Photographs I took on said date of the Notice posted at location are below.

DATED THIS 8<sup>th</sup> day of February, 2018.

DENNIS Santiago  
(Print Name)

Dennis Santiago  
(Signature)

HEARING # SP-2015-022

HEARING DATE/TIME Wednesday, February 21, 2018

APPLICANT Cutler Properties, LC

LOCATION/FOLIO # 36-6003-001-0013



PHOTO #1 (Close-up of Sign)



PHOTO #2 (Sign showing location)



**TOWN OF CUTLER BAY  
AFFIDAVIT OF POSTING**

On February 8, 2018, I posted a copy of the attached Notice on the following described property located at East of Old Cutler Road from SW 184 Street to approximately SW 185 Terrace. Photographs I took on said date of the Notice posted at location are below.

DATED THIS 8<sup>th</sup> day of February, 2018.

Dennis Santiago  
(Print Name)

Dennis Santiago  
(Signature)

HEARING # SP-2015-022

HEARING DATE/TIME Wednesday, February 21, 2018

APPLICANT Cutler Properties, LC

LOCATION/FOLIO # 36-6003-001-0013



PHOTO #1 (Close-up of Sign)



PHOTO #2 (Sign showing location)

## **EXHIBIT D**





## Office of the Town Manager

Rafael G. Casals, ICMA-CM  
Town Manager

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

March 5, 2018

Cutler Properties, LC  
1300 Brickell Avenue  
Miami, Florida 33131

cc: Juan Mayol, Jr.  
Holland & Knight  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131

**RE: Denial of Site Plan for Cutler Properties, LC (the "Property") Generally Located at 18551 Old Cutler Road Southeasterly of the Intersection of SW 184 Street and Old Cutler Road (Folio # 36-6003-001-0013)**

Dear Property Owner:

On July 25, 2016, you submitted a site plan application for site plan approval, pursuant to Section 3-33 of the Town of Cutler Bay Land Development Regulations (the "Revised Application") Site Plan (SP-2015-022) to the Town of Cutler Bay (the "Town") on the above referenced property. On February 21, 2018, the Town Council held a duly noticed public hearing on the site plan application (SP-2015-022) (the "Development Permit"). After considering all testimony and other competent substantial evidence presented and otherwise made part of the record at the public hearing, the Town Council found that the Development Permit did not meet the requirements of Sec. 3-33 of the Town of Cutler Bay Land Development Regulations and consequently denied the Development Permit.

Please be advised that this letter shall constitute a development order as defined by Section 163.3164(15), Florida Statutes (the "Development Order"). This Development Order denying the Development Permit has been provided to you in accordance with Section 166.033, Florida Statutes and was rendered in the Town Clerk's Office on the date provided below.

If you have any questions or concerns please feel free to contact me.

Very truly yours,

Rafael G. Casals, ICMA-CM  
Town Manager

Attest and Rendered This 5<sup>th</sup> Day of March 2018:

Debra E. Eastman, MMC  
Town Clerk





# WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

LAURA K. WENDELL, PARTNER  
lwendell@wsh-law.com

April 16, 2018

**VIA E-Mail ([jmuniz@gunster.com](mailto:jmuniz@gunster.com))**

Juan M. Muniz, Esq.  
Gunster, Yoakley & Stewart, P.A.  
600 Brickell Avenue  
Suite 3500  
Miami, Florida 33131

**RE: Cutler Properties, LC ("Cutler Properties")/Town of Cutler Bay  
("Town") Response To Request For Relief: Florida Land Use and  
Environmental Dispute Resolution Act ("FLUEDRA")**

Dear Mr. Muniz:

Pursuant to section 70.51(16)(a), Florida Statutes, the Town submits this response to Cutler Properties' request for relief ("RFR").<sup>1</sup>

## **I. INTRODUCTION**

This dispute arises from Cutler Properties' application to develop 30 single-family residences on an approximately 9 acre strip of upland property along Old Cutler Road. On February 21, 2018, the Town Council denied the application, but voted to waive the Town Code requirement that Cutler Properties wait one year before returning to the Town Council with a different site plan.

The Town Council's decision was not "unreasonable" and did not "unfairly burden the use of the real property." §70.51(3), Fla. Stat. Approval of the proposed site plan would have resulted in a development order inconsistent with the Town's Growth Management Plan ("GMP"). The site plan called for two access points to the site: via Old Cutler Road and via a *non-existent roadway* on land owned by the Town that is not identified for future construction in the Town's GMP on the Town's Future Roadway System Map. The proposed second access point is merely a design choice. Of record,

---

<sup>1</sup> The parties agreed to extend the deadline for the Town's response until April 16, 2018.



Juan M. Muniz, Esq.  
 Town of Cutler Bay FLUEDRA Response  
 April 16, 2018  
 Page 2 of 5

the Miami-Dade Fire Rescue Department advised Cutler Properties that it would accept a single compliant turn-around in lieu of the second access point.

## II. BACKGROUND

Cutler Properties owns the approximately 9 acre strip of upland property which lies along the east of Old Cutler Road and south of S.W. 184<sup>th</sup> Street ("Property"). The Property has a Low Density Residential designation on the Town's GMP Future Land Use Map ("FLUM") and a corresponding Single-Family Residential zoning designation. To the east of the Property lies the South Florida Water Management District's conservation area, which is part of the Biscayne Bay Coastal Wetlands Project of the U.S. Army Corps of Engineers' Comprehensive Everglades Restoration Plan.<sup>2</sup>

The Property does not reach all the way north to S.W. 184<sup>th</sup> Street. A small parcel of land, owned by Miami-Dade County Water and Sewer, lies to the north at the corner of Old Cutler Road and S.W. 184<sup>th</sup> Street, on which is constructed a pump station. To the east of the pump station parcel lies a strip of land, 80 feet in width, which Miami-Dade County Sewer and Water conveyed to the County on February 10, 1981 by right of way deed "for use as a public highway and for all purposes incidental thereto."<sup>3</sup>

After the Town was incorporated in 2005, the County and the Town entered into an Road Transfer Agreement by which the County transferred to the Town "underlying title and responsibility for the operation, maintenance, planning design and construction of the Road Segments" that lie within the corporate limits of the Town.<sup>4</sup>

Cutler Properties states: "The primary access to the proposed development will be Old Cutler Road, with secondary access to SW 184<sup>th</sup> Street, as required by the Miami-

<sup>2</sup> Cutler Properties originally purchased 138 acre parcel of land between the Palmetto Bay Village Center and Cutler Cay, in October 2003, including that which is currently owned by the South Florida Water Management District's conservation area. Because the Property at issue is upland property, it was not acquired as part of the conservation area.

<sup>3</sup> Cutler Properties introduced copies of documents, including the right of way deed, describing the history of the pump station parcel. County Water and Sewer retained ownership of the land on which the pump station is situated, as well as a strip of vacant land to the east of the 80 foot wide strip of land that it deeded to the County for right of way purposes. These documents are attached as **Composite Exhibit A**.

<sup>4</sup> A copy of the Road Transfer Agreement is attached as **Exhibit B**. The agreement identifies only those roadways in the Town that the County would continue to maintain.

Juan M. Muniz, Esq.  
 Town of Cutler Bay FLUEDRA Response  
 April 16, 2018  
 Page 3 of 5

Dade Fire Rescue." RFR, pp. 1-2 (emphasis added). In fact, Miami-Dade Fire Rescue did not require secondary access.

A week before the Town Council heard the application, Cutler Properties communicated with Miami-Dade Fire Rescue by e-mail, a copy of which is attached as **Exhibit C**. Responding to the developer's question: "whether we can eliminate the second point of access and still get your department's approval," the Fire Plans Processor advised: "We don't specifically need a connection back to Old Cutler or 184 St. We would accept a compliant turn-around in lieu of a connecting roadway."

The Staff Report indicated: the "applicant will be required by Miami-Dade Fire Rescue with DERM's concurrence to provide a secondary access to SW 184 Street, although primary access will be Old Cutler Road." However, when questioned by the Town Council concerning this statement, Staff advised that the Fire Rescue requirement it referenced was predicated on the specific design that Cutler Properties had presented.

The Town's Future Roadway System Map in the GMP, a copy of which is attached as **Exhibit D**, does not reflect a future SW 77<sup>th</sup> Avenue or any other future roadway connecting the Property to SW 184<sup>th</sup> Street.

### III. ANALYSIS

Cutler Properties contends that the denial of its application was unreasonable and unfairly burdens the use of the Property "as it denies Cutler Properties its reasonable investment backed expectations" because the site plan is consistent with the GMP's Low Density Residential FLUM designation and conforms to the single-family residential zoning requirements. RFR, p. 2.

Denial was not, however, "unreasonable." Cutler Properties simply ignores the fact that the Town's Future Roadway System Map does not feature the hypothetical S.W. 77<sup>th</sup> Avenue roadway segment that Cutler Properties proposed to construct. For this reason, approval of the site plan, as presented with the two access points, would have been inconsistent with the Plan.<sup>5</sup>

<sup>5</sup> Section 3-33 (2) of the Town Code governing site plan applications provides approval criteria, and states in relevant part: "a. The development permitted by the application, if granted, conforms to the growth management plan, is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time that it is considered." (Emphasis added).

Juan M. Muniz, Esq.  
 Town of Cutler Bay FLUEDRA Response  
 April 16, 2018  
 Page 4 of 5

And, while Cutler Properties now asserts that the Staff recommendation of approval means that the Town Council had no basis to deny the application, RFR, p. 2, Cutler Properties ignores the limitations of the Staff Report. The Staff Report did not address the GMP's Future Roadway System Map. Furthermore, upon questioning by the Town Council, Staff agreed that the proposed use of the yet unbuilt S.W. 77<sup>th</sup> Avenue as secondary access to the site was a function of the site plan design chosen by Cutler Properties.

Cutler Properties notes that the application proposed "a 42 foot right of way dedication of 77<sup>th</sup> Avenue." RFR, p. 2. It fails to mention that the remainder of the proposed secondary access to the Property is land which belongs to the Town and is not, therefore, Cutler Properties' land to dedicate. In any case, the Town did not and was not required to accept the proposed dedication.<sup>6</sup> Certainly, the Town Council acted well within its discretion to decide that the public interest was not served by the creation of a public right of way which would dead-end in a private neighborhood. Even if Cutler Properties bore the cost of constructing such a public right of way, the Town would forever be responsible for maintaining it.

In any case, Florida law does not support Cutler Properties' contention that it had a "reasonable investment backed expectation" in the use of a hypothetical, non-existent roadway for secondary access to the Property. Indeed, in *City of Jacksonville v. Coffield*, 18 So. 3d 589 (Fla. 1st DCA 2009), where the court considered a claim brought pursuant to the Bert J. Harris Act, the court rejected a far less attenuated claim. There, the court held that a developer had no reasonable investment backed expectation that it could develop its property as a subdivision, where it purchased the property after learning that there was an application pending to close the public right of way that would provide access to the site. If the developer in *Coffield* had no reasonable expectation that an existing public right of way would remain open, *a fortiori*, Cutler Properties had no reasonable expectation that the Town would decide to

---

<sup>6</sup> "Common-law dedication of a road requires 'clear and unequivocal proof' of two elements: 1) an offer to dedicate property to the use of the public and 2) acceptance by the public. *Bonifay v. Dickson*, 459 So.2d 1089, 1093-94 (Fla. 1st DCA 1984). An offer to dedicate may be implied from the acts of the landowner. *Id.* at 1094. Likewise, acceptance may be implied from acts of the public, including "use by the public or maintenance and improvement by the proper authorities of part of the land dedicated." *Id.*" *Mathers v. Wakulla County*, 219 So. 3d 140, 143 (Fla. 1st DCA 2017). Here, the Town Council did not accept the dedication; to have done so would violate the Town's GMP because the Future Roadway System Map does not feature any such future roadway.

Juan M. Muniz, Esq.  
Town of Cutler Bay FLUEDRA Response  
April 16, 2018  
Page 5 of 5

open and maintain a public right of way, particularly since the hypothetical public right of way (serving only private residences) is not featured on the Town's Future Roadway System Map.

Finally, it bears emphasis that the Town Council voted to waive the requirement that Cutler Properties wait one year before returning to the Town Council with a different plan.<sup>7</sup> The Town Council was therefore cognizant of Cutler Properties' right to develop the Property within the parameters of the Plan and land development regulations. Having determined that the proposed secondary access violated the Plan, the Town Council nevertheless made sure that its denial was without prejudice to Cutler Properties to return to the Town Council with a design that complies with the Plan in all respects.

Very truly yours,



Laura K. Wendell

Enclosures

cc: Mitchell Bierman, Esq. (via email w/encls.)  
Rafael G. Casals, CFM, ICMA-CM (via email w/encls.)

---

<sup>7</sup> Section 3-30 (15) provides: "If a development application is denied by the town council on its merits, no application substantially requesting the same relief with respect to all or part of the same property shall be considered by the town within 12 months of such denial. This re-application requirement may be waived by a majority vote of the town council."

2/20/2018

Property Search Application - Miami-Dade County



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 2/20/2018

Property Information	
Folio:	36-6003-000-0011
Property Address:	18445 OLD CUTLER RD Cutler Bay, FL 33157-0000
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8647 COUNTY : DADE COUNTY
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	1,652 Sq.Ft
Lot Size	36,590 Sq.Ft
Year Built	1982



Assessment Information			
Year	2017	2016	2015
Land Value	\$146,360	\$137,212	\$137,212
Building Value	\$52,798	\$53,574	\$54,351
XF Value	\$9,281	\$9,406	\$8,366
Market Value	\$208,439	\$200,192	\$199,929
Assessed Value	\$208,439	\$200,192	\$199,929

Benefits Information				
Benefit	Type	2017	2016	2015
County	Exemption	\$208,439	\$200,192	\$199,929

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
3 56 40 .84 AC M/L N215.03FT OF NE1/4 LYG ELY OF E/L OF INGRAHAM HWY OR 10449-18 0679 3 F/A/U 30-6003-000-0011	

Taxable Value Information			
	2017	2016	2015
<b>County</b>			
Exemption Value	\$208,439	\$200,192	\$199,929
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$208,439	\$200,192	\$199,929
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$208,439	\$200,192	\$199,929
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$208,439	\$200,192	\$199,929
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



2/20/2018

Property Search Application - Miami-Dade County

Exhibit "III"



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 2/20/2018

Property Information	
Folio:	36-6002-000-0121
Property Address:	
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,141.96 Sq.Ft
Year Built	0



Assessment Information			
Year	2017	2016	2015
Land Value	\$846	\$846	\$846
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$846	\$846	\$846
Assessed Value	\$846	\$846	\$846

Benefits Information				
Benefit	Type	2017	2016	2015
County	Exemption	\$846	\$846	\$846

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
2 56 40 .37 AC M/L W75.01FT OF N215.03FT OF NW1/4 LESS W & N 40 FT & EXT AREA OF CURVE IN NW COR FOR R/W

Taxable Value Information			
	2017	2016	2015
<b>County</b>			
Exemption Value	\$846	\$846	\$846
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$846	\$846	\$846
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$846	\$846	\$846
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$846	\$846	\$846
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

40  
 81R 72238 DEED 11043-1097

**RIGHT OF WAY DEED TO DADE COUNTY  
 CONVEYS THE TITLE FOR HIGHWAY PURPOSES  
 BY CORPORATION**

STATE OF FLORIDA,  
 COUNTY OF DADE.

THIS INDENTURE, Made this 10 day of February, A. D. 1951, by and between  
 Miami-Dade Water & Sewer Authority, an Agency and Instrumentality of  
 Dade County, under the laws of the State of  
 Florida, and having its office and principal place of business in the City of  
 Miami, in said State, party of the first part, and the County of Dade, a body  
 Corporate, and a Political Subdivision of the State of Florida, and its successors in interest,  
 party of the second part,

**WITNESSETH:—**

That the said party of the first part, for and in consideration of the sum of One Dollar  
 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged,  
 and for other and further good and valuable considerations, does hereby grant, bargain and  
 sell to the party of the second part, and its successors in interest, for the purpose of a public  
 highway and purposes incidental thereto, the following described land, situate, lying and  
 being in the County of Dade, State of Florida, to-wit:—

That portion of the North 215.03 feet of the NE  $\frac{1}{4}$  of Section 3, Township 56 South,  
 Range 40 East, as measured along the East line of Lot 1 of PERRINE GRANT SUBDIVISION  
 according to the plat thereof recorded in Plat Book 4 at Page 10 of the Public  
 Records of Dade County, Florida, which lies Westerly of a line which is 15 feet  
 Easterly of and parallel to the Easterly right of way line of Old Cutler Road  
 (Ingraham Highway) as described in Deed Book 2188 at Page 328 of the Public Records  
 of Dade County, Florida.

AND

The North 40 feet and the East 40 feet of the North 215.03 feet of the NE  $\frac{1}{4}$  of  
 Section 3, Township 56 South, Range 40 East, as measured along the East line of  
 Lot 1 of PERRINE GRANT SUBDIVISION according to the plat thereof recorded in Plat  
 Book 4 at Page 10 of the Public Records of Dade County, Florida, lying Easterly of  
 said Old Cutler Road.

AND

The North 40 feet of the West 75.01 feet of the North 215.03 feet of the NW  $\frac{1}{4}$  of  
 Section 2, Township 56 South, Range 40 East, as measured along the North and West  
 line of Lot 4 of PERRINE GRANT SUBDIVISION according to the plat thereof recorded  
 in Plat Book 4 at Page 9 of the Public Records of Dade County, Florida.

AND

The West 40 feet of the North 215.03 feet of the NW  $\frac{1}{4}$  of Section 2, Township 56  
 South, Range 40 East, as measured along the West line of Lot 4 of PERRINE GRANT SUB-  
 DIVISION according to the plat thereof recorded in Plat Book 4 at Page 9 of the  
 Public Records of Dade County, Florida.

AND

The area bounded by the South line of the North 40 feet of the NW  $\frac{1}{4}$  of said Section  
 2, and bounded by the East line of the West 40 feet of NW  $\frac{1}{4}$  of said Section 2, and  
 bounded by a 25 foot radius arc concave to the Southeast, said arc being tangent to  
 both of the last described lines.

AND

The area bounded by the South line of the North 40 feet of the NE  $\frac{1}{4}$  of said Section  
 3, and bounded by the West line of the East 40' of the NE  $\frac{1}{4}$  of said Section 3, and  
 bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to  
 both of the last described lines.

AND

The area bounded by the South line of the North 40 feet of the NE  $\frac{1}{4}$  of said Section  
 3, and bounded by a line which is 15 feet East of and parallel to the Easterly right  
 of way line of Old Cutler Road as described in said Deed Book 2188 at Page 328 of  
 the Public Records of Dade County, Florida, and bounded by a 25 foot radius arc  
 concave to the Southeast, said arc being tangent to both of the last described lines.

Notary Public for Florida  
 Dade County, Florida  
 My Comm. Ex. 123456789  
 Notary Public for Florida

Recorded as 10th Amendment

Date: 11/1/2016

Notary Public for Florida



OCT 1 1043 PM 1098

It is the intention of the party of the first part, by this instrument to convey to the said County, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

It is expressly provided that if and when said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has executed this instrument, and has caused the same to be executed by its Director and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Signed, Sealed, Attested  
and delivered in our presence:

*Elizabeth Heath*  
*Roman Wengert*

MIAMI-DADE WATER &amp; SEWER AUTHORITY

By *James L. Hill*Attest: *Flora Hill*

STATE OF *Florida*  
COUNTY OF *Dade*

RECORDED IN OFFICIAL RECORD BOOK  
OF DADE COUNTY, FLORIDA.  
BOOK 1043, PAGE 1098  
RICHARD P. BRINKER,  
CLERK CIRCUIT COURT

BEFORE ME, the undersigned authority, this day personally appeared

Garrett Sloan

and *Floretta Hill*

both being to me well known and known by me to be the Director, and

Secretary of the Miami-Dade Water & Sewer Authority

a corporation under the laws of the State of Florida, and which said Corporation is known by me to be the person described in and which executed the foregoing instrument, the said officers of the said Corporation being likewise known by me to be the officers thereof who, in their official capacities as such officers of said Corporation executed, signed and delivered the said instrument as the act and deed of said Corporation, and the said officers of said Corporation then and there severally acknowledged to and before me that they executed the said instrument, acting in their said official capacities, for and as the act and deed of the said Corporation and in its name, and impressed thereon its Corporate Seal, for the uses and purposes therein mentioned, and after being thereunto by the said Corporation duly authorized and directed.

WITNESS my hand and official Seal at Miami, in the County and State

of Florida, on this, the 10 day of February, A. D. 19 81.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES 03/11/81  
RICHARD P. BRINKER, CLERK CIRCUIT COURT

*Roman Wengert*  
Notary Public, State of Florida At Large

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of February, 1981, at Miami, Florida.

By

Depository

ATTEST: I, a Notary Public,

Do hereby certify that the foregoing

Instrument is a true and correct copy

of the original as shown to me by the said party of the first part.

In bearing witness, I have hereunto set my hand and official seal this 10th day of February, 1981, at Miami, Florida.

DADE COUNTY, FLORIDA

To

Authority

Miami-Dade Water and Sewer

From

By Corporation

CONVEYS THE TITLE FOR  
HIGHWAY PURPOSESRIGHT OF WAY DEED TO DADE  
COUNTY

AND CLERK, Miami  
S. R. 129 Street  
S. R. 77 Avenue  
Section 3-36-40

**ROAD TRANSFER AGREEMENT**

**Between**

**MIAMI-DADE COUNTY, FLORIDA**

**And**

**TOWN OF CUTLER BAY**

THIS AGREEMENT made and entered into this 19<sup>th</sup> day of June, 2008, by and between: MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the state of Florida, (the "COUNTY"), through its Board of County Commissioners,

**AND**

The TOWN OF CUTLER BAY, a Florida municipal corporation existing under the laws of the state of Florida (the "TOWN").

**WITNESSETH:**

WHEREAS, certain public roads on the County Road System are within the municipal limits of the TOWN (hereinafter referred to as "Road Segments"); and

WHEREAS, the COUNTY and the TOWN are desirous of transferring the underlying title and responsibility for the operation, maintenance, planning, design and construction of the Road Segments **(excluding traffic engineering and stormwater drainage related functions)** from the COUNTY to the TOWN; and

WHEREAS, pursuant to Section 335.0415, Florida Statutes, jurisdiction and responsibility for public roads may be transferred by mutual Agreement of the COUNTY and the TOWN; and

WHEREAS, Section 337.29(3), Florida Statutes, provides that title to roads transferred pursuant to Section 335.0415, Florida Statutes, shall be in the government entity to which such roads have been transferred upon the recording of a right-of-way map in the public records; and

WHEREAS, the COUNTY and the TOWN have determined that it is in the best interest of the parties that responsibility for the operation, maintenance, planning, design and construction of the Road Segments and of any future improvements (excluding traffic engineering and stormwater drainage related functions) thereto be transferred to the TOWN.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained herein, the parties hereby agree as follows:

1. The above recitals are true and correct and incorporated herein.
2. The jurisdiction, ownership and control of all public roads, as defined in Section 334.03 (23), Florida Statutes, within the corporate limits of the TOWN OF CUTLER BAY heretofore designated as part of the County road system prior to the effective date of this agreement are hereby transferred and conveyed to the TOWN road system, except for the following roads (which are hereafter referred to as "Exempt Roads") as listed in the attached Exhibit "A". In addition, as defined in Section 10.1, Miami-Dade County Code, the Miami-Dade Public Works Department shall remain as the administrative agency for issuing permits and collecting fees for work in, on, under, or over public streets, thoroughfares, waterways, and utility easements on Exempt Roads.
3. The right and responsibility of all traffic engineering matters to regulate traffic and determine appropriate measures and install, maintain, modify or remove traffic control devices such as traffic signals, signs and pavement markings, including road closures (except for temporary closures for special events which authority shall remain with the TOWN), roundabouts or other traffic-calming devices is not transferred to the TOWN. The COUNTY retains jurisdiction over all traffic engineering matters within the territorial area of Miami-Dade County including within municipalities, except State road rights of way. Setting the hours and days that construction by any Department or Agency of the COUNTY in or on any public street shall be reserved to the County with prior informed consent of the TOWN. The right and responsibility to issue permits or to collect any fees for any construction, including utility work, and within the public rights of way of the Exempt Roads, is not transferred to the TOWN. The rights and responsibility to issue permits or collect fees for construction, including utility work, within the public rights of way of all non-exempt roads are expressly transferred to the TOWN by this agreement except those associated with traffic engineering and stormwater drainage, and the TOWN shall not be granted authority to levy any fee to or require a permit from any County Agency for work within the TOWN. The COUNTY shall issue permits and collect fees for private driveway connections to the Exempt Roads as a part of the overall site plan review and permitting process, subject to the COUNTY's review and approval processes, and permit fee schedules

4. The TOWN agrees to accept all legal rights, responsibilities and obligations with respect to the Road Segments, including but not limited to the operation, maintenance, planning, design and construction of the Road Segments **(excluding traffic engineering and stormwater drainage related functions)**.

5. The COUNTY shall remain responsible for the planning, design, construction, improvement and maintenance of all stormwater drainage related functions of the Road Segments at the same level of service provided in UMSA and until such time that the Miami-Dade County Board of County Commissioners approves the TOWN's request for exemption (op-out) of the Miami-Dade County Stormwater Utility.

6. As limited by Section 768.28, Florida Statutes the COUNTY shall remain responsible for any tort liability for any actions arising out of the COUNTY's operation and maintenance of the Road Segments prior to and up to the effective date of the transfer of such roadways. Except as otherwise provided herein, the TOWN and the COUNTY agree that no indemnification or hold harmless agreement shall be in effect concerning any claims, demands, damages and causes of action that may be brought against either party pursuant to this Agreement. The TOWN and the COUNTY shall each individually defend any action or proceedings brought against their respective agencies pursuant to this Agreement and shall be individually responsible for all of their respective costs, attorneys fees, expenses and liabilities incurred as a result of any such claims, demands, suits, actions, damages and causes of action, including the investigation or the defense thereof, and from and against any orders, judgments or decrees that may be entered as a result thereof, provided, however that the County shall **to the extent permitted by law and as limited by Section 768.28, Florida Statutes** remain liable and defend, indemnify and hold harmless the Town, its Agents, officers and employees from any claim, dispute, action or suit arising under Paragraph (5). The County shall also **to the extent permitted by law and as limited by Section 768.28, Florida Statutes** defend, indemnify and hold harmless the Town its Agents, officers and employees from any claim, dispute, action or suit alleging any injury as a result of the COUNTY's performance or failure to perform the duties assumed by the COUNTY pursuant to Paragraph (3) or (10) hereof.

7. The COUNTY within thirty (30) days of the execution of this agreement shall provide the TOWN with all of the County's Engineering Division's Section Maps, which generally depict the rights-of-way.

8. Upon execution of this Agreement, the County Manager and TOWN Manager shall determine a mutually agreeable date for the recordation and transfer of the Road Segments following the approval of this road transfer agreement by the Board of County Commissioners. A "comprehensive" listing of all the public and/or private road



segments that have been transferred to the Town will be provided to the Town Manager.

9. The COUNTY shall provide the TOWN with a list of all completed, planned and/or unfunded roadway/sidewalk/stripping projects for the Road Segments and, upon the Town Manager's request, access to Plans, Specifications, Drawings, and Permits for such projects. The COUNTY shall assign to the TOWN any existing contractor or manufacturer warranties or guarantees for any completed Roadway Projects.

10. Whenever one of the parties to this Agreement desires to give notice to the other, such notice must be in writing, sent by U.S. Mail, certified, return receipt requested, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

For the COUNTY:

George M. Burgess  
County Manager  
County Manager's Office  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 2910  
Miami, Florida 33128  
Telephone: (305) 375-5311  
Facsimile: (305) 375-4658

For the TOWN:

Steven J. Alexander  
Town Manager  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
Telephone: (305) 234-4262  
Facsimile: (305) 234-4251

11. The TOWN and the COUNTY agree that this is the entire Agreement between the parties. This Agreement supersedes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and there are no commitments, agreements or understandings concerning the

subject matter of this Agreement that are not contained in this document. This Agreement cannot be modified or amended without the express written consent of the parties. Accordingly, no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity therewith.

12. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

13. The failure of either party to insist upon strict performance of any terms of this Agreement shall not be considered a waiver of any provisions set forth herein and shall not prevent enforcement of this Agreement.

14. Neither this Agreement nor any term or provision hereof or right hereunder shall be assignable by any parties nor any attempt to make such assignment shall be void.

15. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same Agreement.

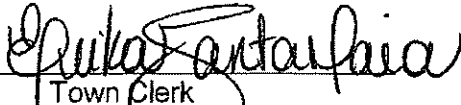
16. This Agreement shall be construed in accordance with the laws of the State of Florida and any proceedings arising in any matter pertaining to this Agreement shall, to the extent permitted by law, be held in Miami-Dade County, Florida.

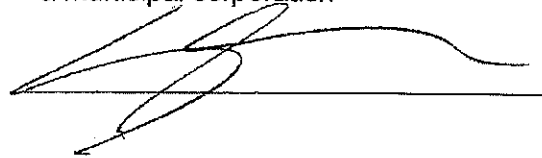
IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: the COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through the County Manager, authorized to execute same by Board action on the 3<sup>rd</sup> day of June, 2008, and the TOWN, signing by and through its Manager, authorized to execute same by Council action on the 20<sup>th</sup> day of February, 2008.

(Signature page follows)

ATTEST:

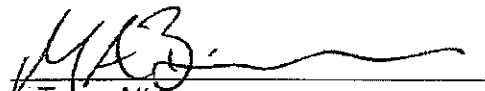
**TOWN OF CUTLER BAY,**  
a municipal corporation

By   
Town Clerk

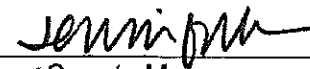


By Steven J. Alexander  
Town Manager

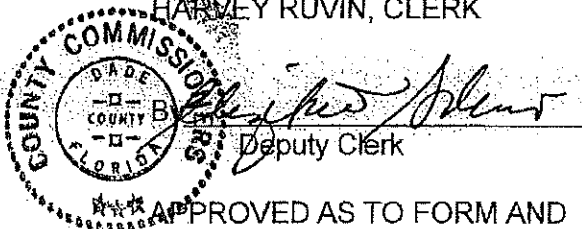
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

BY:   
Town Attorney

**MIAMI-DADE COUNTY**  
a political subdivision of  
the State of Florida  
By its Board of County  
Commissioners:

By   
County Manager  
Date: \_\_\_\_\_

ATTEST:  
HARVEY RUVIN, CLERK



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By   
County Attorney



**EXHIBIT A**

**COUNTY MAINTAINED ROADWAYS IN THE TOWN OF  
CUTLER BAY**

County Maintained Roadways in Cutler Bay				
Facility	From	To	Centerline Miles	Lane Miles
Old Cutler Road	SW 224 <sup>th</sup> Street	SW 184 <sup>th</sup> Street	3.27	6.54
SW 87 <sup>th</sup> Avenue	SW 232 <sup>nd</sup> Street	SW 184 <sup>th</sup> Street	3.24	6.48
SW 97 <sup>th</sup> Avenue	SW 232 <sup>nd</sup> Street	SW 184 <sup>th</sup> Street	2.02	4.04
Franjo Road	Old Cutler Road	SW 97 <sup>th</sup> Avenue	1.24	2.48
Marlin Road	Old Cutler Road	South Dade Transportation Corridor (Busway)	1.64	3.28
SW 184 <sup>th</sup> Street	US - 1	West line of Biscayne National Park	2.59 (paved) 0.23 (unpaved)	5.18 (paved) 0.46 (unpaved)
Caribbean Blvd.	South Dade Transportation Corridor (Busway)	SW 87 <sup>th</sup> Avenue	2.88	5.76
SW 211 <sup>th</sup> Street	SW 112 <sup>th</sup> Avenue	HEFT	0.55	1.10
SW 216 <sup>th</sup> Street	SW 103 <sup>rd</sup> Avenue	SW 80 <sup>th</sup> Avenue (theoretical)	1.67	3.34
SW 232 <sup>nd</sup> Street	SW 97 <sup>th</sup> Avenue	West line of Biscayne National Park	1.02 (paved) 1.10 (unpaved)	2.04 (paved) 2.20 (unpaved)
SW 77 <sup>th</sup> Avenue	Lot 1 in the SW ¼ of Section 2-56-40 Tenalla Ocean Farms	SW 216 <sup>th</sup> Street	1/13 (unpaved)	2.26 (unpaved)
SW 78 <sup>th</sup> Court	SW 199 <sup>th</sup> Terrace - SW 197 <sup>th</sup> Terrace	SW 200 <sup>th</sup> Terrace - SW 204 <sup>th</sup> Street	0.32 (unpaved)	0.64 (unpaved)
SW 78 <sup>th</sup> Avenue	SW 196 <sup>th</sup> Street	SW 207 <sup>th</sup> Street	0.70 (unpaved)	1.40 (unpaved)
SW 224 <sup>th</sup> Street	SW 87 <sup>th</sup> Avenue	NW ¼ of Section 15-56- 40	0.1 (paved) 0.18 (unpaved)	0.2 (paved) 0.36 (unpaved)
SW 216 <sup>th</sup> Street	SW 77 <sup>th</sup> Avenue	Lot 127 in the SW ¼ of Section 15-56-40 in Tenalla Ocean Farms	0.12 (unpaved)	0.24 (unpaved)

**EXHIBIT A**

SW 212 <sup>th</sup> Street	SW 77 <sup>th</sup> Avenue	Lot 92 and 101 in the SW ¼ of Section 11-56-40 in Tenalla Ocean Farms	0.31 (unpaved)	0.62 (unpaved)
SW 208 <sup>th</sup> Street	Tract "F" of Saga Bay Townhomes First Addition	Biscayne National Park	0.67 (unpaved)	1.34 (unpaved)
SW 207 <sup>th</sup> Street	SW 80 <sup>th</sup> Court	SW 78 <sup>th</sup> Avenue	0.11 (unpaved)	0.22 (unpaved)
SW 204 <sup>th</sup> Terrace	SW 79 <sup>th</sup> Avenue	SW 78 <sup>th</sup> Avenue	0.08 (unpaved)	0.16 (unpaved)
SW 204 <sup>th</sup> Street	SW 79 <sup>th</sup> Avenue	SW 78 <sup>th</sup> Court	0.65 (unpaved)	1.30 (unpaved)
SW 204 <sup>th</sup> Street	SW 78 <sup>th</sup> Avenue	Biscayne National Park		
SW 200 <sup>th</sup> Terrace	SW 79 <sup>th</sup> Avenue	SW 78 <sup>th</sup> Court	0.05 (unpaved)	0.10 (unpaved)
SW 200 <sup>th</sup> Street	SW 78 <sup>th</sup> Place	Biscayne National Park	0.12 (unpaved)	0.24 (unpaved)
SW 199 <sup>th</sup> Terrace	SW 78 <sup>th</sup> Place	SW 78 <sup>th</sup> Court	0.04 (unpaved)	0.08 (unpaved)
<b>Total for County Maintained Roadway</b>			20.22 (paved)	40.26 (paved)
			5.81 (unpaved)	11.62 (unpaved)

**Mayol, Juan J (MIA - X27787)**

**From:** Bennett, Ron (MDFR) <Ron.Bennett@miamidade.gov>  
**Sent:** Thursday, February 15, 2018 2:01 PM  
**To:** Mayol, Juan J (MIA - X27787)  
**Cc:** Simmons, Robert (MDFR)  
**Subject:** RE: M2017-006375

We don't specifically need a connection back to Old Cutler or 184 St. We would accept a compliant turn-around in lieu of a connecting roadway.



**R.J. Bennett, Fire Plans Processor** [bassett@miamidade.gov](mailto:bassett@miamidade.gov)  
**Miami-Dade Fire Rescue Department**  
**Fire Plans Review**  
**Office: 786 315-2771 / Fax: 786 315-2922**  
*"Delivering Excellence Every Day"*

Miami-Dade County is a public entity subject of Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.

Visit us @ [www.miamidade.gov/mdfr](http://www.miamidade.gov/mdfr)

**From:** Juan.Mayol@hklaw.com [mailto:Juan.Mayol@hklaw.com]  
**Sent:** Thursday, February 15, 2018 1:51 PM  
**To:** Bennett, Ron (MDFR) <Ron.Bennett@miamidade.gov>  
**Subject:** RE: M2017-006375

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message [reportspam@miamidade.gov](mailto:reportspam@miamidade.gov) Enterprise Security Office

The question is whether we can eliminate the second point of access and still get your department's approval.

**Juan Mayol | Holland & Knight**

Equity Partner

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, Florida 33131

Phone 305.789.7787 | Fax 305.789.7799

[juan.mayol@hklaw.com](mailto:juan.mayol@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

[Add to address book](#) | [View professional biography](#)

**From:** Bennett, Ron (MDFR) [mailto:Ron.Bennett@miamidade.gov]  
**Sent:** Thursday, February 15, 2018 1:48 PM

To: Mayol, Juan J (MIA - X27787) <[Juan.Mayol@hklaw.com](mailto:Juan.Mayol@hklaw.com)>  
Subject: RE: M2017-006375

I am at, and away from my desk throughout the day. Feel free to call. I'll pick up if I'm at my desk.

Lt. Simmons approved the site plan that is related to the subject process number.

Let me know what the issue is, I'll try to help if I can.



**R.J. Bennett, Fire Plans Processor** [bassett@miamidade.gov](mailto:bassett@miamidade.gov)  
**Miami-Dade Fire Rescue Department**  
**Fire Plans Review**  
Office: 786 315-2771 / Fax: 786 315-2922  
*"Delivering Excellence Every Day"*

Miami-Dade County is a public entity subject of Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.

Visit us @ [www.miamidade.gov/mdfr](http://www.miamidade.gov/mdfr)

From: [Juan.Mayol@hklaw.com](mailto:Juan.Mayol@hklaw.com) [<mailto:Juan.Mayol@hklaw.com>]  
Sent: Thursday, February 15, 2018 1:43 PM  
To: Bennett, Ron (MDFR) <[Ron.Bennett@miamidade.gov](mailto:Ron.Bennett@miamidade.gov)>  
Subject: M2017-006375

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message [reportspam@miamidade.gov](mailto:reportspam@miamidade.gov) **Enterprise Security Office**

Inspector,

Thank you for taking the time to talk earlier this afternoon. Attached is the site plan that was reviewed and approved by your Division under M2017-006375.

Please let me know if you can spare a few minutes for a quick phone call.

Thanks!

**Juan Mayol | Holland & Knight**

Equity Partner

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, Florida 33131

Phone 305.789.7787 | Fax 305.789.7799

[juan.mayol@hklaw.com](mailto:juan.mayol@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)



---

[Add to address book](#) | [View professional biography](#)

**From:** Mayol, Juan J (MIA - X27787)  
**Sent:** Thursday, February 15, 2018 12:43 PM  
**To:** Heredia, Carlos <[chh@miamidade.gov](mailto:chh@miamidade.gov)>  
**Subject:** FW:

This is what I need to discuss. Will call you in 2 minutes.

**Juan Mayol | Holland & Knight**

Equity Partner

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, Florida 33131

Phone 305.789.7787 | Fax 305.789.7799

[juan.mayol@hklaw.com](mailto:juan.mayol@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

---

[Add to address book](#) | [View professional biography](#)

---

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

# Transportation



## Transportation Map Series

---







Our File Number: 00045911-01  
Writer's E-Mail Address: JMuniz@gunster.com

**June 11, 2019**

**VIA EMAIL**

adavid@cgasolutions.com  
Alex David  
Interim Community Development Director  
Town of Cutler Bay

**Re: Cutler Properties: 18551 Old Cutler Road  
FLUEDRA Process**

Dear Mr. David:

We represent Cutler Properties, LC ("Cutler Properties") in the above-mentioned matter regarding the Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA"). Cutler Properties owns the property located at 1855 Old Cutler Road, Cutler Bay, Florida, 33157 ("Subject Property"), which it intended to develop as a 30-unit, single-family development. On February 21, 2018, the Town of Cutler Bay ("Town") Town Council denied the proposed site plan. On March 23, 2018, Cutler Properties submitted its FLUEDRA Request for Relief pursuant to section 70.51, Fla. Stat., based on the Town Council's denial, which was unreasonable and unfairly burdened the use of the Subject Property. Below is a summary of the FLUEDRA process, an overview of the parties' progress made in arriving at a resolution in this matter, and the current posture of the case.

The FLUEDRA process consists of two parts: (1) a facilitated mediation session, and (2) a special magistrate hearing. During the mediation session, the property owner and the local government work together to propose a resolution for the use of the property. If the parties reach a mutually-agreeable proposal, that proposal is submitted to the local government for approval. The local government has the authority to approve a resolution resulting from the mediation process at a public hearing. If a resolution cannot be reached at mediation, or if the proposed plan is not approved by the local government, the property owner may move forward with the FLUEDRA process, which requires the special magistrate to hold a hearing to determine whether the local government's action was unreasonable or unfairly burdened the property. If the special magistrate finds that the denial was unreasonable or unfairly burdened the use of the property, the special magistrate will recommend an alternative resolution to the local government for approval.

Currently, Cutler Properties and the Town are in the facilitated mediation phase. Through a collaborative effort, six (6) different site plans for the Subject Property were developed and

June 11, 2019

Page 2

considered during the course of the mediated process. Working together, Town staff and Cutler Properties have concluded that Option F should be submitted to the Town Council for approval. Among other things, the Option F site plan:

- Reduces the number of units to 29 single family homes;
- Eliminates vehicular access on SW 77<sup>th</sup> Avenue through to 184<sup>th</sup> Street; and
- Provides a 27-foot landscaped walkway from Old Cutler to the wetland area to the east (which will be improved with pavers and landscaping).

The Option F site plan has been submitted to Town Council for approval at the hearing on June 19, 2019 in an attempt to avoid further litigation in this matter. Option F resulted from the extensive coordination and cooperation of both Cutler Properties and Town staff throughout the mediation process, and the site plan protects the Town's interests while allowing Cutler Properties' use of its property. If the Town Council approves the Option F site plan, a development order will be entered and a formal special magistrate hearing is unnecessary. However, if Option F is denied by Town Council, then this matter will proceed to a formal hearing. At the hearing, Cutler Properties will provide evidence of the unfair burdens and unreasonableness resulting from the Town Council's denial. If the special magistrate finds that the Town Council's denial was unreasonable or unfairly burdened the use of the Subject Property, Option F or another alternative will be recommended to the Town Council for approval.

Upon the special magistrate's recommendation of an alternative site plan, the Town will have forty-five (45) days to accept, modify, or reject the recommendation. If the Town rejects the recommendation, it must issue a written decision within thirty (30) days that specifically describes the use or uses available to the Subject Property. If the use or uses to which the Town commits and makes available are unacceptable to Cutler Properties, then Cutler Properties may proceed with all appropriate remedies available to it under the laws and constitutions of the State of Florida and the United States of America, including but not limited to, inverse condemnation claims and claims under the Bert J. Harris, Jr., Private Property Rights Protection Act.

We look forward to resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "S. Kathleen Dunne" followed by a small "for" and a flourish.

Juan M. Muniz