

RESOLUTION NO. 19-_____

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.

WHEREAS, Cutler Properties, LC (the “Applicant”) has submitted a Site Plan Application (the “Application”) to permit a development containing twenty-nine (29) single family homes on a site consisting of approximately 8.43 +/- acres located at 36-6003-001-0013 (the “Property”), as legally described in Exhibit “A” pursuant to Section 3-33 of the Town of Cutler Bay (the “Town”) Code; and

WHEREAS, this Development is to be located along S.W. 184 Street and Old Cutler Road on property zoned SR; and

WHEREAS, the Town held a Zoning Workshop regarding the proposed site plan in order to receive comments from both residents and the members of the Town Council; and

WHEREAS, Town staff has reviewed the application and is recommending approval; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, found that the Application does meet the requirements of the Town Land Development Regulations and is consistent with the Town’s Comprehensive Plan; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application and finds that it does meet the approval criteria set forth in Section 3-33 of the Town Code.

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

1. General Conditions

- 1.1 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.

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.

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.
- 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.

Section 4. **Violation.** Failure to adhere to the terms of any approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this _____ day of June, 2019.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

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

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

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____