



***Application No.:***

***SP-2018-026***

**Attachment "A"**

**Consultant's Report**

**CEDAR HOLDING, LLC  
SITE PLAN**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF CEDAR HOLDING, LLC TO PERMIT A TWO HUNDRED THIRTY-SIX (236) UNIT RESIDENTIAL APARTMENT BUILDING AT THE POINT ROYALE SHOPPING CENTER, WHICH IS ON PROPERTY LOCATED AT 18901 SOUTH DIXIE HIGHWAY (FOLIOS # 36-6005-070-0010 AND 36-6005-014-0010), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.25 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.



ISO 9001:2015 CERTIFIED

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## MEMORANDUM

**DATE:** August 30, 2019

**TO:** Alex A. David, AICP  
Interim Community Development Director

**FROM:** Kristen Nowicki, AICP, Senior Planner

**SUBJECT:** Site Plan Review of Point Royale Apartments; 18901 S. Dixie Highway  
(SP-2018-026)

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**Applicant:** Cedar Holding, LLC

**Location:** 18901 S. Dixie Highway; Folio Numbers 36-6005-070-0010 and 36-6005-014-0010

**Property Size:** 3.58 acres + 0.67 acres = 4.25 acres

**Current Uses:** Retail building (the "US-1 Discount Mall") and Vacant

**Proposed Use:** Residential Apartment Building and Park

**Future Land Use Designation:** Mixed Use

**Zoning District:** TRC, Transit Corridor District and SF, Single Family

**Background and Applicant's Request:** The applicant intends to redevelop the 3.58-acre site. The current US-1 Discount Mall would be demolished and replaced with a new, 7-story, 236-unit apartment building, adding a residential component to the commercial Point Royale Plaza.

### **Town Consultant Review**

The Site Plan application has been reviewed for consistency with the Town of Cutler Bay's Growth Management Plan and Land Development Regulations, including but not limited to: Section 3-33 - Site plan application, Section 3-59 - TRC, Transit Corridor District, Section 3-55 - SR, Single-Family Residential Zoning District, Section 3-80 - Nonresidential and Mixed use (Architecture and Form Standards), Article VIII - Landscape and Tree Protection, Article V - Green Standards, Article IX – Transportation Requirements, and Section 3-151 – Exterior Lighting Standards.

### **Consistency with Growth Management Plan**

The subject property is designated as "Mixed Use" on the Town of Cutler Bay Future Land Use Map. This permits a mix of uses with residential uses encouraged in the form of vertical or

horizontal mixed use. Adding the proposed residential use into the existing Point Royale Plaza will create horizontal mixed use. Along the U.S. 1 corridor, the Mixed Use designation allows residential uses comprising no less than 20% and no more than 80% of the buildings on a development site. The proposed site plan is consistent with the Town's Growth Management Plan.

The table below indicates the density, intensity and site utilization along the U.S. 1 corridor on property designated as Mixed Use:

<b>Mixed Use - U.S. 1 Corridor</b>	<b>Permitted</b>	<b>Proposed</b>
Maximum Floor Area Ratio	2.5	1.84
Multi-Family Density	75 units per acre	66.9 units per acre
Maximum Height	72 ft, with no more than 35 ft adjacent to single family	Apartments: 70 ft 6 in Garage: 35 ft (adjacent to single family)
Residential use in relation to other uses on a mixed use site	No less than 20% and no more than 80%	43.1% Residential (proposed) 56.9% Commercial (existing)

### **Zoning**

The subject property is in the TRC, Transit Corridor District. Included in the permitted uses is Multi-family Residential. The applicant is proposing a multi-family residential use and is therefore in compliance with the permitted uses. The proposed development also complies with the site development standards in the TRC district. A two-story height bonus and a 10% reduction in required parking are requested with the Town's Green Building Program Designation, Section 3-74(4). No variances are requested. Regarding parking, it should be noted that 147 of the 236 apartments are one-bedroom units, and the remaining 89 are two-bedroom. There are no 3- or 4-bedroom floorplans offered.

### **Height Bonus & Parking Reduction - Green Building Program Designation**

The applicant is requesting two additional stories on the apartment building, taking it from the 5 stories permitted in the TRC Zoning District to 7 stories. The proposed design is within the limits of the Growth Management Plan (maximum 72 feet). In addition, the applicant requests a 10% reduction in required parking.

The additional height and reduced parking requirement are components of the Town's Green Building Program Designation (Section 3-74).

Per Section 3-74(1)(a), the applicant must successfully register the project with the Green Building Certification Institute or the state green building coalition, or other third party certifying agency as approved by the town manager, and provide evidence of such registration.

The applicant has received approval by the Town Manager to utilize the National Green Building Standard (NGBS)/ICC 700 certification at the Gold level for this project. NGBS is comparable to LEED or FGBC.

Following the criteria for NGBS Multi-Family New Construction, the applicant's accredited professional, Abney + Abney Green Solutions, has registered the project through NGBS. The application includes a checklist indicating which credits are claimed to achieve Gold level certification. The application is satisfactory and will be subject to compliance before, during, and after construction to achieve the certification.

#### **Uses Surrounding Proposed Apartment Site**

	<b>Future Land Use</b>	<b>Zoning District</b>
Subject Property (future apartments)	Mixed Use	TRC, Transit Corridor
South	Single Family	SF, Single Family
Southeast (future park site)	Mixed Use	SF, Single Family
Southwest	Mixed Use	TRC, Transit Corridor
Northeast	Water (Canal)	Water Use
West	Mixed Use	TRC, Transit Corridor

#### **Adjacent Site to be Improved as a Park**

The subject 3.58-acre site is adjacent to, and under the same ownership as, a vacant parcel in the SR, Single-Family Residential Zoning District. The Single-Family property is 0.65 acres and proposed to be rezoned at a future date to PK, Park District and improved as a park, including fitness amenities, shade structures, a water feature, and an area for dogs. If the Point Royale Apartments Site Plan is approved by the Town, as a condition of approval, the applicant will improve and dedicate the 0.65-acre site to the Town under subsequent actions.

#### **Environmental Review**

The application complies with Article V of the Town's Land Development Regulations, Green Standards. Section 3-72, Standards, covers the requirements for bicycle parking, parking for Electric Vehicles, materials and water conservation. Along with the Green Building Program Designation, the project will comply with Section 3-73, Recycling and diversion of construction and demolition waste.

The standard environmental review was performed by the Miami-Dade County Department of Regulatory and Economic Resources (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code. A letter of no objection was provided by DERM staff.

#### **Architecture and Form Standards**

The proposed elevations comply with Section 3-80- Nonresidential and Mixed Use. In particular, the following amenities will be provided on the property and adjacent proposed park:

Per 3-80(t): 4 features for developments over 5 acres in area

- (1) Patio with a minimum of 1,000 square feet in area with shaded seating;
- (2) Pedestrian plaza with a minimum of 1,000 square feet in area with benches and shade structures;
- (5) Outdoor shaded playground area with a minimum of 1,000 square feet in area;
- (8) Clock tower or other focal feature (decorative entryway feature into park)

Per 3-80(u): 8 features

- (1) Canopies or portico integrated with the building's massing and style;
- (2) Overhangs with a minimum of three feet in depth along all building walls;
- (5) Raised cornice or building banding with a minimum of two reliefs along the building facade;
- (9) Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design;
- (10) Projected and covered entry a minimum of five feet in width;
- (12) Decorative landscape planters, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;
- (13) Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment shall constitute a minimum of 60 percent of walkway area;
- (14) Water elements, such as a decorative fountain or similar water feature, a minimum of 300 square feet in area

### **Landscape Design**

The landscape plans adhere to Article VII – Landscaping and Tree Preservation as well as the Miami-Dade County criteria.

### **Site Plan Criteria, Per Section 3-33(2)**

In evaluating an approval of a Site Plan application under per Sec. 3-33(2), Approval Criteria, of the Town's Land Development Regulations, the following evaluation standards 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.*

The proposed development conforms to the Growth Management Plan and applicable area or neighborhood studies. The subject property complies with the permitted uses in the "Mixed Use" designation on the Town of Cutler Bay Future Land Use Map and the uses permitted in the TRC Zoning District.

The applicant is proposing to add a multi-family residential use to the existing commercial plaza in place of a multi-tenant discount market. The 1- and 2-bedroom apartments will be offered at market rental rates to accommodate professionals, new college graduates, and small families. The nearby retail and restaurant uses in Point Royale Plaza will benefit by having new residents within walking distance to support their businesses. The addition of the residential use creates a "Mixed Use" plaza, conforming to the intent of the Growth Management Plan.

The adjacent vacant site, under the same ownership, is also proposed to be improved as a public park (and dedicated to the Town), which will enhance the quality of life for the new apartment residents as well as the current neighbors.

*2. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the town, 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.*

As a redevelopment project, the proposed development is required to comply with the Town's landscaping requirements. The new landscaping will have a favorable impact on the environmental and natural resources of the town, as well as a favorable visual impact. Improvements to the adjacent vacant site will also have a favorable environmental impact to the Town, as it will become a public park to be utilized by all residents of the Town.

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

The proposed use, residential apartments, complies with the permitted uses in the TRC Zoning district. According to the applicant, the current use, an indoor multi-tenant discount/flea market is about 65% occupied. New apartments will bring new residents to the area who will experience convenient access to shopping, a grocery store, and restaurants, therefore contributing to a favorable impact on the economy of 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.*

The site of the proposed apartments is currently occupied and therefore utilizes water, sewer, and solid waste services. The utility lines will be upgraded and redesigned to accommodate the new use. In particular, the water line serving the site is proposed to be upgraded to meet the demand of a residential building. Recycling and waste diversion will be a part of the proposed use, as it is required per the National Green Building Standards. Twenty-two Electric Vehicle parking spaces are planned for the garage, which prioritizes spaces for residents who have electric vehicles. Recreation will be improved as the plan, if the apartments are approved, is to develop the adjacent vacant site as a park and dedicate it to the Town. Educational services have been reviewed by the Miami-Dade County School District and any required fees are being handled directly through the School District and the applicant. Stormwater runoff will be improved upon redevelopment, by providing upgraded drainage structures.

*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.*

The proposed development will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, or streets. A public transit stop is located within walking distance. A dedicated path from the proposed building connecting

to the current public sidewalk will provide a walkway for transit riders to and from the transit stop.

The applicant provided a traffic study, which was reviewed by KCI (the Town's Consultant). The proposed development is determined not to adversely diminish levels of service. The review follows, below.

### **Traffic Review**

The proposed Pointe Royale Apartments project, located at 18901 South Dixie Highway in Cutler Bay, consists of a 236 residential unit multi-family development, which will replace 49,959 square feet of an existing commercial shopping center. The proposed development is expected to produce a net -180 daily trips, a net +43 AM peak hour trips, and a net -70 PM peak hour trips.

José L. Rodríguez, P. E. (Florida 45596), of KCI Technologies, Inc. (KCI) has reviewed the original Pointe Royale Apartments Traffic Study report, dated December 2018, and the revised report, dated May 13, 2019 prepared by David Plummer & Associates. All the comments were successfully addressed.

Overall, the proposed project does not produce an adversely diminished Level of Service (LOS) on US-1/SR-5/South Dixie Highway or Marlin Road. All roadway segments, with and without the proposed project, are projected to operate within the Town of Cutler Bay's adopted LOS standards. This is consistent with the Town's Growth Management Plan.

Similarly, the results of the future with project conditions show that the overall LOS for the Marlin Road and Belview Drive intersection will continue to operate within the LOS standards adopted by the Town of Cutler Bay.

The US-1 / Marlin Road intersection is expected to continue to experience delays during the AM and PM peak hours. Signal timing improvements for the AM and PM peak hours are recommended to reduce the southeast bound and northwest bound approach delays.

As part of the traffic study, a mobility and circulation plan was completed. The plan shows that the project site is located in an area that is conducive for pedestrian and bicycle activities and is well served by a number of Miami-Dade Transit routes and is within walking distance to the South Dade Trail and the South Miami-Dade Busway.

### **Recommendation:**

The staff recommendation is for **approval** of the requested Site Plan and Green Building Program Designation, subject to the following conditions:

- The applicant dedicate land to the Town for public park purposes (Folio No. 36-6005-014-0010)
- Prior to the Certificate of Occupancy for the residential building, the applicant shall deliver the park and associated amenities to the Town as shown in the submitted site plans (sheets A0.06, A0.08, A1.02, A1.02C, PH-01, L-2.00, L-5.00, and L-5.50).

- Fulfilment of the requirements per Section 3-74, Green Building Program Designation, for the two-story height bonus and 10% parking reduction.

## 1. **General Conditions**

1.1 The proposed development will be built in accordance with the plans submitted entitled "Point Royale Apartments", consisting of 29 sheets and prepared by Modis Architects, LLC, and Landscapede, LLC, and dated 8/7/2019 and 8/22/2019. The survey was prepared by Narciso J. Ramirez and consists of one page dated December 28, 2018. The Traffic Study was performed by David Plummer & Associates and was dated May 13, 2019. The Green Building Program application was prepared by Abney + Abney Green Solutions and was dated April 12, 2019.

1.2 All applicable 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 consideration 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, and the Department of Regulatory and Economic Resources (DRER).

## 2. **Construction General Conditions**

### 2.1 Construction Staging

2.1.1 The Applicant shall submit a construction staging plan 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.

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) and more specifically, DERM.

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 DERM requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DERM requirements.

### **4. Green Building Program Designation**

4.1 The applicant shall comply with Town of Cutler Bay Land Development Code Section 3-74(1)(d):

- d. Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to five percent of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. In lieu of the bond required by this section, the town may accept an irrevocable letter of credit from a financial institution authorized to do business in the state or provide evidence of cash deposited in an escrow account in a financial institution in the state in the name of the applicant and the town. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the Green Building Certification Institute or other nationally recognized certifying agency within one year after receiving the town's certificate of occupancy, the applicant shall either request an extension or forfeit 100 percent of the bond. The applicant, for good cause shown, may request an extension of time of up to one additional year to achieve certification. Such extension may be granted at the sole discretion of the town council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two years after receiving the town's certificate of occupancy, the applicant shall forfeit 100 percent of the bond. Funds that become available to the town from the forfeiture of the performance bonds shall be deposited in a green building fund established by the town.

## **5. Environmental**

5.1 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.

5.2 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.

## **6. Signs**

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

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

## **7. Building**

7.1 The Applicant shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.

7.2 Paving materials for sidewalks, courtyards, and non-covered parking lots with a minimum solar reflective index (SRI) of 29.

## **8. Enforcement**

8.1 Noncompliance with the approved site plan and the terms of this approval shall be considered a violation of the Town Code. Penalties for such violation(s) shall be prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

KCI Project No. 481900318.04