

Holland & Knight

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VIA HAND DELIVERY

October 30, 2019

Mr. Alex David, AICP
Interim Planning and Zoning 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 / Updated Letter of Intent
for Site Plan Approval / Site Plan – Option D**

Dear Mr. David:

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 (the “Town”), further identified by Miami-Dade County Folio No. 36-6003-001-0013 (the “Property”). This letter shall serve as the Applicant’s updated letter of intent for site plan approval, pursuant to Section 3-33 of the Town of Cutler Bay Land Development Regulations (the “Application”). As reflected in the accompanying site plan, the Applicant seeks to develop the Property in accordance with the current “Low Density” land use designation and “Single-Family Residential District (SR)” zoning (“Site Plan – Option D”). See Exhibit “A”.

The Property was purchased by the Applicant in October 2003, in a transaction involving a 138-acre parcel (“Original Parcel”). Efforts to develop the Original Parcel began shortly after the property was acquired. The site was planned to be developed with 341 residential units known as “Old Cutler Village”. Old Cutler Village was to be developed on an approximately 40-acre footprint within the 138-acre Original Parcel. Pursuant to the development plan, the balance of the Original Parcel, which was made up of the easternmost 93.15 acres bordering Biscayne Bay, were to be dedicated and preserved.

During the course of seeking approvals for Old Cutler Village, the Applicant applied for an Environmental Resource Permit (“ERP”) from the South Florida Water Management District (the “SFWMD”) in March 2005. After two years of working through the approvals process, it became apparent through statement and resolutions made by the SFWMD Board that pursuit of the ERP was futile, that the SFWMD would not approve any developments on the Original Parcel, and that, instead, the SFWMD intended to acquire the Original Parcel for its Biscayne Bay Coastal Wetlands project at some point in the future.

Mr. Alex David
Interim Planning and Zoning Director
October 30, 2019
Page 2

The Applicant filed an inverse condemnation lawsuit in August of 2008 against the SFWMD for the regulatory taking of the 138-acre Original Parcel. Through settlement discussions that lasted several months, the parties agreed that the SFWMD would acquire the Original Parcel in settlement of all claims. However, at the SFWMD's request, and in an effort to reduce the purchase price to an agreed amount, the 8.43-acre *upland* Property was carved out of the transaction and retained by the Applicant. The *upland nature* of the Property has been subsequently confirmed by both the SFWMD and the County's Division of Environmental Resources Management ("DERM"). The Property was then, and remains today, a non-jurisdictional upland.

In 2014, the Applicant pursued a mixed-use development on the Property. However, the mixed-use development did not receive the support of the Town's planning consultants. Accordingly, on February 24, 2016, the Applicant withdrew its pending application and advised the Town that, instead, it would proceed in with an "as-of-right" development of the Property under the existing "Low Density" land use designation and "Single-Family Residential District (SR)" zoning classification.

On July 25, 2016, the Applicant submitted a revised letter of intent for site plan approval, seeking to develop a 30-unit, single-family home project on the Property, consistent with the Property's existing land use designation and zoning classification. Over the course of two years, the Applicant's design consultants, traffic and legal consultants worked with the Town's staff and its consultants on the application. The resulting site plan application represented an "as-of-right" proposal that did not require a comprehensive plan amendment, rezoning, special exceptions, variances, or waivers. The proposed density was 3.55 units per gross acre, which is less than the 5 units per gross acre permitted by the Town's Comprehensive Plan and Land Development Regulations. Additionally, the Application proposed a 42-foot dedication for road right-of-way, as well as pedestrian and bikeway access and internal pathways.

During the continued review process, the Applicant's consultants, in conjunction with the Town's professional staff and consultants, discussed access, traffic impacts, and ingress and egress to the Property. The Application proposed two access points in relation to the Property's location east of Old Cutler Road and south of 184th Street. An unimproved theoretical road known as SW 77th Avenue lies northeast of the Property, and would serve to connect the Property to 184th Street. Although SW 77th Avenue is *not* shown as a road on the Town's Comprehensive Plan, a portion south of Eureka had been dedicated before it and other local roads were transferred from Miami-Dade County to the Town as part of an interlocal agreement with the County.

On February 21, 2018, the "as-of-right" site plan application was considered by the Town Council at a quasi-judicial public hearing. The Town staff recommended approval of the application. A number of Town residents, however, objected to the application specifically because of the proposed access utilizing unimproved 77th Avenue. The Town Council voted 5 to 0 to deny the application but waived the filing period to file a new site plan application. On March 5, 2018, the Town entered the development order denying the application. The Town's denial letter constitutes a development order as defined by Section 163.3164(15) and is actionable under the

Mr. Alex David
Interim Planning and Zoning Director
October 30, 2019
Page 3

Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA"). After the denial, the Applicant filed a Request for FLUEDRA Relief on March 23, 2018.

The FLUEDRA process consists of two phases: (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 then 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.

Over the course of the past 16 months, the parties have participated in four mediation conferences (June 18, 2018, July 5, 2018, September 4, 2018, and February 19, 2019) and several conference calls where alternative plans were reviewed. Through this collaborative effort, six (6) different site plans for the Property were developed and considered during the course of the mediated process, which was facilitated and overseen by Special Magistrate, Craig H. Collier.

Both sides have made an extraordinary effort to reach a compromise. Working together, through the cooperation of Town staff and the Applicant, it was concluded that a new site Plan labeled "Site Plan - Option F" should be submitted to the Town for approval. Among other things, Site Plan - Option F:

- Reduced the number of units to 29 single-family homes;
- Eliminated vehicular access on SW 77th Avenue through to 184th Street;
- Provided a 27-foot landscaped walkway from Old Cutler to the wetland area to the east (which would be improved with pavers and landscaping); and
- Provided a utility connection through the unimproved SW 77th right-of-way to avoid connection through, and disruption to, Old Cutler Road.

The Applicant prepared and submitted a detailed and full "Site Plan - Option F" application package for review by Town staff and the Town's consultant. Town staff submitted a memorandum to the Town Council recommending approval of Site Plan - Option F, which was to be brought before the Town Council for approval at the quasi-judicial hearing on June 19, 2019. However, DERM's memorandum on the "Site Plan - Option F" was not timely received and the item was withdrawn by Town staff on the day of the hearing,

As you will recall, the Applicant presented a new alternative site plan, which has been labeled as "Site Plan - Option D". Unlike the other site plans the Applicant proffered during the FLUEDRA process, Site Plan - Option D does not propose access to the Property through SW 77th Avenue. Like the previous site plans, its approval does not require any type of zoning relief from the Town Council. At the request of Staff and in the interest of forging a compromise, and despite the fact that the SFWMD does not permitting jurisdiction over the upland, as confirmed by the

Mr. Alex David
 Interim Planning and Zoning Director
 October 30, 2019
 Page 4

SFWMD, the Applicant further modified Option D to provide a minimum setback of 15 feet from the eastern property line, adjacent to the jurisdictional wetlands. In fact, by and large, the site plan will maintain a 27 foot setback from the jurisdictional line. Moreover, the Applicant has proposed the construction of a retention wall along the eastern property line, with a 5 foot setback, to further protect the wetlands from been impacted during the development of the Property. In summary, Option D includes the following elements:

- Reduces the number of units to 29 single-family homes;
- Does not require Town approval to allow vehicular access onto or through SW 77th Avenue;
- Does not require Town approval to pave or improve SW 77th Avenue;
- Does not require Town approval to install underground utilities within SW 77th Avenue; and
- Provides the suggested (not required) 15-foot buffer from the wetland to the east of the Property.

In his order, which is attached as Exhibit B, based on the evidence presented, Special Magistrate, Craig H. Collier, strongly recommended that the Town Council adopt Site Plan – Option D and bring final resolution to this matter. He further stated that Site Plan – Option D is an “as-of-right” plan that is consistent with the Town’s Comprehensive Plan and complies with the Town’s Land Development Regulations, and *that failure to adopt Site Plan – Option D would indeed be unreasonable and unduly burden the Property*. See Exhibit “B”.

SITE PLAN – OPTION D

As delineated in Site Plan – Option D, the Applicant is proposing to redevelop the Property into a first-class residential neighborhood that will consist of twenty-nine (29) 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. Site Plan - Option D will also meet, and in most instances exceed, all of the applicable requirements of the Town Land Development Regulations, as a true “as-of-right” development.

Pursuant to Section 33-3(B) of the Town 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.

Mr. Alex David
Interim Planning and Zoning Director
October 30, 2019
Page 5

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 is also consistent with the FLUEDRA Special Magistrate's findings, and meets all Miami-Dade County DERM requirements. See Exhibit "C".

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 improving access to quality housing, preserving property values, and increasing the Town's ad valorem tax base.

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

Mr. Alex David
Interim Planning and Zoning Director
October 30, 2019
Page 6

facility capacity for the development. The proposed Project also encompasses extensive sidewalks, and meets all Miami-Dade County Fire Rescue and DERM requirements.

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 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 and amenities. Based on the findings and strong recommendation of the FLUEDRA Special Magistrate, and the foregoing "as-of-right" development plan, 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) 789-7446.

Respectfully submitted,

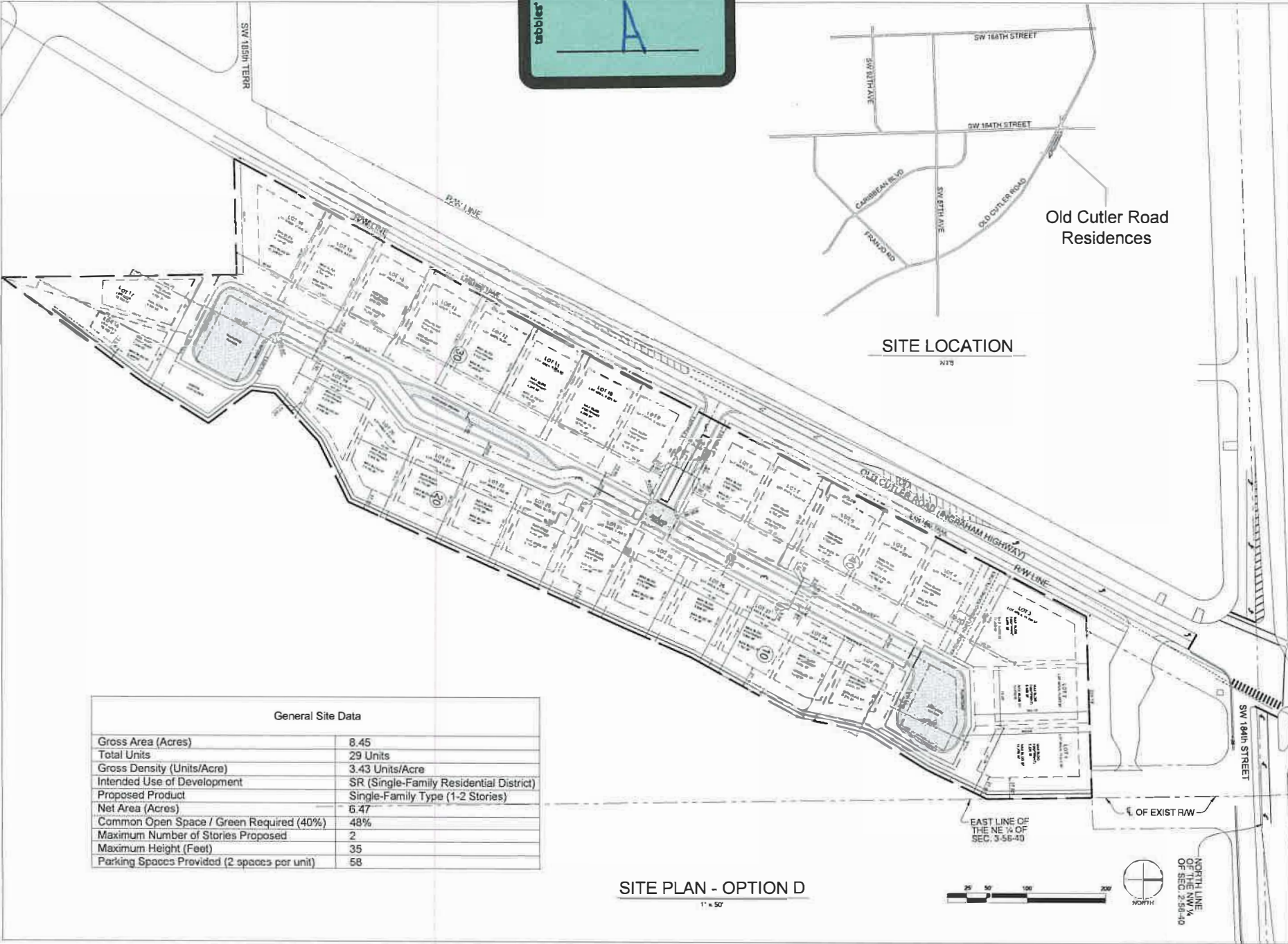
HOLLAND & KNIGHT LLP



Alejandro J. Arias, Esq.

AJA:sf

Enclosures



General Site Data	
Gross Area (Acres)	8.45
Total Units	29 Units
Gross Density (Units/Acre)	3.43 Units/Acre
Intended Use of Development	SR (Single-Family Residential District)
Proposed Product	Single-Family Type (1-2 Stories)
Net Area (Acres)	6.47
Common Open Space / Green Required (40%)	48%
Maximum Number of Stories Proposed	2
Maximum Height (Feet)	35
Parking Spaces Provided (2 spaces per unit)	58

SITE PLAN - OPTION D
1" = 50'

DOVER, KOHL & PARTNERS
law planning

CHARL. COOPER & ASSOCIATES P.A.
ARCHITECTS

1571 Sunset Drive
Coral Gables, FL 33143
(305) 965-0446
doverkohl.com

REVISIONS:

Old Cutler Road Residences
Cutter Bay, Florida

OWNER:
Future
International
Group

SEAL:

DATE: October 18, 2019

SP-1

SHEET NO:

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 coded to permit development of more at the completion of previously approved development of lands within the district and/or some portion of commercial single family residential 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 Zero 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)	5
Minimum Unit Size (square feet)	1,200
Maximum Height (feet)	35
Number of stories	2
Principal Structure Setbacks (feet)	
Front	25
Side Street	15
Interior Side	5
Rear	15
Minimum Spacing Between Buildings	10
Maximum Impervious Surface Coverage (percent)	60
Minimum Lot Width (feet)	75
Minimum Lot Depth (feet)	100
Minimum Open Space (percent)	40
Accessory Structure Setback	
Front	25
Side Street	15
Interior Side	5
Rear	5

(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.

(10) Typical SR Side Plan. See Graphic IV 2.

Characteristics of Old Cutler Road Residences

Old Cutler Road Residences Description

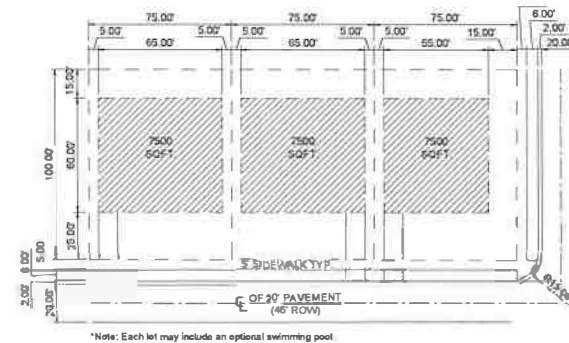
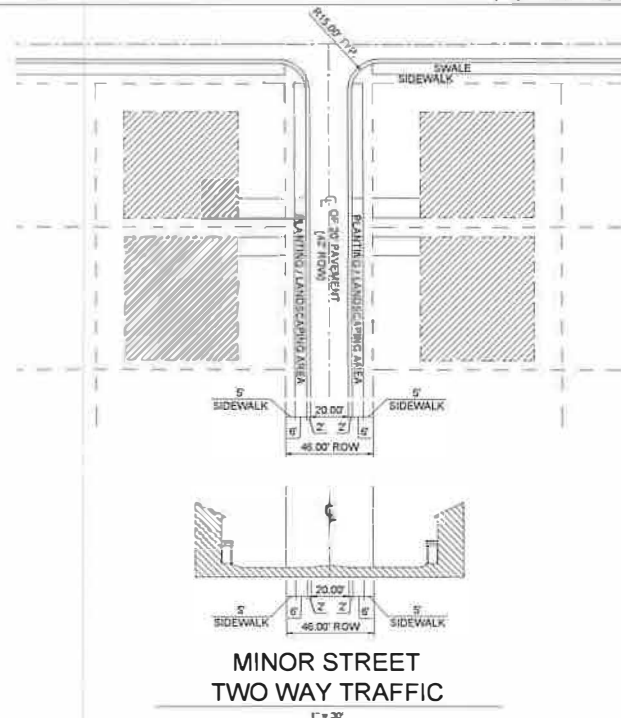
Old Cutler Road Residences features a pedestrian-friendly, walkable, street-oriented design.

- (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 Zero Lot Line if based on a site plan approved prior to the adoption of this code.

(2) Table of Standards:		Old Cutler Road Residences
Standard		
Minimum Lot Area (square feet)		7,500
Maximum Density (units per acre)		3.43
Minimum Unit Size (square feet)		>1,200
Maximum Height (feet)		35
Number of stories		2
Principal Structure Setbacks (feet)		
Front		25
Side Street		15
Interior Side		5
Rear		15
Minimum Spacing Between Buildings		10
Maximum Impervious Surface Coverage (percent)		60
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 Setback		
Front		25
Side Street		15
Interior Side		5
Rear		5

(4) 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.

(10) Typical SR Side Plan. See Graphic IV 2.



*Note: Each lot may include an optional swimming pool.

TYPICAL LOTS
DETACHED SINGLE-FAMILY
1" = 30'

DOVER, KOHL & PARTNERS
LAND PLANNING

MAIL, COOPER & ASSOCIATES P.A.
ARCHITECTS

1571 Sunset Drive
Coral Gables, FL 33143
(305) 855-0446
doverkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
Group

SEAL

DATE: October 18, 2019

SP-2

SHEET NO:

SP-3

SHEET NO.

DATE: October 18, 2010

OWNER:
International
Group
SEAL

Old Cutler Road Residences
Cutler Bay, Florida

1171 Summit Drive
Coral Gables, FL 33143
(305) 442-0046
www.dcoi.com

OWEN, KOHL & PARTNERS
P.A.

OWEN, KOHL & PARTNERS
P.A.

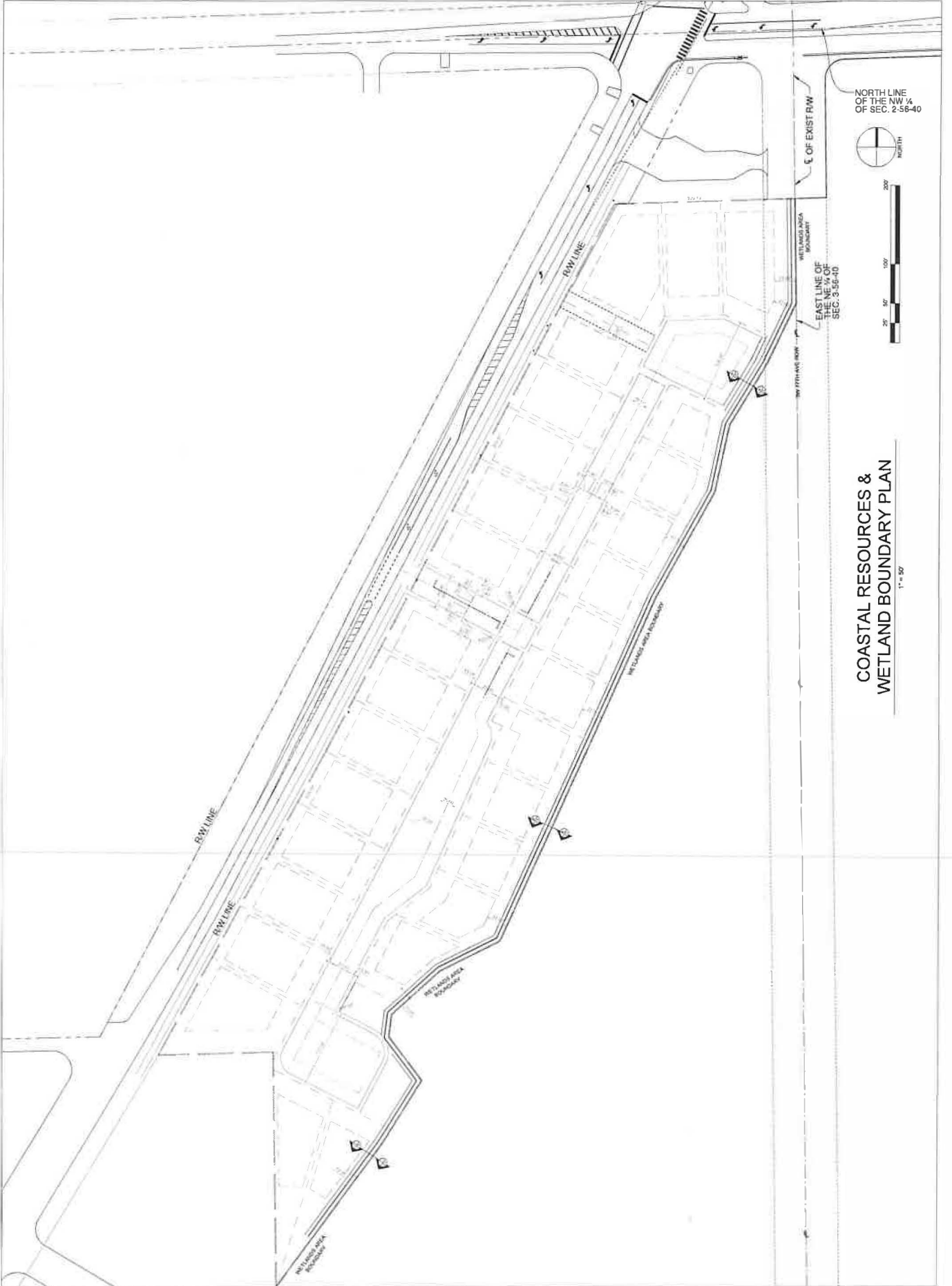
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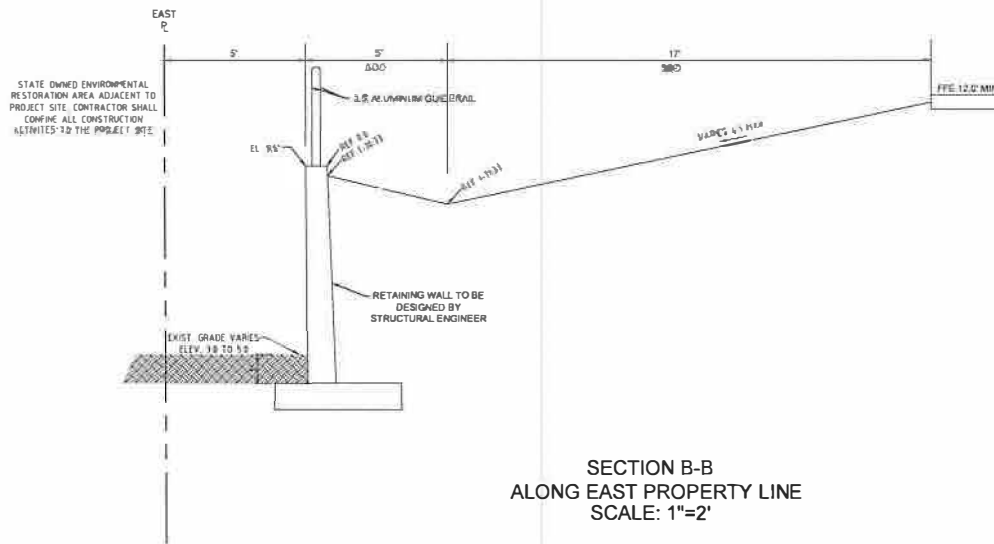
NORTH LINE
OF THE NW 1/4
OF SEC. 2-56-40



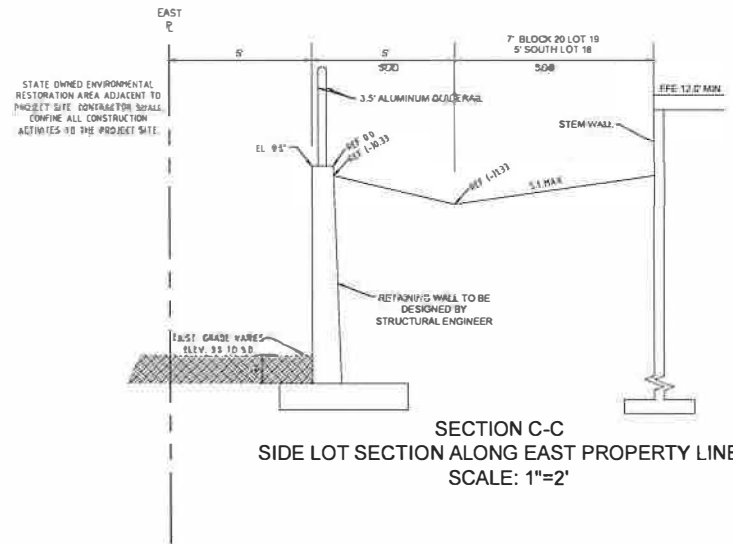
COASTAL RESOURCES &
WETLAND BOUNDARY PLAN

1" = 50'

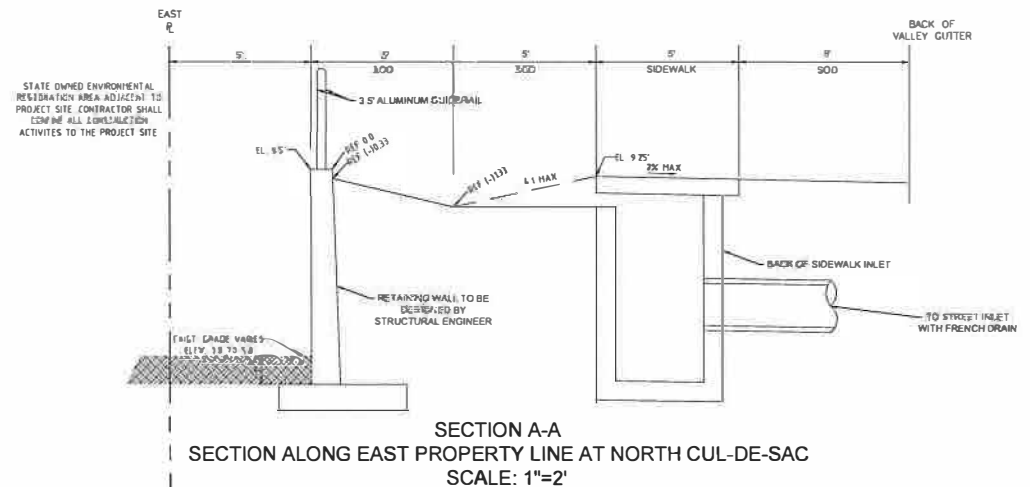




SECTION B-B
ALONG EAST PROPERTY LINE
SCALE: 1"=2'



SECTION C-C
SIDE LOT SECTION ALONG EAST PROPERTY LINE
SCALE: 1"=2'



SECTION A-A
SECTION ALONG EAST PROPERTY LINE AT NORTH CUL-DE-SAC
SCALE: 1"=2'

Drawing notes: 1) STATE OWNED ENVIRONMENTAL RESTORATION AREA ADJACENT TO PROJECT SITE. CONTRACTOR SHALL CONFINE ALL CONSTRUCTION ACTIVITIES TO THE PROJECT SITE.

NO.	DATE	BY	CHK	DESCRIPTION
1	1/20/2017	LAURE A. SHAW		REVISION: ALL SECTIONS FOR REVIEW
2	1/20/2017	LAURE A. SHAW		REVISION: SECTION A-A CORRECTION 1 AND 2



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
328 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305.448-1800 • LB 1012

FORTUNE INTERNATIONAL GROUP
CONCEPTUAL CROSS SECTIONS

OLD CUTLER ROAD RESIDENCES
SECTION 3-56S-40E

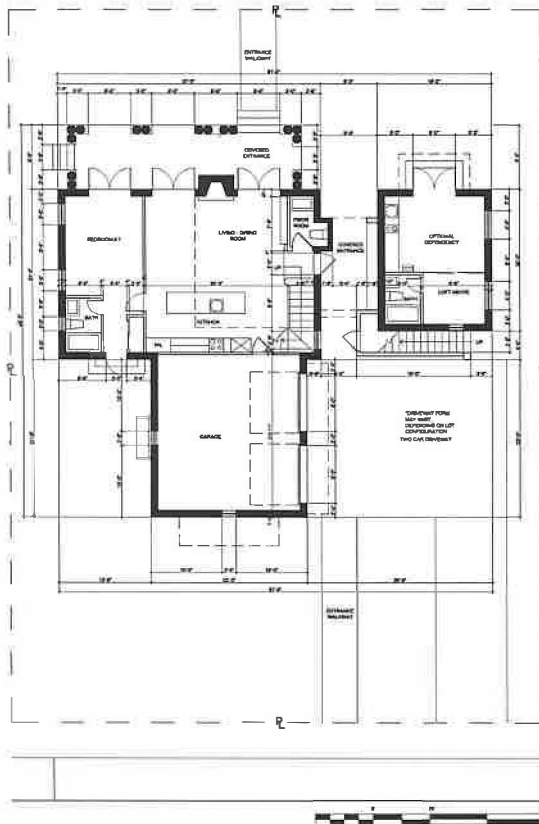
DESIGNED: LAJ	DRAWN: BR	CHECKED: LAJ	DATE: 1/20/2017
LAURE A. SHAW REGISTERED ENGINEER AND STATE OF FLORIDA			C-1 OF 1 SHEET

SAMPLE MODEL "A" (INCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	2,184 SQFT
2ND FLOOR	1,521 SQFT
TOTAL	3,665 SQFT
NET SQUARE FEET	
1ST FLOOR	1,031 SQFT
2ND FLOOR	852 SQFT
TOTAL A/C SPACE	1,883 SQFT
GARAGE	433 SQFT
COVERED ENTRY	383 SQFT
BALCONY	194 SQFT
SUN TERRACE	196 SQFT
GRAND TOTAL	3,075 SQFT

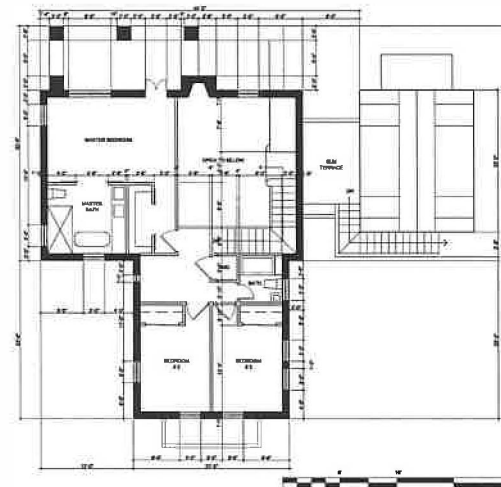
SAMPLE MODEL "A" (EXCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	1,557 SQFT
2ND FLOOR	1,352 SQFT
TOTAL	2,909 SQFT
NET SQUARE FEET	
1ST FLOOR	778 SQFT
2ND FLOOR	852 SQFT
TOTAL AC SPACE	1,631 SQFT
GARAGE	433 SQFT
COVERED ENTRY	286 SQFT
BALCONY	194 SQFT
GRAND TOTAL	2,524 SQFT

GROSS SQUARE FEET: SQUARE FOOTAGE
CALCULATED FROM THE OUTSIDE OF THE EXTERIOR
WALL AND IS INCLUSIVE OF ALL SPACE WITHIN
MEANS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE OF ALL THE ROOMS OR AREAS ON A FLOOR.



FIRST FLOOR PLAN



SECOND FLOOR PLAN - A



EXTERIOR REAR ELEVATION



EXTERIOR FRONT ELEVATION



EXTERIOR LEFT ELEVATION



EXTERIOR RIGHT ELEVATION

DOVER, KOHL & BARTNERS
ATTORNEYS AT LAW

CHAB, COOPER & ASSOCIATES PA
architects

1571 Sunset Drive
Coral Gables, FL 33143
(305) 866-0446
dovortohl.com

[illegible]

REVISIONS:

Old Cutler Road Residences

OWNER:
Fortune
International
Group

SEAL:

DATE: May 23, 2019

A-1

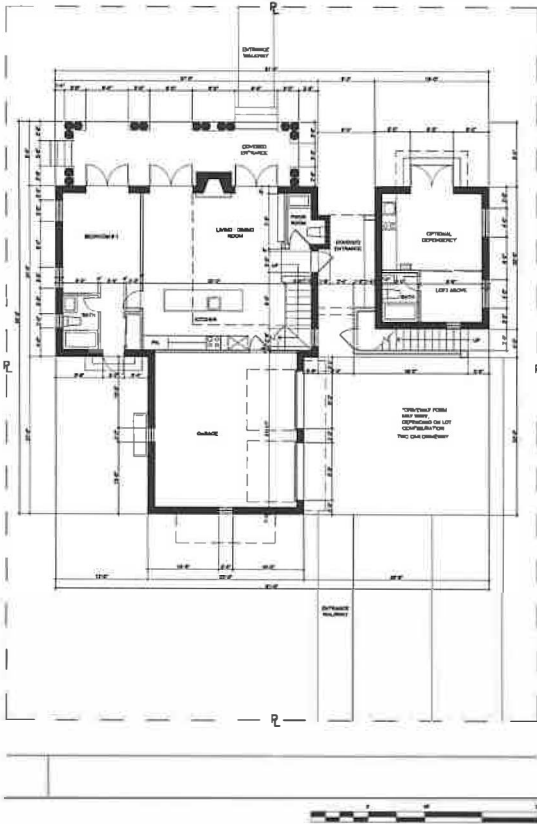
SHEET NO:

SAMPLE MODEL "B" (INCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	2,164 SQFT
2ND FLOOR	1,464 SQFT
TOTAL	3,648 SQFT
NET SQUARE FEET	
1ST FLOOR	1,631 SQFT
2ND FLOOR	813 SQFT
TOTAL AC SPACE	1,844 SQFT
GARAGE	
COVERED ENTRY	433 SQFT
BALCONY	363 SQFT
SUN TERRACE	194 SQFT
GRAND TOTAL	1,389 SQFT

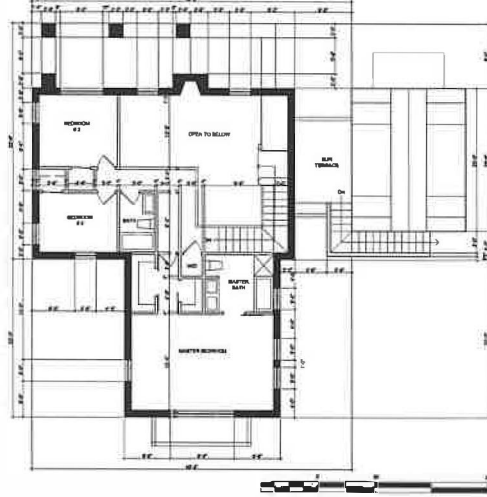
GROSS SQUARE FEET: SQUARE FOOTAGE CALCULATED FROM THE OUTSIDE OF THE EXTERIOR WALL AND IS INCLUSIVE OF ALL SPACE WITHIN MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE OF ALL THE ROOMS OR AREAS ON A FLOOR.

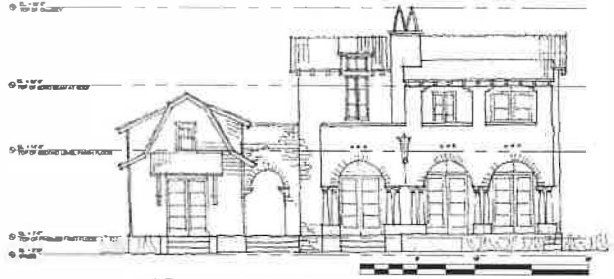
SAMPLE MODEL "B" (EXCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	1,657 SQFT
2ND FLOOR	1,315 SQFT
TOTAL	2,972 SQFT
NET SQUARE FEET	
1ST FLOOR	779 SQFT
2ND FLOOR	813 SQFT
TOTAL AC SPACE	1,592 SQFT
GARAGE	
COVERED ENTRY	433 SQFT
BALCONY	266 SQFT
SUN TERRACE	194 SQFT
GRAND TOTAL	2,885 SQFT



FIRST FLOOR PLAN
1/8" = 1'



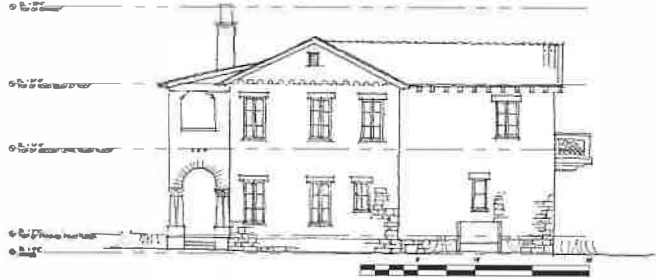
SECOND FLOOR PLAN - B
1/8" = 1'



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, KOHL & BUTTERS
ARCHITECTS

CHAS. COOPER & ASSOCIATES PA
ARCHITECTS

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REVISIONS:

Old Cutler Road Residences
Cutter Bay, Florida

OWNER:
Fortune
International
Group

SEAL:

DATE: May 23, 2019

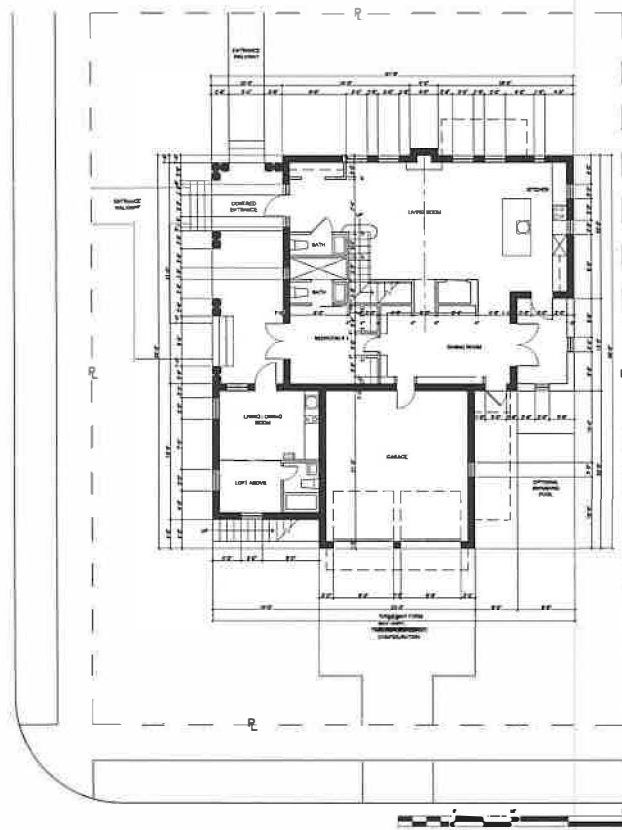
A-2

SHEET NO:

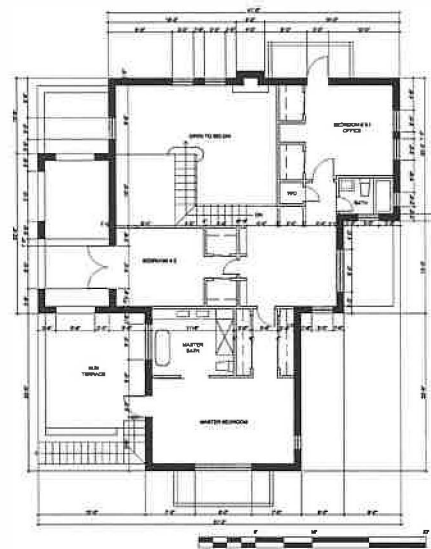
SAMPLE MODEL "C"	
GROSS SQUARE FEET	
1ST FLOOR	2,412 SQFT
2ND FLOOR	1,940 SQFT
TOTAL	4,352 SQFT
NET SQUARE FEET	
1ST FLOOR	1,391 SQFT
2ND FLOOR	1,088 SQFT
TOTAL NET SPACE	2,479 SQFT
GARAGE	
COVERED ENTRY	421 SQFT
SUN TERRACE	298 SQFT
BALCONY	289 SQFT
PATIO	86 SQFT
GRAND TOTAL	3,816 SQFT

GROSS SQUARE FEET: SQUARE FOOTAGE CALCULATED FROM THE OUTSIDE OF THE EXTERIOR WALL AND IS INCLUSIVE OF ALL SPACE WITHIN MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE OF ALL THE ROOMS OR AREAS ON A FLOOR.



FIRST FLOOR PLAN
1/8" = 1'



SECOND FLOOR PLAN - A
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, KOHL & PARTNERS
ARCHITECTS

OWD, COOPER & ASSOCIATES P.A.
ARCHITECTS

1571 Sunset Drive
Coral Gables, FL 33143
(305) 566-0446
doverkohl.com

A Note: This drawing is prepared by the Architect for the Owner's use only. It is not to be used for any other purpose without the written consent of the Architect. The Architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The Architect is not responsible for any construction or other work shown in this drawing or for any consequences arising therefrom. The Architect is not responsible for any construction or other work shown in this drawing or for any consequences arising therefrom.

REVISIONS:

Old Cutler Road Residences
Culter Bay, Florida

OWNER:
Fortune
International
Group

REAL:

DATE: May 23, 2019

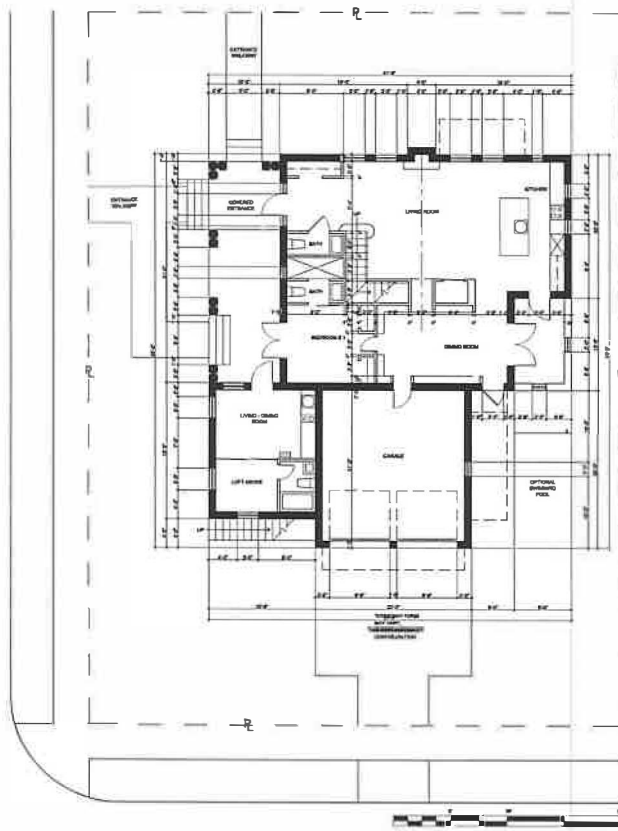
A-3

SHEET NO:

SAMPLE MODEL "D"	
GROSS SQUARE FEET	
1ST FLOOR	2,112 SQFT
2ND FLOOR	1,957 SQFT
TOTAL	4,069 SQFT
NET SQUARE FEET	
1ST FLOOR	1,381 SQFT
2ND FLOOR	1,114 SQFT
TOTAL AG SPACE	2,505 SQFT
GARAGE	421 SQFT
COVERED ENTRY	298 SQFT
SUN TERRACE	289 SQFT
BALCONY	242 SQFT
PATIO	88 SQFT
GRAND TOTAL	3,843 SQFT

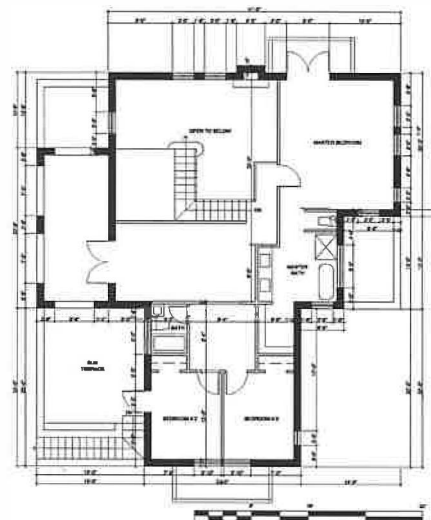
GROSS SQUARE FEET: SQUARE FOOTAGE CALCULATED FROM THE OUTSIDE OF THE EXTERIOR WALL AND IS INCLUSIVE OF ALL SPACE WITHIN MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE OF ALL THE ROOMS OR AREAS ON A FLOOR.



FIRST FLOOR PLAN

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, KOHL, & BROTHERS
ARCHITECTS

CMB, COOPER & ASSOCIATES PA
ARCHITECTS

1571 Sunset Drive
Coral Gables, FL 33143
(305) 848-0446
doverkohl.com

IF REVISIONS ARE MADE TO THIS SET, THE REVISIONS SHALL BE INDICATED BY A REVISION NUMBER AND A DESCRIPTION OF THE REVISION. THE REVISIONS SHALL BE MADE BY THE ARCHITECT AND SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA BOARD OF ARCHITECTURE. THE REVISIONS SHALL BE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA BOARD OF ARCHITECTURE. THE REVISIONS SHALL BE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA BOARD OF ARCHITECTURE.

REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
Group

SEAL:

DATE: May 23, 2019

A-4

SHEET NO:



View of sample models from Old Cutler Road



View of sample models from interior street



View of the entrance from Old Cutler Road



View from east



Pedestrian-friendly, traffic-calmed street geometry

DOVER, KOHL & PARTNERS
ARCHITECTS

CHAM, COOPER & ASSOCIATES PA
ARCHITECTS

1571 Sunset Drive
Coral Gables, FL 33143
(305) 665-0645
doverkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

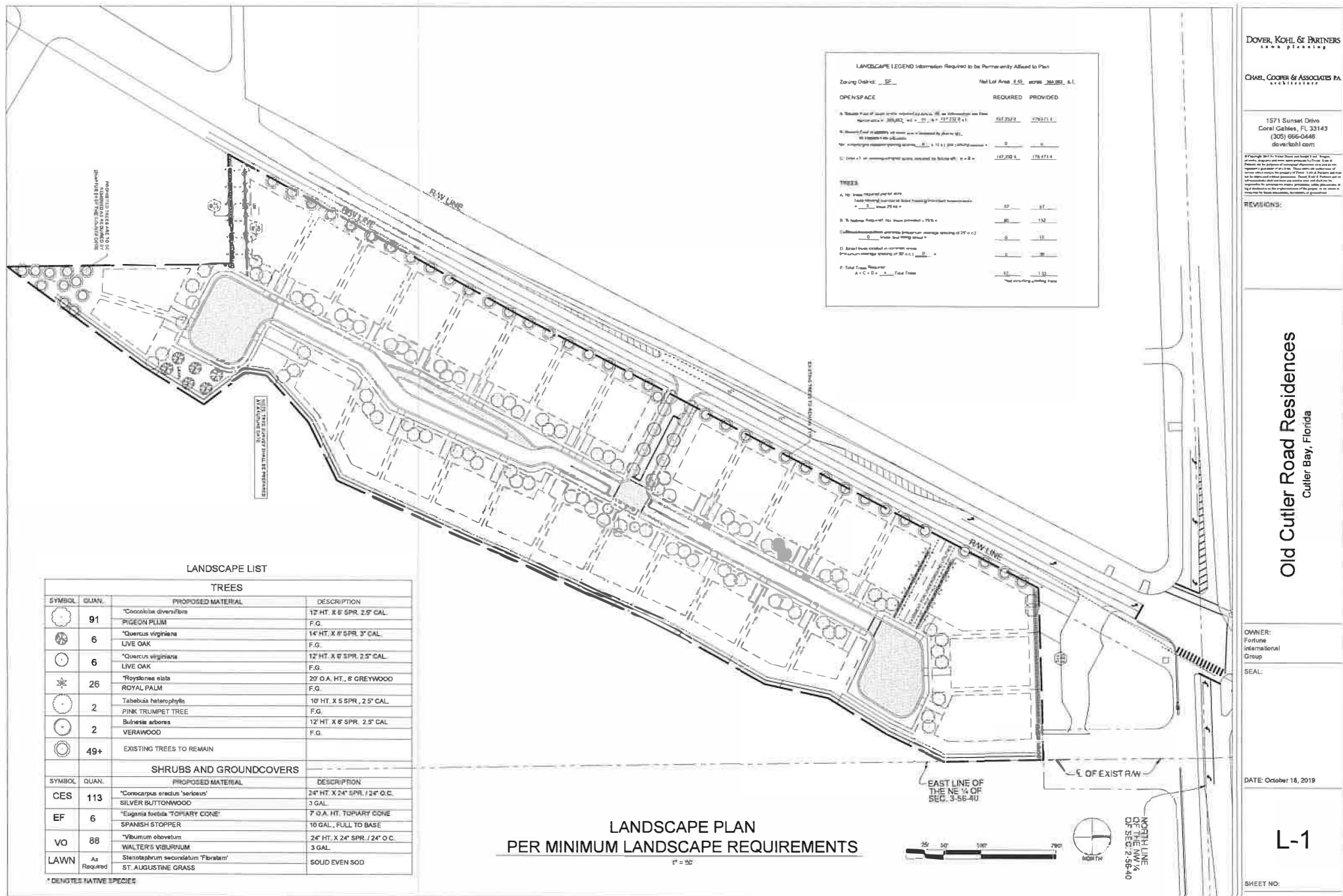
OWNER:
Fortune
International
Group

SEAL:

DATE: MAY 31, 2015

REN-1

SHEET NO.



LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT
SPECIAL MAGISTRATE PROCEEDING

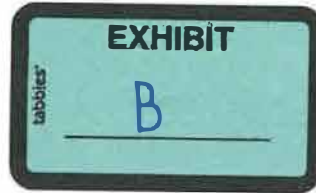
CUTLER PROPERTIES, LC,
a Florida Limited Liability Company,

Petitioner,

vs.

TOWN OF CUTLER BAY, FLORIDA,

Respondent.



**SPECIAL MAGISTRATE
FINDINGS OF FACT AND RECOMMENDATION**

This matter came before this Special Magistrate for final hearing on September 20, 2019 upon Cutler Properties, LC's, a Florida limited liability company ("Cutler Properties"), Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA") Fla. Stat. § 70.51, filed against the Town of Cutler Bay, Florida ("Town") for denying Cutler Properties' site plan application for property located at 18551 Old Cutler Road, Cutler Bay, Florida ("Subject Property") rendered on March 5, 2018.

FINDINGS OF FACT

A. History of the Subject Property

The Subject Property was purchased by Cutler Properties in October 2003 in a transaction involving a 138-acre parcel ("Original Parcel"). At the time of acquisition, the Original Parcel

consisted of various land use designations under the Miami-Dade County Land Use Plan, including Low Density Residential, Estate Density, and Environmentally Protected areas.

Efforts to develop the Original Parcel began shortly after the property was acquired. The site was planned to be developed with 341 residential units known as "Old Cutler Village." Old Cutler Village was to be developed on an approximately 40-acre footprint within the 138-acre Original Parcel. Pursuant to that development plan, the balance of the Original Parcel, which was made up of the easternmost 93.15 acres bordering Biscayne Bay, were to be dedicated and preserved.

During the course of seeking approvals for Old Cutler Village, an Environmental Resource Permit ("ERP") was sought from the South Florida Water Management District ("SFWMD") in March 2005. After two years of working through the approval process, it became apparent through statements and resolutions made by the SFWMD board that pursuit of the ERP was futile; that SFWMD would not approve any development on the property; and that, instead, it intended to acquire the property for its Biscayne Bay Coastal Wetlands project at some point in the future.

Cutler Properties filed an inverse condemnation lawsuit in August of 2008 against the SFWMD for the regulatory taking of the 138-acre Original Parcel. Through settlement discussions that lasted several months, the parties agreed that the SFWMD would acquire the Original Parcel in settlement of all claims. However, at the SFWMD's request, and in an effort to reduce the purchase price to an agreed amount, the 8.43-acre upland property was carved out of the transaction and retained by Cutler Properties. The 8.43 upland acre parcel is the Subject Property of these FLUEDRA proceedings.

In 2014, Cutler Properties pursued a mixed-use development on the Subject Property, however, the plan did not receive the support of the Town's planning consultants. Accordingly,

on February 24, 2016, counsel for Cutler Properties withdrew its pending application and advised the Town that, instead, it would proceed in what it believed was an “as-of-right” development of the Subject Property under the existing Low Density land use and Single-Family Residential zoning classifications.

B. Site Plan Application and Hearing Before the Town Council

On July 25, 2016, Cutler Properties submitted a revised letter of intent for site plan approval, seeking to develop a 30-unit, single-family home project on the Subject Property, consistent with the Subject Property’s existing land use and zoning designations. Over the course of two years, Cutler Properties worked with its consultants and the Town’s staff and consultants on the application and approval of the proposed development. The resulting site plan application (“Application”) represented in what Cutler Properties contended was an “as-of-right” proposal that did not require a comprehensive plan amendment, rezoning, special exceptions, variances, or waivers. The Application’s proposed density was 3.55 units per gross acre, which is less than the 5 units per gross acre permitted by the Town’s Comprehensive Plan and Code. Additionally, the Application proposed a 42-foot dedication for road right-of-way, as well as pedestrian and bikeway access and internal pathways.

During the continued review process, Cutler Properties’ consultants, in conjunction with the Town’s professional staff and consultants, discussed access, traffic impacts, and ingress and egress to the Subject Property. The Application proposed two access points in relation to the Subject Property’s location east of Old Cutler Road and south of 184th Street. An unimproved theoretical road known as SW 77th Avenue lies northeast of the project and would serve to connect the Subject Property to 184th Street.

This road is *not* shown as a road on the Town’s Comprehensive plan, although after the Town was incorporated, this road along with other local roads were transferred from Miami-Dade

County to the Town as part of an interlocal agreement with County. In part, the use of 77th Avenue would have assisted Miami-Dade Fire Rescue in servicing the proposed development, however, Miami-Dade Fire Rescue did indicate that it could service the proposed development if a turn-around was provided on site.

On February 21, 2018, the Application was considered at the Town Council's quasi-judicial public hearing. The Town staff recommended approval of the application. A number of Town residents, however, objected to the application specifically because of the proposed access utilizing unimproved 77th Avenue. The Town Council voted 5 to 0 to deny the Application but waived the filing period to file a new site plan application. On March 5, 2018, the Town entered the development order denying the Application. The Town's denial letter constitutes a development order as defined by Section 163.3164(15) and is actionable under FLUEDRA. After the denial, Cutler Properties filed a Request for Relief on March 23, 2018.

C. FLUEDRA Process

The FLUEDRA process consists of two phases: (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 then 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.

In summary, the positions that the parties took based on Cutler Properties' FLUEDRA Request for Relief and the Town's response was as follows: Cutler Properties believes that there

was no substantial competent evidence to deny their site plan application at the February 21, 2018 hearing. It contends that it had the right to use 77th Avenue as access to its property. The Town asserts that the Town has no obligation to provide access through 77th Avenue. Indeed, it is the Town's position that 77th Avenue is not shown on the Town's Comprehensive Plan and accordingly providing such access for the development would be inconsistent with its Plan. If inconsistent with the Town's Comprehensive Plan, the Town would be without authority to approve such zoning application. *See Machado v. Musgrove*, 519 So2d 629, 631-632 (Fla 3rd DCA 1987) ("A local comprehensive land use plan is a statutorily mandated legislative plan to control and direct the use and development of property within a county or municipality. [Citation Omitted] The plan is likened to a constitution for all future development within the county or municipality.")

In this case, the positions of the parties set forth in Cutler Properties' FLUEDRA Request for Relief and the Town's Response are no longer relevant because Cutler Properties, in an effort to reach an accommodation with the Town during the FLUEDRA process, no longer chooses to proceed with the site submitted at the public hearing of February 21, 2018.

Cutler Properties and the Town have worked together diligently, with the assistance of the undersigned Special Magistrate, to resolve this dispute. Over the course of the past 16 months, the parties have participated in four mediation conferences (June 18, 2018, July 5, 2018, September 4, 2018, and February 19, 2019) and several conference calls where alternative plans were brainstormed, negotiated, and reviewed. Through this collaborative effort, six (6) different site plans for the Subject Property were developed and considered during the course of the mediated process, which was facilitated and overseen by the undersigned Special Magistrate. Both sides have made an extraordinary effort to reach a compromise. Working together, through the cooperation of Town staff and Cutler Properties, it was concluded that Option F should be

submitted to the Town Council for approval. Among other things, the Option F alternative site plan:

- Reduced the number of units to 29 single-family homes;
- Eliminated vehicular access on SW 77th Avenue through to 184th Street;
- Provided a 27-foot landscaped walkway from Old Cutler to the wetland area to the east (which would be improved with pavers and landscaping); and
- Provided a utility connection through the unimproved SW 77th right-of-way to avoid connection through, and disruption to, Old Cutler Road.

Cutler Properties prepared and submitted a detailed Option F site plan and full application package for review by Town staff and the Town's consultant. Town staff submitted a memorandum to the Town Council recommending approval of Option F, which was to be brought before the Town Council for approval at the quasi-judicial hearing on June 19, 2019. Option F proposed resolution was, however, withdrawn by Town staff on the day of that hearing and the settlement proposal was not presented to the Town Council.

Even with this setback, the parties did not give up and a previous site plan known as Option D was reconsidered. Cutler Properties, in the interest of compromise, further modified this site plan at the Town's request to provide additional setback to the wetlands. Designated as Option D (revise), this site plan:

- Reduces the number of units to 29 single-family homes;
- Does not require Town approval to allow vehicular access onto or through SW 77th Avenue;
- Does not require Town approval to pave or improve SW 77th Avenue;
- Does not require Town approval to install underground utilities within SW 77th Avenue; and
- Provides the suggested (not required) 15-foot buffer from the wetland to the east of the Subject Property.

Site Plan D (as revised) is attached to the Special Magistrate's Findings of Fact and Recommendation. Unlike the other site plans Cutler Properties proffered during the FLUEDRA process, this plan asks nothing of the Town Council with respect to any sort of zoning relief or any

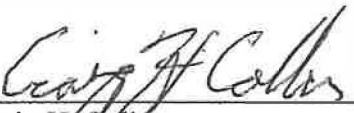
request for the opening of SW 77th Avenue for vehicular access or even the placement of underground utilities.

At the FLUEDRA final hearing held on September 20, 2019, Cutler Properties indicated that it was ready to proceed with Option D (as revised) site plan, which the Special Magistrate finds is truly an “as-of-right” site plan. The Town’s Counsel, at that final hearing represented that Town Staff would support (as surely it must) an “as-of-right” site plan. Because Cutler Properties’ Option D (as revised) site plan is an “as-of-right” site plan, the Special Magistrate takes the Town’s position as supporting Option D (as revised) site plan. Of course, such agreement could not be finalized at the September 20th hearing because any site plan approval needs to be adopted by the governing authority, the Town Council.

The statutory framework of FLUEDRA contemplates that the final hearing becomes necessary because no agreement has been reached and the Special Magistrate needs to make a determination whether the Town Council’s action to deny the site plan at the February 21, 2018 hearing was unreasonable or unduly burdens the property. Fla. Stat. § 70.51 (17) (a), (b). In this case, the Special Master finds that the February 21, 2018 site plan sought by Cutler Properties is no longer at issue and therefore moot. Accordingly, there simply is no need for the Special Magistrate to make a determination whether the Town Council’s February 21, 2018 denial of that site plan, was unreasonable or unduly burdens the property. Indeed, as it became clear at the September 20, 2019 final hearing there is no disagreement between the parties, Cutler Properties and Town staff support an “as-of-right” site plan, which in this case is reflected in Cutler Properties proposed Option D (as revised) site plan.

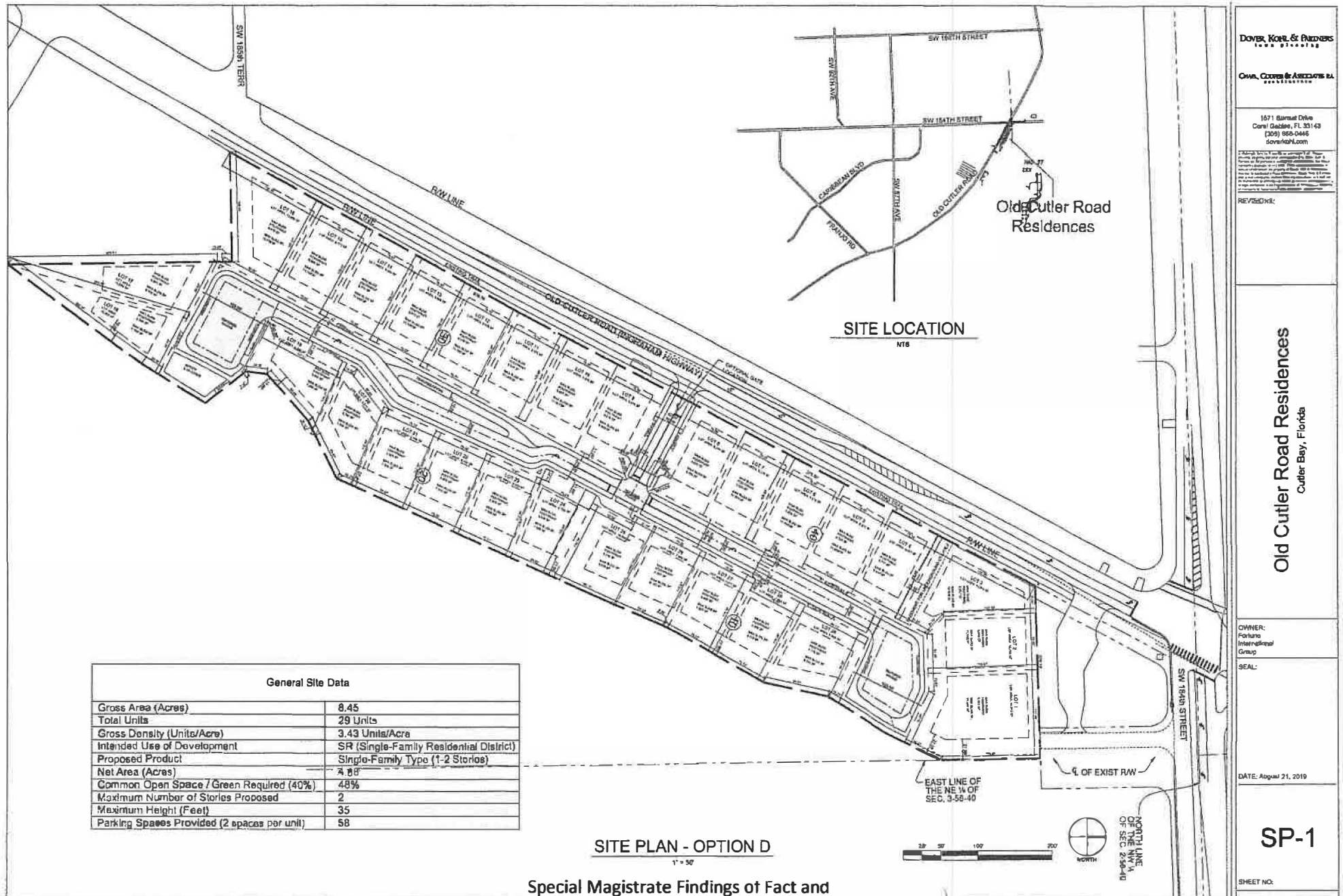
RECOMMENDATION

Upon consideration of Cutler Properties' Request for Relief, the Town's Response together with information presented in these FLUEDRA proceedings and in accordance with Section 70.51, Florida Statutes, the undersigned Special Magistrate recommends that the Town Council approve the site plan designated Option D (as revised), which is attached to the Special Magistrate's Findings of Fact and Recommendation. This site plan proffered by Cutler Properties is an "as-of-right" plan that is consistent with the Town's Comprehensive plan and complies with the Town's Zoning Code. As such, Option D (as revised) site plan requires no zoning relief request nor does it show the opening or access to 77th Avenue for either vehicles or utilities. Option D (as revised) site plan represents the culmination of diligent and good faith negotiations over a 16-month period of time between Cutler Properties and the Town's representatives during the FLUEDRA process. At the final hearing held on September 20, 2019, the Town's Counsel indicated that Staff would support an "as-of-right" site plan. Option D (as revised) is unquestionably that site plan. Respectfully, as an "as-of-right" site plan, the failure to adopt Option D (as revised) would indeed be unreasonable and unduly burden the property. Accordingly, the Special Magistrate strongly recommends the Town Council adopt Option D (as revised) site plan and bring a final resolution to this matter.



Craig H. Collier
FLUEDRA Special Magistrate

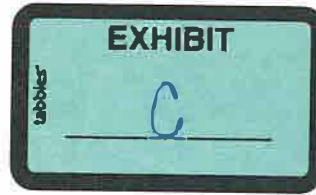
Dated: September 23, 2019





Department of Regulatory and Economic Resources
Environmental Resources Management
Code Coordination and Public Hearings
701 NW 1st Court 4th Floor
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6759

miamidade.gov



October 23, 2019

Alex David, Interim Director
Town of Cutler Bay
10720 Caribbean Boulevard, Suite 105
Cutler Bay, FL 33189

Re: Municipal Site Plan Review #MZ2017000017-3rd Revision
18551 Old Cutler Road, Town of Cutler Bay
Municipal Application Number: SP-2015-022

Dear Mr. David:

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the revised plans received by DERM on October 21st, 2019 for the above referenced Municipal Site Plan Review for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this site plan review is approved pursuant to Section 24-43.1 the Code. With respect to other issues discussed herein DERM does not object to this application provided that all the conditions contained herein are complied with.

Potable Water Service and Wastewater Disposal

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

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Plan Review Specialty Section of DERM.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

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

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

Stormwater Management

An Environmental Resource Permit from the South Florida Water Management District (1-800-432-2045) shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. It is the applicant's responsibility to contact the above-mentioned agency for further information regarding permitting procedures and requirements.

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Applicant is advised that a Class II Permit from DERM Water Control Section shall be required if the proposed surface water management system will have an overflow outfall to any water body in Miami-Dade County, including, but not limited to, canals, rivers, lakes and/or tidal water bodies. Please contact the DERM Water Control at (305) 372-6681 if you have any questions.

Coastal Resources

It has been determined by DERM Staff that wetlands capable of sustaining halophytic vegetation (coastal wetlands) and mangroves exist adjacent to the subject property. Additionally, a determination to verify the limits of the jurisdictional wetland line between the wetland and upland portions of the property was accurately established and marked in the field on July 18, 2019. Work and associated activities to develop the subject property may not result in adverse environmental impacts to coastal wetlands or to mangrove trees, including but not limited to dredging or filling, siltation, alteration of water quality or alteration of the hydrological functions of wetlands areas.

Please be advised that pursuant to Section 24-48(1) of the Code, any work in, on, over or upon coastal wetlands or to cut, trim or alter mangrove trees, requires prior authorization via a Class I permit, and that Class I permit projects proposing dredging or filling of coastal wetlands, must meet with the criteria listed on Section 24-48.3(2) of the Code. Projects unable to demonstrate compliance with said criteria may not be authorized. In addition, please be advised that staging or storing of spoils, materials or equipment within wetland areas even temporarily is strictly prohibited. Further, transit through wetlands, whether pedestrian or vehicular, is prohibited at all times.

Pursuant Section 24-49.9 of the Code, prohibited and controlled plant species may not be planted within the subject property. Please refer to the Code and to the Miami-Dade County Landscape Manual's List of Prohibited Landscaping Plants, which may not be sold, propagated or planted anywhere in Miami-Dade County, and List of Controlled Landscaping Plants, which may not be planted within 500 feet of a native plant community such as the adjacent coastal wetlands.

The South Florida Water Management District (SFWMD) is the owner of record of adjacent properties which host the above referenced coastal wetlands and mangroves. Please note that the SFWMD typically requires that development projects maintain a setback distance of 25 feet on the average but never less than 15 feet from the boundary of wetland areas. Staff recommends that the applicant consult with and comply with all SFWMD setback requirements.

Please contact the Coastal Resources Section at (305) 372-6575 if you have any further questions.

Miami-Dade Comprehensive Development Master Plan

DERM notes that the subject property is adjacent to a Comprehensive Everglades Restoration Project (CERP). Specifically, there is a conceptually planned canal or underground pressure culvert as part of the Biscayne Bay Coastal Wetlands (BBCW) project to rehydrate the wetlands immediately east and south of the NE corner of the subject property. The conceptual plan includes the installation of a canal or underground pressure culvert within the right-of-way (ROW) along the section line of SW 77th Avenue to convey water from the canal system north of SW 184th Street to the BBCW. Without such dedication of section line ROW within the subject property, it is not clear if the CERP project component could be built. DERM recommends that the review of these plans by the Town of Cutler Bay take into consideration the planned CERP project.

"Site Plan – Option D", dated October 19, 2019, depict 27 feet east of the center line of the right-of-way along SW 77th Avenue on pages SP-1 and SP-3. DERM recommends that the full right-of-way (40 feet from centerline of SW 77th Avenue) within the developer's property be dedicated to not prevent or constrain the CERP project.

The Miami-Dade County Comprehensive Development Master Plan has specific objectives regarding the Comprehensive Everglades Restoration Program (CERP). Specifically, the Conservation, Aquifer Recharge and Drainage Element states:

CON-7C. Miami-Dade County shall continue to promote the restoration and maintenance of the natural, surface water flow regimes into, and through wetland systems such as the Shark River Slough, Everglades National Park and the saline wetlands of southeastern Miami-Dade County.

CON-7J. In evaluating applications that will result in alterations or adverse impacts to wetlands Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied.

In addition, DERM recommends that proposed underground utilities and any associated easement should not interfere or conflict with the proposed CERP water delivery feature along the SW 77th Avenue section line alignment.

Please be advised that SW 77th Avenue ROW contains native vegetation which should not be replaced or sodded but rather protected and preserved to the extent feasible if underground utilities are to be constructed in this area. It is recommended that any development approval prohibit the use of sod in this area and include a requirement that the owner/developer of the project be responsible for preserving the existing publicly owned vegetation to the extent possible and for the restoration (including replanting and maintenance until plantings are established) of any areas impacted by construction of the underground utilities. It is also recommended that the Town of Cutler Bay require any planting or replanting to be limited only to species approved by the Town and DERM.

Tree Preservation

DERM has reviewed the subject application and revised site plans to determine whether the proposed site action is in accordance with the tree preservation and protection provisions of the Code.

A review of the revised site plans submitted indicates impacts to tree resources, in which some may be specimen trees (having a trunk diameter of 18 inches or greater). Sheet L-1 within the site plans submitted references several specimen and non-specimen mahogany trees that will remain on site, along the ROW, next to Old Cutler Road. Should the applicant require impacts to specimen trees, substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards.

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

Please contact the Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

In summary, this letter shall constitute written approval for this municipal site plan review to the extent required by Chapter 24 of the Code.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Istambouli', with a stylized flourish at the end.

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



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



10720 Caribbean Boulevard, Suite 105 • Cutler Bay, FL 33189 • 305-234-4262 • www.cutlerbay-fl.gov

**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~~ a 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 or 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 or Vice-President or Secretary or 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 or tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Authorized Representative

Office Held

(Corp. Seal)

Sworn to and subscribed to before me

This 2 day of Oct, 2015

Notary Public: Sabrina Ferreira

Commission Expires: _____



SABRINA FERREIRA
MY COMMISSION #FF086874
EXPIRES January 27, 2018



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: _____

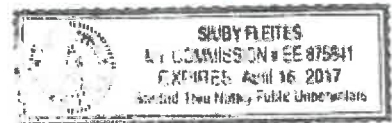
ATTORNEY AFFIDAVIT

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 15th 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 3rd 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. 3rd DCA 2002), the 3rd 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.**

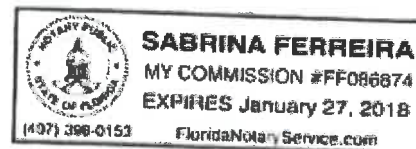

(Applicant's Signature)

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
<u>Dempsey Florida Properties, LC</u>	<u>99% of Cutler Properties, LC</u>
<u>Edgardo DeFortuna</u>	<u>99% of Dempsey Florida Properties, LC</u>
<u>Ana DeFortuna</u>	<u>1% of Dempsey Florida Properties, LC</u>
<u>Bay Cut Properties, LLC</u>	<u>1% of Cutler Properties, LC</u>
<u>Edgardo DeFortuna</u>	<u>99% of Bay Cut Properties, LLC</u>
<u>Ana DeFortuna</u>	<u>1% of Bay Cut Properties, LLC</u>



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:

XMr. / 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





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)

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


Signature

Eduardo Imery
Print Name

State of Florida, County of Miami-Dade

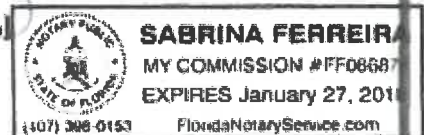
Sworn to and subscribed before me this 2

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

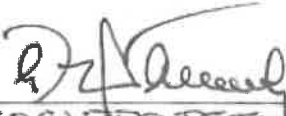
Re: Letter of Authorization for Cutler Properties, LC Site Plan Application

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 FERTIA
Title: MBR

The foregoing instrument was acknowledged before me this 2 day of October, 2013, by Edgardo De Fertia as _____, of Cutler Properties, LC. He/She is personally known to me or _____ has produced _____ as identification.

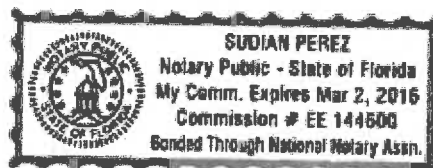

Notary Public, State of Fla. 2.01

Name: SUDIAN DE PERE

Commission Number: EE 144611

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. 21st Avenue
Hollywood, FL 33020
License #889

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this **7th 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 **7th 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



DOVER, KOHL & PARTNERS
town planning

CHAB, COOPER & ASSOCIATES PA
architecture

1571 Sunset Drive
Coral Gables, FL 33143
(305) 666-0446
dovarkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

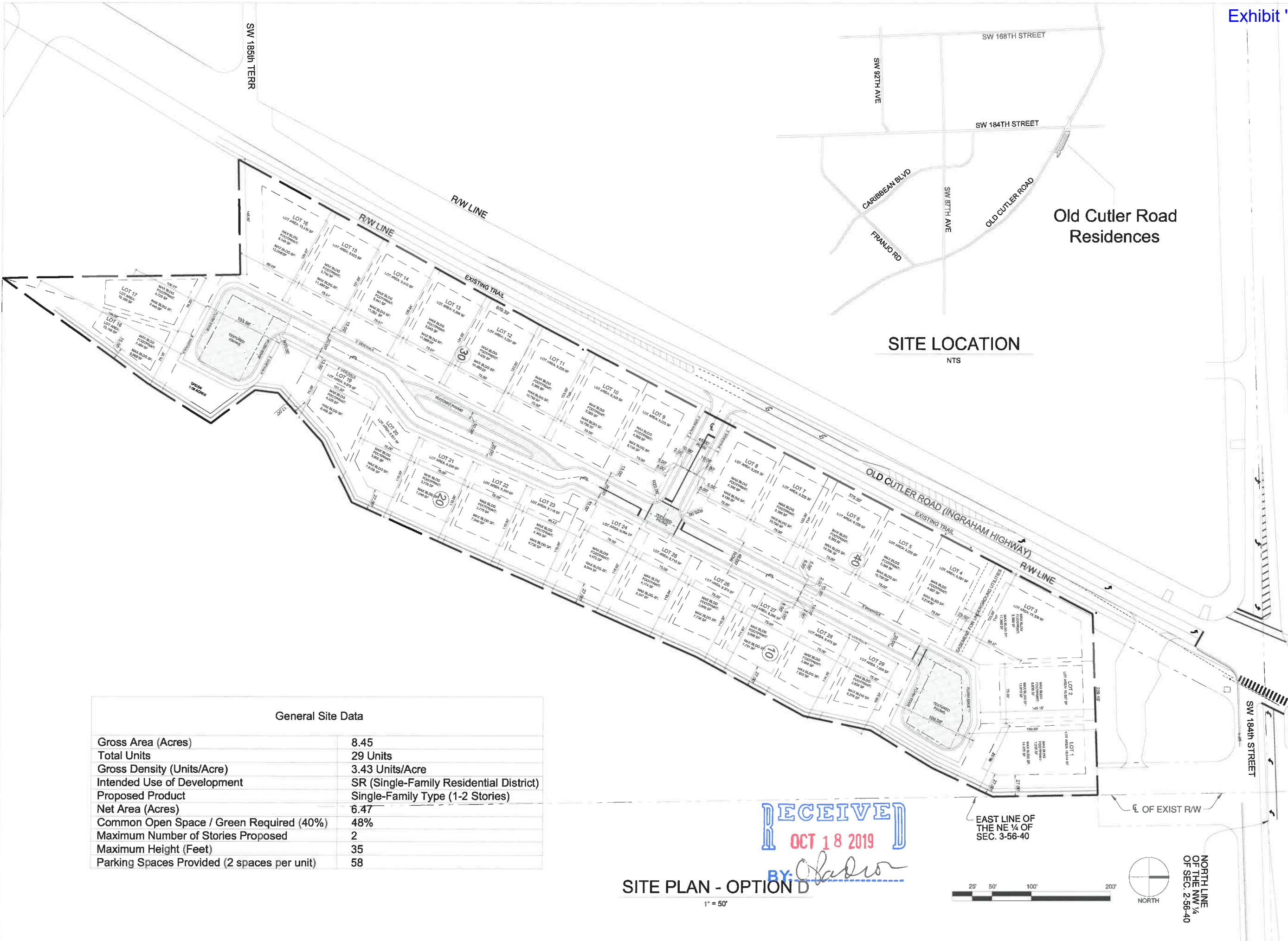
OWNER:
Fortune
International
Group

SEAL:

DATE: October 18, 2019

SP-1

SHEET NO:



General Site Data	
Gross Area (Acres)	8.45
Total Units	29 Units
Gross Density (Units/Acre)	3.43 Units/Acre
Intended Use of Development	SR (Single-Family Residential District)
Proposed Product	Single-Family Type (1-2 Stories)
Net Area (Acres)	6.47
Common Open Space / Green Required (40%)	48%
Maximum Number of Stories Proposed	2
Maximum Height (Feet)	35
Parking Spaces Provided (2 spaces per unit)	58

SITE PLAN - OPTION D

1" = 50'

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 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.

- (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 Zero Lot Line if based on a site plan approved prior to the adoption of this code.
- (3) Table of Standards.

Standard	SR
Minimum Lot Area (square feet)	7,500
Maximum Density (units per acre)	5
Minimum Unit Size (square feet)	1,200
Maximum Height (feet)	35
Number of stories	2
Principal Structure Setbacks (feet)	
Front	25
Side Street	15
Interior Side	5
Rear	15
Minimum Spacing Between Buildings	10
Maximum Impervious Surface Coverage (percent)	60
Minimum Lot Width (feet)	75
Minimum Lot Depth (feet)	100
Minimum Open Space (percent)	40
Accessory Structure Setback	
Front	25
Side Street	15
Interior Side	5
Rear	5

(4) 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.

(5) 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)

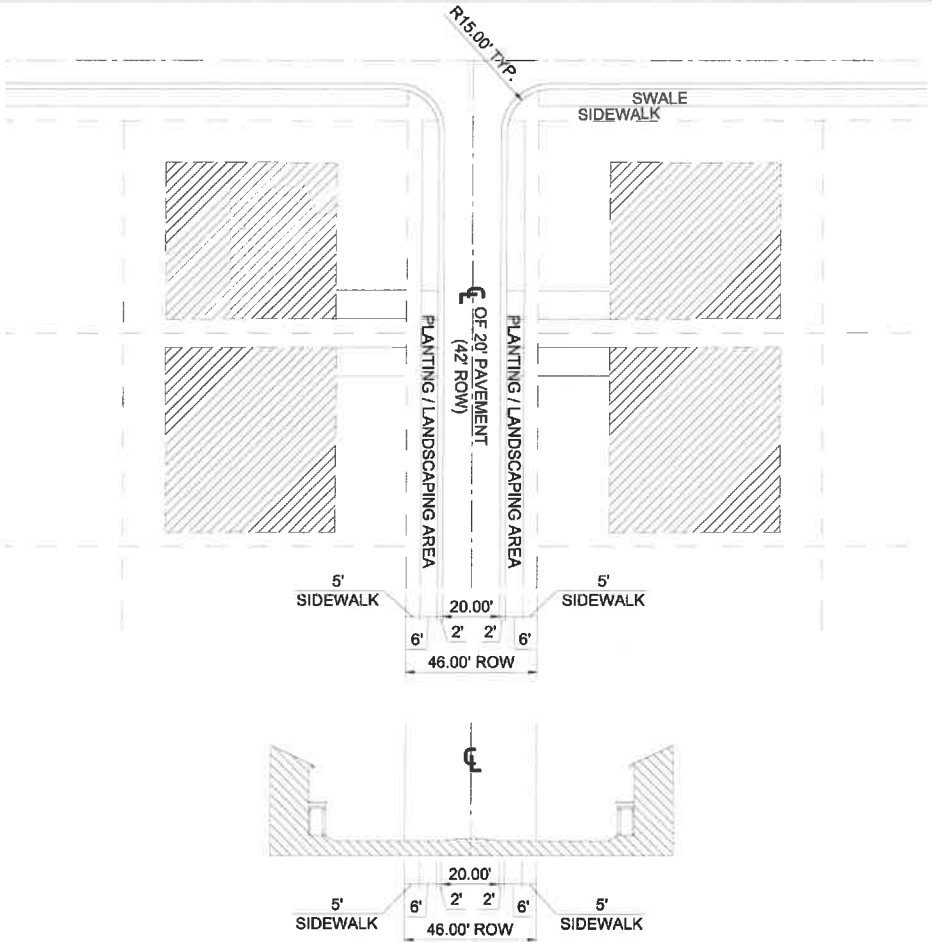
☐ Family Day Care Home

☐ Single-family Zero Lot Line if based on a site plan approved prior to the adoption of this code.
- (3) Table of Standards.

Standard	In Old Cutler Road Residences
Minimum Lot Area (square feet)	7,500
Maximum Density (units per acre)	3.43
Minimum Unit Size (square feet)	>1,200
Maximum Height (feet)	35
Number of stories	2
Principal Structure Setbacks (feet)	
Front	25
Side Street	15
Interior Side	5
Rear	15
Minimum Spacing Between Buildings	10
Maximum Impervious Surface Coverage (percent)	60
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 Setback	
Front	25
Side Street	15
Interior Side	5
Rear	5

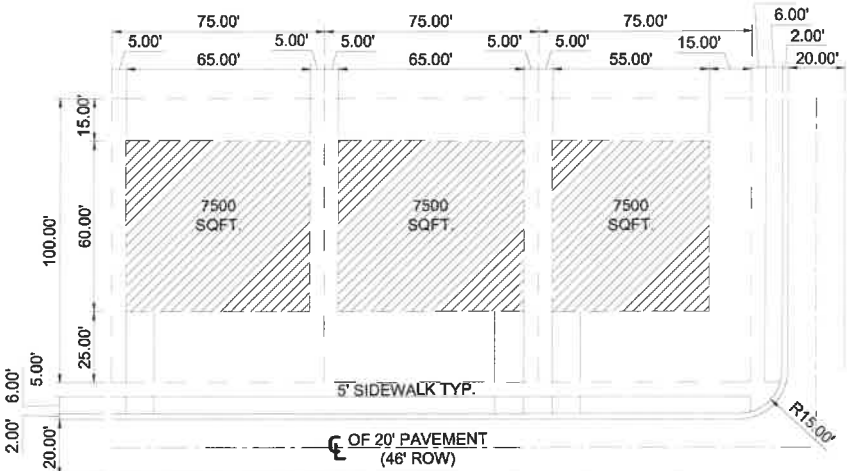
(4) No more than 40 percent of the frontage of a lot in the SR zoning district shall be covered by asphalt, concrete or pavers. The 40 percent includes the driveway, an entrance walkway from the edge of property line to the principal structure.

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



MINOR STREET
TWO WAY TRAFFIC

1" = 30'



*Note: Each lot may include an optional swimming pool.

TYPICAL LOTS
DETACHED SINGLE-FAMILY

1" = 30'

DOVER, KOHL & PARTNERS
town planning

CHAEI, COOPER & ASSOCIATES PA.
architects

1571 Sunset Drive
Coral Gables, FL 33143
(305) 668-0446
doverkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
Group

SEAL:

DATE: October 18, 2019

SP-2

SHEET NO:

DOVER, KOHL & PARTNERS
town planning

CHAE, COOPER & ASSOCIATES PA
architects

1571 Sunset Drive
Coral Gables, FL 33143
(305) 666-0446
doverkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

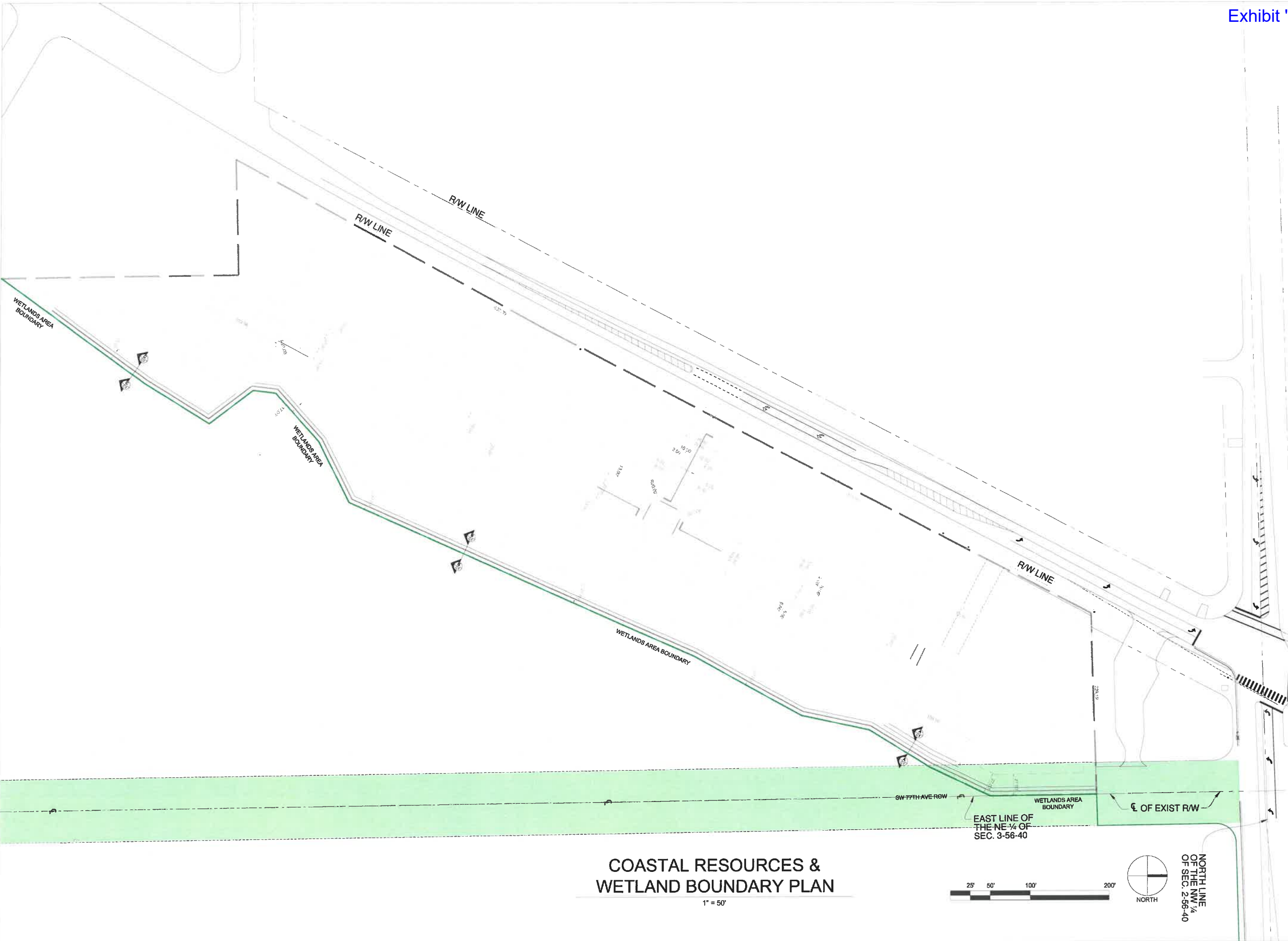
OWNER:
Fortune
International
Group

SEAL:

DATE: October 18, 2019

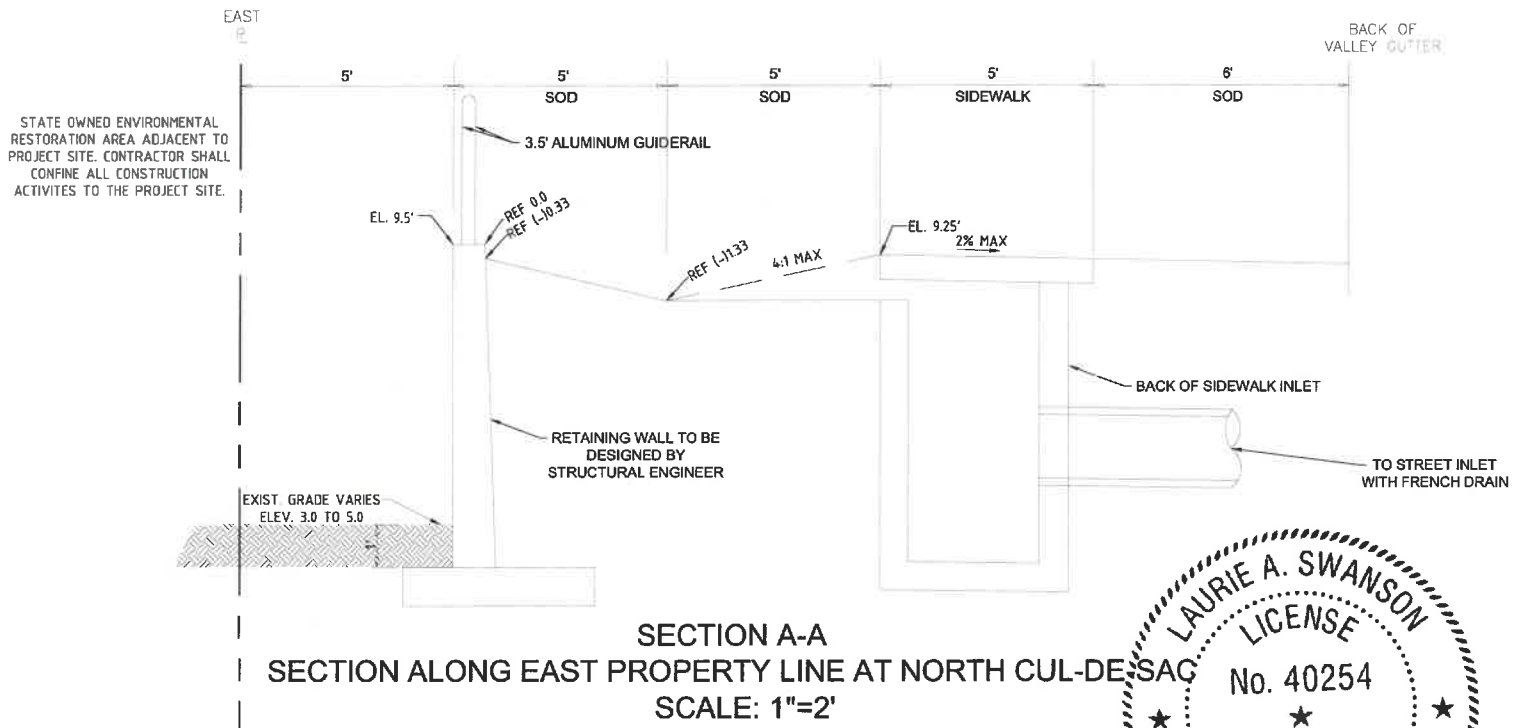
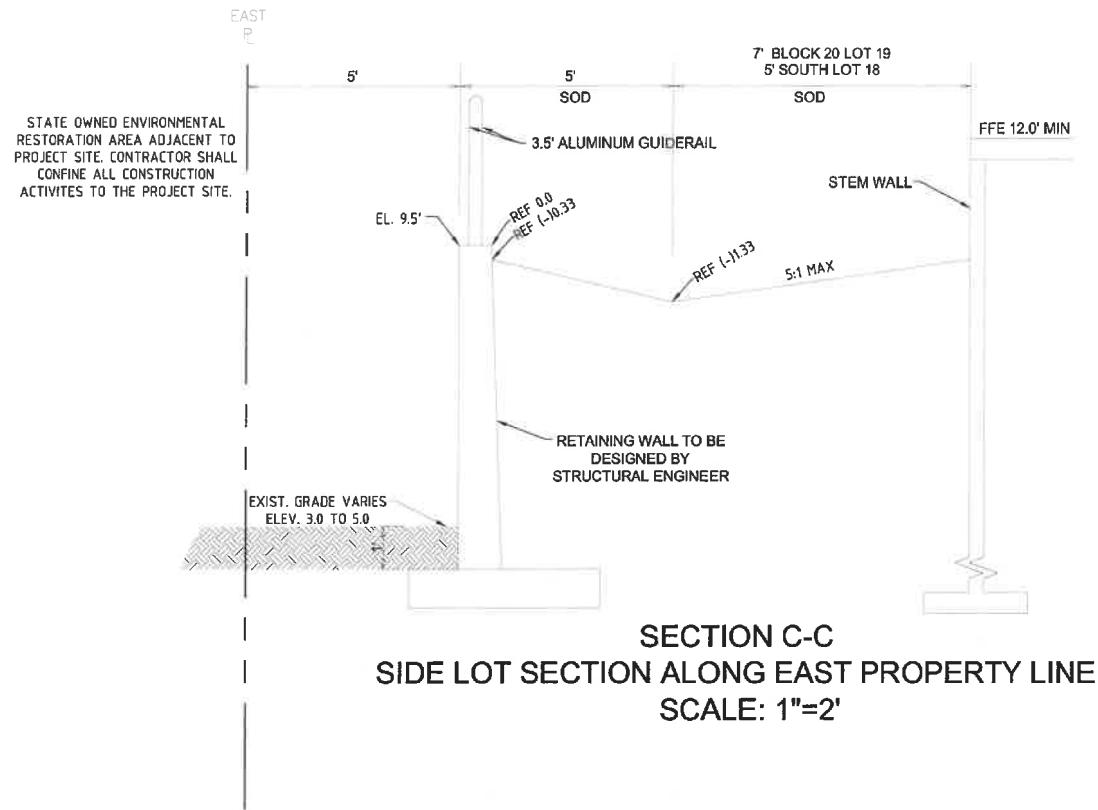
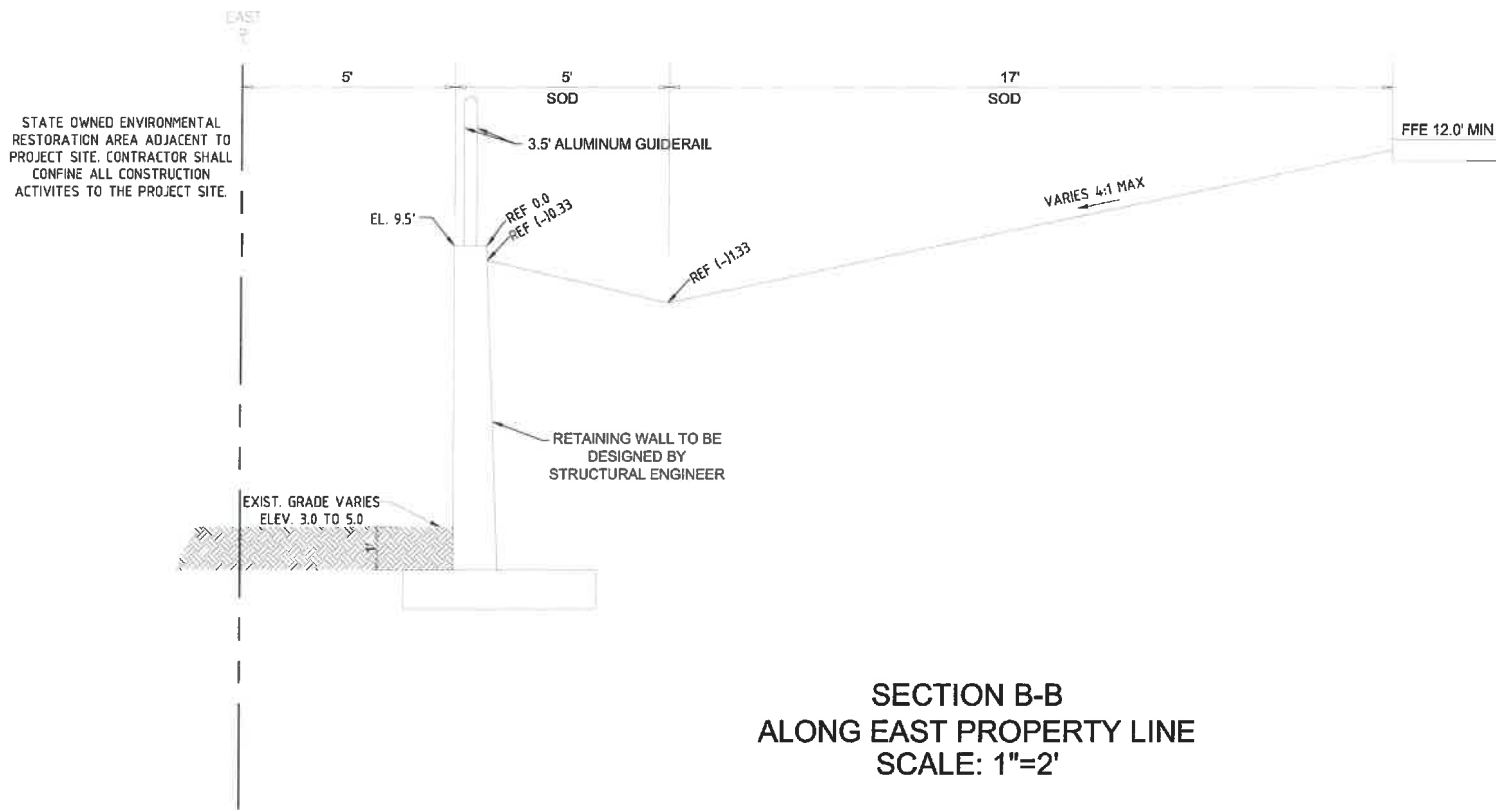
SP-3

SHEET NO:



COASTAL RESOURCES &
WETLAND BOUNDARY PLAN

1" = 50'



Drawing name: \\SERVER\DATA\ENGINEERING\PROJECTS\2005\2005-07C OLD CUTLER VILLAGE\OLD CUTLER VILLAGE\DWG\POD\2005 07C- C1 sections option.dwg

NO.	DATE	DESCRIPTION	BY	APP.	NO.	DATE	DESCRIPTION	BY	APP.
2	10/16/19	REVISE ALL SECTIONS FOR DERM COMMENT	SB	LAS					
1	6/3/19	REVISE SECTION A-A OPTION 1 AND 2	SB	LAS					



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

FORTUNE INTERNATIONAL
GROUP
CONCEPTUAL CROSS SECTIONS

OLD CUTLER ROAD
RESIDENCES
SECTION 3-56S-40E



PROJ. NO.
2005-07C1
SHEET:
C-1
OF 1 SHEET

DOVER, KOHL & PARTNERS
town planning

CHARL, COOPER & ASSOCIATES P.A.
architecture

1571 Sunset Drive
Coral Gables, FL 33143
(305) 666-0446
doverkohl.com

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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
Group

SEAL:

DATE: May 23, 2019

A-1

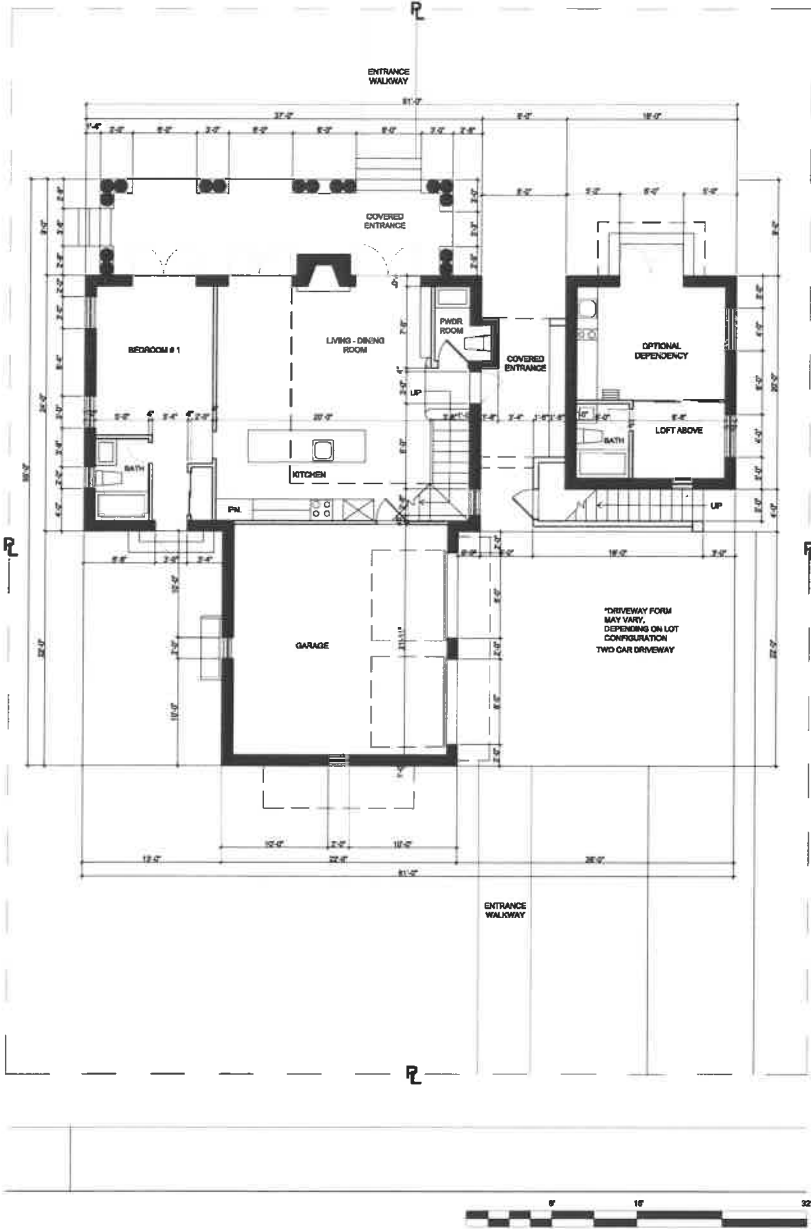
SHEET NO:

SAMPLE MODEL "A" (INCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	2,164 SQFT
2ND FLOOR	1,521 SQFT
TOTAL	3,685 SQFT
NET SQUARE FEET	
1ST FLOOR	1,031 SQFT
2ND FLOOR	852 SQFT
TOTAL A/C SPACE	1,883 SQFT
GARAGE	433 SQFT
COVERED ENTRY	363 SQFT
BALCONY	194 SQFT
SUN TERRACE	152 SQFT
GRAND TOTAL	3,025 SQFT

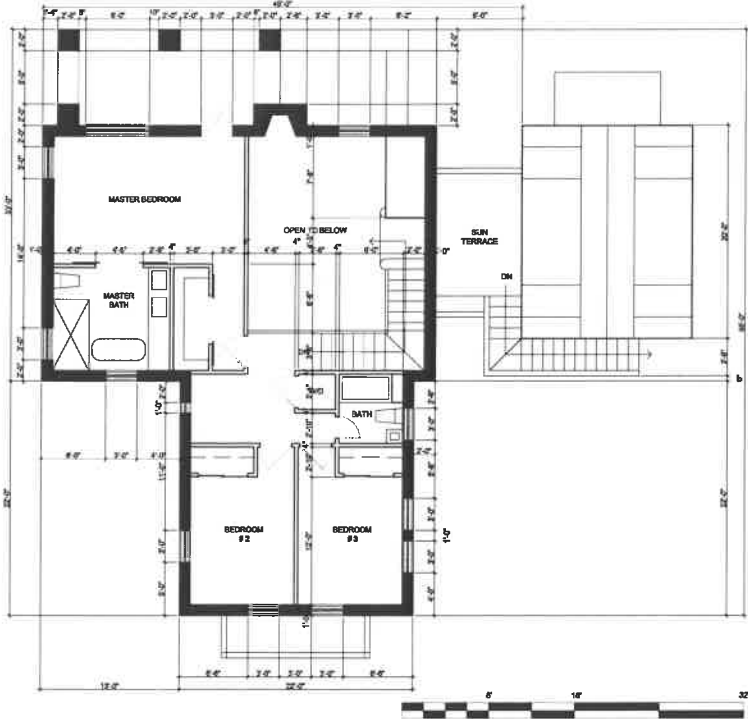
GROSS SQUARE FEET: SQUARE FOOTAGE
CALCULATED FROM THE OUTSIDE OF THE EXTERIOR
WALL AND IS INCLUSIVE OF ALL SPACE WITHIN
MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE
OF ALL THE ROOMS OR AREAS ON A FLOOR.

SAMPLE MODEL "A" (EXCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	1,657 SQFT
2ND FLOOR	1,352 SQFT
TOTAL	3,009 SQFT
NET SQUARE FEET	
1ST FLOOR	779 SQFT
2ND FLOOR	852 SQFT
TOTAL A/C SPACE	1,631 SQFT
GARAGE	433 SQFT
COVERED ENTRY	266 SQFT
BALCONY	194 SQFT
GRAND TOTAL	2,524 SQFT



FIRST FLOOR PLAN
1/8" = 1"



SECOND FLOOR PLAN - A
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"

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town planning

CHANEL, COOPER & ASSOCIATES PA.
architecture

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Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
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SEAL:

DATE: May 23, 2019

A-2

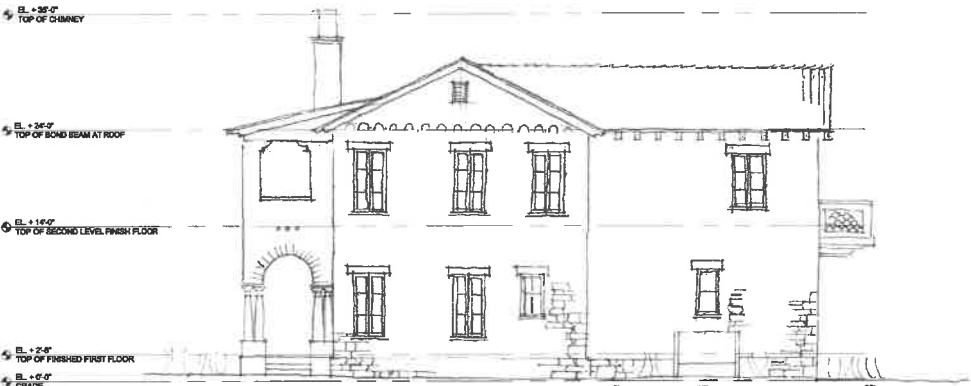
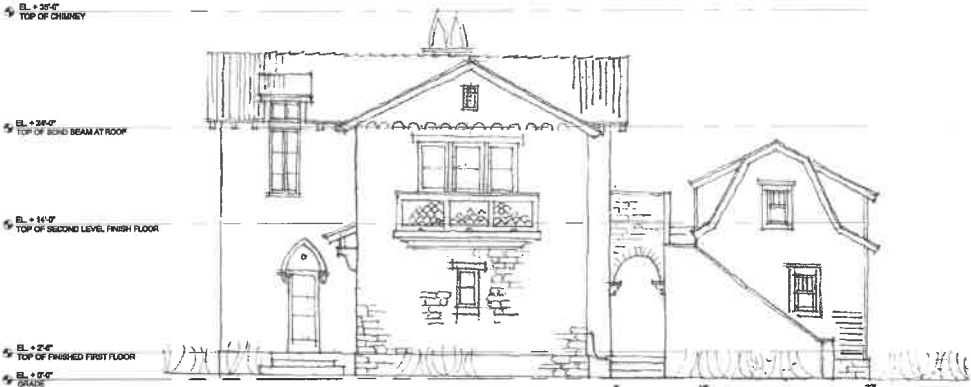
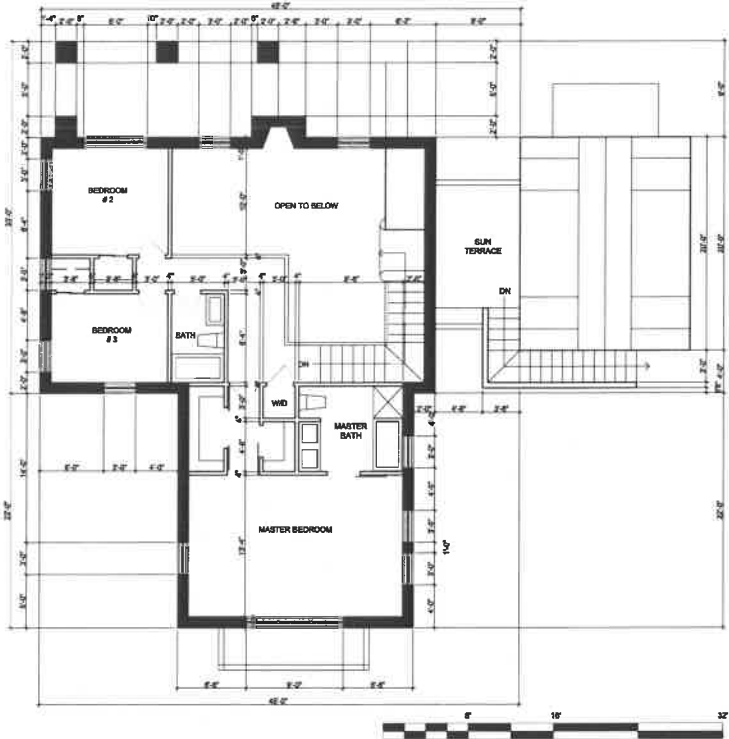
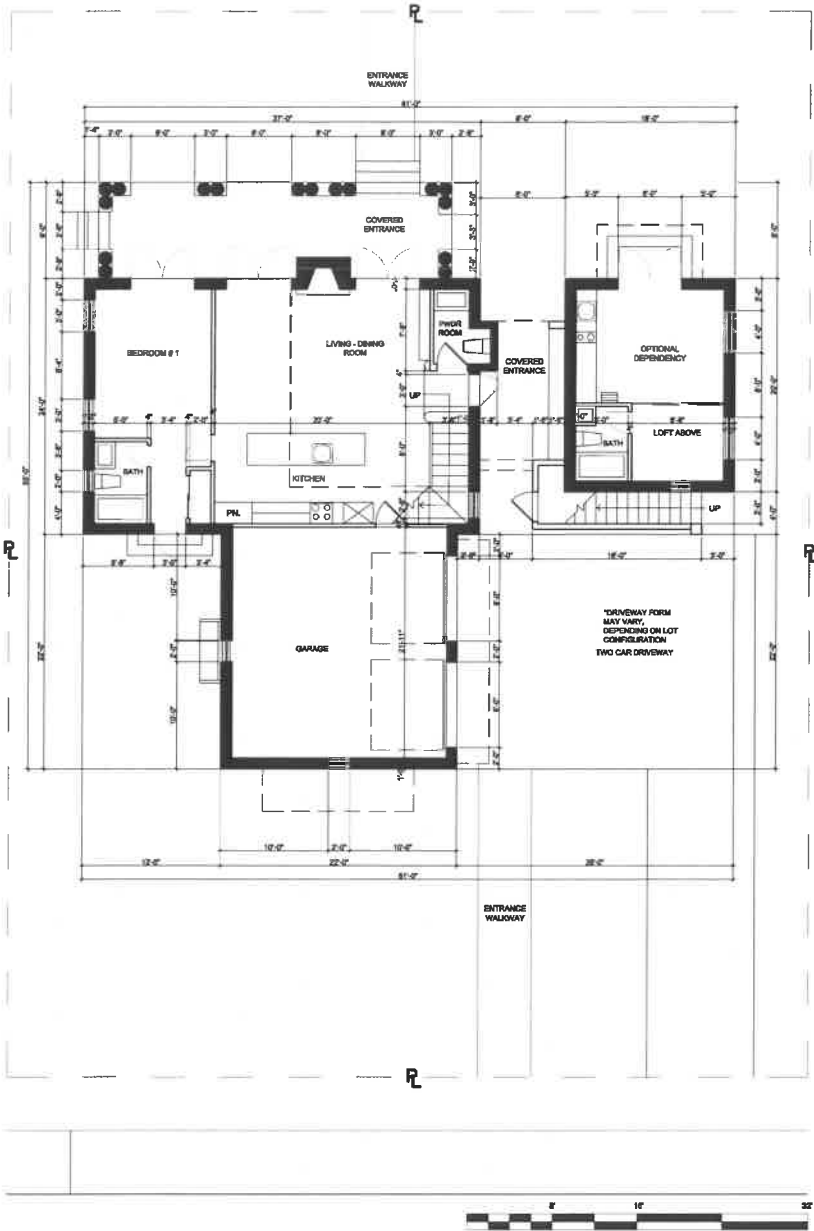
SHEET NO:

SAMPLE MODEL "B" (INCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	2,164 SQFT
2ND FLOOR	1,484 SQFT
TOTAL	3,648 SQFT
NET SQUARE FEET	
1ST FLOOR	1,031 SQFT
2ND FLOOR	813 SQFT
TOTAL A/C SPACE	1,844 SQFT
GARAGE	433 SQFT
COVERED ENTRY	363 SQFT
BALCONY	194 SQFT
SUN TERRACE	162 SQFT
GRAND TOTAL	2,986 SQFT

GROSS SQUARE FEET: SQUARE FOOTAGE
CALCULATED FROM THE OUTSIDE OF THE EXTERIOR
WALL AND IS INCLUSIVE OF ALL SPACE WITHIN
MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE
OF ALL THE ROOMS OR AREAS ON A FLOOR.

SAMPLE MODEL "B" (EXCLUSIVE OF DEPENDENCY)	
GROSS SQUARE FEET	
1ST FLOOR	1,657 SQFT
2ND FLOOR	1,315 SQFT
TOTAL	2,972 SQFT
NET SQUARE FEET	
1ST FLOOR	779 SQFT
2ND FLOOR	813 SQFT
TOTAL A/C SPACE	1,592 SQFT
GARAGE	433 SQFT
COVERED ENTRY	266 SQFT
BALCONY	194 SQFT
GRAND TOTAL	2,485 SQFT



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REVISIONS:

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Cutler Bay, Florida

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DATE: May 23, 2019

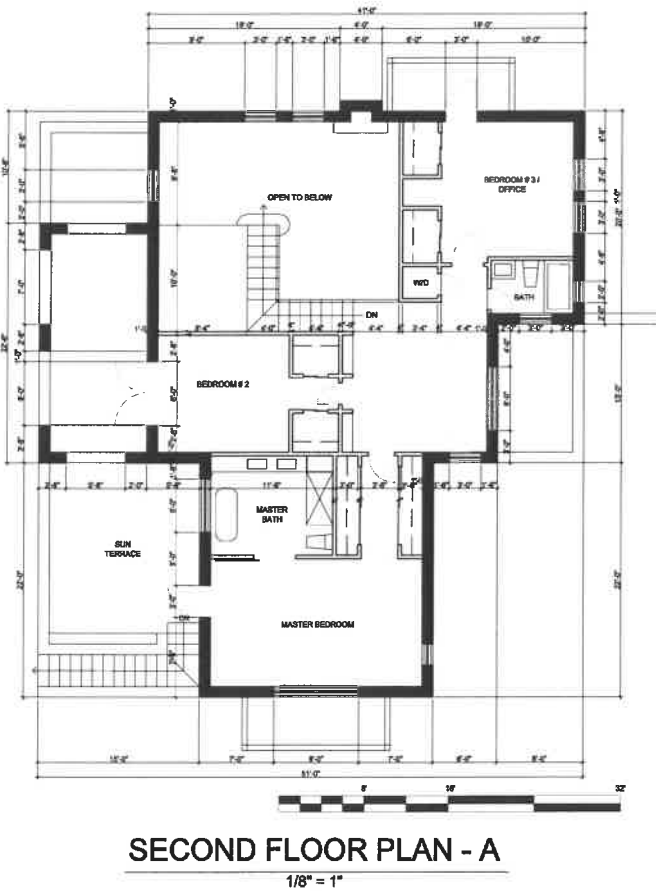
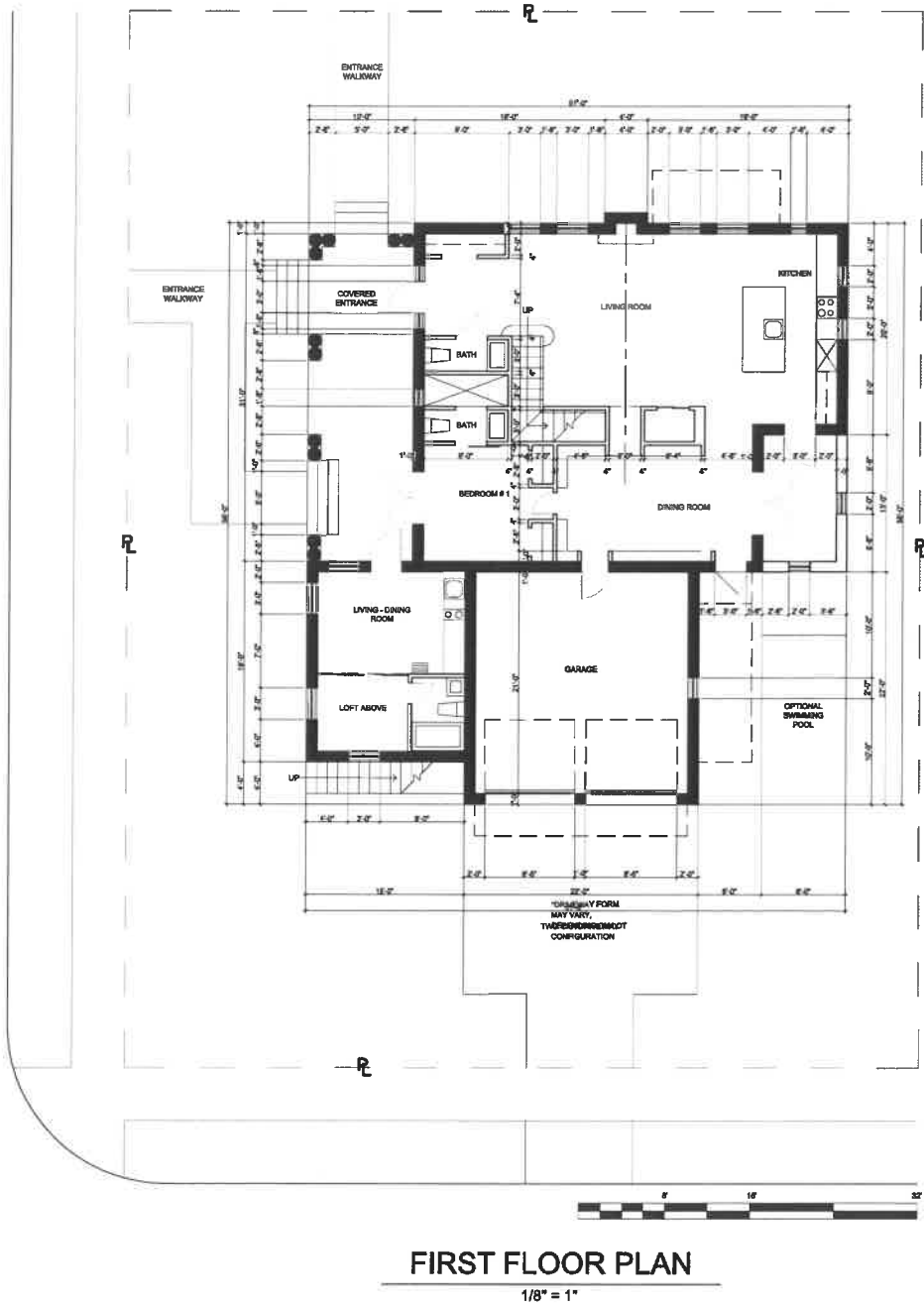
A-3

SHEET NO:

SAMPLE MODEL "C"	
GROSS SQUARE FEET	
1ST FLOOR	2,412 SQFT
2ND FLOOR	1,940 SQFT
TOTAL	4,352 SQFT
NET SQUARE FEET	
1ST FLOOR	1,391 SQFT
2ND FLOOR	1,088 SQFT
TOTAL A/C SPACE	2,479 SQFT
GARAGE	
COVERED ENTRY	421 SQFT
SUN TERRACE	298 SQFT
BALCONY	289 SQFT
PATIO	242 SQFT
GRAND TOTAL	88 SQFT
3,816 SQFT	

GROSS SQUARE FEET: SQUARE FOOTAGE
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WALL AND IS INCLUSIVE OF ALL SPACE WITHIN
MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE
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Cutler Bay, Florida

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DATE: May 23, 2019

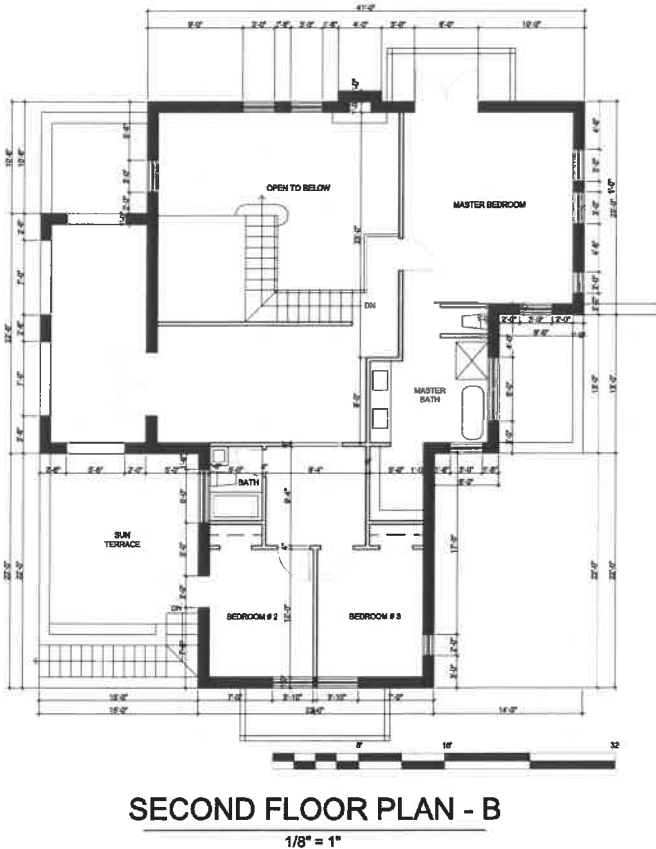
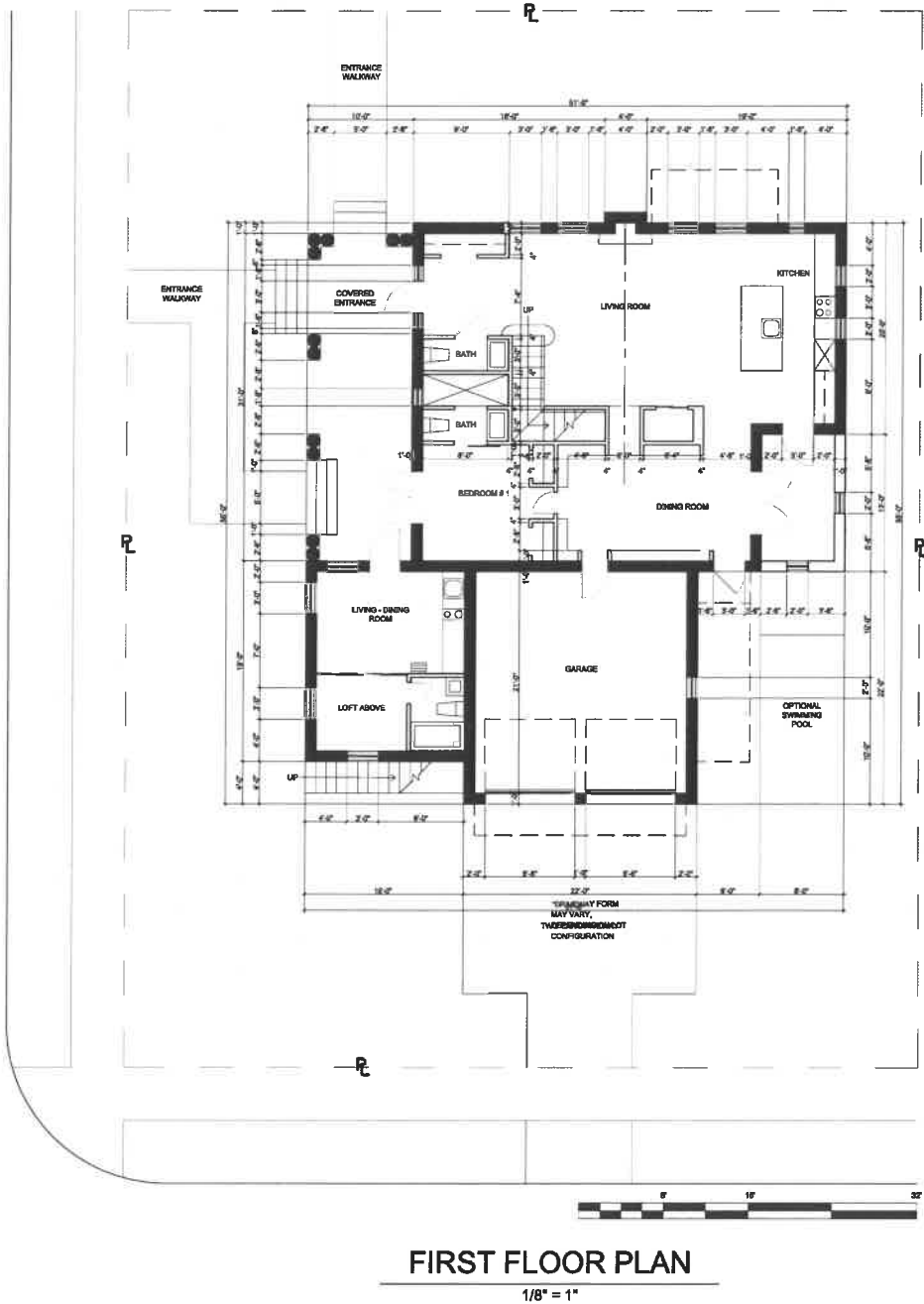
A-4

SHEET NO:

SAMPLE MODEL "D"	
GROSS SQUARE FEET	
1ST FLOOR	2,412 SQFT
2ND FLOOR	1,957 SQFT
TOTAL	4,369 SQFT
NET SQUARE FEET	
1ST FLOOR	1,391 SQFT
2ND FLOOR	1,114 SQFT
TOTAL A/C SPACE	2,505 SQFT
GARAGE	
COVERED ENTRY	298 SQFT
SUN TERRACE	289 SQFT
BALCONY	242 SQFT
PATIO	88 SQFT
GRAND TOTAL	3,843 SQFT

GROSS SQUARE FEET: SQUARE FOOTAGE CALCULATED FROM THE OUTSIDE OF THE EXTERIOR WALL AND IS INCLUSIVE OF ALL SPACE WITHIN MINUS AREAS THAT ARE OPEN TO BELOW.

NET SQUARE FEET: THE TOTAL SQUARE FOOTAGE OF ALL THE ROOMS OR AREAS ON A FLOOR.



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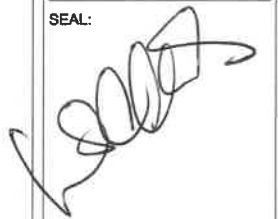
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REVISIONS:

Old Cutler Road Residences
Cutler Bay, Florida

OWNER:
Fortune
International
Group

SEAL:



DATE: May 31, 2019

REN-1

SHEET NO:



View of sample models from Old Cutler Road



View of sample models from interior street



View of the entrance from Old Cutler Road



View from east



Pedestrian-friendly, traffic-calmed street geometry

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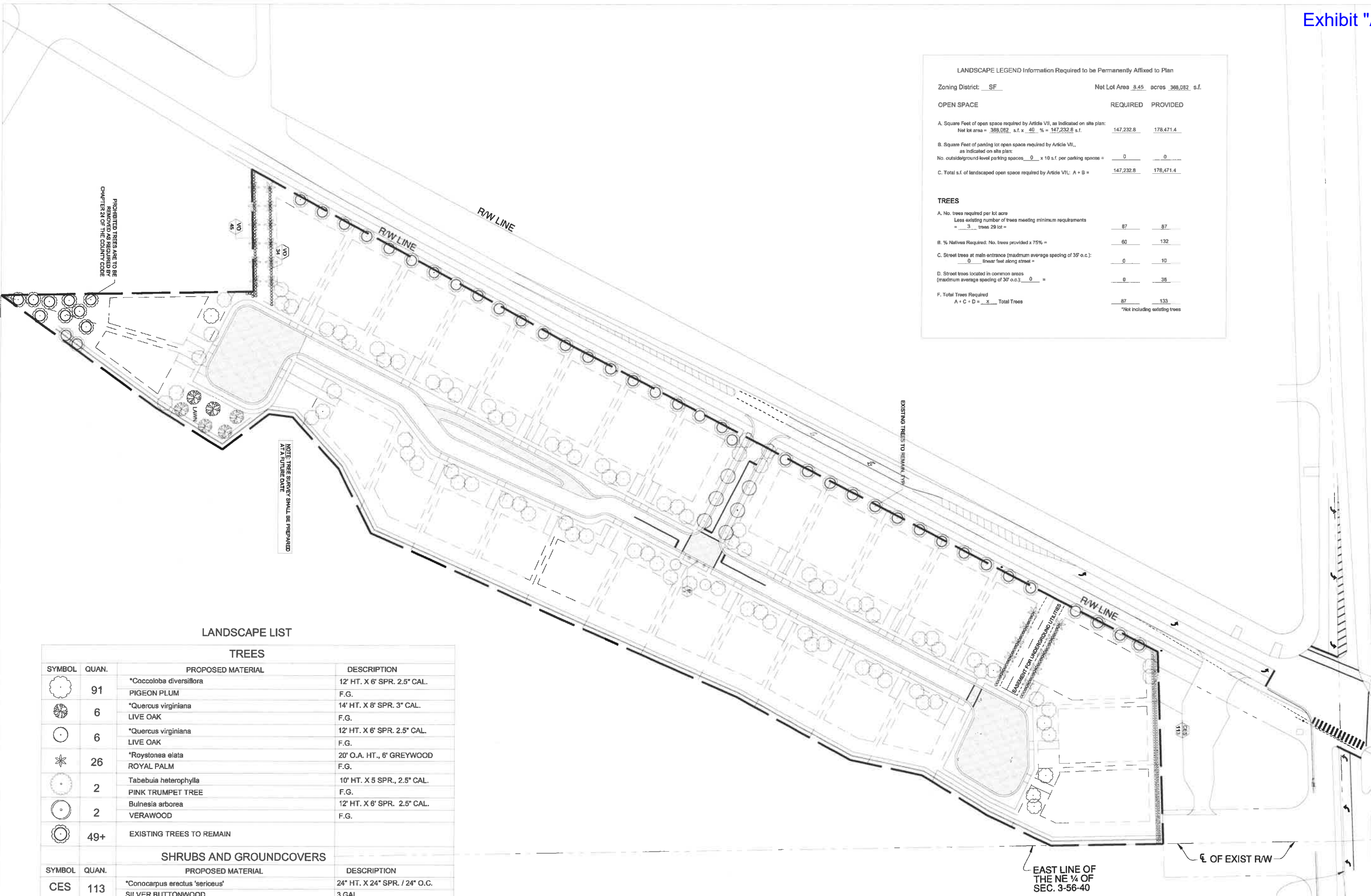
SEAL:

DATE: October 18, 2019

L-1

SHEET NO:

LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan		
Zoning District: <u>SF</u>	Net Lot Area <u>8.45</u> acres <u>388,082</u> s.f.	
OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Article VII, as indicated on site plan: Net lot area = <u>388,082</u> s.f. x <u>.40</u> % = <u>147,232.8</u> s.f.	<u>147,232.8</u>	<u>178,471.4</u>
B. Square Feet of parking lot open space required by Article VII, as indicated on site plan: No. outside/ground level parking spaces <u>0</u> x 10 s.f. per parking spaces =	<u>0</u>	<u>0</u>
C. Total s.f. of landscaped open space required by Article VII: A + B =	<u>147,232.8</u>	<u>178,471.4</u>
TREES		
A. No. trees required per lot acre Less existing number of trees meeting minimum requirements = <u>3</u> trees 29 lot =	<u>87</u>	<u>87</u>
B. % Natives Required: No. trees provided x 75% =	<u>60</u>	<u>132</u>
C. Street trees at main entrance (maximum average spacing of 30' o.c.): 0 linear feet along street =	<u>0</u>	<u>10</u>
D. Street trees located in common areas (maximum average spacing of 30' o.c.): <u>0</u> =	<u>0</u>	<u>36</u>
F. Total Trees Required A + C + D = <u>87</u> Total Trees	<u>87</u>	<u>133</u>
*Not including existing trees		



LANDSCAPE LIST

TREES			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	91	*Coccoloba diversiflora	12' HT. X 6' SPR. 2.5" CAL.
		PIGEON PLUM	F.G.
	6	*Quercus virginiana	14' HT. X 8' SPR. 3" CAL.
		LIVE OAK	F.G.
	6	*Quercus virginiana	12' HT. X 6' SPR. 2.5" CAL.
		LIVE OAK	F.G.
	26	*Roystonea elata	20' O.A. HT., 6' GREYWOOD
		ROYAL PALM	F.G.
	2	Tabebuia heterophylla	10' HT. X 5 SPR., 2.5" CAL.
		PINK TRUMPET TREE	F.G.
	2	Bulnesia arborea	12' HT. X 6' SPR. 2.5" CAL.
		VERAWOOD	F.G.
	49+	EXISTING TREES TO REMAIN	
SHRUBS AND GROUNDCOVERS			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	113	*Conocarpus erectus 'sericeus'	24" HT. X 24" SPR. / 24" O.C.
		SILVER BUTTONWOOD	3 GAL.
	6	*Eugenia foetida 'TOPIARY CONE'	7' O.A. HT. TOPIARY CONE
		SPANISH STOPPER	10 GAL., FULL TO BASE
	88	*Viburnum obovatum	24" HT. X 24" SPR. / 24" O.C.
		WALTER'S VIBURNUM	3 GAL.
	As Required	Stenotaphrum secundatum 'Floritam'	SOLID EVEN SOD
		ST. AUGUSTINE GRASS	

* DENOTES NATIVE SPECIES

LANDSCAPE PLAN
PER MINIMUM LANDSCAPE REQUIREMENTS

1" = 50'



NORTH LINE
OF THE NW 1/4
OF SEC. 2-56-40