



Attachment "A" **Town Consultant Report**

Amending Future Land Use Map

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.



Memorandum

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☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: November 20, 2019

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

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

Subject: Future Land Use Map Amendment

Project: Conversion to Conservation FIUM

CC:

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST INITIATED BY

Town of Cutler Bay

PURPOSE/OBJECTIVE:

To achieve consistency with Policy FLU-4F of the Town's Growth Management Plan (GMP), requiring that the Future Land Use designation of parcels located in the Residential-Conservation Overlay District which are purchased for conservation or public use, or are otherwise protected from development... be converted to Conservation.

RECOMMENDATION:

That the Town Council approve the requested amendment.



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BACKGROUND SUMMARY

Table 1 – Subject Parcel Summary Table

Folio No.	Owner	Acreage	Current Land Use Plan Map Designation	Requested Land Use Plan Map Designation	Amendment Type
36-6003-001-0015	South Florida Water Management District	24.2	Low Density- Conservation	Conservation	Expedited
36-6002-000-0120	South Florida Water Management District	37.8	Estate Density- Conservation	Conservation	Expedited
36-6002-000-0050	South Florida Water Management District	20.0	Estate Density- Conservation	Conservation	Expedited
Portion of 36- 6002-000-0020	South Florida Water Management District	3.2	Estate Density- Conservation	Conservation	Expedited
Portion of 36- 6002-000-0030	South Florida Water Management District	3.2	Estate Density- Conservation	Conservation	Expedited
Portion of 36- 6002-000-0060	South Florida Water Management District	3.2	Estate Density- Conservation	Conservation	Expedited
Portion of 36- 6015-000-0020	South Florida Water Management District	243.7	Estate Density- Conservation	Conservation	Expedited
36-6015-000-0080	U.S.A.	15.2	Estate Density- Conservation	Conservation	Expedited

There are no development applications associated with this request. The parcels are owned by regional or federal governmental agencies, and have been purchased primarily for conservation purposes which protect these parcels from future development. The combined acreage of the tracts proposed for FLUM amendment is approximately 350.5 acres.

The change proposed for these parcels or portions of parcels is from their respective current FLU designations to Conservation, in order to meet Policy FLU-4F. This policy states that “when a parcel located in the Residential-Conservation Overlay District is purchased for conservation or public use, or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation.”

The Conservation FLU designation is for public or private lands that are protected for conservation or recreational purposes via ownership or regulatory mechanisms (GMP Table FLU-1). Because of its stated purpose, this future land use designation does not have development density or intensity associated with it. The parcels are all zoned Conservation on the Town's Official Zoning Map.

The date of acquisition by the respective government agencies is not clear from the County Property Appraiser records. However, several of the parcels may have become South Florida Water Management District lands at least as far back as 2010 if not earlier. These land assets might be part of the SFWMD's Biscayne Bay Coastal Wetlands project.



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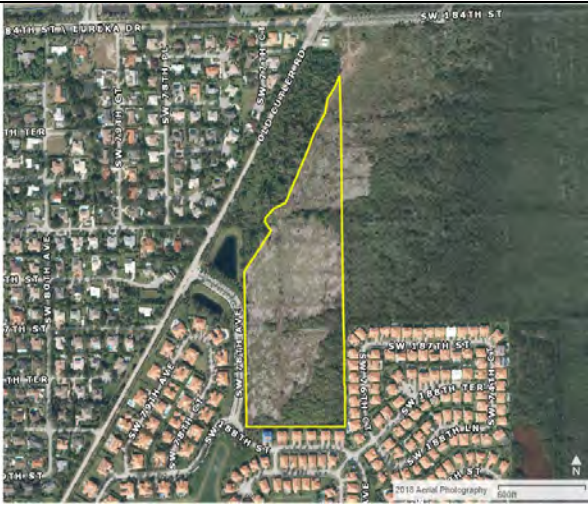
There is no precise indication of when the fifth parcel, identified by Folio No. 36-6015-000-0080 was purchased by the federal government, or by which exact agency.

STAFF ANALYSIS

The Town wishes to amend the FLUM to achieve consistency with the GMP's Policy FLU 4F for lands that are purchased by public agencies for the purpose of conservation or public use. Such lands are protected from development.

Below is a detailed parcel-level review. In the case of parcels where only a portion of the parcel is proposed for re-designation, the information provided (with the exception of the Folio No. and Legal Description) applies only to the portion being proposed for re-designation.

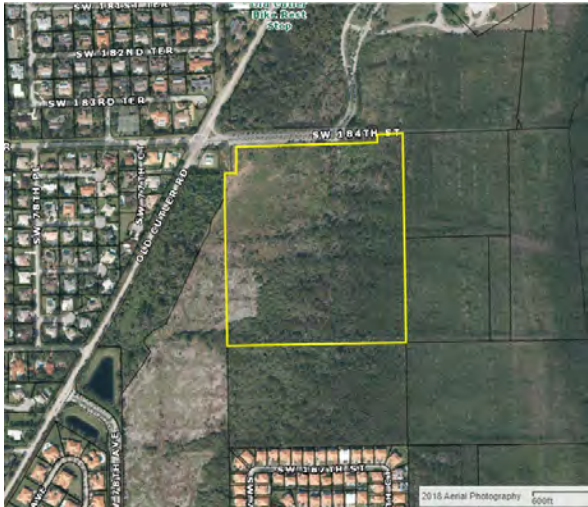
Table 2 – Parcel by Parcel Review

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6003-001-0015	Acreage: 24.2
Legal Description: 3 56 40 24.205 AC M/L PERRINE GRANT SUB PB 4-10 TRACTS 1 & 2 & 8 LYG SELY OF INGRAHAM HWY DES AS BEG 348.32FT OF NW COR OF SEC 2 CONT S 00 DEG E 1447.5FT S 00 DEG E 776.28FT S 89 DEG W 674.33FT N 00 DEG W 980.05FT N 36 DEG E 225.55FT N 31 DEG E 95.33FT N 37 DEG W 69.66FT N 07 DEG E 28.73FT N 48 DEG E 82.65FT N 63 DEG E 85.82FT N 24 DEG E 375.62FT N 23 DEG E 102.19FT N 28 DEG E 155.31FT N 12 DEG E 86.85FT N 31 DEG E 91.99FT N 25 DEG E 83.85FT TO POB LOT SIZE 24.205 AC M/L FAU 36 6003 001 0013	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> North – Vacant West – Single-family residential South – Single-family residential East – Single-family residential / vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> North – Low Density-Conservation West – Low Density South – Low Density-Conservation East – Estate Density-Conservation and Estate Density 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> North – Single-Family Residential (SR) West – Single-Family Residential South – Single-Family Residential East – Conservation (C) and Estate Residential (ER)



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Current v. Proposed FLU Comparison	
Current FLU: Low Density-Conservation Permitted Uses: Residential units Density and Intensity: 2.5 to 5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0120	Acreage: 37.8
Legal Description: 2 56 40 37.797 AC M/L N1/2 OF NW1/4 OF NW1/4 INC EXCESS LESS W75.01FT OF N215.03FT & LESS N50FT OF E899.99FT OF W975FT FOR R/W OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0120	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> North – Vacant West – Vacant South – Vacant East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> North – n/a (Village of Palmetto Bay) West – Low Density-Conservation South – Estate Density-Conservation East – Estate Density-Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> North – n/a (Village Palmetto Bay) West – Single-Family Residential (SR) and Conservation (C) South – Conservation East – Conservation
Current v. Proposed FLU Comparison	



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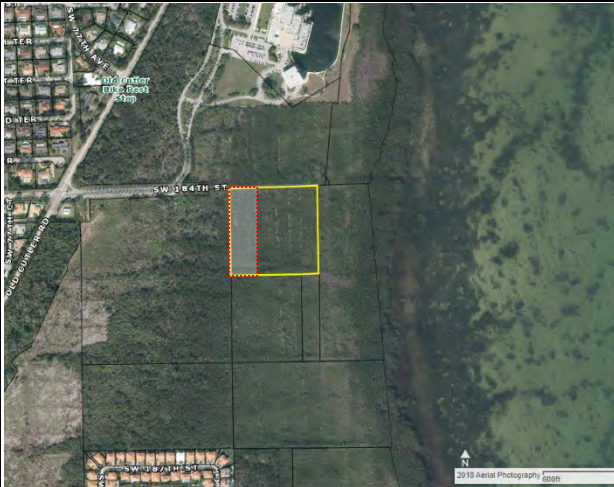
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a
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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0050	Acreage: 20
Legal Description: 2 56 40 20 AC N1/2 OF S1/2 OF NW1/4 OF NW1/4 INCLUDING EXCESS OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0050	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Single-family residential • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Low Density-Conservation • South – Estate Density-Conservation • East – Estate Density-Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Estate Residential • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity:	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or



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One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	regulatory mechanisms. Density and Intensity: n/a
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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0020	Acreage: approx. 3.2 of 9.8
Legal Description: 2 56 40 9.8 AC N1/2 OF NW1/4 OF NE1/4 OF NW1/4 LOT SIZE IRREGULAR OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0020	 <p>Approximate area outlined in red</p> <p>Current Land Use(s): Vacant</p>
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – n/a (Village of Palmetto Bay) • West – Estate Density-Conservation • South – Estate Density-Conservation and Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – n/a (Village of Palmetto Bay) • West – Conservation (C) • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0030	Acreage: 3.2 of 7.8
Legal Description: 2 56 40 7.8 AC W528FT OF S1/2 OF NW1/4 OF NE1/4 OF NW1/4 OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0030	
	Approx. area outlined above in red
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a




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conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	
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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0060	Acreage: 3.2 of 13
Legal Description: 2 56 40 13 AC N1/2 OF S1/2 OF NE1/4 OF NW1/4 INCLUDING EXCESS OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0060	 <p>Approx. area outlined above in red</p>
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a

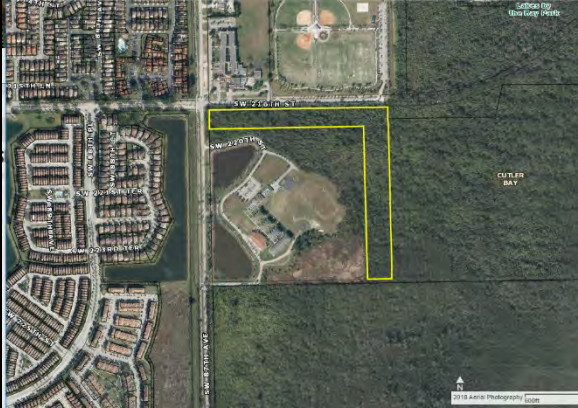


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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6015-000-0020	Acreage: 243.7 of 313
Legal Description: 15 56 40 313.31 AC M/L S1/2 LESS W125FT FOR CANAL R/W LOT SIZE IRREGULAR COC 23185-3488 02 2005 6(2) F/A/U 30-6015-000-0020	 <p>Approx. area outlined in red</p>
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant and Institutional • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Institutional, Estate Density-Conservation, and Conservation • West – Conservation • South – n/a (unincorporated Miami-Dade County) • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North –Institutional (INT) and Conservation (C) • West – Conservation • South – n/a (unincorporated Miami-Dade County) • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Portion subject of this amendment: Estate Density-Conservation Permitted Uses: Residential units in the portion of the site designated Estate Density-Conservation Density and Intensity: On the portion of the site designated Estate Density-Conservation only, one (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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Owner: U.S.A.	
Parcel Folio: 36-6015-000-0080	Acreage: 15.2
Legal Description: 15 56 40 15.23 AC BEG 1035.43FTS & E125FTE OF NW COR OF SEC TH S220FT E1380FT S1415FT E220FT N1635FT W1600FT TO POB F/A/U 30-6015-000-0080	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Institutional and recreational • West – Water and vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Institutional and Parks and Recreation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North –Institutional (INT) and Park (PK) • West – Institutional (INT) • South – Conservation (C) • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a

Concurrency Review

The goal of the amendment is to place these parcels in a land use designation consistent with their ownership and purpose, as stated in Policy FLU-4F. Therefore, there is no development proposal associated with or triggering this review, and no anticipated impact on Town services from approving the proposed amendment, which would have the effect of protecting these parcels from future development. This could, on the other hand, have a beneficial long-term impact on regional and local drainage, stormwater management and flood protection, natural resource and coastal protection, air and water quality, and recreation purposes.



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Consistency Review with the Town Growth Management Plan Goals, Objectives, and Policies

The main purpose of this amendment is to comply with Policy FLU-4F, which states that "When a parcel located in the Residential-Conservation Overlay District is purchased for conservation or public use, or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation." However, the proposed amendment will also further other goals, objectives, and policies of the Town's Growth Management Plan:

Future Land Use Element

Policy FLU-1B: The Town, through its Future Land Use Map and Land Development Regulations, will ensure that land uses are located in conjunction with appropriate topographic and soil conditions.

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

Objective FLU-9: Natural Resource Protection

The Town shall ensure the preservation and conservation of natural resources within its boundaries and in adjacent areas.

Policy FLU-9A: The Town shall coordinate the protection of natural resources with the appropriate local, County, State and federal agencies.

Coastal Management Element

Objective CM-1

Protect, conserve and enhance coastal wetlands and living marine resources within the coastal area of the Town of Cutler Bay.

Policy CM-1D: The Town will coordinate with the county and state agencies to implement natural surface water flow regimes into and through coastal wetland systems will be restored and maintained to the maximum extent possible.

Conservation Element

Goal 1

Protect and enhance the long-term environmental resources of the town of cutler bay to ensure continued resource availability and environmental quality through prudent management, public education, appropriate regulations and enforcement, and active partnership with governmental and environmental entities.

Objective C-4

Protect the 100-year floodplain, groundwater aquifer recharge, and the natural drainage features within the Town of Cutler Bay.



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Objective C-5

The Town will conserve and protect the remaining natural systems of Cutler Bay in recognition of the inherent values of these areas left in their natural state.

Policy C-5B: The Town will continue to coordinate with the South Florida Water Management District (SFWMD), the South Florida Regional Planning Council, Miami-Dade County, state agencies and Biscayne National Park with managing natural resources to protect the values and functions of these sensitive natural systems that are located within Cutler Bay.

Policy C-6B: The Town will support the acquisition of identified wetlands by South Florida Water Management District.

Intergovernmental Coordination Element

Objective IC-5

The Town shall continue to improve the coordination of planning activities with the agencies that have regulatory, supply or jurisdictional authority within the Town; such as, the South Florida Regional Planning Council, the South Florida Water Management District, the Florida Department of Transportation – District 6, the Department of Community Affairs [sic], the Department of Environmental Protection, the Department of State, the U.S. Department of Interior – Biscayne National Park, the Bureau of the Census and any other entity where coordination would be beneficial to the Town.

Policy IC-5B: The Town will coordinate with the South Florida Water Management District concerning its jurisdictional authority as necessary and support its efforts concerning the Lower East Coast Water Supply Plan 2005-2006 Update, ACCELER8 Everglades and CERP and the Biscayne Bay Coastal Wetlands Project to protect an Outstanding Florida Water – Biscayne Bay.

EXHIBITS:

- Exhibit "A" – Future Land Use Map (Existing and Proposed)
- Exhibit "B" – Ordinance