



Application No.: FLUMA-2018-004

Attachment "B"

**Application and
Letter of Intent**

COUGAR HOLDINGS, LLC

FUTURE LAND USE MAP

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT OLD CUTLER ROAD AND SW 200 STREET (FOLIO NO. 36-6003-035-0060) FROM LOW DENSITY RESIDENTIAL TO MIXED USE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**APPLICATION FOR AN AMENDMENT TO THE
FUTURE LAND USE ELEMENT AND MAP
OF THE TOWN OF CUTLER BAY**

1. APPLICANT/PROPERTY OWNER

Cougar Holdings, LLC
305 Alcazar Avenue, Suite #3
Coral Gables, Florida 33134

2. APPLICANT'S REPRESENTATIVE

Jorge L. Navarro, Esq.
Greenberg Traurig
333 SE 2 Avenue, Suite 4100
Miami, Florida 33131
(305) 579-0821
(305) 961-5310 (Fax)

By: 
Jorge L. Navarro

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Town's Future Land Use Map is requested. The Applicant is requesting the redesignation of the subject property from "Low Density" to "Mixed Use."

B. Description of the Subject Area.

The subject property consists of approximately 0.81 +/- net acres (1.35 +/- gross acres) of land located in Section 03, Township 56 South, Range 40 East, in the Town of Cutler Bay, Florida. The subject property, which is located West of Old Cutler Road and North of SW 200 Street to the south, is more specifically described in Exhibit "A" attached hereto (the "Property").

C. Acreage.

Subject Application Area: 1.35+/- gross acres (0.81 net acres)
Acreage Owned by Applicant: 1.35+/- gross acres (0.81 net acres)

D. Requested Change.

1. It is requested that the Property be redesignated on the Town's Future Land Use Plan map from "Low Density" to "Mixed Use."

2. It is requested that this application be processed as an expedited small scale amendment.

4. REASONS FOR AMENDMENT

The Applicant is requesting a redesignation of the Property from "Low Density" to "Mixed Use" development on the Town's Future Land Use Map (the "FLUM"). The Property is generally located at the northeast corner of Old Cutler Road and SW 200th Street and is comprised of approximately 1.35 gross acres of vacant, unimproved land. The Property fronts directly onto Old Cutler Road and is bounded by SW 200th Street to the South, SW 85th Avenue to the West and single family residential uses to the North.

The Applicant seeks to develop the Property with a mixed use building consisting of ground level commercial uses with upper level residences intended to serve those residents age fifty-five (55) years and older. The demand for elderly living facilities continues to grow as evidenced by the Town's 2013 Senior Needs Assessment, which recognized the senior citizen demographic as the fastest growing population in the Town. The proposed development will help meet these demands by providing high quality and safe housing options for the Town's increasing elderly population.

The proposed Future Land Use Map Amendment is consistent with the existing "Mixed Use" designation located directly to the South of the Property and is compatible with the uses and development trend envisioned for the Old Cutler Road corridor. The proposed request will also allow for the development of a mixed-use project that furthers the City's vision for the continued revitalization of Old Cutler Road with small scale, pedestrian oriented mixed use projects containing commercial, retail, restaurants and residential uses as intended by the "Mixed Use" land designation. Additionally, the development creates an appropriate transition from the arterial busy Old Cutler Road corridor to the adjacent residential areas to the West.

Based on the foregoing, the requested "Mixed Use" land use designation and proposed mixed use building with commercial and residential uses are compatible with the character and pattern of development along Old Cutler Road and consistent with the types of uses currently permitted by the "Mixed Use" FLUM designations to the South of the Property. Accordingly, approval of the requested Amendment would promote the implementation of the following goals, objectives and policies of the Town's Growth Management Plan:

- *Objective FLU-3:* The areas designated "Mixed Use" on the Future Land Use Map shall be developed or redeveloped through the Land Development Regulations as design unified horizontal and vertical mixed use areas in accordance with adopted plans and studies that reflect the community's vision.
- *Policy FLU-3A:* Areas designated mixed use shall contain commercial, office, residential, community, institutional and recreation and open space uses integrated vertically or horizontally, in accordance with Policy FLU-1C.
- *Policy FLU-3C:* The area located along the Old Cutler Road corridor and designated "Mixed Use" on the Future Land Use Map shall be redeveloped as a place where living, working, shopping, and civic activities can take place within a town center type environment.

- *Policy FLU-3D:* New development and redevelopment along Old Cutler Road shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.
- *Policy FLU-3G:* The Town shall implement unified high quality, well-designed horizontal and vertical mixed use development on the Old Cutler Road corridor.
- *Policy FLU-4A:* The Town shall implement strategies to provide appropriate transitions between its residential districts and the higher intensity Mixed Use, Town Center, and Institutional districts through its Land Development Regulations and other appropriate mechanisms.
- *Policy FLU-5B:* Development and redevelopment in the Town shall provide for pedestrian friendly street design, an interconnected street network and hierarchy to reduce congestion and improve traffic flow, design that promotes the use of non-motorized transportation modes, connectivity to transit, and a range of uses in a compact area to reduce the need for external trips.
- *Policy FLU-5C:* The Town shall promote high quality urban design for development and redevelopment by encouraging developers to incorporate the concepts outlined in Miami Dade County's Urban Design Manual, or other design guidelines that may be developed for the Town, into their developments.
- *Policy FLU-5F:* The Town shall require aesthetically pleasing and environmentally sensitive landscaping as an important component of development and redevelopment projects. To the maximum extent feasible, existing on-site native vegetation shall be preserved.
- *Policy FLU-13C:* The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center, Mixed-Use land use districts, in accordance with this Plan.
- *Policy HI-1D:* The Town's residential zoning districts shall allow a variety of housing types in residential districts in order to meet the housing needs of current and projected residents.

5. ADDITIONAL MATERIAL SUBMITTED

The Property owner has submitted a traffic study for the Town's review that supports the development of a mixed-use project that incorporates residential and retail uses at this location. Additional information may be supplied at a later date subject to the Town's request.

6. COMPLETED DISCLOSURE FORMS

Attachments:



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.

Cougar Holdings, LLC.

Corporation Name

Name, Address and Office

Percentage of stock

Luis Machado 305 Alcazar Ave Suite 3 C. Gables, FL 33134

50%

Gesmac Developers Inc 305 Alcazar Ave Suite 3 C. Gables, FL 33134

50%

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



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: _____ Public Hearing No. _____

Full Name:

Mr. Mrs. Ms. Luis Machado, Managing Member, Cougar Holdings, LLC.

Current Address: 305 Alcazar Avenue, Suite 3 City: Coral Gables

State: Florida Zip: 33134 Telephone Number (305) 447-1776

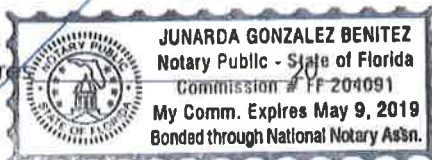
Date of Birth: 2-11-1964

Signature _____

SWORN AND SUBSCRIBED BEFORE ME THIS 11 DAY OF October 2017

[Signature]
Notary Public, State of Florida at Large

My Commission expires _____



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



Jorge L. Navarro, Esq.
 Tel (305) 579-0821
navarrojo@gtlaw.com

May 8, 2018

VIA HAND DELIVERY

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

RE: Cutler Gate / Letter of Intent for Future Land Use Map Amendment to "Mixed Use" / Property located at 8495 SW 200 Street, in the Town of Cutler Bay, Florida (Folio No. 36-6003-035-0060)

Dear Ms. Lyon:

On behalf of Cougar Holdings, LLC (the "**Applicant**"), please accept this as our Letter of Intent in connection with a request for a Future Land Use Map Amendment for the above referenced property (the "**Property**"). Specifically, the Applicant is requesting a Future Land Use Map Amendment to re-designate the Property from "Low Density" to "Mixed Use" on the Town's Future Land Use Map (the "**Proposed FLUM Amendment**"). The Applicant respectfully requests that the Proposed FLUM Amendment be processed as small scale amendment in accordance with Section 163.3187, F.S.

PROPERTY INFORMATION

The Property is generally located at the intersection of Old Cutler Road and SW 200th Street and is comprised of approximately 1.35 gross acres (.82 net acres) of vacant, unimproved land. The Property fronts directly onto Old Cutler Road and is bounded by SW 200th Street to the South, SW 85th Avenue to the West and single family residences to the North. The location of the Property is generally reflected below.



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ANALYSIS

The Applicant seeks to redevelop the Property with a mixed use building consisting of ground level commercial uses with upper level residences (the “**Project**”) in accordance with the “Mixed Use” FLUM designation. The Proposed FLUM Amendment is consistent with the existing “Mixed Use” designation directly to the South of the Property and is compatible with the existing uses and future development envisioned for the Old Cutler Road corridor. For the reasons outlined below, the Proposed FLUM Amendment is appropriate for the Property and would promote the implementation of the following goals, objectives and policies of the Town’s Growth Management Plan:

- *Objective FLU-3:* The areas designated “Mixed Use” on the Future Land Use Map shall be developed or redeveloped through the Land Development Regulations as design unified horizontal and vertical mixed use areas in accordance with adopted plans and studies that reflect the community’s vision.

The Proposed FLUM Amendment to “Mixed Use” is consistent with the Applicant’s Proposed Rezoning to NC-1. The Proposed FLUM Amendment will permit the redevelopment of the Property with a vertical, mixed use development. Please refer to the Cutler Gate Rezoning Letter of Intent submitted on May 8, 2018 regarding how the Proposed Rezoning complies with the Town’s Land Development Regulations. Additionally, the Proposed FLUM Amendment will mirror the existing “Mixed Use” properties along Old Cutler Road thereby furthering the Town’s vision for the activation of this corridor with low scaled, pedestrian-friendly, mixed use projects.

- *Policy FLU-3G:* The Town shall implement unified high quality, well-designed horizontal and vertical mixed use development on the Old Cutler Road corridor.

The Project will improve the existing vacant land with a high quality, vertical mixed use development that is consistent with the mixed use developments currently permitted along the Old Cutler Road corridor.

- *Policy FLU-3A:* Areas designated mixed use shall contain commercial, office, residential, community, institutional and recreation and open space uses integrated vertically or horizontally, in accordance with Policy FLU-1C.

The Proposed FLUM Amendment to “Mixed Use” will allow the Property to accommodate the development and vertical integration of mixed uses such as ground floor commercial and retail as well as upper level residences. Additionally, the Project will serve the abutting residents and future residents of the Project while activating Old Cutler Road and SW 200th Street with ground floor commercial uses and outdoor plaza space that will help promote the Town’s goal of creating a pedestrian friendly and walkable community.

- *Policy FLU-3C:* The area located along the Old Cutler Road corridor and designated “Mixed Use” on the Future Land Use Map shall be redeveloped as a place where living,

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working, shopping, and civic activities can take place within a town center type environment.

The continued trend of mixed use development along Old Cutler Road will promote a pedestrian friendly environment comprised of an assortment of uses including residential, and retail/commercial as well as outdoor plazas and landscaped open space. The Project's unique location along three separate roadways with its primary frontage along Old Cutler Road, as well as its proximity to other residential uses will provide a captured demand for the proposed retail and commercial uses on the Property. Accordingly, the Project will be an example of a mixed-use development designed to provide the optimal pedestrian experience where residents of the Project and local neighbors can live, shop, eat and entertain all within one block's walking distance.

- *Policy FLU-3D:* New development and redevelopment along Old Cutler Road shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.

Consistent with Section 3-58 of the Town's Land Development Regulations, the Project furthers the Town's vision for the continued revitalization of Old Cutler Road with pedestrian scale mixed use projects containing commercial, retail, service and residential uses as intended by the "Mixed Use" land designation. Specifically, the Proposed FLUM Amendment will permit the development of the Property with approximately 3,500 square feet of ground floor commercial and retail space, 36 upper level residential units, and an outdoor plaza and café with seating directly fronting along the Old Cutler Road right of way. The Project's outdoor plaza and café will help create active pedestrian areas and encourage walkability and bikability along the historic Old Cutler Road. Additionally, the Project will provide service oriented and retail uses centered within the local neighborhood.

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

The synergy of mixed uses central to the surrounding residential neighborhood supports the Town's goal of promoting non-motorized transportation modes. Specifically, the proposed mixed use development allows local residents the opportunity to dine, shop and entertain within a short walking distance of their residence. The centrality of the mixed uses encourages the use of alternative modes of transportation such as walking or biking.

Active pedestrian streetscapes will allow local residents (including future residents of the Project) to opt out of using their vehicles and walk to nearby retail spaces for their daily retail and service needs, which would alleviate traffic congestion and further the Town's goal of encouraging pedestrian activity and bikability within Old Cutler Road neighborhoods. Additionally, the proposed pedestrian oriented development will

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facilitate the enhancement of the Property's three frontages with paved sidewalks, lighting, hardscaping, and landscaped plazas which serve to improve overall pedestrian circulation and further encourage walkability and biking.

- *Policy FLU-13C:* The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center, Mixed-Use land use districts, in accordance with this Plan.

Consistent with the "Mixed-Use" land use designation provided in the Town's FLUM, the proposed Project will integrate ground floor retail and commercial uses with upper level residential units within close walking distance to other residences and future mixed use projects. Specifically, the proposed ground floor retail on the Property will create active pedestrian areas by providing connectivity with the surrounding commercial spaces and create a gathering place within the neighborhood for residents and visitors alike. Additionally, the proposed residential component of the mixed use Project will benefit existing businesses in the area by providing a more permanent customer base.

- *Policy FLU-4A:* The Town shall implement strategies to provide appropriate transitions between its residential districts and the higher intensity Mixed Use, Town Center, and Institutional districts through its Land Development Regulations and other appropriate mechanisms.

Consistent with Section 3-102 of the Town's Land Development Regulations, the Project will provide a 15 foot landscape buffer along the interior side of the Property, creating a visual screen that will reduce any visual or physical impact from the Project to the single-family residences to the North and West of the Property. The Project will also be oriented towards Old Cutler Road, a major vehicular thoroughfare, away from the abutting single family residences. Additionally, the remaining frontages and roadways abutting the Property will also create a natural buffer from the Project's higher intensity uses thereby creating an appropriate transition to the abutting single family residences.

- *Policy HI-1D:* The Town's residential zoning districts shall allow a variety of housing types in residential districts in order to meet the housing needs of current and projected residents.

The Applicant intends to restrict the residential units of the Project to serve residents age fifty-five (55) years and older. The demand for elderly living facilities continues to grow as evidenced by the Town's 2013 Senior Needs Assessment, which recognized the senior citizen demographic as the fastest growing population in the Town of Cutler Bay. As such, the Project will help meet the Town's increased elderly housing demands by providing high quality, safe housing options for the Town's burgeoning senior population.

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CONCLUSION

In light of the foregoing, the Proposed FLUM Amendment is consistent with the Town's Growth Management Plan and will enhance the area. The Proposed FLUM Amendment will permit the redevelopment of the Property into a pedestrian oriented, mixed use property that furthers the intent, goals and policies of the Town's Growth Management Plan. Accordingly, we respectfully request your favorable consideration of the requested Application and corresponding FLUM Amendment. We look forward to working with you on this Project. If you have any questions, please do not hesitate to contact me at 305-579-0821. Thank you for your attention to and favorable consideration of this matter.

Sincerely,

GREENBERG TRAURIG



Jorge L. Navarro