



***Application No.: FLUMA-2018-004***

**Attachment "A"**

**Consultant's Report**

**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.

# THE CORRADINO GROUP, INC.

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## MEMORANDUM

To: Alex David, AICP, Interim Planning and Zoning Director

From: Scarlet R. Hammons, AICP CTP, Planning Consultant

Date: January 2, 2020

Re: Cougar Holdings, LLC Future Land Use Map (FLUM) Amendment – Small Scale Amendment (Application No. FLUMA 2018-004)

### REQUEST

**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 SUMMARY

Applicant/Representative: Cougar Holdings, LLC/Jorge Navarro Old

Location: Cutler Road and SW 200th Street

Total Acreage: 0.82 +/- Net Acres (1.35 +/- Gross Acres)

Current Land Use Plan

Map Designation: Low Density

Requested Land Use Plan Mixed-Use

Map Designation and Other Changes:

Amendment Type: Small-scale

Existing Zoning Single-Family Residential

Folio Number: 36-6003-035-0060

Legal Description: Lot 6, Block 1, Cutler Breeze, according to the plat thereof, as recorded in Plat Book 163, Page 93 of the Public Record of Miami-Dade County, Florida

## **RECOMMENDATION**

Staff recommends **denial** of the proposed small scale amendment to the Town Growth Management Plan (Comprehensive Plan) adopted 2030 FLUM to re-designate the 1.35 gross acre site from “Low Density” to “Mixed-Use.”

The Applicant is proposing to change the FLUM from “Low Density” to “Mixed-Use” in order to facilitate a mixed-use residential-commercial development to be located at Old Cutler Road and SW 200 Street. The Mixed-Use District is described in the Growth Management Plan as follows:

***Mixed Use District: Uses allowed in this category include sales and service activities, restaurant, professional and clerical offices, hotels, motels, medical buildings and offices, cultural and entertainment uses, community facilities, institutional, parks and open space, residential and similar uses in a high quality mixed use environment. Residential uses are encouraged, but are not required. Vertical mixed use buildings are allowed in all underlying zoning districts in the Mixed Use districts, with the sales and service components being located on the ground floors and residential and office uses being located on higher floors. Horizontal mixed use development (different uses in the same or different buildings on the same site or block face) is allowed, with specific mix of uses determined by the underlying zoning district. Vertical mixed use buildings shall be encouraged on sites that can accommodate the mix of uses under the prescribed parameters, while horizontal mixed use development is encouraged on sites that cannot otherwise accommodate vertical mixed use. A parcel of land greater than 25,000 square feet shall have two or more of the above uses.***

***Density and Intensity, Old Cutler Road Corridor: Mix of uses; Residential uses when provided shall be no less than 20 percent and no greater than 80 percent of the total floor area of a vertical mixed use building, and no less than 20 percent and no more than 80 percent of the buildings on a development site or block face. Floor Area Ratio of 2.0, multi-family residential at 30 units per gross acre. Maximum building height of four stories, 45 feet for the frontage and three stories, 35 feet for the remainder. Architectural features can exceed maximum height limitations.***

The applicant states that the FLUM amendment and associated Rezone (under a separate application) is for the purpose of facilitating the development of a small scale mixed-use project that would be permitted under the Mixed-Use designation, which provides for sustainable living, working, shopping and civic activities. The site is an irregular shaped vacant lot, surrounded on three sides by roadways and along the north side by existing single-family homes. The site is generally surrounded by single-family residential uses, with the exception of a span of less than 100’ at SW 200th Street, along the southern boundary. SW 200th Street is the northerly limit of the existing Mixed-Use district along the west side of Old Cutler Road. This roadway provides a

logical divide and appropriate buffer between the more intense uses allowed in the Mixed-Use District and the existing single-family neighborhood located just to the north and to the west. The development of this site as Mixed-Use will not be compatible with the existing neighborhood character immediately surrounding the site, and will have potential adverse impact associated with commercial use and higher density within this single-family residential area. The impacts would specifically affect the immediate adjacent homes along the northern property line, as well as future single family homes immediately to the west.

Under the Mixed-Use designation, with a vertical design as currently presented as the preferred development by the Applicant, the commercial use will be located on the ground floors while residential would be located on the higher floors. While setbacks and development standards would require a minimum buffer between this site and the existing residential to the north, the designation would allow for 30 dwelling units per acre (40 units total), versus a maximum of 5 dwelling units per acre (6 units total) under the existing low density designation. Furthermore, the height allowed in the Mixed-Use district will increase from a maximum of 3 stories, or 35 feet to 4 stories, or 45 feet. Residential (when provided) is not required to exceed more than 20 percent of the development, leaving an allowable 80 percent to be a more intense use. It should be noted that the Mixed-Use district does not require residential, rather a mix of at least two uses, which could be commercial, restaurant or another non-residential development.

### **STAFF ANALYSIS**

The Applicant proposes to amend the Future Land Use Map (FLUM) and rezone (under a separate application) the parcel to accommodate the preferred site plan consisting of a mixed-use project. As presented, the development would be comprised of residential and commercial uses. Currently, the FLUM (low density) and zoning district (Single-Family Residential) designations for this parcel is residential. The existing and proposed FLUM Small Scale Amendment are attached hereto as **Exhibit "A"**.

Please note the concurrency review is based on the proposed land use designation, the applicant does not have an approved site plan for this site. The review is calculated at the maximum densities or intensities that would be allowed under the proposed Future Land Use designation or the proposed Zoning District:

**Number units:** 40 multi-family units  
**Commercial:** 80% of the total square feet of the building would be allowed (4,186 S.F. proposed, per concept plan)

<u>Proposed Amendment:</u>	<b>From:</b> Low Density Residential (2.5 to 5 dwellings units per gross acre) <b>To:</b> Mixed Use (30 units per gross acre)
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<u>Proposed Rezoning:</u>	<b>From:</b> Single-Family Residential (SR) <b>To:</b> Neighborhood Center (NC-1)
<u>Area Boundaries:</u>	Old Cutler Road, SW 200 <sup>th</sup> Street and SW 85 <sup>th</sup> Avenue
<u>Size of Area</u>	1.35 acres (56,630 square feet) <b><u>(Exhibit "B")</u></b>
<u>Property(s)</u> <u>Description/Existing</u> <u>Conditions:</u>	The area consists entirely of vacant land
<u>Surrounding Growth</u> <u>Management Plan</u> <u>Designation(s):</u>	North – Low Density Residential South – Mixed-Use and Low Density Residential East – Low Density Residential West – Low Density Residential
<u>Surrounding Zoning:</u>	Single-Family Residential (North, South, East and West) Neighborhood Residential (South, less than 100')
<u>Surrounding Existing Land</u> <u>Use(s):</u>	North – Single-Family Homes South – Single-Family and Vacant East – Single-Family West – Single-Family and Vacant

**Current vs. Proposed Analysis**

<u>Current Future Land Use:</u> Low Density Residential (5 DU's/Acre)	<u>Proposed Future Land Use:</u> Mixed Use (30 DU's/Acre)
<u>Current Permitted Uses:</u> Single Family, Townhouse, Two-Family, Multi-Family, Day Care and Group Home	<u>Proposed Permitted Uses:</u> Retail, Office, Services, Restaurants, Residential Multi-Family units in a mixed-use development, Hotels, Motels, Cultural and Entertainment, Parks and Open Space.

<u>Current Permitted Height, Density and Intensity:</u> Three (3) stories, 35 feet, 2.5 to 5 units per acre and 4.0 F.A.R. for public schools and religious institutions	<u>Proposed Permitted Height, Density and Intensity:</u> Four (4) stories, 45 feet, 30 units per acre and 2.0 FAR
<u>Current Zoning:</u> Single-Family Residential (SR)	<u>Proposed Zoning:</u> Neighborhood Center (NC-1)
<u>Potential Build-Out based on Current Zoning:</u> 6 Single-Family Homes	<u>Build-Out based on Proposed Amendment:</u> 40 Multi-Family residential units 80% of Building square feet commercial

### **Cumulative Impact on Services**

<u>Service</u>	<u>Existing</u>	<u>Proposed</u>	<u>Impact</u>
Transportation – Residential  Commercial (4,186 SF)	Residential – 39 Trips (6.5/day)  Commercial – N/A	Residential – 217 Trips (5.44/day)  Commercial - 100	Residential – <b>+178 Trips</b>  Commercial - +100
Potable Water 155 g/p/d  10 g/100 sq. ft./day*	Residential – 2,015 gals./day  Commercial – N/A	Residential – 6,975 gals./day  Commercial – 418 gals./day	Residential – <b>+4,960 gals./day</b>  Commercial – <b>+418 gals./day</b>
Sanitary Sewer 100 gals./day  10 g/100 sq. ft./day*	Residential – 1,300 gals./day  Commercial – N/A	Residential – 4,500 gals./day  Commercial – 418 gals./day	Residential – <b>+3,200 gals./day</b>  Commercial – <b>+418 gals./day</b>
Drainage	Development plans will be reviewed by the Town Public Works Department.		
Parks 3.0acres/1,000 population	Residential – 0.03 acres Commercial – N/A	Residential – 0.19 acres Commercial – N/A	Residential – <b>+0.17 acres</b> Commercial – N/A

Schools	The Town and Applicant will contact Miami-Dade County Public Schools		
Solid Waste 9.9 lbs./person/day	Residential – 128 lbs./day	Residential – 445 lbs./day	Residential – <b>+317 lbs./day</b>
Commercial 1.0 lbs./100 sq. ft./day	Commercial – N/A	Commercial – 42 lbs./day	Commercial – <b>+42 lbs./day</b>

NOTE: Per 2010 Census, there are 2.28 persons/household, therefore, the population based on current allowable build out would be 13 while under the proposed scenario the population is estimated to be 45 (1.1 person/unit).

\*The Town does not have an LOS Standard non-residential uses, therefore, the standard was taken from Miami-Dade County Code Section 24-43.1. – Liquid waste disposal and potable water supply systems.

### **Public Facilities Levels of Service**

The Town LOS standards are as follows.

### **Transportation**

Level of Service Standard – The Town’s adopted Level of Service standard for roadways is as follows:

LOS D for principal arterial, collector, and local roads without available transit; LOS E for minor arterials without local transit;

LOS E for roads within ½ mile of transit service with 20 minute headway;

120 % of capacity where extraordinary transit service (commuter rail or bus service) is available;

LOS D for limited and controlled access Florida Interstate Highway System roads; LOS E on limited access facilities where exclusive through lanes exist;

LOS E on controlled access facilities with exclusive through lanes or lanes that are parallel to exclusive transit.

A copy of the traffic study and the peer review memos are provided in **Exhibit “C”**. The reports provide an evaluation of the potential adverse traffic impacts that may be generated by this development. For impact analysis purposes, the conceptual site plan proposed by the applicant was used in the evaluation. The increase in traffic would add an estimated 178 daily trips (5.44 daily trips per unit) from the increase in residential density. Additionally, approximately 100 additional daily trips would be added from the proposed commercial uses (4,186 S.F.) at this site.

### **Potable Water**

LOS Standard – The Town's Level of Service Standard for potable water is as follows: Regional Treatment – System shall operate with a rated capacity that is no less than 2% above maximum daily flow for the preceding year.

User LOS – Maintain capacity to produce and deliver 155 gallons per capita per day (gpd).

With the exception of a few enclaves that remain on private wells, the Town is provided with potable water services through the Miami-Dade Water and Sewer Department (WASD).

### **Sanitary Sewer**

LOS Standard – 100 gallons per capita per day (gpd).

With the exception of a few enclaves that remain on septic tanks, the Town is provided with sanitary sewer services through the WASD.

### **Drainage, Flood Protection and Stormwater Management**

The stormwater management standards include flood protection and water quality. The County and Town require that all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. The proposed development will be required to comply with local, county and federal flood criteria requirements. The flood protection standards adopted by the Town are designed to serve to basic functions:

(1) protect properties from natural flood events such wet storms and hurricanes; and (2) to ensure that proposed development does not cause flooding on adjacent properties. As a result, the Town requires that all development be built at base flood elevation plus one foot of freeboarding.

The Town's water quality standard helps protect water quality by minimizing the amount of pollutants carried offsite as a result of rainwater. This standard requires all stormwater to be retained on site by utilizing natural retention areas and/or manmade structures.

### **Recreation and Open Space**

LOS Standard – 1.2 acres of active public parks, 0.9 acres of private open space, 0.9 acres of conservation open space per 1,000 residents.

Based on the 2010 Census population of approximately 41,000, the Town requires 49 acres of active public parks to meet its Level of Service Standard. Based on the recently acquisition of Lakes by the Bay parkland, the Town will exceed the LOS for active parks.



Based on the projected 2020 population of 60,000, the Town will continue to maintain the required level of service standard for parks.

### **Public Schools**

Level of Service Standard – Beginning January 1, 2008, 100% utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms. Public schools that achieve 100 % of FISH capacity without relocatable classrooms should no longer utilize relocatable classrooms except as an operational solution.

A project planning level review, which is considered a preliminary concurrency analysis will be conducted on this application by the Miami-Dade County School Board based on the adopted levels of service standard, the Interlocal Agreement (ILA) for Public Facility Planning between the Town of Cutler Bay and Miami-Dade County Public School, and current available capacity and school attendance boundaries.

### **Solid Waste**

LOS Standard – A collection capacity of 9.9 lbs. per capita per day, and disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements and contracts and non-committed solid waste flows for a period of five years.

### **Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 55 (Saga Bay), located at 21501 SW 87 Avenue. This station is equipped with an Engine totaling four (4) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the subject property is under 5:00 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the subject application complies with the performance objective of the national industry standards.

### **Coastal and Wetland Resources Protection**

The subject property does not contain wetlands as defined by Section 24-5 of the County Code; therefore, a Class IV Wetland Permit will not be required for this property.

### **Tree Preservation and Natural Forest Communities**

The property may contain specimen-sized trees (trunk diameter 18 inches or greater). Sec 24-49.2(II) of the County Code require that specimen-sized trees be preserved whenever reasonably possible.

**Consistency Review with the Town of Cutler Bay Growth Management Plan Goals, Objectives, and Policies**

The proposed application will be inconsistent with the following goals, objectives, and policies of the Town of 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.

**Staff Comment:** This site was designated as low density residential. Therefore, the proposed amendment from low density to mixed use does not reflect the community’s vision.

*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 mechanism.

**Staff Comment:** This site was designated as low density residential due to the proximity to the adjacent single-family neighborhoods. Allowing mixed use at this location would not provide for an appropriate transition between single family homes and the more intense commercial that would be allowed under the mixed-use designation.

*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.

**Staff Comment:** This site was designated as low density residential which would result in less overall lot coverage (based on lot coverage and impervious surface requirements in the land development regulations), therefore providing greater opportunity to preserve existing on-site vegetation.

*Policy FLU-5I:* The Town shall ensure that any applications to amend the Growth Management Plan and/or Future Land Use Map are reflective of the community’s vision as expressed in this Plan or special neighborhood plans, and will not result in increased sprawl.

**Staff Comment:** This site was designated as low density residential. Therefore the proposed amendment from low density to mixed use does not reflect the community’s vision.

*Objective FLU-6:* The Town shall maintain and improve the quality of existing neighborhoods and development, and provide for redevelopment in appropriate locations, as needed.

**Staff Comment:** The proposed amendment is not compatible with existing low density, and future low density development surrounding this site, therefore mixed use is not appropriate at this location.

*Policy FLU-13D:* The Town shall promote its Town Center and Mixed-Use districts as excellent locations for business by providing for their development and redevelopment in accordance with charrettes and/or other special plans.

**Staff Comment:** The Town, through the adoption of the 2030 FLUM has designated mixed use districts at locations in accordance with community charrettes and other special plans/studies. Based on community input, mixed use is not appropriate at this location.

### **EXHIBITS**

- Exhibit “A” – Future Land Use Maps (Existing and Proposed)
- Exhibit “B” – Aerial Photograph
- Exhibit “C” – Traffic Study/Impact Analysis and Peer Review Memo