



Legislation Details (With Text)

File #: Item # 2019-109 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 5/8/2019 **In control:** Town Council

On agenda: 5/15/2019 **Final action:** 5/15/2019

Title: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 14-20 FOR EDUCATIONAL FACILITY USE IN THE SOUTHLAND MALL LOCATED AT 20505 SOUTH DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 90.35 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Manager Memo-Southland Mall Modification of Conditional Use, 2. Manager Memo-Attachment A-Town Consultant Report, 3. Manager Memo-Attachment B-Application, 4. Manager Memo-Attachment C-Ad Courtesy Notices and Posting, 5. Resolution-Southland Mall Modification of Conditional Use, 6. Resolution-Exhibit A-Legal Description

Date	Ver.	Action By	Action	Result
5/15/2019	1	Town Council	adopted	Pass

MEMORANDUM

To: Honorable Mayor and Town Council

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

Date: May 15, 2019

Re: CU-2018-007
Southland Mall Modification of Conditions / 20505 S. Dixie Hwy

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 14-20 FOR EDUCATIONAL FACILITY USE IN THE SOUTHLAND MALL LOCATED AT 20505 SOUTH DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 90.35 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICATION SUMMARY

Applicant/Representative: Southland Mall Properties, LLC/Gumberg Asset Management Corp.

Location: 20505 South Dixie Hwy

Total Acreage: 90.35 +/- Acres

**Future Land Use Plan
Map Designation:** Town Center

**Existing Zoning/ Site
Condition:** Town Center

**Proposed Zoning/Site
Condition:** Town Center

Folio Number: 36-60007-020-0020

Legal Description: LEGAL DESCRIPTION

7 56 40 54 AC M/L CUTLER RIDGE MALL SUB SEC ONE PB 111-49 TR E LESS BEG 258FTSWLY COR OF TR D TH N222.06FT NELY310.50FT M/L SW50FT N 80 DEG W105.37FT S142.01FT W31.50FT S75FT TO NWLY/L OF SW 211 ST R/W W144FT TO POB & LESS BEG 521.12FTSWLY X OF C/L OF CARIBBEAN BLVD & SELY/L OF US #1 TH SE127FT SW257.24FT NW127FT TO SELY R/W/L US #1 NE257.24FT TO POB & PORT OF TR D DESC BEG MOST NWLY COR OF TR D TH S 48 DEG E 222.20FT NE60.17FT NW204.70FT N 41 DEG E 229FT SE54FT N 74 DEG E 110.70FT NWLY165.47FT SW282.24FT TO POB & BEG SE COR OF TR D TH N408.56FT N 41 DEG E 59.29FT N 48 DEG W 14FT SW330.20FT S199.12FT SW41.31FT M/L E TO POB & LESS PORT OF TR E BEG X OF NE COR OF TR E & S R/W/L OF STATE ROAD #5 TH S 48 DEG E 150FT N 41 DEG E 180FT S 48 DEG E 73FT S 41 DEG W 101.83FT S 56 DEG W 286.01FT N 43 DEG W 76.11FT N 48 DEG W 33.33FT N 41 DEG E 20FT N 48 DEG W 40FT N 41 DEG E 170.62FT TO POB & BEG 256FTSELY OF R/W/L OF SR5 & SWLY R/W/L OF CARIBBEAN BLVD TH S 47 DEG E 399FT S 42 DEG W 400FT N 47 DEG W 399FT N 42 DEG E 400FT TO POB LESS NELY20FT FOR R/W LESS PORT LYG IN PB 164-090 LESS PORT OF TR E DESC IN OR 27535 - 1671 & LESS PORT OF TR E DESC COMM CTR OF SE C TH N 88 DEG E 50FT N 01 DEG W 730.93FT N 41 DEG E 845.76FT FOR POB TH CONT N 41 DEG E 296.50FT S 48 DEG E 127FT S 11 DEG W 46FT S 41 DEG W 240.76FT SWLY - NWLY AD 54.98FT N 48 DEG W 78.20FT N 21 DEG W 41.43FT TO POB

BACKGROUND

On April 18, 2018, the Town Council, after considering all testimony and competent substantial evidence, denied the application for an expansion of the previously approved educational use within Southland Mall. After the denial the applicant invoked an alternative dispute resolution process known as Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA). Representatives of the Mall and Town met with a third-party independent mediator to reach a consensus and resolve the applicant's claim. At issue were the lack of progress in providing a bus stop for the Town's Circulator at the Mall and the loss of a restaurant which would have been replaced by the educational use

(culinary arts program). In order to facilitate a resolution, the applicant has proffered an agreement to provide for a bus stop on Mall property. Secondly, as part of the culinary arts program a kiosk will offer snacks and baked goods. In addition, cooking lessons will be offered to Town residents.

RECOMMENDATION

Staff assigned Town Consultant KCI Technologies, Inc. the task of reviewing the proposed modifications to certain conditions which were part of the conditional use approval (Resolution No. 14-20) for Southland Mall. Enclosed please find Town Consultants findings (*Attachment "A"*) with a recommendation of **Approval with Conditions** for the proposed Modification of Conditional Use for Southland Mall.

ATTACHMENTS

- Attachment "A" - Town Consultant's Report (*Dated May 3, 2019*)
- Attachment "B" - Applicant Submittal
- Attachment "C" - Advertisement, Courtesy Notices and Property Posting(s)