



## Legislation Details (With Text)

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**Title:** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT TWENTY-NINE (29) SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY +/- 8.43 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-Site Plan Approval-Cutler Properties LC, 2. Manager Memo-Attachment A-Consultant Report, 3. Report-Ex A-Letter of Intent and Site Plan Application, 4. Report-Ex B-DRER Wetland Delineation Verification, 5. Report-Ex C-FLUEDRA Magistrate Ruling 09-23-19, 6. Report-Ex D-Aerial-Future Land Use Map-Zoning Map, 7. Report-Ex E-Miami Dade Fire Rescue Site Plan Approval, 8. Report-Ex F-MDCPS School Concurrency Determination, 9. Report-Ex G-Miami Herald Advertisement 11-01-19, 10. Report-Ex H-Town Executive Summary of Traffic Review, 11. Report-Ex I-Town Traffic Review Comments 6-06-19, 12. Report-Ex J-Applicant Traffic Submittal 06-05-19, 13. Report-Ex K-Town Traffic Review Comments 06-04-2019, 14. Report-Ex L-Applicant Traffic Submittal 05-29-19, 15. Report-Ex M-Applicant Traffic Study Submittal 07-2017, 16. Report-Ex N-DERM Municipal Site Plan Review 10-23-19, 17. Resolution-Site Plan Approval-Cutler Properties LC, 18. Resolution-Exhibit A-Legal Description

Date	Ver.	Action By	Action	Result
11/13/2019	1	Town Council	denied	Pass

## MEMORANDUM

**To:** Honorable Members of the Town Council

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

**Date:** November 13, 2019

**Re:** Cutler Properties- Site Plan Application  
(Application No.: SP-2015-022)

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO**

**PERMIT TWENTY-NINE (29) SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY +/- 8.43 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**APPLICATION SUMMARY**

**Applicant/Representative:** Cutler Properties, LC/ Holland & Knight

**Location:** Southeasterly of the intersection of SW 184<sup>th</sup> Street and Old Cutler Road

**Total Acreage:** 8.43 +/- Acres

**Future Land Use Plan  
Map Designation:** Low Density Residential-Conservation

**Existing Zoning/ Site  
Condition:** SR, Single-Family Residential

**Proposed Zoning/Site  
Condition:** SR, Single-Family Residential

**Folio Number:** 36-6003-001-0013

**Legal Description:** LEGAL DESCRIPTION  
Commence at the Northeast corner of said Section 3; thence S00°52'56"E, as basis of bearing along the East line of the Northeast ¼ of said Section 3 for a distance of 215.05 feet to the point of beginning of the following described parcel of land; thence continue S00°52'56"E along said West line for a distance of 133.28 feet; thence S25°26'43"W for a distance of 83.85 feet; thence S31°25'21"W for a distance of 91.99 feet; thence S12°05'47"W for a distance of 86.85 feet; thence S28°56'34"W for a distance of 155.31 feet; thence S23°43'49"W for a distance of 102.19 feet; thence S24°08'59"W for a distance of 375.62 feet; thence S63°27'40"W for a distance of 85.82 feet; thence S48°01'12"W for a distance of 82.65 feet; thence S07°00'01"W for a distance of 28.73 feet; thence S37°11'21"E for a distance of 69.66 feet; thence S31°54'24"W for a distance of 95.33 feet; thence S36°05'51"W for a distance of 225.55 feet; thence N00°52'54"W for a distance of 299.32 feet; thence S88°43'09"W for a distance of 145.49 feet to a point of intersection with the easterly right-of-way line of Old Cutler Road (Ingram Highway) and also a point of intersection with a non-tangent curve to the left, said curve having a radius of 11494.20 feet and a central angle of 2°12'31" to a point of tangency; thence N27°33'01"E for a distance of 782.01 feet; thence N88°10'53"E along a line 215.03 feet South of

and parallel to the North line of the Northeast  $\frac{1}{4}$  of said Section 3 for a distance of 229.19 feet to the point of beginning, containing 367,447.55 square feet, 8.43 acres, more or less.

## **BACKGROUND**

Initially, the property owned by the Applicant totaled  $\pm$  132 acres in size. As part of the Comprehensive Everglades Restoration Plan (CERP), the eastern  $\pm$  123.57 acres were sold to the State of Florida/South Florida Water Management District (SFWMD) for the Acceler8 Initiative. This Coastal Wetlands project's aim is to expand and restore the wetlands adjacent to Biscayne Bay to enhance the ecological health of Biscayne National Park. It should be noted that the State of Florida/South Florida Water Management District had the option to purchase the remaining  $\pm$  8.43 acres at that time, however this site was designated as uplands, with no sensitive environmental value. As such, and as confirmed by the SFWMD, this proposed development will take place wholly within non-jurisdictional wetlands.

On February 21, 2018 the Town Council voted to deny an application for Site Plan approval. Subsequently, Cutler Properties, LC (the "Applicant") submitted a Request for Relief from the denial under the Florida Land Use and Environmental Dispute Resolution Act, Fla. Statute § 70.51 (FLUEDRA). This process allows for negotiations to take place between both parties with the aid of a third-party magistrate. Based on the applicant's Request for Relief, the Town agreed to enter into further discussion and the applicant has submitted revised plans.

On September 20, 2019 FLUEDRA proceedings were held before a Special Magistrate. Subsequent to the proceedings and after reviewing all the facts were presented the Special Magistrate recommended that the Town Council approve the Site Plan designated Option D (as revised). The Site Plan proffered by Cutler Properties was determined to be "as-of-right" that is consistent with the Town's Growth Management Plan and complies with the Town's Land Development Regulations. The Special Magistrate took note that the plan requires no zoning relief nor does it show an opening or access to SW 77 Avenue for either vehicles or utilities. Finally, the Special Magistrate stated that the failure to adopt Option D (as revised) would be unreasonable and unduly burden the property (owner) and strongly recommended the Town Council adopt the Option D (as revised) Site Plan

The proposed development, if approved, will be located on a vacant parcel approximately  $\pm$  8.43 acres in size. The property is located east of Old Cutler Road, south of SW 184 Street and north of theoretical SW 186 Street. The parcel is served with power and telephone from Florida Power and Light Company and AT&T, respectively. Municipal water and sewer and solid waste will be provided by Miami-Dade County. The site currently has access to the County roadway network through Old Cutler Road and as proposed this will remain the only ingress/egress from the development.

## **RECOMMENDATION**

Staff assigned Town Consultant Calvin Giordano and Associates the task of reviewing the proposed Site Plan for Cutler Properties, LC. Enclosed please find Town Consultant's findings (*Attachment "A"*) with a recommendation of **Approval with Conditions** for the proposed Site Plan for Cutler Properties, LC. A copy of

the proposed Site Plan application is provided in *Attachment “B”*.

**ATTACHMENT(S)**

- Attachment “A” - Town Consultant’s Report (*dated November 13, 2019*)
- Attachment “B” - Applicant Submittal and Site Plan (*dated October 30, 2019*)
- Attachment “C” - Advertisement, Courtesy Notices, and Property Posting(s)