

## TOWN OF CUTLER BAY

Mayor Paul S. Vrooman  
Vice Mayor Edward P. MacDougall  
Councilmember Timothy J. Meerbott  
Councilmember Ernest N. Sochin  
Councilmember Peggy R. Bell

Town Manager Steven J. Alexander  
Interim Town Attorney Mitchell Bierman  
Interim Town Attorney Chad Friedman  
Town Clerk Erika Gonzalez-Santamaria

In accordance with the American with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

### **TOWN COUNCIL MEETING AGENDA**

Wednesday, December 20, 2006

7:00 PM

South Dade Regional Library  
10750 SW 211<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Cutler Bay, Florida 33189

#### **I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

#### **II. INVOCATION**

#### **III. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Presentation from Trust of Public Land by Amy Condon
- B. Presentation of Certificate to Best Buy
- C. Presentation by County Assistant Manager Roger Carlton

#### **IV. APPROVAL OF MINUTES**

- A. November 15, 2006 (Regular Council Meeting)

**TAB 1**

#### **V. ADDITIONS, DELETIONS, AND DEFERRALS (Voice Vote)**

#### **VI. TOWN MANAGER'S REPORT**

#### **VII. TOWN ATTORNEY'S REPORT**

#### **VIII. BOARD AND COMMITTEE REPORTS**

#### **IX. CONSENT AGENDA (ANY ITEM SHALL BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION OR SEPARATE VOTE IF REQUESTED BY A COUNCILMEMBER) [Voice Vote]**

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, THE TOWN OF CUTLER BAY AND OTHER PARTICIPATING LOCAL GOVERNMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO MEMBERSHIP INTO THE FLORIDA RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DESIGNATING ITS ELECTED POSITIONS FOR INCLUSION IN THE ELECTED OFFICERS' CLASS OF THE FLORIDA RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ICMA DEFERRED COMPENSATION PLAN; DECLARING A TRUST OF THE VANTAGE TRUST COMPANY; DECLARING A TRUSTEE; DETERMINING TERMS OF THE PLAN; ACCEPTING TRUSTEE STATUS; ELECTING A COORDINATOR; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED FOR THE DEVELOPMENT OF THE TOWN'S STORMWATER MASTER PLAN; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 3.10 OF THE TOWN CHARTER AND ORDINANCE NO.06-22 TO THE EXTENT APPLICABLE AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH PRO SOUND AND VIDEO FOR SOUND EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE ENCLAVE AT ISLES BAYSHORE HOMEOWNER'S ASSOCIATION EFFORTS TO PETITION MIAMI-DADE COUNTY'S PUBLIC WORKS DEPARTMENT, RELATING

TAB 2

TAB 3

TAB 4

TAB 5

TAB 6

TAB 7

TAB 8



TO THE STREET CLOSURE LOCATED AT S.W. 93 PATH AND SW 224 TERRACE AND PROVIDING FOR AN EFFECTIVE DATE.

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING CITIZENS INSURANCE AND THE STATE LEGISLATURE TO CANCEL THE SCHEDULED 2007 RATE INCREASE, FURTHER URGING THE STATE LEGISLATURE TO DEVELOP CREATIVE SOLUTIONS AND PROVIDE MEANINGFULL RATE REDUCTIONS DURING THE UPCOMING JANUARY 2007 SPECIAL LEGISLATIVE SESSION, URGING THE STATE TO ELIMINATE THE ARBITRARY WINDSTORM LINE AND THE SURCHARGE ON OLDER HOMES, AND SEEKING SUPPORT FROM ALL AFFECTED COMMUNITIES WITH THESE INITIATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

**TAB 9**

- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO LEGISLATIVE BUDGET REQUESTS, APPROVING THE TOWN'S LIST OF LEGISLATIVE ITEMS, AUTHORIZING THE TOWN MANAGER TO PRESENT THE APPROVED LIST TO THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION FOR INCLUSION IN THE 2007 LEGISLATIVE SESSION; AND PROVIDING FOR AN EFFECTIVE DATE.

**TAB 10**

- J.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN; EXPRESSING STRONG CONCERNS WITH THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN PROJECT TEAM'S RECOMMENDATIONS AND CONCLUSIONS, WHICH APPEAR TO ENDORSE HIGH DENSITY LAND USE WITHIN A LINE DRAWN FOR ZONE "A" AND ZONE "B" THAT EXTENDS ½ MILE FROM THE US 1 AND OTHER CORRIDORS; URGING THE MIAMI-DADE COUNTY COMMISSION TO NOT ACCEPT THIS RECOMMENDATION AND TO MODIFY THE PLAN TO CLEARLY STATE THAT THERE SHALL BE NO IMPOSITION OF HIGH DENSITY LAND USE IN EXISTING SINGLE FAMILY AREAS; SEEKING SUPORT FROM ALL AFFECTED MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

**TAB 11**

#### **RESOLUTIONS FOR DISCUSSION**

- X. QUASI-JUDICIAL CONSENT AGENDA (ANY ITEM MAY BE REMOVED FROM THE CONSENT AGENDA IF REQUESTED BY A MEMBER OF THE TOWN COUNCIL, THE TOWN STAFF, THE APPLICANT, OR ANY AFFECTED PARTY) [Voice Vote]**

- XI. QUASI-JUDICIAL HEARINGS (Roll Call Vote)**

*ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL BE SWORN-IN PRIOR TO GIVING TESTIMONY AND MAY BE SUBJECT TO CROSS EXAMINATION. ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD.*

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT AND REGULATIONS; REZONING PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B," TO THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT; AMENDING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES FOR PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B;" AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 12

## **XII. PUBLIC HEARINGS**

- A. RESOLUTIONS (Voice Vote)
- B. ORDINANCES (Roll Call Vote)

### **1. FIRST READING**

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , CREATING REGULATIONS RELATED TO LOBBYISTS AND PRINCIPALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- b. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO DISCLOSURE OF PAYMENTS OR MATERIAL CONSIDERATION PAID OR REQUESTED BY PERSONS IN EXCHANGE FOR SUPPORT OR NON-OPPOSITION ON MATTERS UNDER CONSIDERATION BY THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- c. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING SITE PLAN APPLICATION REQUIREMENTS AND PROCEDURES FOR SITE PLAN APPROVAL; AMENDING CHAPTER 33 "ZONING" OF THE TOWN CODE TO REQUIRE SITE PLAN APPROVAL BY THE TOWN COUNCIL AFTER A

TAB 13

TAB 14

TAB 15

PUBLIC HEARING; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

- d. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING SECTION 33-13 "UNUSUAL USES" OF CHAPTER 33 "ZONING" OF THE TOWN CODE; PROVIDING FOR REGULATIONS RELATING TO CIRCUSES OR CARNIVALS; PROVIDING FOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 16

## 2. SECOND READING

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

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- b. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

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- c. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , AMENDING SECTION 26-33 "THE SHANNON MELENDI ACT" OF THE MIAMI DADE COUNTY CODE MADE APPLICABLE IN THE TOWN PURSUANT TO SECTION 8.3 OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 19

**XIII. PUBLIC COMMENTS**

**XIV. MAYOR AND COUNCIL MEMBER COMMENTS**

**XV. OTHER BUSINESS**

**XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT**

- A. Regular Town Council Meeting**  
Wednesday, January 17, 2006, 7:00 P.M.  
South Dade Government Center – Room 203

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

# TAB 1

**TOWN OF CUTLER BAY  
TOWN COUNCIL MEETING  
MINUTES**

Wednesday, November 15, 2006

7:00 PM

South Dade Government Center  
10710 SW 211 Street, Room 203  
Cutler Bay, Florida 33189

**I. CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the mayor at 8:20 PM. Present were the following:

Councilmember Peggy R. Bell  
Councilmember Timothy J. Meerbott  
Councilmember Ernest N. Sochin  
Vice Mayor Edward P. MacDougall  
Mayor Paul S. Vrooman

Town Manager Steven J. Alexander  
Interim Town Attorney Mitchell Bierman  
Interim Town Attorney Chad Friedman  
Town Clerk Erika Gonzalez-Santamaria

Mayor Vrooman led the pledge of allegiance.

**II. INVOCATION:** Mayor Vrooman asked all to join him in a moment of silence.

**III. PROCLAMATIONS, AWARDS, PRESENTATIONS:**

- A. Proclamations for the CERT training were presented to all the members who participated in the training.
- B. Dr. Cole of Bay Point School discussed how the school provides assistance through education, behavior modification and moral development to troubled youths.
- C. Mr. Joe Ortiz from the Elks Lodge discussed how the Elks help local communities and expressed the interest of opening a local chapter within Cutler Bay.
- D. Jose Fuentes from the South Florida Water Management addressed the many upcoming projects and improvements in conjunction with the Town.

**IV. APPROVAL OF MINUTES:**

- A. Councilmember Meerbott made a motion approving the minutes of the meeting of October 18, 2006. The motion was seconded by Councilmember Bell and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**V. ADDITIONS, DELETIONS, AND DEFFERALS:**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY WIFI COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY SPECIAL TRANSPORTATION COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney advised the Town Council that all the items being added maybe moved into the Consent Agenda.

**VI. TOWN MANAGER'S REPORT:**

The Town Manager introduced the new additions to the Cutler Bay staff, Sandra Ocampo, Executive Assistant to the Town Manager, Scott Volin and Daniel Rodriguez, both are maintenance workers. He informed Council that the Town Police offices have begun construction. The manager also discussed that the crime rate within the Town limits have decreased greatly. He thanked the Police Department for their continuing efforts to protecting and serving the Town. The manager indicated that the newsletter had been mailed to all the homes within Town Limits. He also informed the Council that the Comprehensive Plan is currently being designed by the Town's Planning Department along with the planning consulting firm.

**VII. TOWN ATTORNEY'S REPORT:** None at this time.

**VIII. BOARD AND COMMITTEE REPORTS:**

Member Meerbott discussed that The Trust for Public Land, Amy Condon, will provide information on land availability for the Town within the Town limits at the next Council meeting.

**IX. CONSENT AGENDA:**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC FOR REFUELING SERVICES; PROVIDING FOR A DETERMINATION OF IMPRACTIBALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.



- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A GRANT AWARD IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR THE DEVELOPMENT OF THE TOWN'S STORMWATER MANAGEMENT PLAN; APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE GRANT AGREEMENT BETWEEN THE TOWN AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.
- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PARKS, AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE A PERMIT FROM MIAMI DADE COUNTY TO OPERATE COUNTY PARKS LOCATED WITHIN THE TOWN IN SUBSTANTIALLY THE FORM ATTACHED PENDING TRANSFER OF TITLE OF PARKS TO THE TOWN, AUTHORIZING THE MANAGER AND HIS STAFF TO TAKE ALL STEPS NECESSARY TO BEGIN OPERATING THE PARKS PURSUANT TO THE PERMIT(S); AND PROVIDING FOR AN EFFECTIVE DATE.
- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR COMPREHENSIVE LANDSCAPE/GROUNDS MAINTENANCE SERVICES FOR PARKS AND PARKWAYS WITHIN THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE.
- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AND ENTER INTO AN AGREEMENT WITH TIP TOP ENTERPRISES, INC. FOR THE MAINTENANCE OF PARKS WITHIN THE TOWN OF CUTLER BAY FOR A PERIOD NOT TO EXCEED 60 DAYS AT AN AMOUNT NOT TO EXCEED \$15,000.00 WITH DISBURSEMENT FROM ACCOUNT NUMBER 001.572000.3400; AND PROVIDING FOR AN EFFECTIVE DATE.
- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , ADOPTING AN ASSESSMENT LIEN RESEARCH FEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell made a motion to approve all additions made to the consent agenda and approve as amended. The motion was seconded Vice Mayor MacDougall and approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

## **RESOLUTIONS FOR DISCUSSION**

**X. QUASI-JUDICIAL CONSENT AGENDA PUBLIC HEARING:** None at this time.

**XI. QUASI-JUDICIAL HEARINGS:** The following quasi-judicial hearing was held by Council.

All witnesses giving testimony were sworn-in by the clerk. The clerk read the following resolution, by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR CUTLER COUNTRY ESTATES, GENERALLY LOCATED NORTH OF S.W. 187TH TERRACE, WEST OF S.W. 80TH AVENUE, SOUTH OF S.W. 187TH STREET, AND EAST OF S.W. 82ND AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A;" CONSISTING OF 12 SINGLE FAMILY HOMES ON APPROXIMATELY 4.26 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 15, 2006, recommended approval of the request.

Ms. Ana M. Escagedo, One Southeast Third Avenue, representing the applicant, addressed the Council.

The mayor opened the public hearing. Stefan Fanfani, 7991 Southwest 186 Street, addressed the Council.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 06-115 was approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 15, 2006, recommended approval of the request.

Mr. Javier Vazquez, 8061 Northwest 155 Street, representing the applicant, addressed the Council.

Vice Mayor MacDougall made a motion to approve the ordinance. The motion was seconded by Councilmember Meerbott and was approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1M(A) (MODIFIED SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 9, 2006, recommended approval of the request.

Mr. Javier Vazquez, 8061 Northwest 155 Street, representing the applicant, addressed the Council. Mr. Vazquez requested that the application be changed and considered as an RU-1 designation rather than the original RU-1M(a) request.

The mayor opened the public hearing. The following individuals spoke: Beth Parets, 19301 Holiday Road, Alfie Sergio, 9261 Caribbean Boulevard, Dave Stephan 9020 Southwest 189 Street, Adriano Alexandrino, 9760 Haitian Drive.

The mayor recessed the Council meeting briefly at 10:05 P.M. The Council meeting resumed at 10:10 P.M.

Councilmember Sochin made a motion to defer the ordinance indefinitely. Since there was no second, the motion was not before the meeting.

Vice Mayor MacDougall made a motion to approve the ordinance as amended, the request from the applicant to change their request to an RU-1 and approving the application as an RU-1. The motion was seconded by Councilmember Meerbott and was approved by unanimous 4-1 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Sochin voting No.

## **XII. PUBLIC HEARINGS:**

**A. RESOLUTIONS:** None at this time.

**B. ORDINANCES:**

**1. FIRST READING:** The clerk read the following ordinance, on first reading, by title:

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , AMENDING SECTION 26-33 “THE SHANNON MELENDI ACT” OF THE MIAMI DADE COUNTY CODE MADE APPLICABLE IN THE TOWN PURSUANT TO SECTION 8.3 OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Bell and adopted by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

This ordinance will be on second reading December 20, 2006.

**2. SECOND READING:** The clerk read the following ordinance, on second reading, by title:

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR REPLACEMENT OF SECTION 21-276 “BURGLAR ALARMS” OF THE MIAMI DADE COUNTY CODE TO THE EXTENT APPLICABLE; REQUIRING REGISTRATION OF BURGLAR ALARM SYSTEMS; IMPOSING AN ANNUAL REGISTRATION FEE; REQUIRING PERMITS FOR THE INSTALLATION OF BURGLAR ALARM SYSTEMS; PROVIDING FOR PENALTIES FOR FALSE ALARMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Staff provided information on the changes made to the ordinance.

The mayor opened the public hearing. There were no speakers.

Councilmember Bell made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- b. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33G “SERVICE CONCURRENCY MANAGEMENT PROGRAM” TO PROVIDE FOR PROVISIONS RELATING TO PROPORTIONATE FAIR-SHARE MITIGATION FOR TRANSPORTATION; CREATING SECTION 33G-5.1 “PROPORTIONATE FAIR-SHARE MITIGATION FOR

TRANSPORTATION;" PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE.

Chad Friedman, Interim Town Attorney, provided background information on the ordinance.

The mayor opened the public hearing. Jim Shiver, 20020 Southwest 105 Avenue, addressed the Council.

Councilmember Meerbott made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- c. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , ADOPTING THE OFFICIAL TOWN LOGO; PROVIDING FOR USE OF THE TOWN LOGO; PROHIBITING USE OF THE LOGO WITHOUT PERMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager provided background information regarding the ordinance.

The mayor opened the public hearing. There were no speakers.

Councilmember Bell made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**XIII. PUBLIC COMMENTS:** The following individuals spoke: Joy Cooper, 9365 Nassau Drive Ed Wolmers, 9370 Dominican Drive, Arthur Nanni, 18843 Southwest 92 Avenue, Alfie Sergio, 9261 Caribbean Boulevard, Barbara Condon, 19641 Holiday Road, Beth Parets, 19301 Holiday Road, and Tim Coiner, 7950 Southwest 184 Street.

**XIV. MAYOR AND COUNCIL MEMBER COMMENTS:**

Councilmember Meerbott expressed his concerns on the Town's traffic issues and how the Town's growth may affect the traffic flow in residential areas and main roads. Member Meerbott emphasized that the design of the Town's Comprehensive Plan should be a top priority. He also discussed the Insurance Crisis meeting and requested the members and the public to write or email their local representatives to support efforts of changing the rising Insurance rates.

Councilmember Bell discussed the formation of the Parks Committee and that all members have been appointed. Member Bell made a motion to nominate Mr. Jim Shiver as the Parks Committee "At-large" appointee. The motion was seconded by Member Meerbott and all members approved the motion. She announced the Parks Committee meeting date for November 28 at 7 PM in Town Hall. Member Bell also discussed her dilemma with zoning issues and how the growth would

affect the traffic within the Town. Member Bell suggested that a recognition program should be established to recognize various businesses and organizations for their efforts in making a difference in Cutler Bay. All Councilmembers agreed that the program should be in place. She also thanked Barbara Condon for her assistance on the "Adopt-a-Tree" program at the Town's park. Member Bell also suggested that a pamphlet be created to explain the Quasi-judicial and Ex Parte Communication. The purpose of the pamphlet should provide important information on what items are considered as such and why Council may not discuss certain issues with members of the public.

Councilmember Sochin also expressed his concerns with the zoning issues and how traffic may be affected by the growth in the Town. He stated that if growth is not controlled then it could impact the Town and that it could potentially be disastrous to the residents.

Vice Mayor MacDougall stated that there is not enough time for Council to make their comments at the end of a long meeting. He discussed his concerns about certain unofficial Cutler Bay websites publishing statements. He affirmed that each and every Councilmember are available to discuss any concerns with citizens, as long as it is within the boundaries of the law. He was pleased to see the committees formed and ready. He also submitted for the record, emails in reference to the wetlands project.

Mayor Vrooman reported that an ordinance is being drafted to have applicants, who are applying to develop a property, to disclose if they have been approached and solicited for money, favors, or any type of compensation

**XV. OTHER BUSINESS:** None at this time.

**XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT:**

The next council meeting will be held on December 20, 2006, at the South Dade Regional Library on the 2<sup>nd</sup> floor.

The meeting was officially adjourned at 11:45 P.M.

*Respectfully submitted:*

---

*Erika Gonzalez-Santamaria, CMC  
Town Clerk*

*Adopted by the Town Council on  
this 20<sup>th</sup> day of December, 2006*

---

*Paul S. Vrooman, Mayor*

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



TAB 2



## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

To: Honorable Mayor and Town Council  
From: Steven J. Alexander, Town Manager  
Date: December 3, 2006  
Re: Statewide Mutual Aid Agreement

## REQUEST

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, THE TOWN OF CUTLER BAY AND OTHER PARTICIPATING LOCAL GOVERNMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

The Emergency Management Act, gives local governments of the State the authority to execute agreements for mutual aid assistance in emergencies. The agreements ensure the timely reimbursements of costs incurred by the local governments which provide such assistance. Under the Act, the State of Florida's Department of Community Affairs, through the Division of Emergency Management has the authority to coordinate assistance between local governments during emergencies and to coordinate the availability of resources.

Florida Statute Chapter 252 authorizes entering into statewide agreements which facilitate the municipality's ability to respond to extreme emergencies and disaster.

## RECOMMENDATION

We recommend that the attached resolution be adopted.

**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, THE TOWN OF CUTLER BAY AND OTHER PARTICIPATING LOCAL GOVERNMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida (the "State") and its municipalities are vulnerable to a wide range of catastrophic disasters which could disrupt essential services and destroy the infrastructure necessary to provide essential services; and

**WHEREAS**, the State Department of Community Affairs (the "Department"), along with the local governments in the State have entered into a Statewide Mutual Aid Agreement (the "Agreement"), which will provide a means for local governments to request assistance from neighboring local governments at the time of their need; and

**WHEREAS**, the Town Council finds that it is in the best interest of the Town to enter into the Agreement between the Department and the other participating local governments.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval of Agreement.** The Statewide Mutual Aid Agreement between the Department of Community Affairs, the Town of Cutler Bay, and other participating local governments, attached as Exhibit "A," together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Execution of Agreement.** The Mayor is authorized to execute the Agreement on behalf of the Town.

**Section 4. Authorization of Town Officials.** The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Agreement.

**Section 5. Authorization of Fund Expenditure.** The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

**Section 6. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_

TAB 3





## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor & Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** December 20, 2006  
**Re:** Membership Into the Florida Retirement System

## REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TOWN'S MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM, FOR ALL OF ITS EMPLOYEES AND ELECTED OFFICIALS, EXCEPT THOSE EXCLUDED BY LAW; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

The Florida Retirement System (FRS) was established in 1970 as a consolidated statewide retirement system for Florida's public employees. Today, the FRS is the primary retirement plan for employees of Florida's state and county government agencies, district school boards, and community colleges and universities, as well as for participating employees of the 158 cities and 192 independent special districts in Florida that have elected to join the system (dependent districts of participating local governments are compulsory participants). The FRS currently offers a defined benefit plan that provides retirement, disability, and death benefits for over 600,000 active members and over 252,000 retirees, surviving beneficiaries, and 31,000 DROP participants. In addition, the FRS offers an integrated defined contribution plan alternative to the defined benefit plan with more than 65,000 members. There are also nonintegrated defined contribution plans offered to eligible employees through programs covering about 16,000 active members.

The Town of Cutler Bay's approved budget for fiscal year 2007 provides for funding participation in FRS for the Town's employees and elected officials. The contributions to FRS are funded solely by the Town on behalf of the participants.

## RECOMMENDATION

We recommend that the attached resolutions approving the Town's membership in the FRS and placing the Town employees and officers in the FRS be adopted.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

**RESOLUTION NO. 06-**

**A RESOLUTION OF THE MAYOR AND TOWN  
COUNCIL OF THE TOWN OF CUTLER BAY,  
FLORIDA, RELATING TO MEMBERSHIP INTO  
THE FLORIDA RETIREMENT SYSTEM; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the "Town") desires to extend to employees and officials of the Town who are not otherwise excluded by law the benefits of the Florida Retirement System on the basis of applicable State laws, rules and regulations and to authorize and direct the Mayor to execute agreements therefore with the Department of Management Service for coverage of said employees and officials and provide for withholding from salaries and wages of employees and officials of the Town so covered to be made and paid over as provided by applicable State laws or regulations; providing that said Town shall appropriate and pay over employer's contributions and assessments as provided by applicable State Laws and regulations; providing that the Town shall keep records and make reports as required by applicable State laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Participation in the Florida Retirement System.** It is hereby declared to be the policy of the Town that all its employees and officials, except those excluded by law, shall participate in the Florida Retirement System as authorized by Chapter 121, Florida Statutes. All employees and officials shall be compulsory members of the Florida Retirement System as of the effective date of participation in the Florida Retirement System so stated herein.

**Section 3. Authorization.** The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Administrator of the Florida Retirement System for the purpose of extending the benefits provided by the Florida Retirement System to the employees and officials of the Town, as provided by Section 2 and 3 hereof, which agreement shall provide for such methods of administration of the plan by said Town as are found by the Administrator of the Florida Retirement System to be necessary and proper, and shall be effective with respect to any employment covered by such agreement for services performed on or after the effective date of this resolution.

**Section 4. Appropriated Funds.** There shall be appropriated from available funds, derived from \_\_\_\_\_ such amounts and at such times as may be required to pay promptly the contributions and assessments required of the Town, as employer, by applicable State laws or regulations, which shall be paid over to the lawfully designated Administrator of the Florida Retirement System at the times and in the manner provided by law and regulation.



**Section 5. Records and Reports.** The Town shall keep such records and make such reports as may be required by applicable State laws or regulations, and shall adhere to all laws and regulations relating to the Florida Retirement System.

**Section 6. Adoption of Terms.** The Town hereby adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of the Florida Retirement System, for and on behalf of all employees and officials of its departments and agencies to be covered under the agreement.

**Section 7. Custodian.** The Town Manager of the Town is hereby designated the custodian of all sums withheld from the compensation of employees and officials as authorized herein and of the appropriated funds for the employer's contributions as provided in Section 4 hereof. Also, the Town Manager, is hereby designated the withholding and reporting agent and charged with maintaining records for the purpose of this resolution.

**Section 8. Effective Date.** This resolution shall take effect immediately upon adoption.

**Section 9. Copy to be Provided.** A copy of this Resolution, fully executed as an original, duly attested by the Clerk, be furnished to the Administrator of the Florida Retirement System.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



DEPARTMENT OF MANAGEMENT  
**SERVICES**

**"We serve those who  
serve Florida"**

**JEB BUSH**  
Governor

**Tom Lewis, Jr.**  
Secretary



**Division of Retirement**

**Bureau of Enrollment  
and Contributions**

Enrollment Section  
PO Box 9000  
Tallahassee, Florida  
32315-9000

**Telephone Numbers:**  
Toll Free:  
877-FRS-ENRL  
(877-377-3675)

Local:  
850-488-8837

Suncom:  
278-8837

Fax:  
850-410-2196

Internet:  
[www.MyFlorida.com/frs](http://www.MyFlorida.com/frs)

October 17, 2006

Ms. Karen Hohensee  
Town of Cutler Bay  
10720 Caribbean Blvd, Suite 105  
Cutler Bay, Florida 33189

Dear Ms. Hohensee:

This is in response to your request regarding joining the Florida Retirement System (FRS) for the employees of the Town of Cutler Bay. Although this letter provides information for joining the FRS, Chapter 121, Florida Statutes (F.S.), and Chapter 60S, Florida Administrative Code (F.A.C.), remain the final authority.

In order for the Town of Cutler Bay to join the FRS, the Town must submit to the Division of Retirement (Division) an ordinance or resolution that indicates its intent to join the FRS and two original joining agreements. The Town of Cutler Bay's membership in the FRS will be effective on the first day of the month following the Division's receipt of all properly completed enrollment forms. After the Town joins the FRS, each employee filling a full-time or part-time regularly established position will be a compulsory member of the FRS, pursuant to Rule 60S-1.004(4)(b), F.A.C. The definitions for regularly established positions and temporary positions are listed in Rule 60S-6.001(51) and (62), F.A.C. For membership requirements, please refer to Rule 60S-1.007, F.A.C., Admission of Cities and Special Districts to the FRS.

Since the Town intends to purchase past service, Form DPR-100, *Certification of Salaries*, will need to be completed for each eligible employee filling a full-time or part-time regularly established position.

Past service is calculated by the contribution rate in effect at the time the service was performed, multiplied by the salary earned, plus 6.5% interest compounded annually, pursuant to Rule 60S-3.004(1)(b), F.A.C. To assist with the process of purchasing past service, a sample resolution for amending the Town's current retirement plan has been enclosed.

You have also inquired about joining the FRS for the elected officials of the Town of Cutler Bay. If the Town is interested in allowing its salaried elected officials to participate in the Elected Officers' Class (EOC), a resolution or ordinance must be passed and submitted to the Division. The Town has six months from the date of joining to provide the documentation to the Division indicating the Town's elected officials are filling salaried positions and will participate in the EOC. Once the Division receives this documentation, the elected officials will be enrolled into the EOC, effective the first of the month following the Division's receipt of the resolution or ordinance. If the Town does not choose to designate its salaried elected officials to the EOC class, they will continue to participate in the Regular Class and should be reported accordingly.



Ms. Karen Hohensee  
October 17, 2006  
Page 2

Additionally, copies of the FRS Enrollment Process Worksheets are enclosed listing the required documents in addition to the information required to complete the joining process. Please complete and submit these worksheets to the Division with the required forms and information.

If you have any questions please call Pat Ochoa or me at SUNCOM 278-8837 or (850) 488-8837. The Florida Administrative Code is available online at <http://fac.dos.state.fl.us> and the Florida Statutes are available online at <http://www.flsenate.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Joyce W. Morgan".

Joyce W. Morgan, MBA  
Benefits Administrator

JWM:po

Enclosures

STATE-TOWN OF CUTLER BAY AGREEMENT NO. \_\_\_\_\_

The Department of Management Services, Division of Retirement, of the State of Florida, under the authority of Chapter 121, Florida Statutes, and Town of Cutler Bay of the State of Florida, herein referred to as "Town of Cutler Bay", in order to extend to officers and employees of said Town of Cutler Bay (except such as are hereinafter excluded) the benefits of the Florida Retirement System established by Chapter 121, Florida Statutes, hereby agree as follows:

1. Definitions:

For the purpose of the Agreement -

(a). The definitions, words and phrases as set out in Section 121.021, Florida Statutes, shall have the respective meanings set forth therein.

2. Services Covered:

The agreement includes and covers all services performed by officers and employees of this Town of Cutler Bay except any service, position, employee, or official excluded by Chapter 121, Florida Statutes, the rules and regulations of the Florida Retirement System, or resolution/ordinance No. \_\_\_\_\_ adopted by the Town of Cutler Bay on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

3. Contributions by Employees:

The Town of Cutler Bay agrees to impose upon its employees covered by this Agreement the required contributions with respect to wages if such services constituted employment within the meaning of Chapter 121, Florida Statutes, and to deduct the amount of such required contributions from the wages as and when paid. Contributions so collected shall be paid to the Administrator of the Florida Retirement System in partial discharge of the liability of said Town of Cutler Bay, said payments to be made in accordance with rules and regulations relating to the Florida Retirement System. It is agreed and understood that the failure of said Town of Cutler Bay to deduct such contributions shall not relieve it of liability therefore.

4. Contributions by the Town of Cutler Bay:

(a) The Town of Cutler Bay represents that it has duly and legally adopted, and that there is now in full force and effect, a resolution/ordinance requiring an appropriation from available funds in its general or special funds derived from ad valorem tax or other sources, which shall be in an amount not less than the sums withheld as the contributions of employees covered by the Agreement, the sum to equal the total amount due from said Town of Cutler Bay (employer's and employee's contributions) under applicable provisions of Chapter 121, Florida Statutes.

(b) As assurance of its ability to pay its share of the contributions which will become due and payable to the Administrator under the terms of this Agreement and as assurance that said contributions will be adequate, the Town of Cutler Bay hereby obligates itself to maintain, and represents that at all times hereafter there will be maintained, in the appropriation provided in paragraph 4.(a), above, a sum fully sufficient to pay its share of the contributions: and that same (together with contributions deducted from salaries, wages, etc., of employees) will be paid promptly when due.

5. Reports-Compliance and Regulations:

The Town of Cutler Bay agrees that it will make such reports, in such form and containing such information, as the Administrator may require. The Town of Cutler Bay further agrees that it will comply with all provisions of Chapter 121, Florida Statutes, and with all rules and regulations adopted and promulgated by the Administrator of the Florida Retirement system necessary to carry out the purposes of Chapter 121, Florida Statutes. It is further understood and agreed that late payments come under provisions of Section 121.061, paragraphs (2) (a), (b) and (c), Florida Statutes.



6. Termination:

Once this agreement is made and approved it may not be revoked and all present officers and employees electing coverage under this agreement and all future officers and employees shall be compulsory members of the Florida Retirement System.

7. Past Service of Covered Officers and Employees:

The Town of Cutler Bay hereby elects and agrees to provide benefits for past service from \_\_\_\_\_ to \_\_\_\_\_, for its officers and employees covered by this Agreement, who were in its employ on \_\_\_\_\_, in accordance with provisions of Chapter 121, Florida Statutes.

The cost to purchase past service credit is estimated to be \_\_\_\_\_ which the Town of Cutler Bay agrees to pay in the following manner: \_\_\_\_\_ upon execution of the Agreement, the remainder to be paid in equal annual installments of \_\_\_\_\_ each, the first one of said installments shall be paid on or before June 30, \_\_\_\_\_ and a like installment on each June 30th thereafter until the total cost is paid. This payment includes 6 1/2% interest compounded annually on the unpaid balance. It is further agreed that if an application for retirement benefits or a request for refund is received based in part on past service years, that the total amount of payments for past service credit to be refunded to said employee, shall be made from the payments made by said Town of Cutler Bay and if the payments of the Town of Cutler Bay are insufficient at the time said benefits or refunds are requested or are due to be paid, the Town of Cutler Bay will be required to make an additional payment sufficient to meet these demands prior to the processing of the request or warrant. This will be applicable until the total past service liability has been paid in full. It is understood and agreed that the above described method for liquidating past service liability of the Town of Cutler Bay does not preclude payment in part or in full of any amounts prior to the scheduled due dates. The Town of Cutler Bay by making this election shall have no right at any time in the future to purchase additional past service credit for its covered group. Such statement of intent shall be binding and irrevocable effective with the date of coverage in the Florida Retirement System.

This Agreement shall be effective as of the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Director of the Division of Retirement

\_\_\_\_\_  
Clerk  
(SEAL)

**Town of Cutler Bay**

By \_\_\_\_\_

Title: \_\_\_\_\_

TAB 4





## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor & Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** December 20, 2006  
**Re:** Membership Into the Florida Retirement System

## REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TOWN'S MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM, FOR ALL OF ITS EMPLOYEES AND ELECTED OFFICIALS, EXCEPT THOSE EXCLUDED BY LAW; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

The Florida Retirement System (FRS) was established in 1970 as a consolidated statewide retirement system for Florida's public employees. Today, the FRS is the primary retirement plan for employees of Florida's state and county government agencies, district school boards, and community colleges and universities, as well as for participating employees of the 158 cities and 192 independent special districts in Florida that have elected to join the system (dependent districts of participating local governments are compulsory participants). The FRS currently offers a defined benefit plan that provides retirement, disability, and death benefits for over 600,000 active members and over 252,000 retirees, surviving beneficiaries, and 31,000 DROP participants. In addition, the FRS offers an integrated defined contribution plan alternative to the defined benefit plan with more than 65,000 members. There are also nonintegrated defined contribution plans offered to eligible employees through programs covering about 16,000 active members.

The Town of Cutler Bay's approved budget for fiscal year 2007 provides for funding participation in FRS for the Town's employees and elected officials. The contributions to FRS are funded solely by the Town on behalf of the participants.

## RECOMMENDATION

We recommend that the attached resolutions approving the Town's membership in the FRS and placing the Town employees and officers in the FRS be adopted.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

**RESOLUTION NO. 06-**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA,  
DESIGNATING ITS ELECTED POSITIONS FOR  
INCLUSION IN THE ELECTED OFFICERS' CLASS OF  
THE FLORIDA RETIREMENT SYSTEM; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Florida State Legislature has provided the Mayor and Town Council the ability to be included in the Elected Officers' Class of the Florida Retirement System; and

**WHEREAS**, The Town of Cutler Bay (the "Town") feels it is important to provide this benefit to its eligible elected officials in appreciation of their faithful service to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Designation of Elective Officials.** The Town herein designates all its elective positions for inclusion in the Elected Officers' Class of the Florida Retirement System.

**Section 3. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

---

WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edwards P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____

# TAB 5





## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor & Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** December 20, 2006  
**Re:** Adoption of Section 457 plan

## REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE ADOPTION OF A SECTION 457 DEFERRED COMPENSATION PLAN OFFERED TO THE EMPLOYEES OF THE TOWN THROUGH ICMA RETIREMENT CORPORATION, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PLAN ADOPTION, AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

The primary purpose of establishing and maintaining a deferred compensation plan and trust is to enable Town of Cutler Bay employees to provide retirement income and other deferred benefits for themselves and for their beneficiaries in accordance with the provisions of Section 457 of the Internal Revenue Code. The plan is an agreement solely between the Town and its participating employees and is a vehicle to enable the Town to provide a benefit that will assist in the attraction and retention of competent personnel.

The Town desires that the deferred compensation plan be administered by the ICMA Retirement Corporation (ICMA-RC), and that some or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

Contributions to the Section 457 deferred compensation plan are made solely by the employee-participants, not by the Town. As participation in this plan is strictly on a voluntary basis for the employees, and as the Town does not bear the cost of the plan's administration nor does the Town contribute to the plan, the Town Attorney is of the opinion that the Town's competitive bid procedures would not apply to selection of the administrator of this plan.

## RECOMMENDATION

We recommend that the attached resolution be adopted, and that the Town Manager and Town Attorney be authorized to take all steps necessary to implement the terms of the agreement for the establishment of the Section 457 deferred compensation plan with ICMA Retirement Corporation.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

**RESOLUTION NO. 06-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING  
THE ICMA DEFERRED COMPENSATION PLAN;  
DECLARING A TRUST OF THE VANTAGE TRUST  
COMPANY; DECLARING A TRUSTEE; DETERMINING  
TERMS OF THE PLAN; ACCEPTING TRUSTEE STATUS;  
ELECTING A COORDINATOR; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the "Town") has employees rendering valuable services; and

**WHEREAS**, the establishment of a deferred compensation plan for such employees serves the interests of the Town by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the Town has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

**WHEREAS**, the Town desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employers of the collective investment of funds held under their retirement and deferred compensation plans.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Deferred Compensation Plan.** Now therefore be it resolved that the Town hereby adopts the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust, referred to as Appendix A.

**Section 3. Declaration of Trust of the Vantage Trust Company.** Be it further resolved that the Town hereby executes the Declaration of Trust of the Vantage Trust Company, attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Town, if the assets of the plan are to be invested in the Vantage Trust Company.

**Section 4. Trustee of the Plan Benefits.** Be it further resolved that the assets of the Plan shall be held in trust, with the Town serving as trustee, for the exclusive benefit of



the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

**Section 5. Acceptance of Trustee.** Be it further resolved that the Town hereby agrees to serve as trustee under the Plan.

**Section 6. Election of Coordinator.** Be it further resolved that the Town Manager shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the Vantage Trust Company; shall cast, on behalf of the Town, any required votes under the Vantage Trust Company; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

**Section 7. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney



FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



November 6, 2006

Yanile Ramon  
Town of Cutler Bay  
10720 Caribbean Blvd.  
Suite 125  
Cutler Bay, FL 33189

Re: Section 457 Deferred Compensation Plan Number – 306098

Dear Ms. Ramon:

I am pleased that you have selected the ICMA-RC Deferred Compensation Plan for your employees.

If you intend to use a plan document other than ICMA RC's prototype plan document, it is imperative that you submit a copy of the plan document to our New Business Analyst for review and approval before you proceed with completing adoption materials. We must ensure that your plan document meets IRS requirements and that ICMA RC can administer the provisions of the plan document.

Enclosed is everything you need to begin implementing your new Deferred Compensation plan:

(1) **EZ Link Information and Access Form.**

*Completion of this form is required. Access passwords will be provided to the designated user(s) indicated on the EZ Link Access Form. The designated user(s) is required to transmit a preliminary test of contribution detail prior to the first contribution date.*

*Additional fees will be assessed to individual participant accounts whose Employers do not use EZ Link for enrollment and contribution processing. See Appendix 1 of the Administrative Services Agreement for Fee Structure.*

- (2) A "Suggested Resolution for a Legislative Body Relating to a Deferred Compensation Plan". This resolution should be completed by the authorized person at your office. The resolution should be certified and a copy retained in your office. The original should be returned to this office in the enclosed envelope.

Vantagepoint securities are distributed by ICMA-RC Services, LLC, a broker-dealer affiliate of ICMA-RC, member NASD/SIPC.

## **Exhibit A**

### **Administrative Services**

The administrative services to be performed by ICMA-RC under this Agreement shall be as follows:

- (a) Participant enrollment services, including providing a welcome package and enrollment kit containing instructions and notices necessary to implement the Plan's administration.
- (b) Establishment of participant accounts for each employee participating in the Plan for whom ICMA-RC receives appropriate enrollment forms and records. ICMA-RC is not responsible for determining if such Plan participants are eligible under the terms of the Plan.
- (c) Allocation in accordance with participant directions received in good order of individual participant accounts to investment funds offered under the Trust.
- (d) Maintenance of individual accounts for participants reflecting amounts deferred, income, gain or loss credited, and amounts distributed as benefits.
- (e) Maintenance of records for all participants for whom participant accounts have been established in paper or electronic format. These files shall include enrollment instructions, beneficiary designation instructions (to the extent provided to ICMA-RC) and all other written correspondence and documents concerning each participant's account, and if applicable, records of any transaction conducted through the Voice Response Unit ("VRU"), the Internet or other electronic means.
- (f) Provision of periodic reports to the Employer and participants of the status of Plan investments and individual accounts.
- (g) Communication to participants of information regarding their rights and elections under the Plan.
- (h) Making available Investor Services Representatives through a toll-free telephone number from 8:30 a.m. to 9:00 p.m. Eastern Time, Monday through Friday (excluding holidays and days on which the securities markets or ICMA-RC are closed for business (including emergency closings), to assist participants.
- (i) Making available a toll-free number and access to VantageLine, ICMA-RC's interactive VRU, and ICMA-RC's web site, to allow participants to access certain account information and initiate plan transactions at any time.
- (j) Distribution of benefits as agent for the Employer in accordance with terms of the Plan.

## **ADMINISTRATIVE SERVICES AGREEMENT**

Between

**ICMA Retirement Corporation**

and

Town of Cutler Bay

Type: 457

Account #: 306098



2. Adoption of Trust

Employer has adopted the Declaration of Trust of VantageTrust and agrees to the commingled investment of assets of the Plan within the Trust. Employer agrees that operation of the Plan and the investment, management, and distribution of amounts deposited in the Trust shall be subject to the Declaration of Trust, as it may be amended from time to time and shall also be subject to terms and conditions set forth in disclosure documents (such as the Retirement Investment Guide or Employer Bulletins) as those terms and conditions may be adjusted from time to time. It is understood that the term "Employer Trust" as it is used in the Declaration of Trust shall mean this Administrative Services Agreement.

3. Employer Duty to Furnish Information

Employer agrees to furnish to ICMA-RC on a timely basis such information as is necessary for ICMA-RC to carry out its responsibilities as Administrator of the Plan, including information needed to allocate individual participant accounts to Funds in the Trust, and information as to the employment status of participants, and participant ages, addresses, and other identifying information (including tax identification numbers). ICMA-RC shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant or beneficiary that is furnished by such participant or beneficiary, and ICMA-RC shall not be responsible for any error arising from its reliance on such information. ICMA-RC will provide account information in reports, statements or accountings.

4. Certain Representations and Warranties

ICMA-RC represents and warrants to Employer that:

- (a) ICMA-RC is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement. The ability of ICMA-RC to serve as investment adviser to the Trust is dependent upon the continued willingness of the Trust for ICMA-RC to serve in that capacity.
- (b) ICMA-RC is an investment adviser registered as such with the U.S. Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended. ICMA-RC Services, LLC (a wholly owned subsidiary of ICMA-RC) is registered as a broker-dealer with the U.S. Securities and Exchange Commission ("SEC") and is a member in good standing with the National Association of Securities Dealers ("NASD") and the Securities Investor Protection Corporation ("SIPC").
- (c) ICMA-RC shall maintain and administer the Plan in compliance with the requirements for eligible deferred compensation plans under Section 457

former spouse, current spouse, or child pursuant to a domestic relations order or child support order.

6. Compensation and Payment

- (a) Plan Administration Fee. The amount to be paid for plan administration services under this Agreement shall be 0.55 % per annum of the amount of Plan assets invested in the Trust. Such fee shall be computed based on average daily net Plan assets in the Trust.
- (b) Account Maintenance Fee. The annual Account Maintenance Fee for Plan participants will be waived for Employers who use EZLink for contribution processing and submit deposits by wire transfer or ACH. In the event that Employer does not use EZLink for contribution processing and ACH/wire transfer, the annual Account Maintenance Fee shall be \$36.00 per Plan participant. If applicable, this fee is payable on the first day of the calendar quarter following establishment and is prorated by reference to the number of calendar quarters remaining on the day of payment. The Account Maintenance fee is debited from each Plan participant's account.
- (c) Mutual Fund Services Fee. There is an annual charge of 0.15% assessed against average daily net Plan assets invested in the Trust's non-proprietary funds of VantageTrust.
- (d) Compensation for Management Services to the Trust; Compensation for Advisory and other Services to the Vantagepoint Funds. Employer acknowledges that in addition to amounts payable under this Agreement, ICMA-RC receives fees from the Trust for investment management services furnished to the Trust. Employer further acknowledges that certain wholly owned subsidiaries of ICMA-RC receive compensation for advisory and other services furnished to the Vantagepoint Funds, which serve as the underlying portfolios of a number of Funds offered through the Trust. The fees referred to in this subsection are disclosed in the Retirement Investment Guide. These fees are not assessed against assets invested in the Trust's Mutual Fund Series.
- (e) Redemption Fees. Redemption fees imposed by outside mutual funds in which Plan assets are invested are collected and paid to the mutual fund by ICMA-RC. ICMA-RC remits 100% of redemption fees back to the specific mutual fund to which redemption fees apply. These redemption fees and the individual mutual fund's policy with respect to redemption fees are specified in the prospectus for the individual mutual fund and referenced in the Retirement Investment Guide.



- (b) No failure to exercise and no delay in exercising any right, remedy, power or privilege hereunder shall operate as a waiver of such right, remedy, power or privilege.
- (c) The parties agree that an adjustment to administrative and operational services or any reduction in fees under this Agreement may be implemented by ICMA-RC through a proposal to the Employer via correspondence or the Employer Bulletin.

11. Notices

All notices required to be delivered under Section 10 of this Agreement shall be delivered personally or by registered or certified mail, postage prepaid, return receipt requested, to (i) Legal Department, ICMA Retirement Corporation, 777 North Capitol Street, N.E., Suite 600, Washington, D.C., 20002-4240; (ii) Employer at the office set forth in the first paragraph hereof, or to any other address designated by the party to receive the same by written notice similarly given.

12. Complete Agreement

This Agreement shall constitute the complete and full understanding and sole agreement between ICMA-RC and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. This Agreement supersedes all written and oral agreements, communications or negotiations among the parties. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

13. Titles

The headings of Sections of this Agreement and the headings for each of the attached schedules are for convenience only and do not define or limit the contents thereof.

14. Incorporation of Schedules

All Schedules (and any subsequent amendments thereto), attached hereto, and referenced herein, are hereby incorporated within this Agreement as if set forth fully herein.

15. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.



# TAB 6



## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

To: Honorable Mayor, & Town Council  
From: Steven J. Alexander, Town Manager  
Date: December 20, 2006  
Re: Selection of Kimley-Horn and Associates, Inc.

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED FOR DEVELOPMENT OF THE TOWN'S STORM WATER MASTER PLAN; PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE**

## BACKGROUND AND ANALYSIS

As a new municipality founded in November 2005, preparation of a stormwater master plan reflects a high priority initiative for the Town. The Town has secured funding for the Stormwater Master Plan through a \$200,000 grant awarded by the South Florida Water Management District. The success of the stormwater master plan will provide the key to supporting the Town's effort of creating a Storm Water Utility to plan, construct, operate and maintain a Storm Water Management System. This will allow the Town to assume responsibility for stormwater management and utilize stormwater utility funds from Miami-Dade County. Key elements of the master plan effort will include goal setting, inventory of existing facilities and condition, problem identification, assessment of flooding, water quality, ecological considerations, development of prioritized solutions and projects, and public involvement. In addition, the stormwater master plan will provide the basis for the drainage-related element of the Town's first Comprehensive Master Development Plan as well as the capital improvement project schedule included in that plan.

The objective of the Stormwater Master Plan is to map the stormwater collection and distribution system, identifying issues of concern within that system and planning for improvements to the system so it can better serve the Town's residents and businesses.

The consultant shall complete the following five tasks in two phases in their entirety in order to assure a comprehensive process that will meet the objectives of this project.

- Task 1: Information Gathering and Mapping
- Task 2: Basin and Sub-Basin Delineation
- Task 3: Basin and Sub-Basin Prioritization
- Task 4: Priority Sub-Basins Modeling and Analysis
- Task 5: Capital Improvement Program Stormwater Planning

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

Tasks 1 through 3 of this project are essential components in developing the necessary information that will allow evaluation of the effects of varying land uses within the Town and will help to establish the basis for comprehensive land use decisions. Data to be collected includes, but is not limited to , land surface and ground water elevations, existing stormwater management infrastructure, soil characteristics, water quality data, the ability of canals to convey stormwater and ground water table elevations. In task 4, a computer model will be used to calculate flows and pollutant loads to downstream water bodies and analyze the timing and distribution of stormwater discharged through the watershed. This model will also be capable of comparing stormwater impacts associated with alternative future land use scenarios and identifying stormwater projects that will minimize the impacts. Task 5 will provide for developing the framework of the Town's Capital improvement Program as it relates to stormwater management.

The consultant (Kimley-Horn and Associates) has successfully developed identical Stormwater Master Plans, which were funded by the South Florida Water Management District, for both the Town of Miami Lakes and the Village of Palmetto Bay. Town staff has reviewed both municipalities' Master Plans and is confident that the consultant can provide the Town a high quality standard plan that will meet the Town's needs and the South Florida Water Management District's requirements.

Additionally, the development of the Town's Stormwater Master Plan is identified as one of the Public Works Department's strategic goals (Goal: 9.1) in the Town's adopted Strategic Plan. Goal 9.1 reads as follows:

DEVELOP THE TOWN OF CUTLER BAY INTO A MODEL COMMUNITY FOR THE CONDITION OF ITS ROADS, STREET LIGHTING, STORM DRAINAGE FACILITIES, SWALE MAINTENANCE, SIDEWALKS, ETC.

Strategic Initiative: (Goal 9.1)

Work with the County and the South Florida Water Management District to develop and implement a Town Master Drainage plan that addresses enhancement, replacement, and maintenance issues including canal maintenance.

In accordance with Section 3.10 of the Town Charter, the Town Manager hereby recommends to the Town Council that it is impracticable to competitively bid this issue because of the immediate need to procure said service. Staff has determined that it would be neither practicable nor advantageous for the Town to solicit for services through a formal request for proposal.

It is neither practical nor advantageous for the Town to use formal competitive bidding procedures for the above referenced service, which is needed and that, subject to the provisions of the Town Charter cited above, the formal competitive bidding be waived for the following services and upon a 4/5 vote of the Town Council.

## **RECOMMENDATION**

My recommendation is that formal competitive bidding be waived, and that the Town Manager is authorized to procure these services and the Town Council approves the proposed resolution.



**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA,  
APPROVING AN AGREEMENT WITH KIMLEY-HORN  
AND ASSOCIATES, INCORPORATED FOR THE  
DEVELOPMENT OF THE TOWN'S STORMWATER  
MASTER PLAN; PROVIDING FOR A DETERMINATION  
OF IMPRACTICALITY AS TO COMPETITIVE BIDDING  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (The "Town") requires the development of a Stormwater Master Plan; and

**WHEREAS**, the Town Council finds that approval of the project agreement between the Town and Kimley-Horn and Associates, Inc. for the preparation of the Town's Stormwater Master Plan is in the best interest of the Town; and

**WHEREAS**, the Town has secured funding for the Stormwater Master Plan through a \$200,000 grant awarded by the South Florida Water Management District; and

**WHEREAS**, the grant has eight (8) specific Tasks that must be completed within eighteen (18) months of the grant award; and

**WHEREAS**, Kimley-Horn and Associates have been selected by both the Village of Palmetto Bay and the Town of Miami Lakes through a competitive bidding process to complete both municipalities' Stormwater Master Plan; and

**WHEREAS**, in accordance with the provisions of Town Charter Section 3.10, the Town Manager has stated in writing and the Council has determined that it is impracticable to solicit competitive bids or proposals for such services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Authorization.** The Town Manager is authorized to execute an agreement, substantially in the form of the agreement attached as Exhibit "A" on behalf of the Town, with the vendor and the competitive bidding requirements of Section 3.10 of the Town Charter are hereby waived to the extent they would require a competitive process for the selection of a refueling provider.

**Section 3. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_

# TAB 7



## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

To: Honorable Mayor and Town Council  
From: Steven J. Alexander, Town Manager  
Date: December 13, 2006  
Re: Sound System Equipment Purchase (PA System)

## REQUEST

RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 3.10 OF THE TOWN CHARTER AND ORDINANCE NO.06-22 TO THE EXTENT APPLICABLE AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH PRO SOUND AND VIDEO FOR SOUND EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

During the initial start-up of the Town, staff has utilized Miami-Dade County Parks Department for audio and PA system for Council Meetings. We have evaluated the components necessary for the next phase of our transition which is to acquire a sound system to provide audio service during Council Meetings, Town workshops etc. Staff has determined that it is prudent to procure audio and sound equipment from Pro Sound and Video due to its lowest reasonable cost for the equipment specified by the Miami-Dade Parks Audio Technician. Due to the competitive bidding process (quotations) undertaken by International Data Consultants, Inc at the request and direction of staff.

The bids received are summarized as follows:

PRO SOUND AND VIDEO	\$5,841.00
MAVCO	\$6,103.25
REVELATION SOUND	\$6,967.46

Staff has determined that it would be neither practicable nor advantageous for the Town to solicit for services through a formal Request for Proposal due to the typical **three month** minimum time required for such formal process.

## RECOMMENDATION

Approve the proposed resolution.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)



**RESOLUTION NO. 06-\_\_**

**RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING  
COMPETITIVE BIDDING PURSUANT TO SECTION 3.10  
OF THE TOWN CHARTER AND ORDINANCE NO.06-22  
TO THE EXTENT APPLICABLE AND AUTHORIZING  
THE TOWN MANAGER TO EXECUTE AN AGREEMENT  
WITH PRO SOUND AND VIDEO FOR SOUND  
EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the Town of Cutler Bay (The "Town") requires sound system equipment for Town meetings; and

**WHEREAS**, the Town Council finds that it is both necessary and appropriate to purchase the sound equipment from Pro Sound and Video (The "Vendor"); and

**WHEREAS**, in accordance with the provisions of Town Charter Section 3.10 and Ordinance No. 06-22, the Town Manager has stated in writing and the Town Council has determined that it is impracticable to solicit competitive bids or proposals for such services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Authorization.** The Town Manager is authorized to execute an agreement, substantially in the form of the agreement attached as Exhibit "A", on behalf of the Town, with the Vendor. The competitive bidding requirements of Section 3.10 of the Town Charter and of Ordinance No. 06-22 are hereby waived to the extent applicable to the instant agreement.

**Section 3. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

---

PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_

# TAB 8

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA,  
SUPPORTING THE ENCLAVE AT THE ISLES AT  
BAYSHORE HOMEOWNER'S ASSOCIATION'S EFFORT  
TO PETITION MIAMI-DADE COUNTY'S PUBLIC WORKS  
DEPARTMENT, RELATING TO THE STREET CLOSURE  
LOCATED AT S.W. 93 PATH AND S.W. 224 TERRACE;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (The "Town") finds that a vehicular traffic hazard exists that adversely affects the health, safety and welfare of residents of The Enclave at the Isles at Bayshore ("The Enclave"); and

**WHEREAS**, the right and responsibility of all traffic engineering matters to regulate traffic and determine appropriate measures for and provide traffic control devices such as traffic signals, signs and pavement markings, and road closures is not transferable from Miami-Dade County to the Town; and

**WHEREAS**, the Town Council finds that the street closure request will not have an adverse affect on vehicular and pedestrian traffic along S.W. 93 Path and S.W. 224 Terrace; and

**WHEREAS**, affected homeowners residing in The Enclave have expressed support for the street closure in writing, through their Homeowner's Association; and

**WHEREAS**, the Town will provide technical assistance and support the Homeowner's Association's request for the street closure that will be transmitted to the Miami-Dade County Public Works Department.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Support of Street Closure.** The Town of Cutler Bay hereby expresses its unequivocal support for the closure of the one way street, located at the intersection of S.W. 93 Path and S.W. 224 Terrace and urges the Miami-Dade Public Works Department to proceed with all necessary measure to complete this task.

**Section 3. Transmittal to the Miami-Dade Public Works Department.** The Town clerk is directed to transmit a copy of this Resolution, along with supporting documents to Mrs. Esther L. Calas – P.E., Public Works Director, Miami-Dade County, 111 NW 1 Street, Suite# 1610, Miami, Fl 33128.

**Section 3. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of December, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

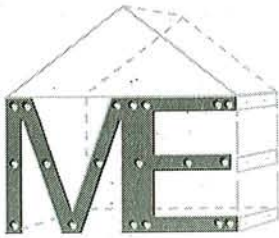
Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_





## M & E Associates of Miami, Inc.

---

RECEIVED  
OCT 25 2006

October 23, 2006

Paul Vrooman, Mayor  
Cutler Bay Town Hall  
10720 Caribbean Blvd #105  
Cutler Bay, FL 33189

**RE: The Enclave at Isles at Bayshore HOA, Inc.**

Dear Mayor Vrooman,

I am writing you this letter to bring to your attention a major concern in the community of The Enclave at Isles at Bayshore HOA, Inc., which we would like your assistance with. On the intersection of 93 path and SW 224 Terrace, there is a one-way right turn only out from the property. However, this intersection has become a place of many standoffs as well as accidents with traffic coming in through that street; even the Solid Waste trucks enter the wrong way.

Since it is a public street, the community cannot put bollards or some kind of device to force people to turn right as they exit the community and to prevent people from making a right into the community. The Community has contacted the Police Department to do a "watch" in that intersection, but it is still a major problem. The community is scared that it will take someone to die before something is done.

This is why we need your help and we would appreciate it if you can have someone from the city inspect that intersection and have them install bollards or devise a plan to prevent vehicles from entering before it is too late.

Please do not hesitate to call me if you need any further information.

Thank you for your immediate attention in this matter.

Sincerely,  
FOR THE BOARD OF DIRECTORS

Laura Gavilan  
Property Manager

cc: Correspondence

Full Service Property Management





11/15/2006

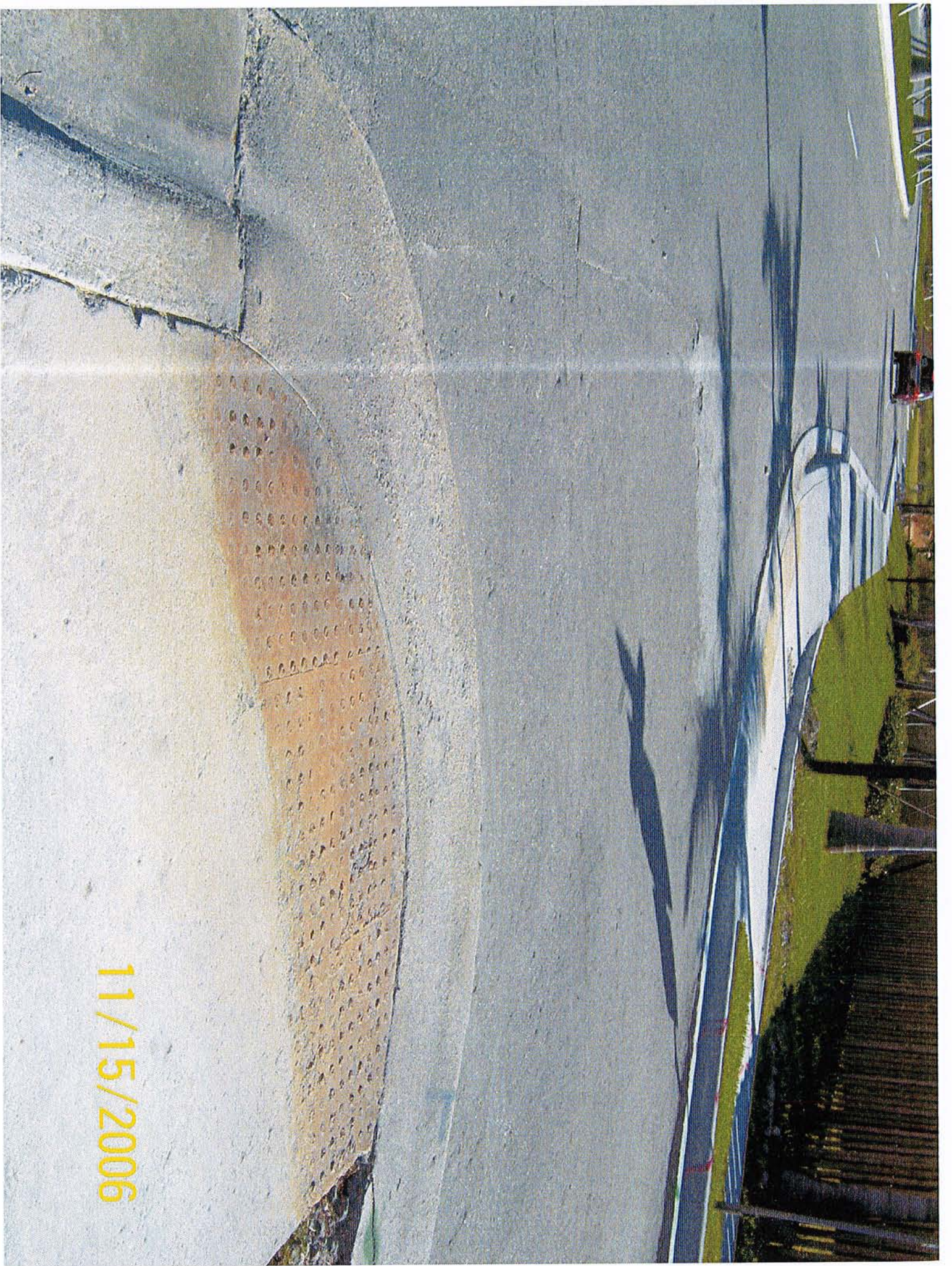




11/15/2006



11/15/2006







11/15/2006





11/15/2006



# TAB 9

**RESOLUTION NO. 06 - \_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING CITIZENS INSURANCE AND THE STATE LEGISLATURE TO CANCEL THE SCHEDULED 2007 RATE INCREASE, FURTHER URGING THE STATE LEGISLATURE TO DEVELOP CREATIVE SOLUTIONS AND PROVIDE MEANINGFULL RATE REDUCTIONS DURING THE UPCOMING JANUARY 2007 SPECIAL LEGISLATIVE SESSION, URGING THE STATE TO ELIMINATE THE ARBITRARY WINDSTORM LINE AND THE SURCHARGE ON OLDER HOMES, AND SEEKING SUPPORT FROM ALL AFFECTED COMMUNITIES WITH THESE INITIATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature in November 1993 created the Florida Hurricane Catastrophe Fund, under section 215.555, Florida Statutes, and also enacted an association of private insurers, under section 627.351(2), Florida Statutes, to provide hurricane and windstorm insurance to Florida residents who could not obtain an offer for coverage from another insurer; and

**WHEREAS**, Citizens Insurance is the only available source of hurricane and windstorm insurance for thousands of residential property owners in Florida, for all residents East of US 1 and I-95, and provides windstorm insurance coverage for all properties east of this line, including many of the residents of the Town of Cutler Bay, who are not able to obtain an offer of coverage in the voluntary market; and

**WHEREAS**, Citizens Insurance has scheduled another significant rate increase to take effect in 2007; and

**WHEREAS**, Citizens Insurance continues to enforce an arbitrary "windstorm insurance coverage line" that has no basis in science and results in a 40-50% increase in premiums; and

**WHEREAS**, Citizens Insurance continues to impose a surcharge of up to 20% for older homes, regardless of their condition and hurricane resistant features and despite the fact that many of these homes are built far stronger than new homes and many have also been updated with new hurricane resistant features such as shutters or impact resistance glass; and

**WHEREAS**, the Governor-Elect and Legislative Leadership have called a Special Session on Property Insurance in January 2007 and this Special Session holds the promise of providing meaningful solutions to the Florida's insurance crises.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Support.** The Mayor and Town Council of the Town of Cutler Bay, Florida, hereby supports efforts to urge the Florida Legislature and Citizens Insurance to: a) cancel the scheduled 2007 windstorm rate increase; b) develop creative solutions and meaningful rate reductions during the January 2007 Special Session; c) remove the arbitrary line under the State legislation; and d) remove the unfair surcharge on older homes and seeks the support of all neighboring communities in Miami-Dade County, Broward County, Palm Beach County and all other affected communities within Florida.

**Section 3. Effective Date.** This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edward P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



# TAB 10



## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor, Vice Mayor and Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** December 14, 2006  
**Re:** 2007 Legislative Delegation Items

## REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO LEGISLATIVE BUDGET REQUESTS, APPROVING THE TOWN'S LIST OF LEGISLATIVE ITEMS, AUTHORIZING THE TOWN MANAGER TO PRESENT THE APPROVED LIST TO THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION FOR INCLUSION IN THE 2007 LEGISLATIVE SESSION; AND PROVIDING FOR AN EFFECTIVE DATE.

## BACKGROUND AND ANALYSIS

The Miami-Dade County Legislative Delegation will be conducting its annual Intergovernmental Summit on Thursday, January 4, 2007 to provide municipalities with an opportunity to present their legislative funding requests prior to the upcoming 2007 Legislative Session. The Town's legislative items are due to the Miami-Dade County Legislative Delegation by Thursday, December 21, 2006, so that they may be included on the January 4 agenda.

We have attached *Community Budget Issue Request* forms for the items that the Town will be seeking funding for during the 2007 Legislative Session. The items are as follows:

- Biscayne Environmental Education Center
- Development of a Stormwater Utility and Stormwater Management Projects Plan
- Economic Revitalization Study for U.S. 1
- Implementation of Cutler Ridge Park / Cutler Ridge Elementary Field Master Plan
- Bel Aire Park Football/Soccer Field Improvements
- Old Cutler Road Historic Status

## RECOMMENDATION

We recommend that the attached resolution be adopted.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

RESOLUTION NO. 06-\_\_\_\_

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO LEGISLATIVE BUDGET REQUESTS, APPROVING THE TOWN'S LIST OF LEGISLATIVE ITEMS, AUTHORIZING THE TOWN MANAGER TO PRESENT THE APPROVED LIST TO THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION FOR INCLUSION IN THE 2007 LEGISLATIVE SESSION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, each year the Miami-Dade County Legislative Delegation provides an opportunity for municipalities to present their legislative funding requests to the Delegation at their Intergovernmental Summit prior to the upcoming Legislative Session; and

**WHEREAS**, the Town of Cutler Bay wishes to include the projects identified in Exhibits "A" through "F", attached hereto and made a part of this resolution, as the Town's funding requests for the 2007 Legislative Session.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Authorization.** The Town Manager is hereby authorized to transmit the funding requests identified in the attached Exhibits "A" through "F" to the Miami-Dade County Legislative Delegation for inclusion in the Delegation's package for the 2007 Legislative Session. The Town Manager shall take all steps necessary to provide the Town's list of Legislative Issues to the Miami-Dade County Legislative Delegation in a timely manner for inclusion in the Delegation's Intergovernmental Summit on January 4, 2007.

**Section 3. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edwards P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____



**Implementation of Cutler Ridge Park /  
Cutler Ridge Elementary Field, Master Plan  
Project Narrative  
Requested Amount   \$300,000**

The Master Plan for the Cutler Ridge Park/Elementary School complex was developed by the Miami-Dade County Parks and Recreation Department in 1999. Numerous public meetings were conducted to solicit input and provide feedback concerning the project. Funding for the project was to come from a variety of sources including the County's Safe Neighborhood Parks (SNP) bond fund, the County's Quality Neighborhood Improvements Program (QNIP) and other unidentified sources.

The elements of the Master Plan included the following:

- A new recreation/storage/restroom building
- New playground equipment
- Improvements to basketball courts
- New tennis courts
- New soccer fields with lighting
- New parking lot and connective walkways
- New interactive waterplay area

Only three of the planned improvements were completed by the County prior to the incorporation of the Town of Cutler Bay – the new recreation center building, the new playground equipment and the basketball court improvements. Unfortunately, the use that Cutler Ridge Park has become synonymous with – youth soccer – has been largely ignored since the Master Plan was developed.

With the popularity of soccer in the United States growing each year, the Cutler Ridge Soccer Club programs have grown exponentially since the Club's inception 40 years ago. However, the facilities available to the children who participate in the program and the adults who volunteer their time to run the program are the same as they were 40 years ago – one park with no lighted fields. This lack of lighted field space has also limited the ability to provide other types of programs for both children and adults in the area such as adult soccer, lacrosse, cricket, flag football and others. Lighting two field areas would increase usable field space by approximately 90%.

In addition, the lone paved parking lot in Cutler Ridge Park accommodates only 70 vehicles, and the parking lot is shared by the recreation center, the swimming pool and the soccer fields. On a typical Saturday game day, program participants are forced to park on local streets, often blocking sidewalks and causing neighborhood gridlock.

The construction of these two additional elements of the Cutler Ridge Park / Cutler Ridge Elementary School Master Plan – the lighted soccer fields and the parking lot and connective walkways - would have a tremendous impact on the current and future

programming capabilities for the residents of the Town of Cutler Bay as well as residents in the surrounding communities.

Both of the proposed project elements meet the goals and objectives of the Town of Cutler Bay Strategic Plan (see attachments A.1 & A.2) for developing "... parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages." Both project elements also meet the objectives of the Florida State Comprehensive Outdoor Recreation Plan (SCORP) concerning the construction of user-oriented recreation facilities (see attachments B1 & B.2).

# Community Budget Issue Request

Project Tracking # : \_\_\_\_\_

1. Project Title: Implementation of Cutler Ridge Park Master Plan Date: January 4, 2007
2. Member Sponsor(s) Name: Representative Edward Bullard District No.(s) 118
3. What statewide interest does this project address as it relates to Chapter 216.052(1)? Additional recreational opportunities for school-aged children during after school hours.
4. Requester:  
Name: Mayor Paul Vrooman Organization Town of Cutler Bay
5. Recipient:  
Name: Town of Cutler Bay Street: 10720 Caribbean Blvd., Suite 105  
City: Cutler Bay Zip Code: 33189  
Counties: Miami-Dade Gov't Entity ☒ or Private Organization (Profit/Not for Profit) ☐
6. Contact:  
Name: Steven J. Alexander Phone # : (305) 234-4262 e-mail: salexander@cutlerbay-fl.gov
7. Project Description: (Include services to be provided) Installation of athletic fields, lighting and formalized parking as provided for in the 1999 Cutler Ridge Park / Cutler Ridge Elementary School Master Plan
8. Is this project related to a federal or state declared disaster? Yes ☐ No ☒
- 8a. If yes, which declared disaster? \_\_\_\_\_
- 8b. If yes, what year?: \_\_\_\_\_
9. Measurable Outcome Anticipated: Increased recreational opportunities during after school hours.
10. Amount you are requesting from the State for this project this year? Amount Requested: \$300,000
11. Total cost of project this year: \$400,000
12. Is this request being made to fund (check all that apply): Operations ☐ Construction ☒
13. What type of match exists for this request? Local ☒ Private ☐ Federal ☐ None ☐
- 13a. Enter all amounts that apply: Total Cash Amount \$100,000 Total In Kind Amount \$
14. Was this project previously funded by the State? Yes ☐ No ☒
- 14a. If yes, most recent Fiscal Year \_\_\_\_\_ (eg. 2002-2003) Amount: \$
15. Is future-year funding likely to be requested? Yes ☐ No ☒
- 15a. If yes, how much? \$
- 15b. Purpose for future year funding: Recurring Operations ☐ Non-Recurring construction ☐ Other \_\_\_\_\_
16. Will this be an annual request? Yes ☐ No ☒
17. Was this project included in an Agency Budget Request? Yes ☐ No ☒
- 17a. If yes, name the Agency: \_\_\_\_\_
18. Was this project included in the Governor's Recommended Budget? Yes ☐ No ☒ Unknown ☐
19. Is there documented need for this project? Yes ☒ No ☐
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) Town of Cutler Bay Strategic Plan; Florida State Comprehensive Outdoor Recreation Plan (SCORP)
20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)?  
Yes ☒ No ☐
- 20a. If yes, name the Body: Town of Cutler Bay Town Council
21. Is this a water project under s. 403.885, F.S. ? Yes ☐ No ☒

(See [http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf\\_2007\\_main.htm](http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf_2007_main.htm) for more information including historical funding)

If Yes, please complete Page 2

IMPORTANT: ATTACH APPROPRIATE SUPPORTING DOCUMENTATION FOR THIS CBIRS REQUEST



## **Implementation of Cutler Ridge Park / Cutler Ridge Elementary Field Master Plan Project Narrative**

The Master Plan for the Cutler Ridge Park/Elementary School complex was developed by the Miami-Dade County Parks and Recreation Department in 1999. Numerous public meetings were conducted to solicit input and provide feedback concerning the project. Funding for the project was to come from a variety of sources including the County's Safe Neighborhood Parks (SNP) bond fund, the County's Quality Neighborhood Improvements Program (QNIP) and other unidentified sources.

The elements of the Master Plan included the following:

- A new recreation/storage/restroom building
- New playground equipment
- Improvements to basketball courts
- New tennis courts
- New soccer fields with lighting
- New parking lot and connective walkways
- New interactive waterplay area

Only three of the planned improvements were completed by the County prior to the incorporation of the Town of Cutler Bay – the new recreation center building, the new playground equipment and the basketball court improvements. Unfortunately, the use that Cutler Ridge Park has become synonymous with – youth soccer – has been largely ignored since the Master Plan was developed.

With the popularity of soccer in the United States growing each year, the Cutler Ridge Soccer Club programs have grown exponentially since the Club's inception 40 years ago. However, the facilities available to the children who participate in the program and the adults who volunteer their time to run the program are the same as they were 40 years ago – one park with no lighted fields. This lack of lighted field space has also limited the ability to provide other types of programs for both children and adults in the area such as adult soccer, lacrosse, cricket, flag football and others. Lighting two field areas would increase usable field space by approximately 90%.

In addition, the lone paved parking lot in Cutler Ridge Park accommodates only 70 vehicles, and the parking lot is shared by the recreation center, the swimming pool and the soccer fields. On a typical Saturday game day, program participants are forced to park on local streets, often blocking sidewalks and causing neighborhood gridlock.

The construction of these two additional elements of the Cutler Ridge Park / Cutler Ridge Elementary School Master Plan – the lighted soccer fields and the parking lot and connective walkways - would have a tremendous impact on the current and future programming capabilities for the residents of the Town of Cutler Bay as well as residents in the surrounding communities.



Both of the proposed project elements meet the goals and objectives of the Town of Cutler Bay Strategic Plan (see attachments A.1 & A.2) for developing "... parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages." Both project elements also meet the objectives of the Florida State Comprehensive Outdoor Recreation Plan (SCORP) concerning the construction of user-oriented recreation facilities (see attachments B1 & B.2).

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## 7. PARKS AND RECREATION

### Introduction

A well-developed park and recreation system will improve the overall quality of life, create a positive sense of Town identity among our residents and increase property values.

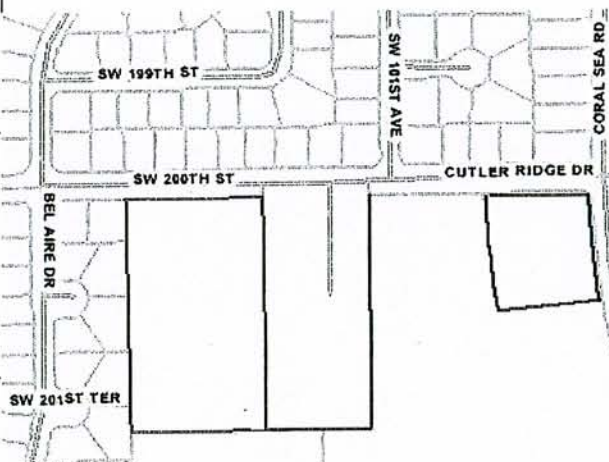
**Goal 7.1:** The Town of Cutler Bay will develop parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages.

Goal 7.1	Strategic Initiative	Measures & Milestones
The Town of Cutler Bay will develop parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages.	Work with residents and others to develop and implement a Park and Recreation Master Plan that reflects the current and emerging needs of the community. This plan will address issues such as: 1) the acquisition, operation and maintenance of existing County open space for park and recreation facilities; 2) the County's completion of Lakes by the Bay Park, 3) obtaining access to the Bay, 4) developing water related facilities and programs, 5) park facilities, recreational and cultural facilities and programs for residents of all ages, 6) partnerships with the School Board and local schools, and, 7) alternative funding sources.	The completion of the plan by 10/01/2007.

# Town of Cutler Bay

## 2006-2011 STRATEGIC PLAN

### CAPITAL IMPROVEMENT PROJECT FORM

Name of Project:	<b>IMPLEMENTATION OF CUTLER RIDGE PARK MASTER PLAN</b>	*Dept. Priority:	<b>PR01</b>			
Project Location:	<b>Cutler Ridge Park (10100 SW 200 St.)</b>	Project No.				
Requesting Dept.:	<b>Parks and Recreation</b>	Category:	<b>UNFUNDED</b>			
<u>DESCRIPTION:</u> <b>Construction of additional regulation soccer field and parking lot. Installation of athletic field lighting on two regulation-sized soccer fields.</b>		(Sketches, maps, planning details and any project supporting documents)  				
<u>JUSTIFICATION:</u> <b>Cutler Ridge Park has been the home of the Cutler Ridge soccer Club since the 1960's. With the popularity of soccer growing exponentially over the past decade, the park is now feeling the strain. An additional field with lighting on two fields would create additional opportunity for more children and adults to enjoy wholesome recreational activities.</b>						
<u>OPERATING IMPACT:</u> <b>The increase in electrical costs would be offset by increased revenues.</b>						
<u>CONCURRENCY:</u> <b>This project is concurrent with Goal 7.1 of the Town's Strategic Plan to "... develop parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages."</b>						
	<b>PRIOR YRS.</b>	<b>FY06-07</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>	<b>FY10-11</b>
<b>ACTIVITY</b>	<b>EXPENDITURE SCHEDULE</b>					
<b>Field Construction</b>			<b>\$75,000</b>			
<b>Parking Lot Const.</b>			<b>\$125,000</b>			
<b>Lighting Installation</b>			<b>\$200,000</b>			
<b>**Total Budget:</b>			<b>\$400,000</b>			
<b>FUNDING SOURCES</b>	<b>APPROPRIATIONS SCHEDULE</b>					
<b>To Be Determined</b>			<b>\$400,000</b>			
<b>**Total Funding:</b>			<b>\$400,000</b>			

\*Priority is subject to change.

\*\*Based on amounts estimated during preliminary planning.



A recent development affecting hunting is the removal of a number of large tracts of privately owned land from public hunting. Some of these lands are now leased to hunt clubs or are being planned for development. A challenge for the Fish and Wildlife Conservation Commission will be to develop strategies to maintain adequate hunting land in the likely event that this trend continues.

### \* User-Oriented Recreation

User-oriented recreation demand is greatest in the urban areas of Florida, and increases in proportion to the concentration of population. As with fire and police protection, sanitation and other urban services, user-oriented outdoor recreation has primarily been the responsibility of local governments and will largely remain so. Just as the state cannot single-handedly meet all of the resource-based outdoor recreation needs in Florida, neither can local governments meet all of the user-oriented needs. Therefore, a mutually supportive arrangement wherein the state and local governments maintain their respective primary emphasis (resource-based and user-oriented recreation respectively) is the most reasonable course of action. The Department of Environmental Protection will continue to provide financial assistance to local governments from its recreational grants programs to help meet local user-oriented needs. Local governments, on the other hand, should continue to provide the bulk of user-oriented facilities.

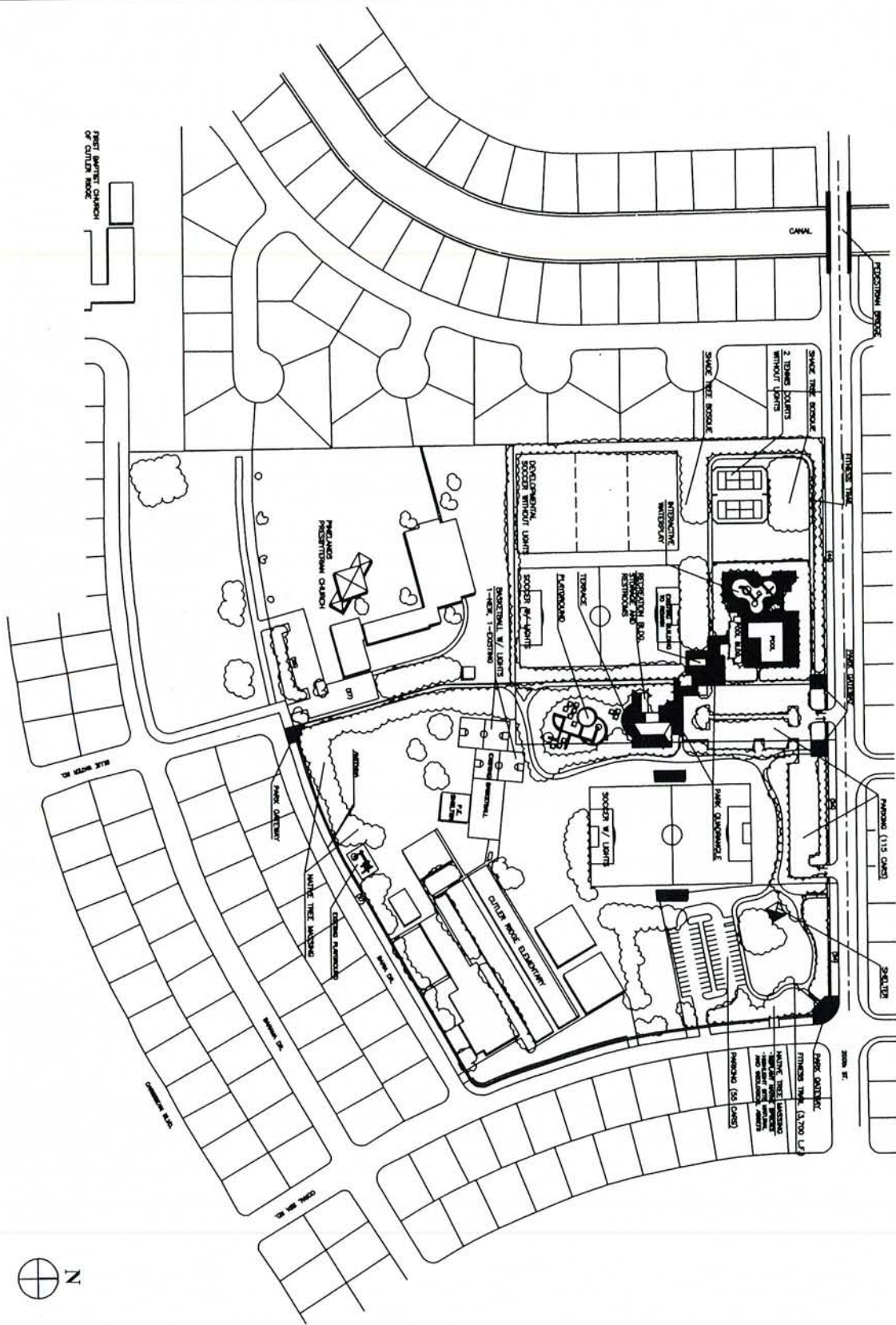
The State will provide outdoor recreation planning information and technical assistance to local governments for assessing public demand and need for user-oriented recreation resources and facilities. In addition, the State will continue to assess broad regional needs for user-oriented recreation as part of its ongoing outdoor recreation planning program. However, the more detailed analyses and assessments of need for user-oriented facilities must be provided by local governments themselves, since the factors influencing local demand for these types of facilities are extremely complex and unique to each individual community. In cases where locally identified needs exceed those published in this plan those needs should be considered as applicable to the local jurisdiction and should supercede the State's regional estimates. To assist in identifying and prioritizing local needs, and to track local trends, the Department of Environmental Protection should seek funding to periodically update the 1995 publication *Local Government Recreation and Park Department Facility Needs in the State of Florida*. Future updates of that report should be included in subsequent editions of the SCORP.

# Outdoor Facility Needs Ranked by Priority Index: Population Density 3

Rank	Renovation	Construction	
	Facility	Facility	
1	Rest Rooms	Baseball Fields	Cluster
2	Playgrounds	Soccer Fields *	
3	Support Facilities	Support Facilities *	Cluster II
4	Tennis Courts	Softball Fields	
5	Baseball Fields	Playgrounds	
6	Basketball Courts	Boating Facilities	
7	Beach Access	Football Fields	Cluster III
8	Swimming Pools	Tennis Courts	
9	Soccer Fields	Rest Rooms	
10	Picnic Facilities	Picnic Facilities	
11	Football Fields	Basketball Courts	Cluster IV
12	Softball Fields	Other	
13	Boating Facilities	Exercise Trails	
14	Exercise Trails	Bike Trails	Cluster V
15	Handball Courts	Nature Trails	
16	Other	Camping	
17	Golf Courses	Handball Courts	
18	Shuffleboard Courts	Historical Facilities	
19	Fishing Piers	Swimming Pools	
20	Bike Trails	Hiking Trails	
21	Hiking Trails	Golf Courses	
22	Nature Trails	Beach Access	
23	Camping	Fishing Piers	
24	Historical Facilities	Horse Trails	Cluster VI
25	Horse Trails	Shuffleboard Courts	

Population Density 3 - Population From 25,000 to 49,999





Project No.	7/14/98
Drawn by	SLM
Checked by	SLM
Approved by	SLM

Project Title:  
**CUTLER RIDGE PARK**

Drawing Title:

**Miami-Dade County**  
**Park and Recreation Department**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Revisions	
No.	Description

Design	Adrian/Robles
Check	
Survey	
Inspector	
Project Manager	

Approve	Date

**Bel Aire Park**  
**Football / Soccer Field Improvements**  
**Project Narrative**  
**Requested Amount    \$600,000**

Bel Aire Park is a five acre park consisting of one regulation-sized football/soccer field, a restroom/concession/storage building and a 50 space parking lot. The field is a common Bermuda turf field that is in very poor condition with many bare spots and numerous types of weeds and other pest problems. The main user of the field is the Palmetto Optimist Club who operates a Pop Warner Youth Football and Cheerleading program at the park during the late summer through fall seasons. There is also incidental use by youth soccer teams for practice during the soccer season.

In an effort to provide the residents of the Town of Cutler Bay with the widest variety of recreational opportunities possible, the Town is discussing additional uses of the park by adult soccer programs, youth lacrosse programs and youth and adult flag football programs. All of these additional uses comply with the Parks and Recreation element of the Town's Strategic Plan to "... develop parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages." However, these additional uses will also result in a tremendous strain on the Town's only lighted football/soccer field.

In order to provide for all of the needs of the community, without incurring the time constraints and the cost of acquiring additional park land, the Town can convert the natural grass field to a synthetic turf field that can accommodate all of the programs that the residents desire, without creating a maintenance and scheduling nightmare. Additionally, the synthetic turf will save the Town many years of expenses associated with maintaining a natural grass field – mowing, aerating, top-dressing, fertilizing, watering, etc.

The installation of a synthetic turf field at Bel Aire Park meets the goals and objectives of the Town of Cutler Bay Strategic Plan requiring a "... variety of facilities/amenities that meet the social and recreational needs of residents of all ages, and attract residents from surrounding communities." (see attachments A.1 & A.2) This project also meets the objectives of the Florida State Comprehensive Outdoor Recreation Plan concerning the construction of user-oriented recreation facilities (see attachments B.1 & B.2).



# Community Budget Issue Request

Project Tracking # : \_\_\_\_\_

1. Project Title: Bel Aire Park Football/Soccer Field Improvements Date: January 4, 2007
2. Member Sponsor(s) Name: Representative Edward Bullard District No.(s) 118
3. What statewide interest does this project address as it relates to Chapter 216.052(1)? Promoting the benefits fo outdoor recreation; addressing the demand for user-oriented recreation in an urban area.
4. Requester:  
Name: Mayor Paul Vrooman Organization Town of Cutler Bay
5. Recipient:  
Name: Town of Cutler Bay Street: 10720 Caribbean Blvd., Suite 105  
City: Cutler Bay Zip Code: 33189  
Counties: Miami-Dade Gov't Entity ☒ or Private Organization (Profit/Not for Profit) ☐
6. Contact:  
Name: Steven J. Alexander Phone #: (305) 234-4262 e-mail: salexander@cutlerbay-fl.gov
7. Project Description: (Include services to be provided) Installation of a synthetic turf football/soccer fieeld in place of the existing natural grass field.
8. Is this project related to a federal or state declared disaster? Yes ☐ No ☒
- 8a. If yes, which declared disaster? \_\_\_\_\_
- 8b. If yes, what year?: \_\_\_\_\_
9. Measurable Outcome Anticipated: Additioanl youth and adult recreational programs on a year-round basis.
10. Amount you are requesting from the State for this project this year? Amount Requested: \$600,000
11. Total cost of project this year: \$800,000
12. Is this request being made to fund (check all that apply): Operations ☐ Construction ☒
13. What type of match exists for this request? Local ☒ Private ☐ Federal ☐ None ☐
- 13a. Enter all amounts that apply: Total Cash Amount \$200,000 Total In Kind Amount \$
14. Was this project previously funded by the State? Yes ☐ No ☒
- 14a. If yes, most recent Fiscal Year \_\_\_\_\_ (eg. 2002-2003) Amount: \$
15. Is future-year funding likely to be requested? Yes ☐ No ☒
- 15a. If yes, how much? \$
- 15b. Purpose for future year funding: Recurring Operations ☐ Non-Recurring construction ☐ Other \_\_\_\_\_
16. Will this be an annual request? Yes ☐ No ☒
17. Was this project included in an Agency Budget Request? Yes ☐ No ☒
- 17a. If yes, name the Agency: \_\_\_\_\_
18. Was this project included in the Governor's Recommended Budget? Yes ☐ No ☒ Unknown ☐
19. Is there documented need for this project? Yes ☒ No ☐
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) Town of Cutler Bay Strategic Plan; Florida State Comprehensive Outdoor Recreation Plan (SCORP)
20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)?  
Yes ☒ No ☐
- 20a. If yes, name the Body: Town of Cutler Bay Town Council
21. Is this a water project under s. 403.885, F.S. ? Yes ☐ No ☒

(See [http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf\\_2007\\_main.htm](http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf_2007_main.htm) for more information including historical funding)

If Yes, please complete Page 2

IMPORTANT: ATTACH APPROPRIATE SUPPORTING DOCUMENTATION FOR THIS CBIRS REQUEST



## **Bel Aire Park Football / Soccer Field Improvements Project Narrative**

Bel Aire Park is a five acre park consisting of one regulation-sized football/soccer field, a restroom/concession/storage building and a 50 space parking lot. The field is a common Bermuda turf field that is in very poor condition with many bare spots and numerous types of weeds and other pest problems. The main user of the field is the Palmetto Optimist Club who operates a Pop Warner Youth Football and Cheerleading program at the park during the late summer through fall seasons. There is also incidental use by youth soccer teams for practice during the soccer season.

In an effort to provide the residents of the Town of Cutler Bay with the widest variety of recreational opportunities possible, the Town is discussing additional uses of the park by adult soccer programs, youth lacrosse programs and youth and adult flag football programs. All of these additional uses comply with the Parks and Recreation element of the Town's Strategic Plan to "... develop parks, recreational facilities and recreational programs to meet the current and emerging needs of residents of all ages." However, these additional uses will also result in a tremendous strain on the Town's only lighted football/soccer field.

In order to provide for all of the needs of the community, without incurring the time constraints and the cost of acquiring additional park land, the Town can convert the natural grass field to a synthetic turf field that can accommodate all of the programs that the residents desire, without creating a maintenance and scheduling nightmare. Additionally, the synthetic turf will save the Town many years of expenses associated with maintaining a natural grass field – mowing, aerating, top-dressing, fertilizing, watering, etc.

The installation of a synthetic turf field at Bel Aire Park meets the goals and objectives of the Town of Cutler Bay Strategic Plan requiring a "... variety of facilities/amenities that meet the social and recreational needs of residents of all ages, and attract residents from surrounding communities." (see attachments A.1 & A.2) This project also meets the objectives of the Florida State Comprehensive Outdoor Recreation Plan concerning the construction of user-oriented recreation facilities (see attachments B.1 & B.2).

**Goal 5.3: Cutler Bay will have a variety of facilities/amenities that meet the social and recreational needs of residents of all ages, and attract residents from surrounding communities.**

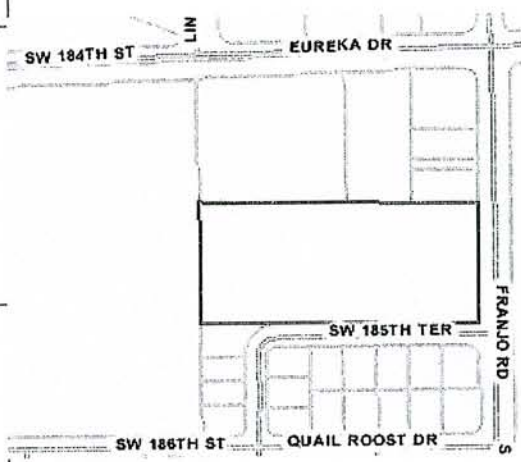
Goal 5.3	Strategic Initiative	Measures & Milestones
<b>Cutler Bay will have a variety of facilities/amenities that meet the social and recreational needs of residents of all ages, and attract residents from surrounding communities.</b>	The Town Manager should form a committee to develop and implement a marketing plan to attract quality restaurants and cultural/entertainment facilities to the Town.	<p>The completion and implementation of the plan by October, 2007.</p> <p>A level of success in the number of restaurants and cultural/entertainment facilities in the Town.</p>
	Obtain access to the Bay for Cutler Bay's residents.	By 2011, the Town will obtain appropriate access to the Bay.
	The development and implementation of a Master Plan for Parks and Recreation.	The completion and implementation of the plan, including the County's completion of Lakes by the Bay Park by October, 2007.
	The preparation and implementation of a Master Plan to develop a Town Center, including the potential for a future Town Hall.	<p>The completion and implementation of the plan, including the potential for of a Town Hall and other appropriate facilities by January, 2008.</p> <p>Aggregate Measure</p> <p>By July, 2008, at least 60% of respondents to a resident survey will indicate their feeling that Cutler Bay does have a "Center of Town".</p>



# Town of Cutler Bay

## 2006-2011 STRATEGIC PLAN

### CAPITAL IMPROVEMENT PROJECT FORM

Name of Project:	<b>BEL AIRE PARK FOOTBALL / SOCCER FIELD IMPROVEMENTS</b>	*Dept. Priority:	<b>PR02</b>			
Project Location:	<b>Bel Aire Park (18500 SW 97 Ave.)</b>	Project No.				
Requesting Dept.:	<b>Parks and Recreation</b>	Category:	<b>UNFUNDED</b>			
<b>DESCRIPTION:</b>  The installation of a synthetic turf football/soccer field in place of the existing Bermuda turf field.		(Sketches, maps, planning details and any project supporting documents)  				
<b>JUSTIFICATION:</b>  Bel Aire Park is the Town of Cutler Bay's only park with lighting on the sports field. This park is used on a year-round basis by youth football, soccer and lacrosse teams. The constant use will result in damage to the turf requiring extensive remedial work on a yearly basis. A synthetic turf field will also allow additional programs without the need for additional remedial work.						
<b>OPERATING IMPACT:</b>  Converting the Bermuda turf to synthetic turf will decrease operating costs by eliminating the need for constant watering, fertilization, pest control, mowing, etc. This will also allow for additional youth and adult programs because the field will not require downtime to recuperate between seasons.						
<b>CONCURRENCY:</b>  This project is concurrent with Goal 5.3 of the Town's Strategic Plan to "... have a variety of facilities/amenities that meet the social and recreational needs of residents of all ages, and attract residents from surrounding communities."						
	<b>PRIOR YRS.</b>	<b>FY06-07</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>	<b>FY10-11</b>
<b>ACTIVITY</b>	<b>EXPENDITURE SCHEDULE</b>					
<b>Field Construction</b>			<b>\$800,000</b>			
<b>**Total Budget:</b>			<b>\$800,000</b>			
<b>FUNDING SOURCES</b>	<b>APPROPRIATIONS SCHEDULE</b>					
<b>To Be Determined</b>			<b>\$800,000</b>			
<b>**Total Funding:</b>			<b>\$800,000</b>			

\*Priority is subject to change.

\*\*Based on amounts estimated during preliminary planning.



A recent development affecting hunting is the removal of a number of large tracts of privately owned land from public hunting. Some of these lands are now leased to hunt clubs or are being planned for development. A challenge for the Fish and Wildlife Conservation Commission will be to develop strategies to maintain adequate hunting land in the likely event that this trend continues.



### User-Oriented Recreation

User-oriented recreation demand is greatest in the urban areas of Florida, and increases in proportion to the concentration of population. As with fire and police protection, sanitation and other urban services, user-oriented outdoor recreation has primarily been the responsibility of local governments and will largely remain so. Just as the state cannot single-handedly meet all of the resource-based outdoor recreation needs in Florida, neither can local governments meet all of the user-oriented needs. Therefore, a mutually supportive arrangement wherein the state and local governments maintain their respective primary emphasis (resource-based and user-oriented recreation respectively) is the most reasonable course of action. The Department of Environmental Protection will continue to provide financial assistance to local governments from its recreational grants programs to help meet local user-oriented needs. Local governments, on the other hand, should continue to provide the bulk of user-oriented facilities.

The State will provide outdoor recreation planning information and technical assistance to local governments for assessing public demand and need for user-oriented recreation resources and facilities. In addition, the State will continue to assess broad regional needs for user-oriented recreation as part of its ongoing outdoor recreation planning program. However, the more detailed analyses and assessments of need for user-oriented facilities must be provided by local governments themselves, since the factors influencing local demand for these types of facilities are extremely complex and unique to each individual community. In cases where locally identified needs exceed those published in this plan those needs should be considered as applicable to the local jurisdiction and should supercede the State's regional estimates. To assist in identifying and prioritizing local needs, and to track local trends, the Department of Environmental Protection should seek funding to periodically update the 1995 publication *Local Government Recreation and Park Department Facility Needs in the State of Florida*. Future updates of that report should be included in subsequent editions of the SCORP.

Outdoor Facility Needs Ranked by Priority Index: Population Density 3

Rank	Renovation	Construction		Cluster
	Facility	Facility		
1	Rest Rooms	Baseball Fields		Cluster I
2	Playgrounds	Soccer Fields	*	
3	Support Facilities	Support Facilities	*	Cluster II
4	Tennis Courts	Softball Fields		
5	Baseball Fields	Playgrounds		
6	Basketball Courts	Boating Facilities		
7	Beach Access	Football Fields		Cluster III
8	Swimming Pools	Tennis Courts		
9	Soccer Fields	Rest Rooms		
10	Picnic Facilities	Picnic Facilities		
11	Football Fields	Basketball Courts		Cluster IV
12	Softball Fields	Other		
13	Boating Facilities	Exercise Trails		
14	Exercise Trails	Bike Trails		Cluster V
15	Handball Courts	Nature Trails		
16	Other	Camping		
17	Golf Courses	Handball Courts		
18	Shuffleboard Courts	Historical Facilities		
19	Fishing Piers	Swimming Pools		
20	Bike Trails	Hiking Trails		
21	Hiking Trails	Golf Courses		
22	Nature Trails	Beach Access		
23	Camping	Fishing Piers		
24	Historical Facilities	Horse Trails		Cluster VI
25	Horse Trails	Shuffleboard Courts		

Population Density 3 - Population From 25,000 to 49,999

**Economic Revitalization Study for US-1  
Project Narrative  
Requested Amount    \$70,000**

The purpose of the proposed Economic Revitalization Study is to provide quantitative input to focus element of the Town of Cutler Bay Strategic Plan and the Comprehensive Master Development Plan. The study element centers on the US-1 corridor and Southland Mall. Market forces must be considered in order for the Town to implement further expansion of the existing development pattern and conduct an aggressive revitalization of the area.

The study will consider existing conditions and future trends for the submarket. The scope of work will:

- delineate all existing development
- identify all retail/commercial uses
- ascertain gross retail sales dollar volume
- analyze existing demographic profiles of the corridor's trade area
- list all major retailers within one, three and five mile radius of the study area
- provide design characteristics that have attracted retailers in similar submarkets

The results will form a direct input into the CDMP. In addition, this study will enable the town to make a more informed input into the Miami-Dade Comprehensive plan Initiative and respond to the South Florida Water Management Watershed Study.



# Community Budget Issue Request

Project Tracking #: \_\_\_\_\_

1. Project Title: Economic Revitalization Study for US-1 Date: 12/14/2006
2. Member Sponsor(s) Name: Edward Bullard District No.(s) 118
3. What statewide interest does this project address as it relates to Chapter 216.052(1)?  
Redevelopment along US-1 within the Town.
4. Requester:  
Name: Town of Cutler Bay Organization Town of Cutler Bay
5. Recipient:  
Name: Steven Alexander, Town Manager Street: 10720 Caribbean Boulevard Suite 105  
City: Cutler Bay Zip Code: 33189  
Counties: Miami-Dade Gov't Entity ☒ or Private Organization (Profit/Not for Profit) ☐
6. Contact:  
Name: Don O' Donniley, Planning Director Phone #: 305-234-4262 e-mail: \_\_\_\_\_
7. Project Description: (Include services to be provided) Economic Revitalization Study a quantitative analysis of the existing conditions excluding the Southland Mall Property and the US-1 Corridor for the Town of Cutler Bay to implement a plan for further expansion of existing that benefits both private & public sector for implementing Town's Strategic Plan.
8. Is this project related to a federal or state declared disaster? Yes ☐ No ☒
- 8a. If yes, which declared disaster? \_\_\_\_\_
- 8b. If yes, what year?: \_\_\_\_\_
9. Measurable Outcome Anticipated: Determine feasible market based redevelopment along US-1 within the Town.
10. Amount you are requesting from the State for this project this year? Amount Requested: \$70,000.00
11. Total cost of project this year: \$30,000.00
12. Is this request being made to fund (check all that apply): Operations ☒ Construction ☐
13. What type of match exists for this request? Local ☒ Private ☐ Federal ☐ None ☐
- 13a. Enter all amounts that apply: Total Cash Amount \$15,000.00 Total In Kind Amount \$
14. Was this project previously funded by the State? Yes ☐ No ☒
- 14a. If yes, most recent Fiscal Year \_\_\_\_\_ (eg. 2002-2003) Amount: \$
15. Is future-year funding likely to be requested? Yes ☐ No ☒
- 15a. If yes, how much? \$
- 15b. Purpose for future year funding: Recurring Operations ☐ Non-Recurring construction ☐ Other \_\_\_\_\_
16. Will this be an annual request? Yes ☐ No ☒
17. Was this project included in an Agency Budget Request? Yes ☐ No ☒
- 17a. If yes, name the Agency: \_\_\_\_\_
18. Was this project included in the Governor's Recommended Budget? Yes ☐ No ☒ Unknown ☐
19. Is there documented need for this project? Yes ☐ No ☐
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) \_\_\_\_\_
20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)?  
Yes ☐ No ☐
- 20a. If yes, name the Body: \_\_\_\_\_
21. Is this a water project under s. 403.885, F.S. ? Yes ☐ No ☐

(See [http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf\\_2007\\_main.htm](http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf_2007_main.htm) for more information including historical funding)

If Yes, please complete Page 2

IMPORTANT: ATTACH APPROPRIATE SUPPORTING DOCUMENTATION FOR THIS CBIRS REQUEST

## Community Budget Issue Request

Project Tracking #: \_\_\_\_\_

21a. Is the project eligible under section 403.885(2), F.S., to protect public health or the environment; and implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of Chapter 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration? Yes ☐ No ☒

22. Is your project addressed in a state, regional or local plan (such as SWIM Plan, Comprehensive Plan, Local Master Plan, etc.)? Yes ☒ No ☐

22a. If yes, name the plan and cite the pages on which the project is described Town of Cutler Bay Strategic Plan

23. Are you requesting funding for a stormwater, surface water restoration, or other water management project? Yes ☐ No ☒  
If yes, answer the following:

23a. In which Water Management District area is your project located? \_\_\_\_\_

23b. Have you provided at least a 50% match (that is, one-half the total project cost identified in this request)? Yes ☐ No ☐

23c. If yes, identify the amount and source of any match being provided: Amount \$ \_\_\_\_\_ Source: \_\_\_\_\_

23d. Will this project reduce pollutant loadings to a water management district designated "priority" surface water body? Yes ☐ No ☐  
(See [www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm](http://www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm) for list of priority water bodies.)

23e. If yes, name the water body: \_\_\_\_\_

23f. If yes, describe, specifically, how it will reduce loadings, identify anticipated load reductions for total suspended solids, total nitrogen, total phosphorus, and other contaminants, and specify the practices that will be used to reduce loadings: \_\_\_\_\_

23g. Is the project under construction? Yes ☐ No ☐

24. Are you requesting funding for a wastewater project? Yes ☐ No ☐  
If yes, answer the following:

24a. Does your project qualify for funding from DEP's "Small Community Wastewater Treatment Grant Program" under section 403.1838, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm](http://www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm) for more information)

24b. If yes, have you received or applied for funding? Yes ☐ No ☐

24c. If yes, provide the DEP Disadvantaged Small Community Grant project number \_\_\_\_\_

24d. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.1835, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/index.htm](http://www.dep.state.fl.us/water/wff/cwsrf/index.htm) for information)

24e. If yes, provide the DEP SRF project number \_\_\_\_\_

24f. Is the project under construction? Yes ☐ No ☐

24g. Have you provided at least a 25% match (that is, one-quarter the total project cost identified in this request)? Yes ☐ No ☐

24h. If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_

25. Are you requesting funding for a drinking water project? Yes ☐ No ☒  
If yes, answer the following:

25a. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.8532, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/dwsrf/index.htm](http://www.dep.state.fl.us/water/wff/dwsrf/index.htm) for information)

25b. If yes, provide the DEP SRF project number \_\_\_\_\_

25c. Is the project under construction? Yes ☐ No ☐

25d. Have you provided a match? Yes ☐ No ☐

25e. If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_



**Biscayne Environmental Education Center**  
**Project Narrative**  
**Requested Amount    \$1,000,000**

The purpose of the request is to provide construction funding for an environmental education center and observation structure that will enable citizen to learn about the Biscayne Bay. The center can further the general public support for protecting environmentally sensitive wetland and unique flora and fauna associated with the bay.

The total project includes a joint effort to provide a site that can accommodate the Environmental Center and also provide for a community center. The site is envisioned as a joint public –private partnership; while the center will be funded from the grant.

Functions included within the Center will include:

- educating the general public
- providing observation opportunities for professionals as well as the general public.
- support efforts to re-hydrate the Biscayne Bay
- provide interpretive information for guests
- document both flora and fauna present within the associated wetlands

The Biscayne Environmental Education Center can also provide a major resource for Miami-Dade Schools and local institutions of higher learning to educate, and employ students in the effort to preserve Biscayne bay.



# Community Budget Issue Request

Project Tracking # : \_\_\_\_\_

1. Project Title: Biscayne Environmental Education Center Date: 12/14/2006
2. Member Sponsor(s) Name: Julio Robaina District No.(s) 117
3. What statewide interest does this project address as it relates to Chapter 216.052(1)?  
Educate the Public of the preservation of Biscayne Bay
4. Requester:  
Name: Town of Cutler Bay Organization Town of Cutler Bay
5. Recipient:  
Name: Steven Alexander, Town Manager Street: 10720 Caribbean Boulevard Suite 105  
City: Cutler Bay Zip Code: 33189  
Counties: Miami-Dade Gov't Entity ☒ or Private Organization (Profit/Not for Profit) ☐
6. Contact:  
Name: Don O'Donniley, Planning Director Phone #: 305-234-4262 e-mail: \_\_\_\_\_
7. Project Description: (Include services to be provided) Interpretive Eco System Center; including overlook Tower
8. Is this project related to a federal or state declared disaster? Yes ☐ No ☒
- 8a. If yes, which declared disaster? \_\_\_\_\_
- 8b. If yes, what year?: \_\_\_\_\_
9. Measurable Outcome Anticipated: Educate the Public or the preservation and rehydration of Biscayne Bay
10. Amount you are requesting from the State for this project this year? Amount Requested: \$1,000,000.00
11. Total cost of project this year: \$1,300,000.00
12. Is this request being made to fund (check all that apply): Operations ☒ Construction ☒
13. What type of match exists for this request? Local ☒ Private ☒ Federal ☐ None ☐
- 13a. Enter all amounts that apply: Total Cash Amount \$150,000.00 Total In Kind Amount 150,000.00
14. Was this project previously funded by the State? Yes ☐ No ☒
- 14a. If yes, most recent Fiscal Year \_\_\_\_\_ (eg. 2002-2003) Amount: \$
15. Is future-year funding likely to be requested? Yes ☐ No ☒
- 15a. If yes, how much? \$
- 15b. Purpose for future year funding: Recurring Operations ☐ Non-Recurring construction ☐ Other \_\_\_\_\_
16. Will this be an annual request? Yes ☐ No ☒
17. Was this project included in an Agency Budget Request? Yes ☐ No ☒
- 17a. If yes, name the Agency: \_\_\_\_\_
18. Was this project included in the Governor's Recommended Budget? Yes ☐ No ☒ Unknown ☐
19. Is there documented need for this project? Yes ☒ No ☐
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) Town of Cutler Bay Strategic Plan
20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)?  
Yes ☐ No ☐
- 20a. If yes, name the Body: Town Council of Cutler Bay
21. Is this a water project under s. 403.885, F.S. ? Yes ☐ No ☒

(See [http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf\\_2007\\_main.htm](http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf_2007_main.htm) for more information including historical funding)

If Yes, please complete Page 2

IMPORTANT: ATTACH APPROPRIATE SUPPORTING DOCUMENTATION FOR THIS CBIRS REQUEST

## Community Budget Issue Request

Project Tracking #: \_\_\_\_\_

21a. Is the project eligible under section 403.885(2), F.S., to protect public health or the environment; and implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of Chapter 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration? Yes ☒ No ☐

22. Is your project addressed in a state, regional or local plan (such as SWIM Plan, Comprehensive Plan, Local Master Plan, etc.)? Yes ☒ No ☐

22a. If yes, name the plan and cite the pages on which the project is described \_\_\_\_\_ Strategic Plan of Cutler Bay

23. Are you requesting funding for a stormwater, surface water restoration, or other water management project? Yes ☐ No ☒  
If yes, answer the following:

23a. In which Water Management District area is your project located? \_\_\_\_\_

23b. Have you provided at least a 50% match (that is, one-half the total project cost identified in this request)? Yes ☐ No ☒

23c. If yes, identify the amount and source of any match being provided: Amount \$ \_\_\_\_\_ Source: \_\_\_\_\_

23d. Will this project reduce pollutant loadings to a water management district designated "priority" surface water body? Yes ☒ No ☐  
(See [www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm](http://www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm) for list of priority water bodies.)

23e. If yes, name the water body: \_\_\_\_\_ Biscayne Bay

23f. If yes, describe, specifically, how it will reduce loadings, identify anticipated load reductions for total suspended solids, total nitrogen, total phosphorus, and other contaminants, and specify the practices that will be used to reduce loadings: \_\_\_\_\_

23g. Is the project under construction? Yes ☐ No ☒

24. Are you requesting funding for a wastewater project? Yes ☐ No ☒  
If yes, answer the following:

24a. Does your project qualify for funding from DEP's "Small Community Wastewater Treatment Grant Program" under section 403.1838, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm](http://www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm) for more information)

24b. If yes, have you received or applied for funding? Yes ☐ No ☐

24c. If yes, provide the DEP Disadvantaged Small Community Grant project number \_\_\_\_\_

24d. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.1835, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/index.htm](http://www.dep.state.fl.us/water/wff/cwsrf/index.htm) for information)

24e. If yes, provide the DEP SRF project number \_\_\_\_\_

24f. Is the project under construction? Yes ☐ No ☐

24g. Have you provided at least a 25% match (that is, one-quarter the total project cost identified in this request)? Yes ☐ No ☐

24h. If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_

25. Are you requesting funding for a drinking water project? Yes ☐ No ☒  
If yes, answer the following:

25a. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.8532, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/dwsrf/index.htm](http://www.dep.state.fl.us/water/wff/dwsrf/index.htm) for information)

25b. If yes, provide the DEP SRF project number \_\_\_\_\_

25c. Is the project under construction? Yes ☐ No ☐

25d. Have you provided a match? Yes ☐ No ☐

25e. If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_



**Development of a Stormwater Utility and Management Projects Plan**  
**Project Narrative**  
**Requested Amount    \$400,000**

The Town of Cutler Bay, Florida was incorporated in 2005. The Town is approximately 10 square miles located along Biscayne Bay in southern Miami-Dade County. Neighboring communities include the Village of Palmetto Bay and the Village of Pinecrest and unincorporated portions of Miami-Dade County. Figure 1-1 on the following page is a boundary map of the Town.

As part of the Stormwater Master Plan, a Capital Improvement Plan will be developed to identify and prioritize improvement projects with associated costs. In addition to capital costs, operation and maintenance budgets will be established. The Town of Cutler Bay Public Works Department will become responsible for the operation and maintenance of the stormwater management system within Town boundaries with the exception of canals maintained by South Florida Water Management District (SFWMD). As a recently incorporated municipality, the Town's stormwater operation and maintenance responsibilities are currently funded through the Miami-Dade County Stormwater Utility. The Town is considering establishing its own stormwater utility to fund the cost of operation and maintenance of the stormwater management system and to provide revenue for capital improvements to upgrade the system. This would allow the Town to assume responsibility for its own stormwater management system from Miami-Dade County.

A stormwater utility is an enterprise fund that provides stable funding for stormwater management operations and capital projects. This enterprise fund can be used to improve drainage within the community to reduce flooding and to improve stormwater quality to comply with state and federal stormwater discharge permitting requirements. The dual goals of improving drainage and improving water quality can be met through a variety of maintenance activities and capital improvement projects.

Once the town establishes a stormwater utility, it will provide a sustainable revenue source and a bondable revenue stream to provide for stormwater capital improvements. The sustainability of the revenue source will allow the Town to take a long-term view when preparing capital improvement programs and planning maintenance activities because the revenue stream is not dependent on the year-to-year funding environment.

One of the first steps in establishing a stormwater utility is to determine the rate structure to be used, the fee to be charged, and the billing method. Therefore, funding is essential to initiate a comprehensive Stormwater Utility Management Report.



An initial assessment of the stormwater management system within the Town of Cutler Bay will be conducted in three (3) phases as part of the Town's Stormwater Master Plan. The first phase included a review of drainage complaints filed with Miami-Dade County Environmental Resources Management (DERM), Miami-Dade County Public Works and the Town of Cutler Bay. The complaint locations will become a starting point to graphically illustrate problem areas that need mitigation.

The second phase of the drainage assessment will consist of an evaluation of drainage structures within the Town. Geographic Information System (GIS) data provided obtained from Miami-Dade County's Department of Environmental Resource Management (DERM) will be used to map the location of the majority of the public drainage structures within the Town. A sample of approximately 200 of drainage structures will be chosen for field evaluation. The selected structures chosen for field evaluation will include those in the areas where roadway flooding was noticeable.

The final phase will involve a visual assessment of roadway flooding conditions within the Town. This assessment will be conducted during rainy periods between April and August, 2007. The roadway drainage conditions were assessed within the first 15 to 75 minutes after rainfall events lasting at least one hour. Areas where flooding extended into the roadways will be documented.

In Summary, the Stormwater Master Plan will include the following components:

- ✓ A review of existing stormwater and drainage data, reports, and plans available through the SFWMD, Miami-Dade County, and Town resources
- ✓ A field inventory of existing drainage structures
- ✓ A drainage atlas including the type, size, and general location of drainage infrastructure elements
- ✓ Basin and Sub-basin delineations based on available survey data and other sources
- ✓ Hydrologic and hydraulic modeling analysis of the existing systems and their capacity to handle the 5-year/1 day, 10-year/1 day, 25-year/3 day, and 100-year/3 day storm events
- ✓ Identification and analysis of alternatives for improvements needed to alleviate deficiencies identified in the hydrologic and hydraulic modeling phase
- ✓ Development of a Capital Improvement Plan to implement the identified improvements

# Community Budget Issue Request

Project Tracking #: \_\_\_\_\_

1. Project Title: Town of Cutler Bay - Stormwater Project Date: \_\_\_\_\_
2. Member Sponsor(s) Name: Rep. Julio Robaina District No.(s) 117
3. What statewide interest does this project address as it relates to Chapter 216.052(1)? Development of a Stormwater Utility and Stormwater Management Projects Plan
4. Requester:  
Name: Paul Vrooman - Mayor Organization Town of Cutler Bay
5. Recipient:  
Name: Town of Cutler Bay Street: 10720 Caribbean Blvd., Suite 105  
City: Cutler Bay, Florida Zip Code: 33189  
Counties: Miami-Dade Gov't Entity ☒ or Private Organization (Profit/Not for Profit) ☐
6. Contact:  
Name: Steven J. Alexander Phone #: 305-234-4262 e-mail: salexander@cutlerbay-fl.gov
7. Project Description: (Include services to be provided) Capital Improvement Projects identified in the Town's Stormwater Master Plan that eliminate pollutants discharge to Biscayne Bay
8. Is this project related to a federal or state declared disaster? Yes ☐ No ☒
- 8a. If yes, which declared disaster? \_\_\_\_\_
- 8b. If yes, what year?: \_\_\_\_\_
9. Measurable Outcome Anticipated: Reduce Stormwater Pollutants from entering Biscayne Bay - "Priority" surface water body
10. Amount you are requesting from the State for this project this year? Amount Requested: \$400,000.00
11. Total cost of project this year: \$400,000.00
12. Is this request being made to fund (check all that apply): Operations ☐ Construction ☒
13. What type of match exists for this request? Local ☐ Private ☐ Federal ☐ None ☐
- 13a. Enter all amounts that apply: Total Cash Amount \$400,000.00 Total In Kind Amount \$200,000.00
14. Was this project previously funded by the State? Yes ☐ No ☒
- 14a. If yes, most recent Fiscal Year \_\_\_\_\_ (eg. 2002-2003) Amount: \$
15. Is future-year funding likely to be requested? Yes ☐ No ☒
- 15a. If yes, how much? \$
- 15b. Purpose for future year funding: Recurring Operations ☐ Non-Recurring construction ☐ Other \_\_\_\_\_
16. Will this be an annual request? Yes ☐ No ☐
17. Was this project included in an Agency Budget Request? Yes ☐ No ☒
- 17a. If yes, name the Agency: \_\_\_\_\_
18. Was this project included in the Governor's Recommended Budget? Yes ☐ No ☒ Unknown ☐
19. Is there documented need for this project? Yes ☒ No ☐
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) Identified in Town's Stormwater Master Plan
20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)? Yes ☐ No ☒
- 20a. If yes, name the Body: Scheduled for summer of 2007 (Town Council Meeting)
21. Is this a water project under s. 403.885, F.S. ? Yes ☒ No ☐

(See [http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf\\_2007\\_main.htm](http://www.dep.state.fl.us/water/waterprojectfunding/2007/wpf_2007_main.htm) for more information including historical funding)

If Yes, please complete Page 2

IMPORTANT: ATTACH APPROPRIATE SUPPORTING DOCUMENTATION FOR THIS CBIRS REQUEST



## Community Budget Issue Request

Project Tracking # : \_\_\_\_\_

**21a.** Is the project eligible under section 403.885(2), F.S. , to protect public health or the environment; and implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of Chapter 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration? Yes ☒ No ☐

**22.** Is your project addressed in a state, regional or local plan (such as SWIM Plan, Comprehensive Plan, Local Master Plan, etc.)? Yes ☒ No ☐

**22a.** If yes, name the plan and cite the pages on which the project is described Town's Stormwater Management Plan

**23.** Are you requesting funding for a stormwater, surface water restoration, or other water management project? Yes ☒ No ☐  
If yes, answer the following:

**23a.** In which Water Management District area is your project located? South Florida

**23b.** Have you provided at least a 50% match (that is, one-half the total project cost identified in this request)? Yes ☒ No ☐

**23c.** If yes, identify the amount and source of any match being provided: Amount \$ 200,000.00 Source: Town's Operating Budget

**23d.** Will this project reduce pollutant loadings to a water management district designated "priority" surface water body? Yes ☒ No ☐  
(See [www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm](http://www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm) for list of priority water bodies.)

**23e.** If yes, name the water body: Biscayne Bay

**23f.** If yes, describe, specifically, how it will reduce loadings, identify anticipated load reductions for total suspended solids, total nitrogen, total phosphorus, and other contaminants, and specify the practices that will be used to reduce loadings:  
Treat contaminated stormwater run-off

**23g.** Is the project under construction? Yes ☐ No ☒

**24.** Are you requesting funding for a wastewater project? Yes ☐ No ☒  
If yes, answer the following:

**24a.** Does your project qualify for funding from DEP's "Small Community Wastewater Treatment Grant Program" under section 403.1838, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm](http://www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm) for more information)

**24b.** If yes, have you received or applied for funding? Yes ☐ No ☐

**24c.** If yes, provide the DEP Disadvantaged Small Community Grant project number \_\_\_\_\_

**24d.** Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.1835, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/cwsrf/index.htm](http://www.dep.state.fl.us/water/wff/cwsrf/index.htm) for information)

**24e.** If yes, provide the DEP SRF project number \_\_\_\_\_

**24f.** Is the project under construction? Yes ☐ No ☐

**24g.** Have you provided at least a 25% match (that is, one-quarter the total project cost identified in this request)? Yes ☐ No ☐

**24h.** If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_

**25.** Are you requesting funding for a drinking water project? Yes ☐ No ☒  
If yes, answer the following:

**25a.** Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.8532, F.S.? Yes ☐ No ☐ (See [www.dep.state.fl.us/water/wff/dwsrf/index.htm](http://www.dep.state.fl.us/water/wff/dwsrf/index.htm) for information)

**25b.** If yes, provide the DEP SRF project number \_\_\_\_\_

**25c.** Is the project under construction? Yes ☐ No ☐

**25d.** Have you provided a match? Yes ☐ No ☐

**25e.** If yes, identify the amount and source of the match: Amount: \$ \_\_\_\_\_ Source: \_\_\_\_\_



# TAB 11



## Planning & Zoning Department

R. Don O'Donniley, AICP  
*Planning Director*

# MEMORANDUM

**To:** Steven Alexander, Town Manager  
**From:** Don O'Donniley, AICP, Planning Director  
**Date:** December 20, 2006  
**Re:** SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN

### REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN; EXPRESSING STRONG CONCERNS WITH THE CONCLUSIONS OF THE WATERSHED PLAN AND SPECIFICALLY THE PORTION OF THE PLAN THAT APPEARS TO ENDORSE HIGH DENSITY LAND USE WITHIN A LINE DRAWN FOR 'ZONE A AND ZONE B' THAT EXTENDS ½ MILE FROM THE US 1 AND OTHER CORRIDORS; URGING THE COUNTY COMMISSION TO MODIFY THAT PORTION OF THE PLAN AND TO CLEARLY STATE IN THE WATERSHED PLAN THAT THERE SHALL BE NO IMPOSITION OR OVERLAY OF HIGH DENSITY ZONING IN SINGLE FAMILY AREA; SEEKING SUPPORT FROM ALL.

### **Background**

The South Florida Water Management District, South Florida Regional Planning Council and the Miami-Dade Department of Planning and Zoning, have jointly undertaken a study to help meet the natural system requirements of a healthy Biscayne Bay. The study product is to be a Plan that addresses the water quality in Biscayne Bay and broader elements that may impact water quality, such as land use and infrastructure. The study effort has been underway for approximately twenty-six (26) months and has reached the point the consultant team (Keith & Schnars) has prepared a "draft final Progressreport." The "Final Report" will subsequently be presented to the Miami-Dade County Commission as a recommendation for adoption by the Board of County Commissioners, to guide land development in South Miami-Dade for the next fifty (50) years. The County Commission may then attempt to require certain zoning Densities be adopted by the various municipalities as a new zoning scheme. The Watershed Advisory Committee will consider the "Draft Final progress Report" on December 21, 2006.

### **Analysis**

The Planning Department Staff has reviewed the "Draft Final Progress Report". Overall, the land use scenario represents a useful effort into planning for Future development in South Miami-Dade.

- Major transportation corridors are the most logical place to consider increases in density.
- Extension of the Metro rail system to the South, concurrent with any increase in density along US-1 is essential.
- Protection of the Biscayne Bay and more aggressive acquisition of environmentally sensitive lands are appropriate in support of this objective.

10720 Caribbean Boulevard, Suite 105  
Cutler Bay, FL 33189  
(305) 234-4262 Office  
(305) 234-4251 Fax  
[www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov)

### **Staff's Concerns Include**

Staff does have a number of concerns that could be resolved by adjustment to the Draft Final progress Report;

1. The implication that proposed increases in density along US-1 include deep intrusions into existing neighborhoods zoned for and occupied by single family homes;
2. The "Draft Final Progress Report" has designated areas for increase without adequate consideration of the infrastructure and implementation;
3. Charrettes have been completed were apparently not considered in the "Draft Final Progress Report".
4. If the gross area identified within the future land use scenario were to accommodate the density recommended for Zone A and Zone B, the number of units that would result from the proposed densities is twice the number needed to accommodate the "required" number of units of demand identified by the study (102,000).
5. Using a very rough transportation forecast, the projected number of "required" units (102,000) would generate over a million trips per day within the corridor. Staff is not aware of any transit corridor in the untied States that accommodates this number of trips.

### **Recommendation**

Staff recommends adoption of the attached Resolution. It is Important to communicate the implication of major changes in intensity within Existing single family neighborhoods as proposed by the "Draft Final Progress Report" is not acceptable. Furthermore, the staff would point that the Towns first Proposals for linking transit and density are better suited to the CDMP process. Staff would urge the County to not adopt the "Final Draft Progress Report" as currently written, as policy, but instead to use it as input to County-wide CDMP effort just now being initiated.



**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN; EXPRESSING STRONG CONCERNS WITH THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN PROJECT TEAM'S RECOMMENDATIONS AND CONCLUSIONS, WHICH APPEAR TO ENDORSE HIGH DENSITY LAND USE WITHIN A LINE DRAWN FOR ZONE "A" AND ZONE "B" THAT EXTENDS ½ MILE FROM THE US 1 AND OTHER CORRIDORS; URGING THE MIAMI-DADE COUNTY COMMISSION TO NOT ACCEPT THIS RECOMMENDATION AND TO MODIFY THE PLAN TO CLEARLY STATE THAT THERE SHALL BE NO IMPOSITION OF HIGH DENSITY LAND USE IN EXISTING SINGLE FAMILY AREAS; SEEKING SUPORT FROM ALL AFFECTED MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The South Miami-Dade Watershed Study and Plan Project Team (the "Project Team") has recently promulgated a Draft Final Progress Report ("the Report"); and

**WHEREAS**, this Report appears to propose the imposition of three major high density land use zones, which are shown as Zone "A", Zone "B" and polygons along the US 1 and other corridors; and

**WHEREAS**, the imposition of these zones, at an average width of ½ mile along the US 1 corridor, would devastate existing single family neighborhoods; and

**WHEREAS**, the imposition of this land use on municipalities is contrary to and does not recognize the rights and responsibility of municipalities for Comprehensive Master Development Planning; and

**WHEREAS**, the Town is seeking support from all municipalities that will be affected by this Report; and

**WHEREAS**, while the Town does recognize the efforts of the Project Team to meet with local organizations, the material presented does not respect the Town's current efforts to develop a Comprehensive Master Development Plan, and regulations to implement the Comprehensive Master Development Plan through Zoning.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Modification to the South Miami-Dade Watershed Study and Plan.**

The Town Council expresses strong concern with the South Miami-Dade Watershed Study and Plan Project Team's conclusions and recommendations within the Draft Final Progress Report. Specifically, the Town Council's concern is with the appeared imposition of high density multi-family land use within a line drawn for Zone "A" and Zone "B" that extends ½ mile wide from US 1 and other corridors and polygons that extend into single family neighborhoods until reaching Cutler Bay, then balloons significantly to encompass much more area within the Town of Cutler Bay. The Town Council urges the Miami-Dade County Commission to not accept the Project Team's recommendation, and to modify that portion of the Report to clearly state that there shall be no imposition of high density land use in existing single family areas.

**Section 3. Transmittal to the Miami-Dade County Commission.** The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the Chair and members of the Miami-Dade County Commission.

**Section 4. Transmittal to Watershed Study Advisory Committee.** The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the Chair and members of the Watershed Study Advisory Committee.

**Section 5. Transmittal to Affected Municipalities.** The Town Clerk is hereby directed to transmit a certified copy of this Resolution to all municipalities that will be affected by the South Miami-Dade Watershed Study and Plan.

**Section 6. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edwards P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____



# TAB 12



## MEMORANDUM

**To:** Steven Alexander, Town Manager

**From:** Don O'Donniley, AICP, Planning Director *DDO*

**Date:** December 20, 2006

**Re:** Creation of a New Section of the Town Code Entitled "Old Cutler Road Overlay District (OCRO)" along with the Implementing Regulations

### REQUEST:

Approval of the rezoning of certain properties along Old Cutler Road, as described in the attachments, to begin implementation of the architectural design standards envisioned in the Old Cutler Road Charrette Area Plan.

### BACKGROUND AND ANALYSIS:

#### **Background**

In June 2002 residents of the now incorporated Town of Cutler Bay gathered to discuss the future of Old Cutler Road.

The goal of the Old Cutler Road Charrette Area Plan was to create a framework that preserved the heritage of this historic roadway, facilitated improvement in public infrastructure and the investment in private land, enhanced the livability and encouraged design quality, both architectural and urban, in a manner that achieved the following objectives:

- Preserve and enhance the historic and community character along Old Cutler Road
- Reintroduce pedestrian-scale improvements in lighting and landscaping and rebalance vehicular movement in the corridor
- Provide residents additional travel options by connecting the street network east of 87th Avenue to Old Cutler Road
- Enhance safety and lower travel speeds in the neighborhoods to the northwest of Old Cutler Road by implementing roundabouts in place of traffic signals wherever appropriate
- Create a civic district/town center and public gathering space for the surrounding area
- Provide residents better access to goods and services available along Old Cutler Road without having to travel on that same road
- Increase safety along Old Cutler Road through design modifications that reduce motorists' speeds and increase pedestrian and bicycle visibility and comfort.

Town staff held a series of meetings with County staff and in-house to develop the design standards to implement this vision.

## **Analysis**

Town staff analyzed the existing condition of Old Cutler Road, data and input collected during the Charrette process and, the existing Town Zoning Code including: the current permitted, conditional and prohibited uses; building setbacks; open space and parking requirements. Based on the above, the new land development regulations for the overlay district were developed, as enumerated in the accompanying Ordinance.

Also, during this review process Town staff identified a series of Objectives for planning and zoning. Again – “Where do we want to go?” They are listed below.

### Phase I – Short Term Objectives

Create new design standards for development along Old Cutler Road  
Promote a common streetscape plan (branding) for Old Cutler Road  
Relax parking requirements  
Focus more attention on the retail section of Old Cutler Road  
Make allowances for additional residential in Business Districts  
Allow “urban villa” type units along the southerly area of Old Cutler Road on what are now scattered vacant lots.

Recognize that the majority of the northern segment of Old Cutler Road is walled off and that the residential development thereon is inward facing, meaning no short term chance of redevelopment.

### Phase II – Intermediate Term Objectives

Assist applicants who had proposed future land use amendments in process with Miami-Dade County in revising their requests in order to better implement the intent of the Overlay District.

Propose new future land use amendments as needed.

### Phase III – Long Term Objectives

Prepare a new Comprehensive Plan for the Town  
Prepare new Land Development Regulations for the Town

#### **1. Consistency with the Comprehensive Development Master Plan**

The proposed Overlay District is consistent with the Town’s Comprehensive Development Master Plan as it does not substantially increase the densities or intensities of uses along the corridor.

In the future, as the Town creates its own Comprehensive Plan land use designations may change in order to better incorporate the Town’s Vision

#### **2. Zoning**

Except to the extent modified by the Old Cutler Road Overlay (OCRO) the development standards within the following underlying zoning districts shall remain the same: BU-2 (Special Business), EU-M (Estate Modified), RU-1Z (Zero Lot Line Development Single Family Residential), RU-1 (Single-Family Residential), EU-1C (Single-Family Two and One-Half Acre), EU-2 (Single-Family Five Acre



Estate), GU (Interim), AU (Agricultural), RU-2 (Two-Family Residential), BU-1A (Limited Business), BU-1 (Neighborhood Business) and RU-1MA (Modified Single Family Residential).

**RECOMMENDATION:**

**Approval**

**CONDITIONS:**

N/A

*Attachments:*

*Old Cutler Road Overlay District Boundary Map*

*Zoning Maps for Sections 56 40 3, 10, 9, 8 and 17*

*Old Cutler Road Executive Summary*

*Potential Improvement Phasing Series for Old Cutler Road*

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT AND REGULATIONS; REZONING PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B," TO THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT; AMENDING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES FOR PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B;" AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in June of 2002, residents of the now incorporated Town of Cutler Bay (the "Town") participated in the Old Cutler Road Charrette Area Plan (the "Charrette"); and

**WHEREAS**, during this Charrette, residents of the Town envisioned architectural design standards for properties along the Old Cutler Road corridor; and

**WHEREAS**, on July 5, 2006, the Town Council adopted a moratorium on development orders and development permits for properties along the Old Cutler Road corridor in order to allow Town Staff to analyze and develop architectural design standards, types of uses, and land development regulations for the corridor; and

**WHEREAS**, Town staff has finished its review and has created such standards and regulations; and

**WHEREAS**, rezoning the properties shown on Exhibit "A" will allow for the implementation of these new regulations and standards; and

**WHEREAS**, staff recommended approval of the Old Cutler Road Zoning Overlay District and rezoning in its report dated December 20, 2006; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

**WHEREAS**, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council finds this Ordinance to be in the best interest and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Old Cutler Road Overlay Zoning District.** The Old Cutler Road Overlay Zoning district is hereby created as follows:

**A. Purpose, Intent, Applicability.**

1. **Purpose and Intent.** The purpose of this Ordinance is to establish design regulations and standards for development along Old Cutler Road in order to enhance the character of the road within the Town. It is intended that Old Cutler Road be a place where living, working, shopping, and civic activities can take place within a town center environment. Development along Old Cutler Road within the Town will consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.
2. **Applicability.** The provisions of this Ordinance shall apply to all properties within the Old Cutler Road Zoning Overlay District as designated on the Town Zoning Map. The underlying zoning designations for properties subject to this Ordinance shall remain unchanged.

**B. Permitted, Conditional, Prohibited Uses.** The permitted, conditional, and prohibited uses in the underlying zoning designations for properties subject to this Ordinance shall remain unchanged, except as provided below:

1. **Properties with an underlying Residential zoning designation.**

Use	Permitted Use	Conditional Use	Prohibited Use
Attached single family homes with a maximum density as permitted by the property's underlying Land Use Designation.	X		
Bee hives or the breeding or raising of any insects, reptiles or animals other than customary pets			X



Golf Course			<b>X</b>
Keeping, breeding or maintaining horses, cattle or goats			<b>X</b>
Limited truck gardening and fruit growing (incidental to principal residence only)			<b>X</b>
Noncommercial pigeon lofts, raising of poultry, and fowl			<b>X</b>

2. Properties with an underlying zoning designation of Business.

<b>Use</b>	<b>Permitted Use</b>	<b>Conditional Use</b>	<b>Prohibited Use</b>
Amusement center		<b>X</b>	
Attended, non-motorized donation collection			<b>X</b>
Auditoriums		<b>X</b>	
Automobile and light truck, new sales agency or rental			<b>X</b>
Automobile new parts and equipment, sales only			<b>X</b>
Automobile parking garages			<b>X</b>
Automobile self-service gas stations		<b>X</b>	
Automobile service stations		<b>X</b>	
Automobile storage within a building			<b>X</b>
Automobile tires, batteries and accessories (new) retail only installation permitted			<b>X</b>
Automobile washing			<b>X</b>
Bait and tackle shops		<b>X</b>	
Banks, including drive-in teller service			<b>X</b>
Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips			<b>X</b>
Bowling alleys			<b>X</b>
Convention halls			<b>X</b>
Dancing halls or dancing academies			<b>X</b>
Dog and pet hospitals in air-conditioned buildings			<b>X</b>
Donated goods centers			<b>X</b>
Dry cleaning establishments			<b>X</b>
Electrical appliance and fixtures stores including related repair shops		<b>X</b>	
Furniture stores			<b>X</b>
Gate house		<b>X</b>	

Grocery stores		X	
Health and exercise clubs			X
Home improvement centers			X
Hospitals			X
Hotel and motel uses		X	
Junior department stores			X
Lawn mowers, retail, sales and service			X
Liquor package stores		X	
Major department stores		X	
Marinas			X
Medical observation dormitory			X
Mortuaries or funeral homes			X
Motorcycles sales and repair			X
Natatoriums			X
Night clubs		X	
Office parks		X	
Open-air theaters		X	
Outdoor dining	X		
Pet shops, pet care centers and dog beauty parlors in air-conditioned buildings		X	
Printing shops		X	
Private clubs			X
Propagating and growing plants for sale			X
Pubs and bars		X	
Regional shopping centers			X
Rentals of trucks other than light trucks			X
Restaurants with an accessory cocktail lounge-bar use		X	
Sale of fruit or merchandise from trucks, wagons or other vehicles			X
Security station		X	
Self-service storage facility			X
Tailor shops	X		
Telephone exchange			X
Theaters for live stage production and motion pictures		X	
Variety stores		X	

3. Properties with an underlying zoning designation of GU (Interim District).

Use	Permitted Use	Conditional Use	Prohibited Use
Carnivals		X	
Cemeteries			X
Circuses			X
Crematories			X
Mausoleums			X

4. Properties with an underlying zoning designation of AU (Agriculture District).

Use	Permitted Use	Conditional Use	Prohibited Use
Barns and sheds used for cattle or stock and ancillary feed storage			X
Barns and sheds used for hogs			X
Barns, sheds or other buildings used for the storage of equipment, feed, fertilizer, produce or other items ancillary with an agricultural use			X
Carnivals		X	
Cattle or stock grazing (not including hog raising)			X
Cemeteries, mausoleums or crematories			X
Circuses			X
Dairy barns			X
Dude ranches and riding academies		X	
Fish pools			X
Hog farms and hog raising			X
Large packing facilities used for the packing of fruit and vegetables accessory to an agricultural use conducted on the entire property (with conditions)			X
One single-family permanent or temporary structure to house farm labor personnel			X
Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or horticultural production occurring on property(ies) other than the property on which the storage is located, provided the storage is an accessory use			X
Raising one hundred (100) poultry, or more			X
Recreational vehicles as temporary			X



watchman's quarters			
Seed drying facilities			<b>X</b>
Small packing facilities used for the packing of fruit and vegetables accessory to an agricultural use conducted on the property (with conditions)			<b>X</b>
Temporary or permanent barracks or structures to house farm labor			<b>X</b>
Truck gardens			<b>X</b>
Wineries		<b>X</b>	

With regard to the uses permitted within any zoning classification, the Planning Director shall have the authority to make a determination that a proposed use is sufficiently similar to a specifically permitted use to be allowed as a “similar use.” In determining similarity between a proposed use and a use specifically described herein, the Planning Director shall be guided by the intent of the zoning classification and shall further consider common characteristics, the generation of pedestrian and vehicular traffic, and the compatibility of the proposed use with the uses specifically described and permitted within the underlying zoning classification.

### **C. Land Development Regulations.**

It is the intent of the Town of Cutler Bay to substantially improve the streetscape of Old Cutler Road and implement a land use pattern conducive to good design standards. To that end, setback requirements are being implemented to result in featuring the actual use of the land and accommodating landscaping. The automobile will be returned to an accessory and subordinate use to be located to the rear and side of principal structures. Front facades will be articulated with fenestration, and windows. Horizontal and vertical elements will be required to prevent monotony.

The following graphics in this section illustrate the regulations and are provided as guidance as to the standard of review to be used by staff.



Potential Improvement Phasing Series for Old Cutler Road  
Existing Condition

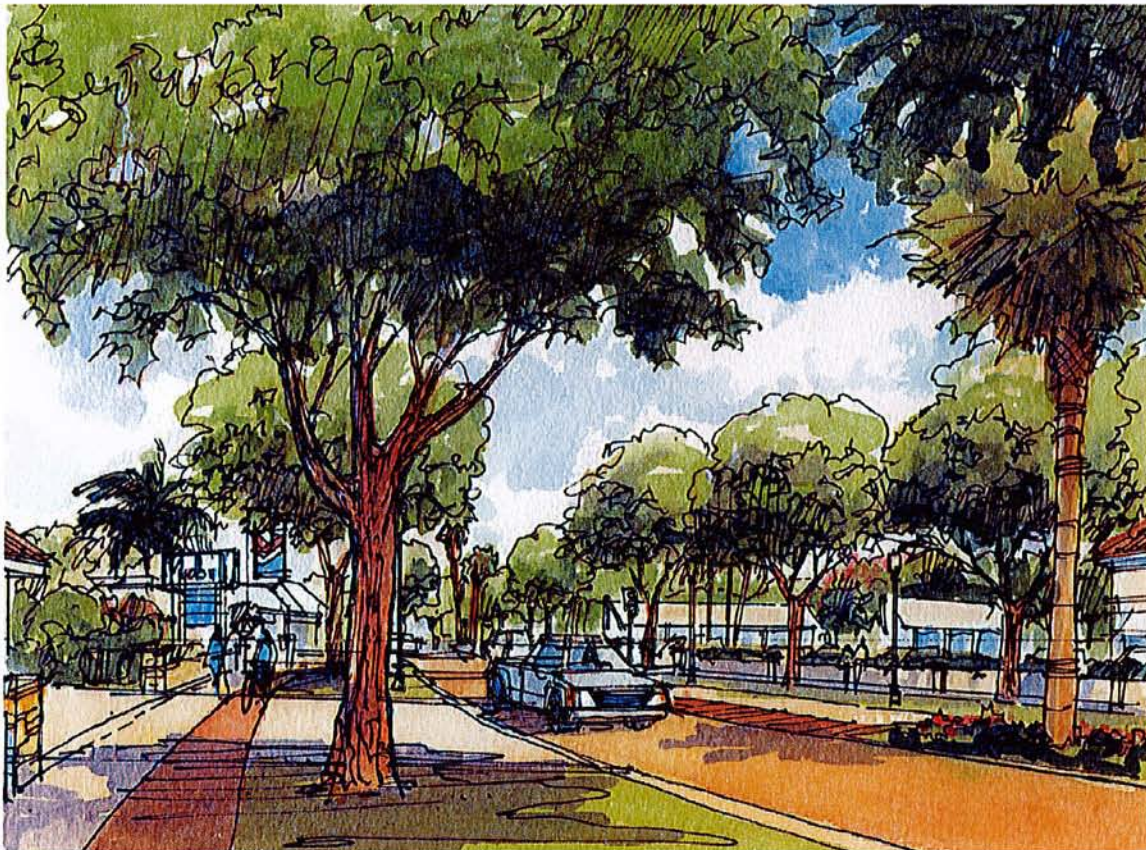


Phase I





Phase II





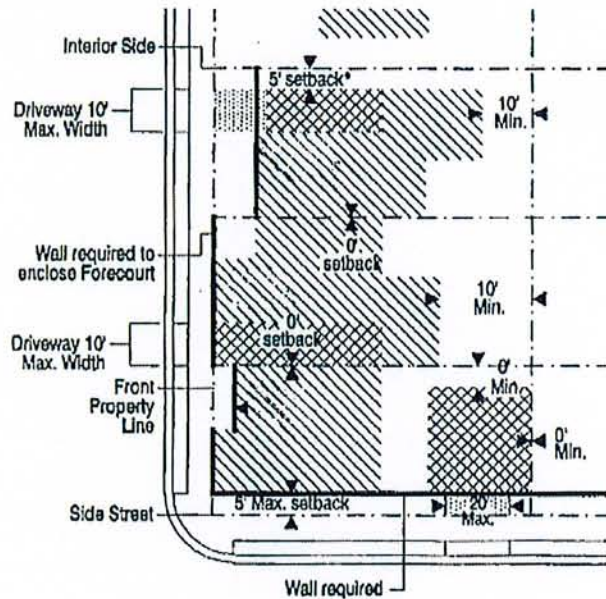
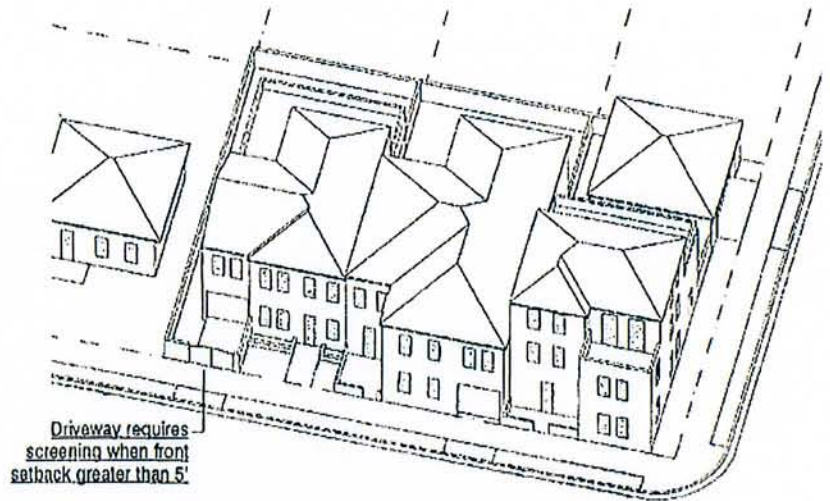
1. Minimum lot requirement.

- a. Properties with an underlying Residential zoning designation. The minimum lot requirement shall be 6,000 square feet and the minimum frontage requirement shall be 35 feet.

Typical Urban Villas

PL: Property Line  
Min: Minimum  
Max: Maximum  
Req: Required

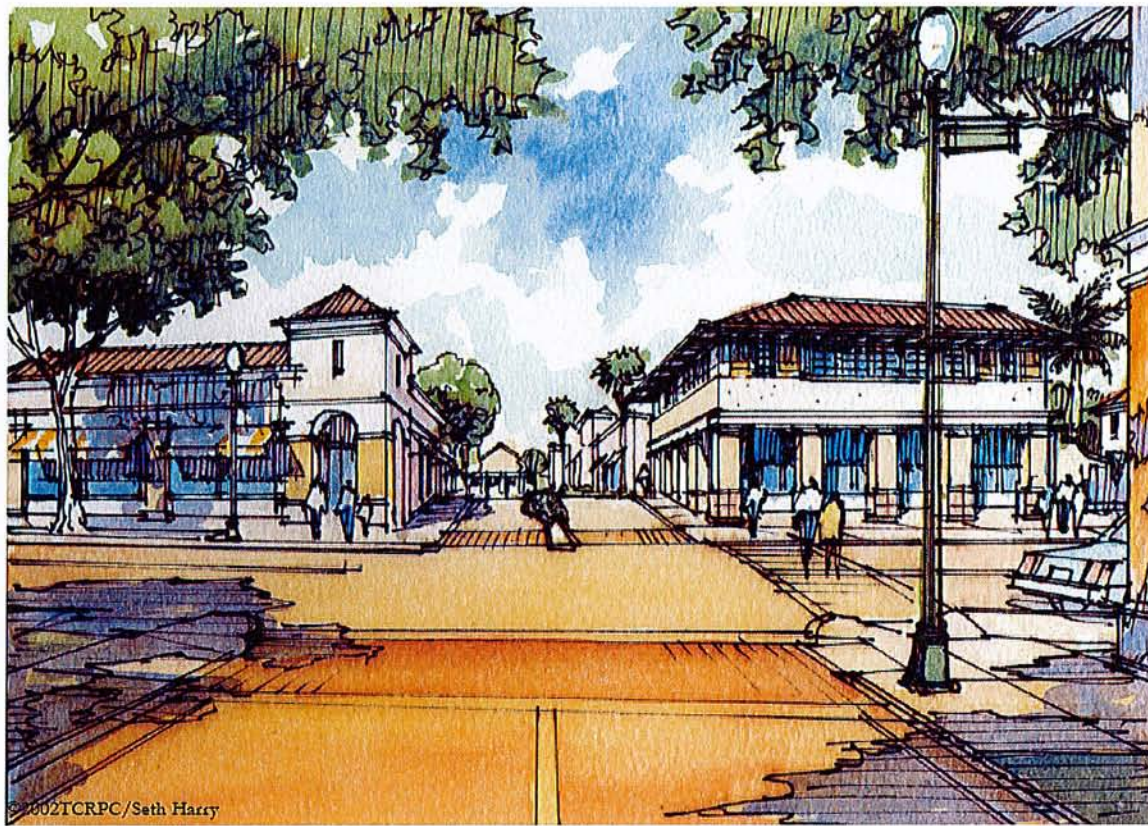
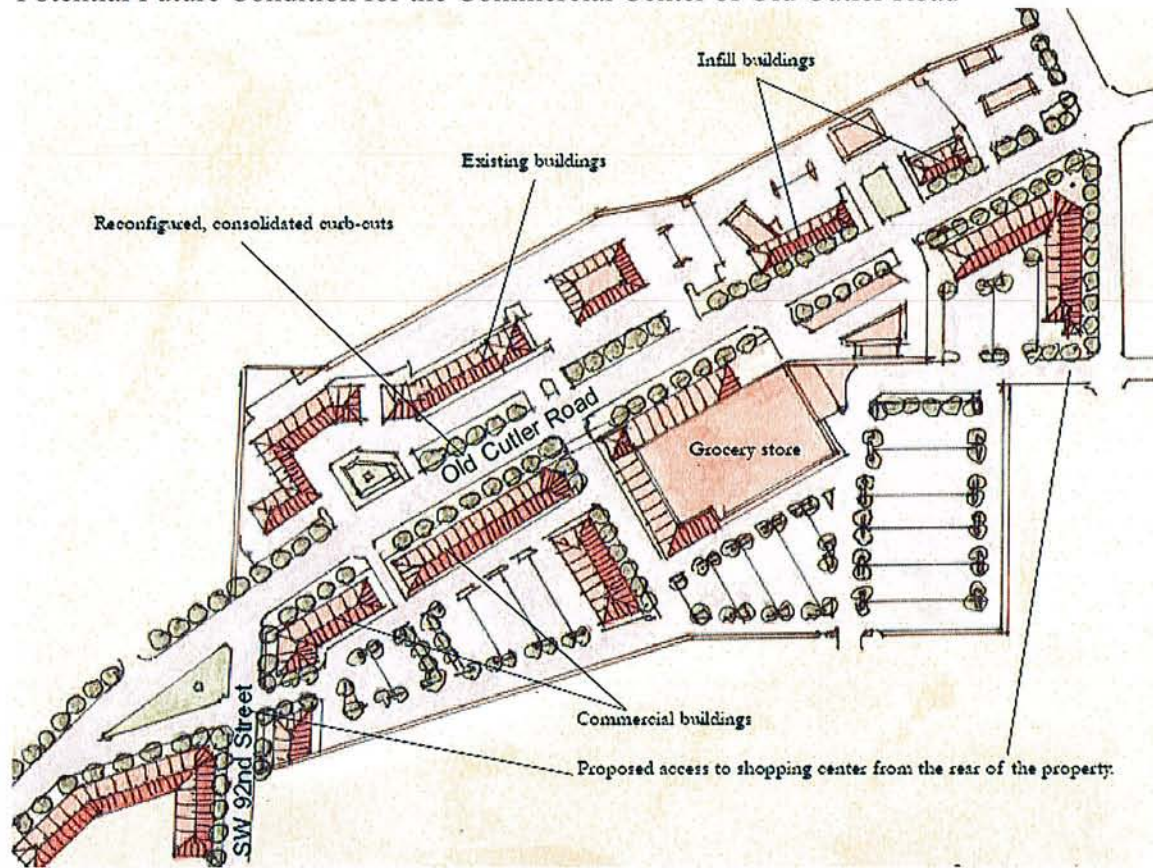
— Build to Line  
- - - Property Line  
▨ Habitable Space  
▩ Accessory Building/Dwelling/  
Parking Area  
▤ Driveway



- b. Properties with an underlying Business zoning designation. There shall be no minimum lot area or frontage required.



## Potential Future Condition for the Commercial Center of Old Cutler Road





2. **Floor Area.**

- a. Properties with an underlying Business zoning designation. The maximum floor area of a building shall be 2.0 times the net lot area.

3. **Lot Coverage.**

- a. Properties with an underlying Residential zoning designation. There shall be no limit on lot coverage provided that open space and landscaping requirements are met. However, there shall be no net increase in storm water runoff from the site post development.
- b. Properties with an underlying Business zoning designation. There shall be no limit on lot coverage provided that open space and landscaping requirements are met. However, there shall be no net increase in storm water runoff from the site post development.

4. **Setbacks.**

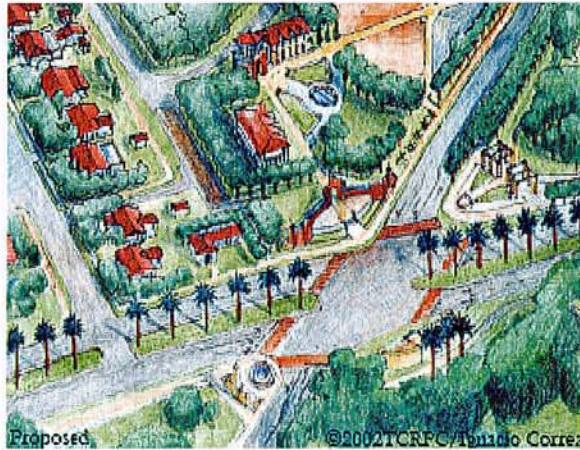
Use	Front	Interior	Side	Rear	Awnings, balconies, and other cantilevered building elements
Properties with an underlying Residential zoning designation.	0 feet	0 feet or 5 feet when adjacent to properties developed with single-family detached dwellings on the same block face.	5 feet	25 feet	Awnings, balconies, and other cantilevered building elements shall be permitted to encroach into the front and side street setbacks up to 5 feet above 11 feet from the grade.
Properties with an underlying Business zoning designation.	0 feet	0 feet	5 feet	When adjoining a property with an underlying Business zoning designation the setback shall be 0 feet. When adjoining all other districts the setback shall be 25 feet.	Awnings, balconies, and other cantilevered building elements shall be permitted to encroach into the front and side street setbacks up to 5 feet above 11 feet from the grade.



5. **Open Space.**

- a. Properties with an underlying Residential zoning designation. A minimum of 25% landscaped open space shall be required for any development of properties. In addition, open space shall be provided in the form of balconies, terraces or porches or any combination thereof.
- b. Properties with an underlying Business zoning designation. A minimum of 10% open space shall be required for any development of properties with an underlying Business zoning designation within the Old Cutler Road Overlay Zoning District. In addition, open space shall be provided at-grade, above grade, in balconies, terraces, porches, colonnades or any combination of these thereof.

Existing and Potential Future Condition of Old Cutler Road and SW 216<sup>th</sup> Street



6. **Building Height.**

- a. Properties with an underlying Residential zoning designation. There shall be a maximum height of 35 feet for a principal building on property within an underlying Residential zoning district.
- b. Properties with an underlying Business zoning designation. There shall be a minimum of 24 feet and maximum of 48 feet in height for any building developed on property with an underlying Business zoning designation.







## 7. **Front Façade**

- a. **Definition.** For purposes of this section the term “Front Façade” shall be defined as that portion of the building facing Old Cutler Road and aligning with the property line adjoining the right-of-way of Old Cutler Road.
- b. **Properties with an underlying Residential zoning designation.** At least 50% of the residential units along a block face shall provide a forecourt. No security fences, burglar bars, or night shuttering of the Front Façade windows or doors shall be allowed.
- c. **Properties with an underlying Business zoning designation.** The following Front Façade requirements shall apply to properties with an underlying Business zoning designation:
  - i. The Front Façade shall occupy a minimum of 80 % of the frontage of the lot along Old cutler Road.
  - ii. The Front Façade shall be placed at the setback line.
  - iii. At least 50% of the Front Façade shall have windows that provide a view into activities within the building and shall not be mirror tinted.
  - iv. No security fences, burglar bars, or night shuttering of the Front Façade windows or doors shall be allowed.

## **D. Site Plan and Landscape Requirements.**

1. **Site Plan Approval.** Site plan approval shall be required prior to any development of land within the Old Cutler Road Zoning Overlay District. All site plans shall be submitted and reviewed in accordance with the Town site plan requirements.
  - a. **Site Plan Approval After A Public Hearing.** Except as provided below, all site plans within the Old Cutler Road Zoning Overlay District shall be approved by the Town Council after a public hearing.
  - b. **Administrative Site Plan Approvals.** The following types of development shall be subject to administrative site plan approval:
    - i. Renovation and/or expansion of existing structures;
    - ii. Construction of one (1) singly family home on a single lot;  
and
    - iii. Duplex.



2. Landscape Requirements. The landscape regulations contained in Chapter 18A of the Town Code shall apply within the Old Cutler Road Zoning Overlay District, except as otherwise provided in this Ordinance.

**E. Parking and Driveway Standards.**

1. Parking Requirements. All parking shall be in the rear or side of buildings. Notwithstanding the foregoing, the parking requirements set forth in Chapter 33, Article VII, of the Town Code shall apply to all development within the Old Cutler Road Overlay Zoning District, except as provided in section 2 below.
2. Parking Requirement Reduction. The Old Cutler Road Zoning Overlay District encourages compact and accessible land-use patterns, minimizing development costs and encouraging alternative forms of transportation in order to reduce traffic problems. The following techniques may be utilized in order to allow for the reduction of parking within the Old Cutler Road Overlay Zoning District:
  - a. Valet parking. Valet parking can increase parking capacity by 20 to 40 % compared with self parking. Valet parking is encouraged and a reduction in required parking shall be allowed when utilized.
  - b. Tandem parking. Tandem parking is allowed to count towards required residential parking.
  - c. Mixed-Use developments. Mixed-Use developments shall be allowed to have a 5% reduction in the required parking and a 10% reduction if the parking facilities are shared.
  - d. Parking and Mobility Management Plan. A site specific parking and mobility management plan shall be submitted to and approved by the Town as part of the development application for any of the reduction techniques to be used.

In addition, parking spaces shall not be visible from Old Cutler Road and shall be designed in such a way as to be buffered (not visible) from other uses and the street.

3. Driveways. Driveways shall be controlled and access points shall be limited. Individual sites shall share limited access points.

**F. Properties with an underlying GU (Interim District) zoning designation.**

Properties within the Old Cutler Road Overlay Zoning District with an underlying GU (Interim District) zoning designation shall be subject to the provisions of this Ordinance. If a neighborhood, as described in Section 33-196 of the Town Code, is predominantly characterized by Residential usage, the property shall be subject to the regulations that apply to properties with an underlying Residential zoning designation. If a neighborhood, as described in Section 33-196 of the Town Code, is

predominantly characterized by Business usage, the property shall be subject to the regulations that apply to properties with an underlying Business zoning designation. The Planning Director's decision as to what constitutes a "trend of development" or neighborhood, as defined in Section 33-196 of the Town Code, may be appealed by the applicant to the Town Council.

**G. Wavier from the Old Cutler Road Overlay Zoning District Regulations.** A property owner with an underlying Residential zoning designation may apply for a waiver from the provisions of this Ordinance as follows:

1. Administrative approval. If 50% or more of the block frontage where the property is located has either: (a) received a development permit authorizing construction of a new building or (b) has been developed prior to the effective date of this Ordinance, a waiver from the provisions of this Ordinance may be granted administratively by the Planning Director where the specific use or activity requested by the waiver application will be compatible with surrounding land uses and development. The denial of a waiver under this section may be appealed by the applicant to the Town Council.
2. Approval after a public hearing. If less than 50% of the block frontage where the property is located has: (a) received a development permit authorizing construction of a new building or (b) been developed prior to the effective date of this Ordinance, a waiver from the provisions of this Ordinance may be granted after a public hearing. The Town Council, after a public hearing, may grant a waiver from the provisions of this Ordinance, where the Town Council determines, based upon substantial competent evidence, that the specific use or activity requested by the waiver application will be compatible with the surrounding land uses and development, and will not impair the public health, safety, or welfare.
3. Application. A waiver application, on a form provided by the Town, shall be filed with the Department of Planning and Zoning as well as the waiver application fee.

**H. Nonconforming Uses or Structures.** As of the effective date of this Ordinance, any uses or structures located within the Old Cutler Road Overlay Zoning District, which are inconsistent with the provisions of this District, shall be considered legal nonconforming uses or structures and shall be subject to the provisions of Section 33-35 of the Town Code.

**Section 3. Approval of Rezoning.** The Town Council hereby approves the rezoning of the properties shown on Exhibit "A" and legally described in Exhibit B to the Old Cutler Road Overlay Zoning District.

**Section 4. Termination of Moratorium.** Upon the adoption of this Ordinance, the moratorium adopted on July 5, 2006, by Ordinance No. 06-15, and extended by Ordinance 06-21 shall be terminated.



**Section 5. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 6. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney



FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

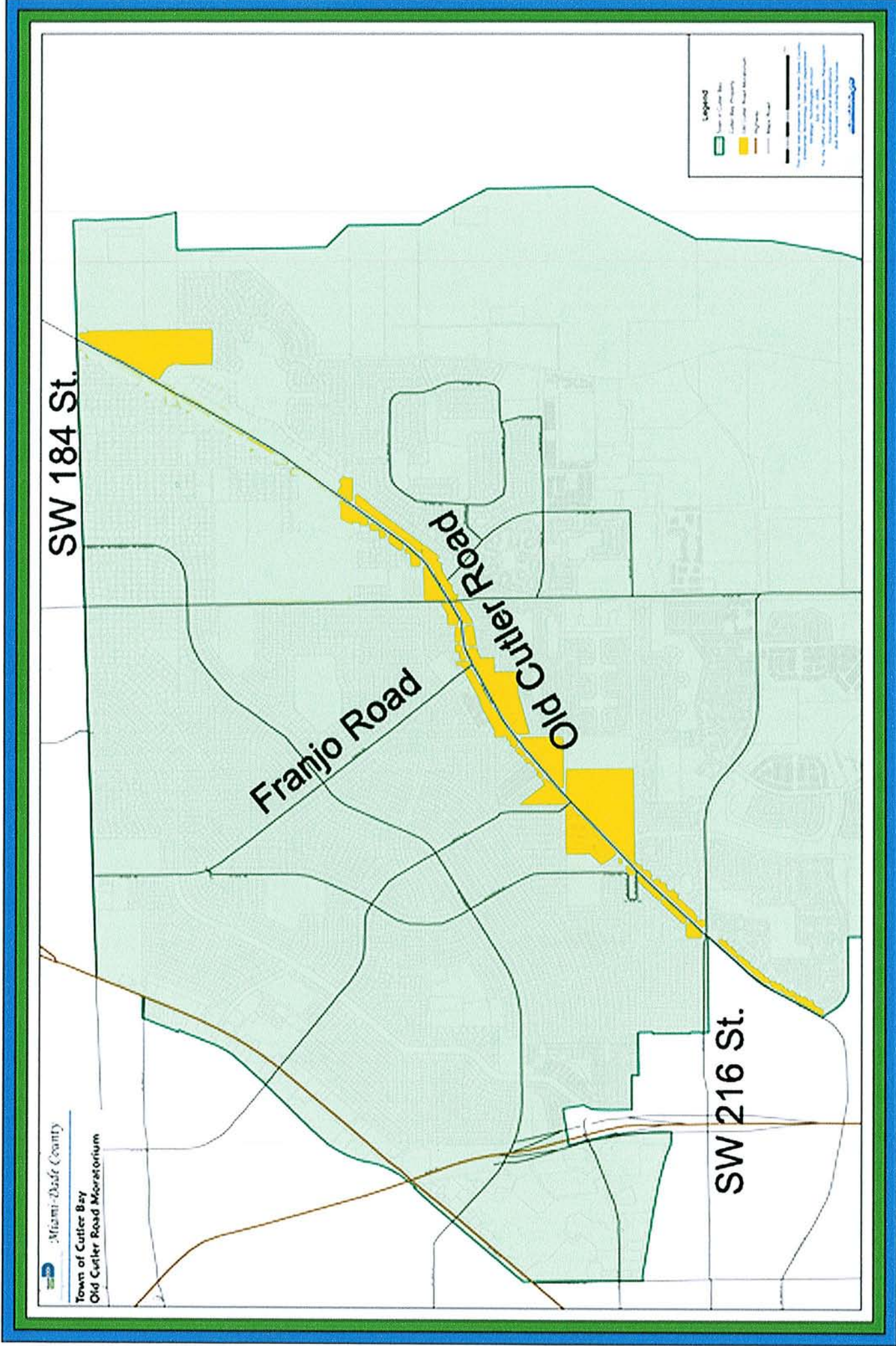
Vice Mayor Edward P. MacDougall \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

EXHIBIT A





## EXHIBIT "B"

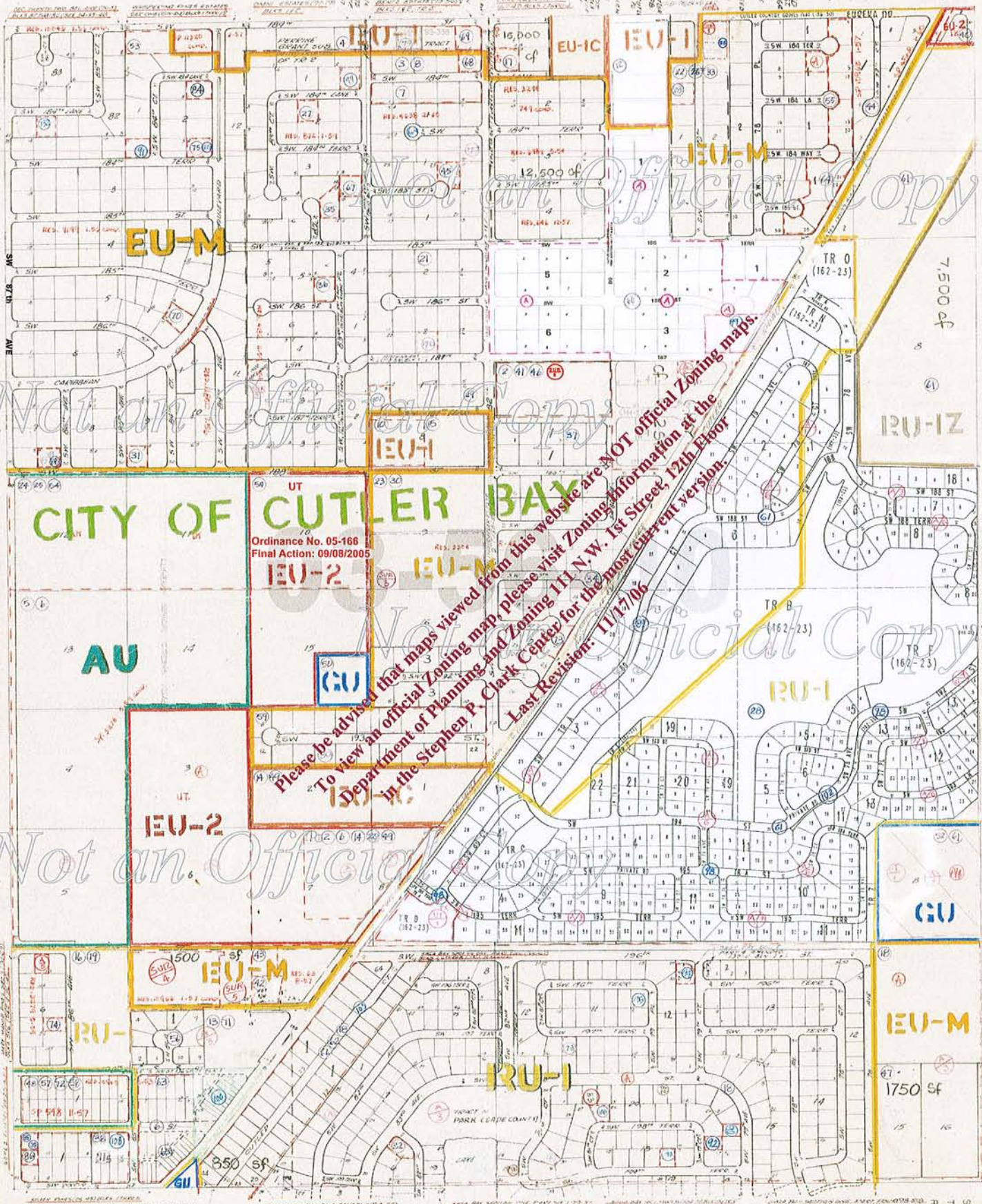
### Folio Numbers of Properties Abutting Old Cutler Road Cutler Bay, Florida

3660030010240 Limited to 300' from the right-of-way of Old Cutler Road

	3660090030500	3660090180010	3660080050570
	3660090030510	3660090150370	3660080170090
	3660090030520	3660090150360	3660080050560
	3660090030530	3660090010060	3660080170080
	3660090020050	3660090150010	3660080050550
3660030010280	3660100250480	3660090100210	3660080170070
3660030280640	3660100250420	3660090000141	3660080050540
3660030280630	3660100250410	3660090100100	3660080170060
3660030280620	3660100250400	3660090092500	3660080170050
3660030010272	3660090030210	3660090140910	3660080050620
3660030280610	3660090030220	3660090092510	3660080170040
3660030280600	3660090020460	3660090190480	3660080170030
3660030280590	3660090020170	3660090050010	3660080170020
3660030010231	3660090020160	3660090140910	3660080170010
3660030010250	3660090020320	3660090140850	3660030010080
3660030280580	3660090020330	3660090140840	3660030010190
3660030280570	3660090020340	3660090140830	
3660030280560	3660090030230	3660090190310	
3660030280550	3660090030240	3660090190320	
3660030010251	3660090020350	3660090190330	
3660030280540	3660090020370	3660090190340	
3660030280530	3660090030260	3660090190240	
3660030020020	3660090030270	3660090190250	
3660030280520	3660090030280	3660090190260	
3660030280510	3660090030130	3660090190270	
3660030280500	3660090160010	3660090190280	
3660030280490	3660090030080	3660090190290	
3660030280480	3660090030090	3660090190300	
3660030020060	3660090030100	3660090190480	
3660030020050	3660090030110	3660080150390	
3660030280470	3660090080012	3660090050020	
3660030280460	3660090080013	3660090210140	
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3660030280440	3660090080014	3660080190070	
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3660090030290	3660090030030	3660080050090	
3660090030310	3660090030040	3660080190060	
3660030280400	3660090030060	3660080050080	
3660030280390	3660090030070	3660080050070	
3660030280370	3660090180040	3660080190040	
3660030280360	3660090000090	3660080050610	
3660090030490	3660090000091	3660080190030	
	3660090180030	3660080050600	
	3660090180020	3660080190020	
	3660090150230	3660080050590	
	3660090150240	3660080190010	
	3660090010020	3660080050580	
	3660090150290	3660080170100	



Not an Official Copy



Ordinance No. 05-166  
Final Action: 09/08/2005

Please be advised that maps viewed from this website are NOT official Zoning maps.  
To view an official Zoning map, please visit Zoning Information at the  
Department of Planning and Zoning 111 N.W. 1st Street, 12th Floor  
in the Stephen P. Clark Center for the most current version.  
Last Revision: 11/17/06

COMM. DISTRICT NO.  
SCHOOL  
DRAINAGE

METROPOLITAN DADE COUNTY  
PUBLIC WORKS DEPARTMENT

DRAFTING  
ZONING MAPS - 113

SEC. 3  
TWP. 56  
RGE. 40

10-56-40



**ZONING MAP**

Sec. 10  
Twn: 56  
Rng: 40

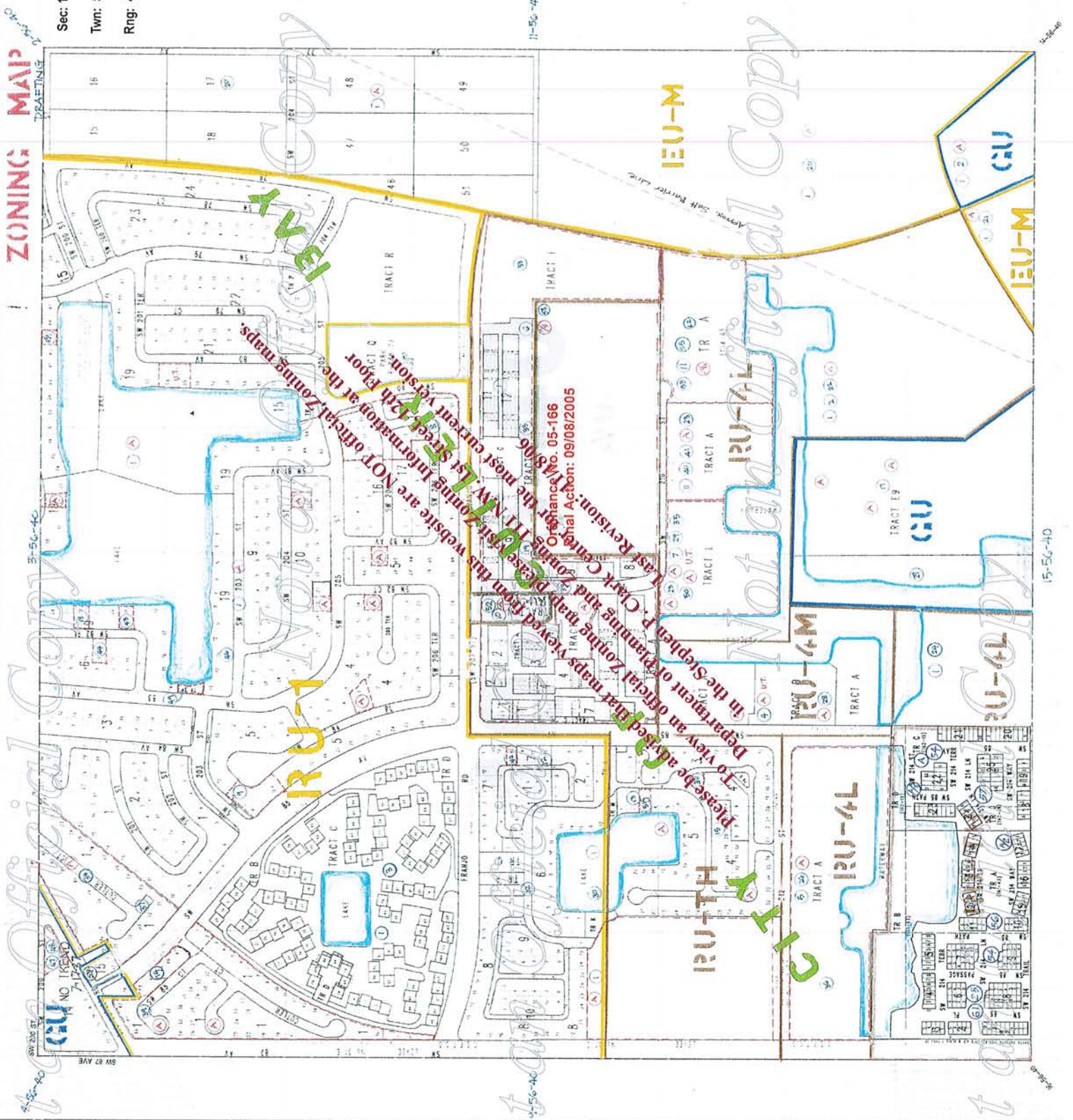
Works  
FLORIDA

77 PC 0580  
1-56

Red lines  
Zone lines  
Adjacent lots



As shown on this map, the boundaries of the various tracts and lots are shown. The boundaries of the various tracts and lots are shown. The boundaries of the various tracts and lots are shown.





DEUTERONOMY

SECTION TWO

2000

0562-24 7657 (M) 108 6

SECTION TWO

SECTION FORTY-

University Line and Old Lines

IV

Case	Case
1	2
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99	100

*L. M. Y.*



## NOTICE

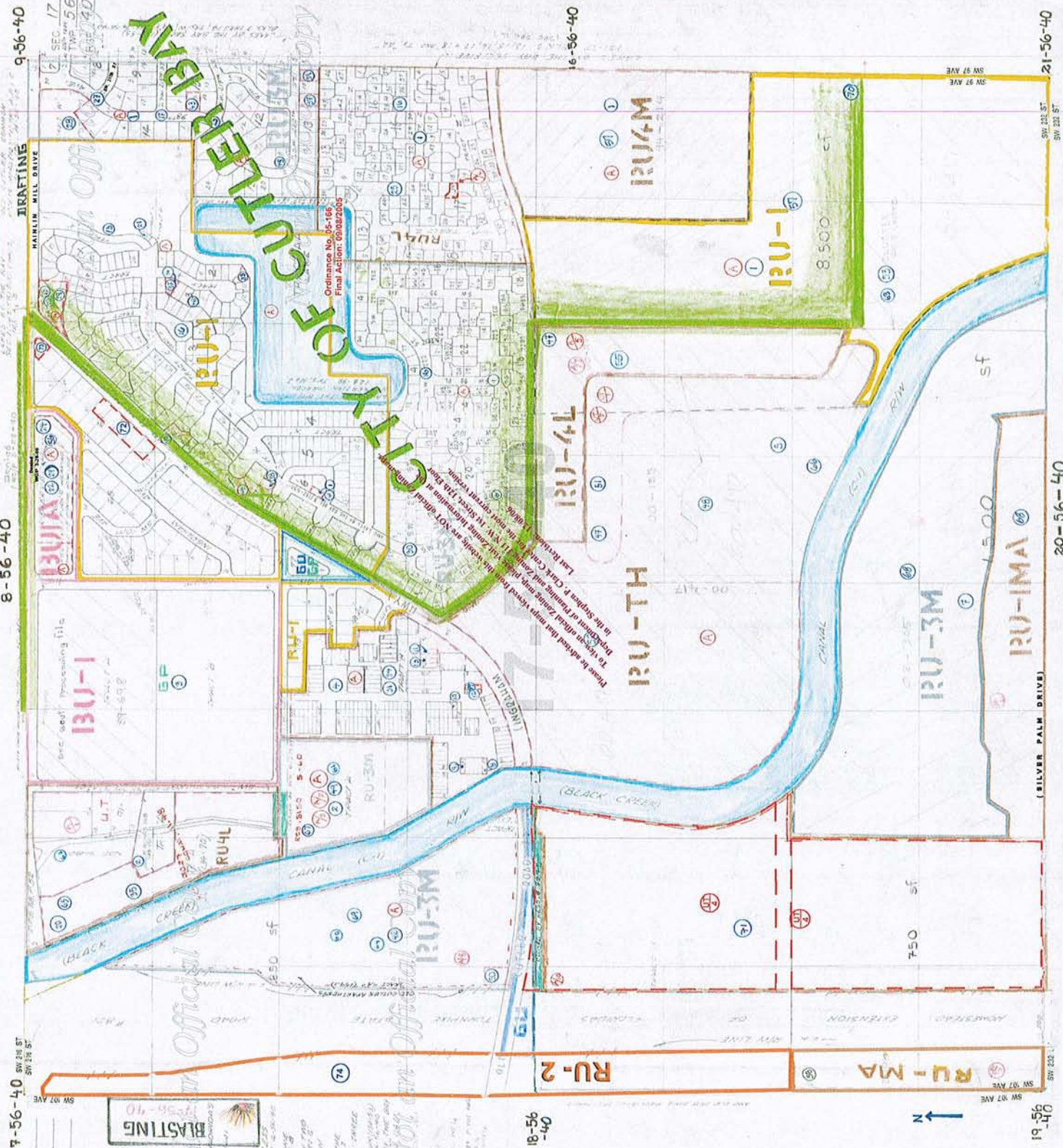
and land facilities at an estimated cost of \$2.2 million. The contract also provides for the purchase of 100,000 cubic yards of fill material. The contract is subject to the availability of funds in the state budget. The project is expected to be completed by the end of 1990.







# ZONING MAP







# Old Cutler Road Charrette

## CHARRETTE AREA PLAN REPORT EXECUTIVE SUMMARY

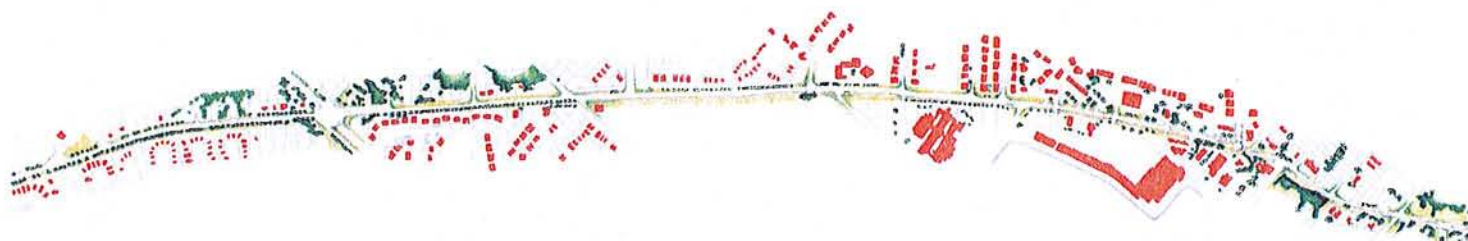
**OLD CUTLER ROAD CHARRETTE, MIAMI-DADE COUNTY FLORIDA:**  
The Old Cutler Road Charrette Area Plan is the citizens' vision for the enhancement of a two and a half mile segment of Old Cutler Road. It represents the ultimate growth and form of their community and the creation of a recognizable center for the south Old Cutler area, which stretches between SW 200th Street and SW 224th Street in south Miami-Dade County.

**THE OLD CUTLER ROAD MASTER PLAN GREW OUT OF A DESIGN CHARRETTE HELD FROM JUNE 21st THROUGH JUNE 28th, 2002:**  
The Charrette was held at the Edward Whigham Elementary School and was well attended by residents, property and business owners, representing a diverse cross-section of the community as well as County staff and elected officials, who all worked together to define the elements of this master plan. During the week, the design team

set up its studio in a storefront at the Old Cutler Town Center, where the doors remained open to the public all day. A presentation of the work in progress was held on Friday, June 28th where the community embraced the concepts included in the Charrette Area Plan. Work is documented in the form of a Charrette report and recommendations summary as a follow up to the initial public workshop.

**THE CITIZENS, WITH THE ASSISTANCE OF A PROFESSIONAL TEAM, STUDIED THE MANY CHALLENGES FACED BY THE COMMUNITY AND PROPOSED SPECIFIC SOLUTIONS:**

A series of presentations by County Staff were held and during that time further citizen and professional input was taken into account. The Board of County Commissioners (BCC) passed a resolution (# R-439-04) on April 13<sup>th</sup> 2004, thereby accepting the Old Cutler Road Charrette Area Plan Report and it's recommendations.



**Above:** Plan of existing conditions in the study area. **Below left:** Scenes from the public design process on Saturday, June 21st, 2002. Numerous concerned citizens from the Old Cutler area participated in the charrette at Edward Whigham Elementary. **Below right:** The Old Cutler Road Charrette study area in the context of South Miami-Dade County





## BEFORE AND AFTER:



**Above:** Pedestrian, lighting, and landscape improvements in the corridor.



**Above:** Entrance feature at SW 102 Avenue marks arrival into the Old Cutler civic district.

## Old Cutler Road: "A Historic Path"

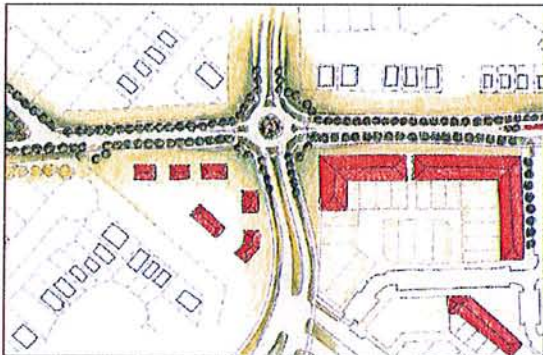
The Old Cutler Road Charrette Report contains detailed instructions that if followed, will reduce traffic congestion and allow development while restoring the historic ambiance of the road. Through the project corridor, the roadway serves commuters destined for points north as well as the retail core of the community.

The roadway was designated as historic by the State in 1974 and limits widening beyond its two-lane current condition. The proposals in this effort are focused on rebalancing the roadway toward all its users: motorists, pedestrians, transit users, and bicyclists.

Traffic volumes on Old Cutler Road currently number 12,000 to 16,000 vehicles per day (VPD) north of SW 184th Street, while the volumes to the south approach 22,000 VPD.

Approved development proposals in the area southeast of Old Cutler Road will add approximately 3,000 new homes within the area and will result in additional traffic volumes. As new neighborhoods are built, opportunities to provide alternate access should be maximized. Such potential connections include SW 212th Street, SW 97th Avenue, SW 92nd Avenue, SW 224th Street, Franjo Road, and SW 85th Avenue.

The extensive concentration of commercial uses within the study area is unique along Old Cutler Road and also marks the end of the historic corridor. The master plan proposes to announce the culmination of the road with a unique statement that is within the road's historic parameters. A pair of roundabouts, at SW 87th Avenue and 97th Avenue will serve this function as gateways into the historic corridor.



**Implementing Roundabouts:**  
**Left:** Connecting SW 97th Avenue and creating a roundabout at Old Cutler Road  
**Right:** Improving the SW 87th Avenue and Old Cutler Road intersection with a roundabout  
 These proposals create 'bookends' to the Old Cutler civic district and provide a mark of transition from the commercial core to the surrounding residential areas.



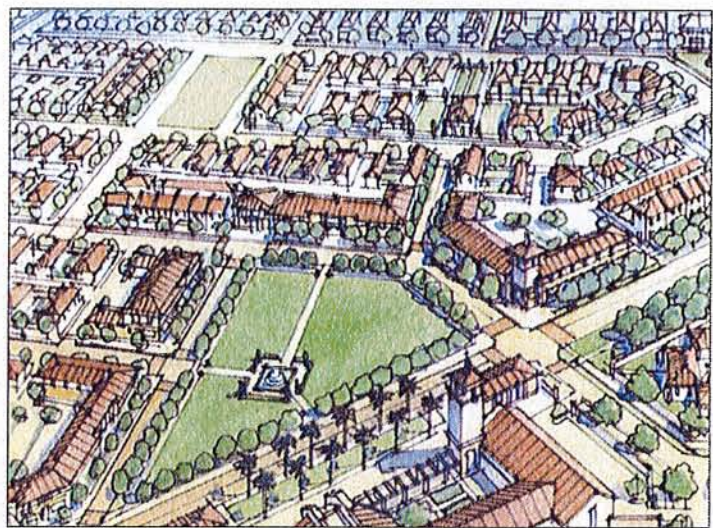
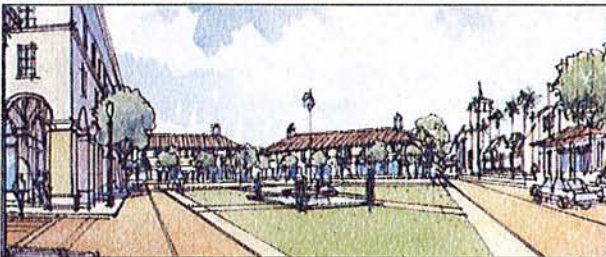
**Above:** Citizens' Charrette Area Plan enhancements to the Old Cutler Road corridor from SW 200th Street to SW 224th Street



## Citizens' Requests:

- Restore the historic character of Old Cutler Road
- Reduce congestion, improve traffic flow and safety
- Calm traffic along Old Cutler Road
- Improve intersections and build new streets
- Improve landscaping on Old Cutler Road
- Maintain and improve sidewalks and bike lanes
- Connect existing streets and parking lots
- Consolidate driveways
- Promote civic identity, create a civic district/town center
- Place an entrance feature at the start of the civic district
- Create a walkable, pedestrian-friendly environment
- Relocate Khoury League baseball fields
- Create a plaza surrounded by mixed-use buildings
- Improve drainage
- Establish architectural design guidelines

## THE VISION



## BEFORE AND AFTER:

From 'Potato Field' to Town Center  
The Citizens' Charrette Area Plan proposes the land east of Old Cutler Road and North of SW 212th Street become a center for the community. During the charrette, the need to define the area's identity and create a public gathering place was expressed. **Top left:** View across the triangular green along Old Cutler Road. **Above left:** View down a new street in the neighborhood that terminates on a civic building. **Above right:** View to the southeast over Old Cutler Road.



**Above:** Landscape and pedestrian improvements in the corridor- The Citizens' Charrette Area Plan proposes sidewalks and consistent tree planting on both sides of Old Cutler Road through the corridor to provide a comfortable environment for all users of the roadway.



# Old Cutler Road Charrette

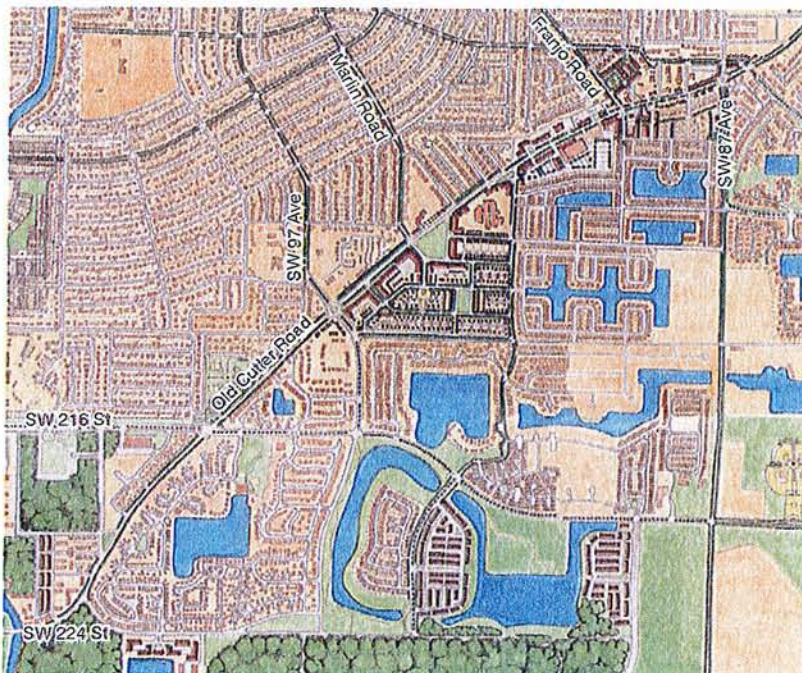
## CHARRETTE AREA PLAN REPORT EXECUTIVE SUMMARY

### Project Goals and Objectives:

The goal of the Old Cutler Road Charrette Area Plan is to create a framework that will preserve the heritage of this historic roadway, facilitate improvement in public infrastructure and the investment in private land, enhance the livability and encourage design quality, both architectural and urban, in a manner that achieves the following objectives:

- To preserve and enhance the historic and community character along Old Cutler Road
- Reintroduce pedestrian-scale improvements in lighting and landscaping; rebalance vehicular movement in the corridor
- Providing residents additional travel options by connecting the street network east of 87th Avenue to Old Cutler Road
- To enhance safety and lower travel speeds in the neighborhoods to the northwest of Old Cutler Road by implementing roundabouts in place of traffic signals wherever appropriate
- To create a civic district/town center and public gathering space for the surrounding area
- Provide residents better access to goods and services available along Old Cutler Road without having to travel on that same road
- To increase safety along Old Cutler Road through design modifications that reduce motorists' speeds and increase pedestrian and bicycle visibility and comfort

### THE CHARRETTE AREA PLAN: A COMMUNITY'S VISION



Carlos Alvarez, Mayor

#### BOARD OF COUNTY COMMISSIONERS

Joe A. Martinez, Chairman

Dennis C. Moss, Vice-Chairman

Barbara J. Jordan

District 1

Dorrian D. Rolle

District 2

Audrey M. Edmonson

District 3

Sally A. Heyman

District 4

Bruno A. Barreiro

District 5

Rebeca Sosa

District 6

Carlos A. Gimenez

District 7

Katy Sorenson

District 8

Dennis C. Moss

District 9

Sen. Javier D. Souto

District 10

Joe A. Martinez

District 11

José "Pepe" Diaz

District 12

Natacha Seijas

District 13

Harvey Ruvin, Clerk of Courts

George M. Burgess, County Manager

Murray Greenberg, County Attorney

Diane O'Quinn Williams, Director  
Department of Planning and Zoning

Old Cutler Road Charrette Report prepared with the assistance of:  
Chamber South and Treasure Coast Regional Planning Council.  
For more information contact Miami-Dade County Department of  
Planning and Zoning at 305-375-2842



#### Special Thanks:

Commissioner  
Katy Sorenson  
District 8

# TAB 13

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**ORDINANCE NO. 06-\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , CREATING REGULATIONS RELATED TO LOBBYISTS AND PRINCIPALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Cutler Bay ("Town") desires to implement by ordinance the requirements of Town Charter Section 7.6 and to apply a more stringent lobbyist registration and disclosure requirement than Section 2-11.1(s) of Miami-Dade Code, which is currently applicable in the Town pursuant to Section 8.3 of the Town Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Lobbyists and Principals.** The following provisions related to lobbyists and principals are hereby adopted:

**Lobbyists and Principals**

(A) All paid lobbyists, as may be defined by the Miami-Dade County Code, shall:

- (1) Register with the Town Clerk on the proscribed disclosure form as provided by the Town Clerk and pay annual fees of \$250 for each lobbyist prior to lobbying any Town Council member, employee, board or committee member;
- (2) Disclose in writing all persons and/or entities the lobbyist is representing upon registering and update this list within ten (10) days of being retained by a new principal or for a new project of an existing principal; and
- (3) Disclose in writing all Town government officials directly contacted by the lobbyist and any expenditures involved as defined by State law, before the public hearing.

The Town Clerk shall make available to the Town Council, prior to any public hearing, on the event or matter for which a registered lobbyist may appear, all disclosures required herein or as otherwise required by State or County law.

Any violation of the above shall render the issue being lobbied for or sought by the principal voidable. Violation of this section shall be punishable by a fine of \$250 in addition to any other remedies allowed by law.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Cutler Bay Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This ordinance shall supersede Section 2-11.1(s) of Miami Dade Code as made applicable to the Town pursuant to Town Charter Section 8.3 to the extent of any conflict therewith.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ SANTAMARIA, CMC  
Town Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

---

WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edwards P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____

# TAB 14

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**ORDINANCE NO. 06-**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , CREATING REGULATIONS RELATED TO DISCLOSURE OF PAYMENTS OR MATERIAL CONSIDERATION PAID OR REQUESTED BY PERSONS IN EXCHANGE FOR SUPPORT OR NON-OPPOSITION ON MATTERS UNDER CONSIDERATION BY THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Cutler Bay ("Town") desires to implement by ordinance the requirements of Town Charter Section 7.6(B) and to apply a more stringent disclosure requirement than that required by the charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Disclosure Requirements.** The following provisions related to disclosures to be made by principals at public hearings are hereby adopted:

(A) All persons or entities seeking any approval, contract, concession, license or any other relief that requires a public hearing before the Town Council are required to comply with the instant disclosure requirements. Provided however, that in cases in which the relief sought is related to a land use application, disclosure shall be required only by the applicant for such relief. Except to the extent such disclosure is prohibited by a confidentiality order from a court of competent jurisdiction, such persons or entities shall:

(1) In all items requiring a public hearing, including land use matters, disclose in writing to the Town Clerk or verbally on the record at such public hearing, all moneys or compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to the person or entity or to a third party. Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future. The disclosure shall include the name of the person or entity offered the compensation, the specific compensation offered, what the person was requested to do or refrain from doing in exchange for said compensation, and whether and to whom the compensation was paid; and

(2) In all items requiring a public hearing, including land use matters, disclose in writing to the Town Clerk or verbally on the record at such public hearing, all moneys or compensation as defined above, sought or requested by a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was requested for or paid to the requester or a third party. The disclosure shall include the name of the person or entity seeking the compensation, the specific compensation sought, what the person offered to do or refrain from doing in exchange for said compensation, and whether the compensation was actually paid and to whom.

Any violation of the above shall render the relief or item being sought by the principal voidable by the Town Council. Violation of this section shall also be punishable by a civil fine of \$500 per violation in addition to any other remedies allowed by law.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Cutler Bay Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This ordinance shall supersede Section 2-11.1(s) of Miami Dade Code as made applicable to the Town pursuant to Town Charter Section 8.3 to the extent of any conflict therewith.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

PAUL S. VROOMAN, Mayor



Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edwards P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____

# TAB 15

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## Planning & Zoning Department

R. Don O'Donniley, AICP  
Planning Director

# MEMORANDUM

**To:** Steven Alexander, Town Manager

**From:** Don O'Donniley, Planning Director *DDO*

**Date:** December 20, 2006

**Re:** An Ordinance Establishing Site Plan Review for New Developments within the Town of Cutler Bay

### REQUEST:

Adoption of the attached ordinance establishing Site Plan Review procedures for the Town of Cutler Bay.

### BACKGROUND AND ANALYSIS:

The Town Council has directed staff to prepare procedures for Site Plan Review and for the scope of review to be carried out within the process. The attached Ordinance sets out a procedure that requires a Public Hearing for virtually all new Developments before the Town Council.

### RECOMMENDATION:

Approval

### CONDITIONS:

N/A

**ORDINANCE NO. 06-\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING SITE PLAN APPLICATION REQUIREMENTS AND PROCEDURES FOR SITE PLAN APPROVAL; AMENDING CHAPTER 33 "ZONING" OF THE TOWN CODE TO REQUIRE SITE PLAN APPROVAL BY THE TOWN COUNCIL AFTER A PUBLIC HEARING; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, site plan application requirements and procedures will ensure an efficient development review process and will facilitate the review of proposed site plans; and

**WHEREAS**, currently several types of developments within the Town of Cutler Bay (the "Town") obtain administrative site plan approval; and

**WHEREAS**, requiring most types of development to obtain site plan approval after a public hearing will allow the Town Council to obtain public comments and feedback on the proposed site plan; and

**WHEREAS**, the Town Council finds that it is in the best interest and welfare of the Town to provide procedures and site plan application requirements, and to require most types of development to obtain site plan approval after a public hearing.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1.**     **Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2.**     **Mandatory Site Plan Approval.**

(A)     **Generally.** Site plan approval shall be required prior to any development of land within the Town. Except as provided below, all site plans within the Town shall be approved by the Town Council after a public hearing.

(B)     **Pre-application.** In order to expedite the review of a site plan one or more pre-application conferences between the applicant and Town staff shall be required. The pre-application conference(s), while informal, will inform the applicant of the Town's informal response as to the scale and character of the proposed development and to alert the applicant to all applicable ordinances and regulations as well as any specific areas of concern that the Town may have for that specific site or proposed plan.



(C) **Application requirements.** All site plan applications shall be filed with the Department of Planning and Zoning. An application for site plan approval shall include ten (10) complete sets of a development plan, the overall size of which shall be 24" x 36", drawn at a scale not less than 1" = 50' and shall include the following:

- (1) Letter of intent describing the nature of the request and any other pertinent information.
- (2) Applicable application fee.
- (3) A legal description, including the section, township, and range.
- (4) Site boundaries clearly identified, and ties-to-section corners.
- (5) Proposed land uses.
- (6) Location and height of all structures and total floor area with dimensions to lot lines, and designations of use.
- (7) Dimension building separations.
- (8) Vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way. Location of all parking and loading areas.
- (9) All adjacent rights-of-way, with indication of ultimate right-of-way line, geometry of all paved areas including centerlines, dimensions, radii, and elevations, width, existing median cuts and intersections, street light poles, and other utility facilities and easements. Location of all cross streets and driveways within 350' of property limits.
- (10) Pedestrian circulation system.
- (11) Provider of water and wastewater facilities.
- (12) Existing and proposed fire hydrant locations.
- (13) The following computations shall be provided in a legend:
  - a. Gross acreage.
  - b. Net acreage. Gross acreage covered by the property excluding road easements and rights-of-way, if any.
  - c. Number of dwelling units and density for residential uses only.

- d. Square footage of ground covered by buildings or structures and designation of use.
- e. Required number of parking spaces.
- f. Number of parking spaces provided.
- g. Front, side(s), and rear setbacks required and provided.
- h. Pervious, impervious and paved surface, in square footage and percentage.
- i. Open space, in square footage and percentage.
- j. Floor Area Ratio calculations, if applicable.

(14) Site plan location sketch, including section, township, and range, showing adjacent property owners and homeowners associations within a 150 foot radius.

(15) Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.

(16) Loading areas and provisions for accessibility to vehicles of the required type.

(17) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type.

(18) Location of septic tank and drain field, if applicable.

(19) Street names and addresses, or a range of addresses, for any proposed building within the site plan, in conformity with Town standards.

- a. All addresses must be reviewed and approved by the Town Manager or his or her designee. New addresses associated with a site plan shall be submitted at the time of site plan application. All other addresses shall be submitted in a format acceptable to the Town Manager or his or her designee.
- b. Address assignment shall be based on the primary frontage the site faces or accesses. The primary frontage can be either a public or private right-of-way. Driveways serving as access to a location which connect to the primary frontage cannot be used for addressing purposes.

(20) Other such information as required by the Town.

(D) **Other submission requirements.** In addition to the development plan, the following items shall be included:



(1) A recent survey prepared by a Florida registered surveyor and mapper, certified as to meeting the requirements of the applicable section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and water bodies. In addition, this survey shall also include a spot elevation of surrounding properties, structures, or other improvements within a 150 foot radius.

(2) Landscape plan and irrigation plan with landscape calculations, existing tree survey with indication of existing native vegetation that will be preserved, as required herein.

(3) Lighting plan showing photometric measurements and spillage onto adjacent properties and rights-of-way.

(4) Sign plan, for all signs which will be on site.

(5) A 24 inch by 36 inch color rendition of the building elevations of all four sides. This must be set upon an easel in the lobby of the place of the Town Council meeting at least 30 minutes prior to any Town Council meeting where the site plan will be considered. In addition, Ten (10) copies of an 11 inch by 17 inch reduced development plan and color renderings depicting the architectural design elements and theme for all sides of a building structure shall be provided. All sides of a building structure are required to possess similar architectural design elements and theme that is depicted on the primary side of the same building structure.

(6) Pavement markings and traffic signing plan.

(7) Schematic water and sewer plan including the location and size of all mains and lift stations (Note: Final engineering plans must be submitted and approved).

(8) Paving, grading, and drainage plan showing location of all drainage features, flow arrows, spot elevations, and retention areas, if any. The plan shall show proposed and existing elevation contours at 2 foot intervals.

(9) Materials chart requirement:

- a. All applicants for site plan approval, where applicable, shall create and present to the Town Council a materials chart, which shall consist of actual samples, indicating the color, type and the manufacturer's name and identifying numbers of roofing materials, and the color, type and the manufacturer's name and identifying numbers of paint, to be used in the project.
- b. The Town shall maintain the materials chart until the issuance of the Certificate of Completion or the Certificate of Occupancy, and for such additional time as it may determine is necessary.

- c. The applicant shall also provide the Town with the information from the materials chart in written form, including the name of the manufacturer and the manufacture's designation number for each item used on the materials chart. This sheet shall be attached to the site plan approval application and shall be incorporated as part of the application.

(10) Applications submitted that utilize an existing approved site plan, shall either include: a current "as built" or existing conditions survey delineating all buildings, parking spaces, landscaped areas, and easements of record; or the certification of a surveyor, engineer or architect, duly licensed by the state, that the existing conditions are identical with those shown on the submitted site plan.

(11) If deemed necessary by Town staff, a traffic study shall be authorized by staff at the applicant's expense.

(12) Two (2) full set of plans reviewed and approved by the Miami-Dade County Fire and Rescue Department. An original stamp and signature from the Fire and Rescue Department is required. If plans change significantly prior to site plan approval, Town staff may determine that an additional review by the Fire and Rescue Department is required.

(13) Necessary documentation from the Miami-Dade Department of Environmental Resources Management (DERM) and Miami-Dade Water and Sewer Department (WASD), if applicable.

(14) Other such information as required by the Town.

(E) **Completeness of application.** The Town Manager or his or her designee shall review the application to determine its completeness. If the application is incomplete, the applicant shall be advised in writing as to the missing items. In addition, the application shall not be processed by Town staff until the application has been deemed complete.

(F) **Effective period of final site plan approval.** An approved final site plan shall be effective until the development is completed except that if, after one year from the date the site plan is approved by the Town Council a building permit for a principal building has not been issued and remains in effect, the site plan shall be null and void. For the purpose of this section, a building permit for a principal building shall cease to be in effect once required inspections have lapsed or once a certificate of completion or certificate of occupancy is issued.

In those cases where a development includes more than one principal building and it is contemplated that the development shown on a site plan will not be completed with a building permit for a principal building continuously in effect, approval by the Town Council of a phasing schedule must be obtained as part of the overall site plan approval. Amendments to the original site plan shall not extend this time frame unless an extension is expressly granted by the Town Council as a part of the approval of the amendment.



(G) **Administrative site plan approval.** The following types of development shall be subject to administrative site plan approval:

(1) Development within the Urban Center District (UCD) shall have administrative site plan approval in accordance with Section 33-284.88 of the Town Code.

- (2) Construction of one (1) single family residence on a single lot;
- (3) Construction of a single duplex on a single lot; and
- (4) The deposit and contouring of fill on land.

For all applications that require administrative site plan approval, the Planning Director shall determine which site plan application requirements are applicable.

(H) **Issuance of development order.** The adoption of a resolution by the Town Council shall be considered as the development order for that plan. Subsequent to the adoption of that order, a final site plan must be submitted to the Planning Director, reflecting all conditions of site plan approval. At that time, a final development order shall be stamped on the plans reflecting compliance with all conditions of site plan approval. Such development order stamp must be obtained within 180 days of adoption of the resolution approving the site plan. This time period may be extended for an additional 90 days upon approval of the Town Council. Notice for such an extension shall be the same as for the original site plan approval.

(I) **Site plan amendments.** Any changes or amendments to an approved site plan shall require a re-submission in accordance with the provisions of this Ordinance. If the Planning Director determines that the requested site plan change is minor, the Director shall have the authority to review and approve the minor change with or without conditions. The Planning Director shall not approve the site plan unless he finds that the changes:

- (1) Comply with the minimum requirements of the Code;
- (2) Are compliant with concurrency requirements; and
- (3) Are compatible with surrounding land uses, buffering, screening, and landscaping.

An applicant may appeal the denial of a minor site plan amendment to the Town Council and shall pay the cost recovery fee for a full site plan review.

**Section 3. Amendment to Chapter 33 of the Code of Ordinances.** Chapter 33 “Zoning” of the Town Code is hereby amended to read as follows:

#### **ARTICLE XVA. RU-TH, TOWNHOUSE DISTRICT**

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**Sec. 33-202.3. Uses permitted.**

\*\*\*

(r) *Site plan review.* The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. All plans submitted to the Department shall be reviewed and approved or denied by the Department within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials should be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.

*Procedure.* Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department of Planning and Zoning and shall include, but not be limited to the following:-

1. Site plan including the following information:
  - a. Lot lines and setbacks.
  - b. Location, shape, size and height of existing and proposed buildings, vehicular and pedestrian circulation systems, entrance features, bike paths, recreational facilities and any other physical features that are proposed for the site that can be shown in plan form.
  - c. Landscaping in accordance with Chapter 18A of this Code.
  - d. Location of all parking spaces and waste collection area(s).
  - e. Indication of exterior graphics, as required.
  - f. Indication of any site design methods used to conserve energy.
2. Floor plans and elevations for typical townhouse units and floor plans and elevation of any recreation buildings, community buildings and other similar structures. Plan(s) for units shall indicate the private outdoor areas (patio space) for the individual unit(s).
3. Figures indicating the following:
  - a. Gross and net acreage.
  - b. Amount of common open space in square feet and percentage required and provided.
  - c. The size in square feet for the smallest and average townhouse sites.
  - d. Total trees required and provided in accordance with Chapter 18A of this Code.
  - e. Parking required and provided.
  - f. Such other design data as may be needed to evaluate the project.

\*\*\*

(t) *Site plan changes.* The Director may authorize a change in a site plan for changes to an individual townhouse unit after in-house site plan review and approval or public hearing



approval for screen enclosures, patio slabs, new facial or trim work, open porch additions with or without wood or metal roofs, trellis or garden amenities, awnings, jacuzzis, swimming pools, decks, hot tubs, etc., providing:

1. That approval in writing is secured from an official, authorized body designated in the townhouse development to approve architectural changes in the townhouse community;

2. That written approval of the immediate adjacent townhouse owners is secured. If the applicant is unable to contact an adjacent property owner for such approval, the applicant may present proof that he has mailed the request for approval to each adjacent unit owner, by certified mail, return receipt requested, at each adjacent property owner's mailing address as listed in the most current Miami-Dade County tax roll, and that the notice has been returned undeliverable; and

3. That no additional variances are necessary to accomplish the proposed changes.

4. *Exceptions.* The installation of temporary storm panels approved under Chapter 35, South Florida Building Code shall be permitted as a matter of right and shall not be subject to homeowners' association approval, nor shall such installation be subject to adjacent townhouse owners' approval. However, homeowners' association approval shall be required for the installation of permanent storm shutters. For the purposes of this subsection, temporary storm panels shall be defined as detachable protection devices that are installed temporarily over building openings in the event of an approaching hurricane or tropical storm.

In approving the amendment to the plan, the Director shall find that the change in plan will be in harmony with and compatible with existing development in the area, and will not destroy the theme or character of the development in the area.

All adverse decisions of the official, authorized body designated in the townhouse development to approve architectural changes in the townhouse community shall be appealed solely pursuant to the provisions of the official documents of the townhouse community. The official authorized body is required to afford the applicant, within sixty (60) days of receipt of the request, (1) written notice of the time and place of the hearing, (2) a full hearing, and (3) a decision in writing which is furnished to the applicant. No variances from this subsection may be applied for or granted.

(~~tu~~) *Maintenance of common area.*

\*\*\*

(~~uv~~) *Platting requirements.*

\*\*\*

(~~yw~~) *Trees.*

\*\*\*

## ARTICLE XVI. RU-3, FOUR UNIT APARTMENT HOUSE DISTRICT

### Sec. 33-203. Uses permitted.

\*\*\*

(6.1) Multiple family housing developments. Multiple family housing developments on sites zoned RU-3 prior to the effective date of this ordinance shall be permitted only after staff review and Town Council approval of the site plan to insure compliance with (i) the following, and (ii)

with the site plan review criteria contained within Section 33-203.7 of this code, except that interior side setbacks and spacing requirements shall not apply.

\*\*\*

### **Sec. 33-203.1. Site plan review**

Multi-family housing developments, as permitted by Section 33-203 (6.1) of this code, shall be subject to ~~administrative~~ site plan approval review as specified herein. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. The Department of Planning and Zoning shall review proposed plans for compliance with zoning regulations and for compliance with the site plan review criteria. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. ~~All plans submitted to the Department shall be reviewed and approved or denied within 30 days from the date of submission. The applicant shall have the right to extend the 30-day period by an additional 30 days upon timely request made in writing to the Department. The Department shall have the right to extend the 30-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. Decisions of the Director may be appealed to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to, the following:~~

- ~~(1) Site plan including the following information:~~
  - ~~(a) Lot lines and setbacks.~~
  - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
  - ~~(c) Landscaping in accordance with Chapter 18A of this code.~~
  - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
  - ~~(e) Indication of exterior graphics, as required.~~
  - ~~(f) Indication of any site design methods used to conserve energy.~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:~~
  - ~~(a) Gross and net acreage.~~
  - ~~(b) Amount of landscaped open space in square feet required and provided.~~
  - ~~(c) Amount of building coverage at ground level in square feet.~~
  - ~~(d) Total trees required and provided in accordance with Chapter 18A of this code.~~
  - ~~(e) Parking required and provided.~~
  - ~~(f) Total amount of paved area in square feet.~~
  - ~~(g) Such other design data as may be needed to evaluate the project.~~

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## ARTICLE XVIA. RU-3M, MINIMUM APARTMENT HOUSE DISTRICT

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### Sec. 33-203.7. Site plan review.

The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. ~~All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to Department. The Departments shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:~~
  - ~~(a) Lot lines and setbacks.~~
  - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
  - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
  - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
  - ~~(e) Indication of exterior graphics, as required.~~
  - ~~(f) Indication of any site design methods used to conserve energy.~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:~~
  - ~~(a) Gross and net acreage.~~
  - ~~(b) Amount of landscaped open space in square feet required and provided.~~
  - ~~(c) Amount of building coverage at ground level in square feet.~~
  - ~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
  - ~~(e) Parking required and provided.~~
  - ~~(f) Total amount of paved area in square feet.~~
  - ~~(g) Such other design data as may be needed to evaluate the project.~~

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## ARTICLE XVIIA. RU-4L, LIMITED APARTMENT HOUSE DISTRICT

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### **Sec. 33-207.2.1. Site plan review.**

The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. ~~All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

~~(1) Site plan including the following information:~~

~~(a) Lot lines and setbacks.~~

~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~

~~(c) Landscaping in accordance with Chapter 18A of this Code.~~

~~(d) Location of off-street parking and loading facilities and waste collection areas.~~

~~(e) Indication of exterior graphics, as required.~~

~~(f) Indication of any site design methods used to conserve energy.~~

~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~

~~(3) Figures indicating the following:~~

~~(a) Gross and net acreage.~~

~~(b) Amount of landscaped open space in square feet required and provided.~~

~~(c) Amount of building coverage at ground level in square feet.~~

~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~

~~(e) Parking required and provided.~~

~~(f) Total amount of paved area in square feet.~~

~~(g) Such other design data as may be needed to evaluate the project.~~

\*\*\*

## **ARTICLE XVIIB. RU-4M, MODIFIED APARTMENT HOUSE DISTRICT**



#### **Sec. 33-207.4. Site plan review.**

The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Departments shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include but not be limited to the following:~~

- ~~(1) Site plan including the following information:~~
  - ~~(a) Lot lines and setbacks.~~
  - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
  - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
  - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
  - ~~(e) Indication of exterior graphics, as required.~~
  - ~~(f) Indication of any site design methods used to conserve energy.~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:~~
  - ~~(a) Gross and net acreage.~~
  - ~~(b) Amount of landscaped open space in square feet required and provided.~~
  - ~~(c) Amount of building coverage at ground level in square feet.~~
  - ~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
  - ~~(e) Parking required and provided.~~
  - ~~(f) Total amount of paved area in square feet.~~
  - ~~(g) Such other design data as may be needed to evaluate the project.~~

\*\*\*

#### **ARTICLE XVIII. RU-4, HIGH DENSITY APARTMENT HOUSE DISTRICT**

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### **Sec. 33-208.1. Site plan review--Generally.**

The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. ~~All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.~~

Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:

- (1) ~~Site plan including the following information:~~
  - (a) ~~Lot lines and setbacks.~~
  - (b) ~~Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
  - (c) ~~Landscaping in accordance with Chapter 18A of this Code.~~
  - (d) ~~Location of off-street parking and loading facilities and waste collection areas.~~
  - (e) ~~Indication of exterior graphics, as required.~~
  - (f) ~~Indication of any site design methods used to conserve energy.~~
- (2) ~~Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- (3) ~~Figures indicating the following:~~
  - (a) ~~Gross and net acreage.~~
  - (b) ~~Amount of landscaped open space in square feet required and provided.~~
  - (c) ~~Amount of building coverage at ground level in square feet.~~
  - (d) ~~Total trees required and provided in accordance with Chapter 18A of this Code.~~
  - (e) ~~Parking required and provided.~~
  - (f) ~~Total amount of paved area in square feet.~~
  - (g) ~~Such other design data as may be needed to evaluate the project.~~

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## **ARTICLE XXIV. BU-1, NEIGHBORHOOD BUSINESS DISTRICT**

### **Sec. 33-245.2. Plan review standards.**



(A) The Department of the Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. ~~The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible.~~ The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. Denials shall be in writing and shall specifically set forth the grounds for denial. All final plans submitted for building permits shall be substantially in compliance with plans approved by the Town Council, under the plan review procedure herein established.

(B) ~~Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

(1) ~~Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

(a) ~~Proposed commercial floor area.~~

(b) ~~Height, size, shape and location of existing and proposed buildings.~~

(c) ~~Parking layouts.~~

(d) ~~Proposed grades if significantly altered.~~

(e) ~~Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.~~

(f) ~~Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

(2) ~~Schematic building plans including elevation and/or sections of major structures.~~

(3) ~~Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

(~~B~~C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

\*\*\*

## ARTICLE XXV. BU-1A, LIMITED BUSINESS DISTRICT

\*\*\*

### Sec. 33-251.5. Plan review standards.

(A) The Department of the Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. ~~The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty~~

~~(30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. Denials shall be in writing and shall specifically set forth the grounds for denial. All final plans submitted for building permits shall be substantially in compliance with plans approved by the Town Council. under the plan review procedure herein established.~~

~~(B) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

~~(1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

~~(a) Proposed commercial floor area.~~

~~(b) Height, size, shape and location of existing and proposed buildings.~~

~~(c) Parking layouts.~~

~~(d) Proposed grades if significantly altered.~~

~~(e) Existing and proposed fences, walls, signs, architectural accents, street furniture and location of advertising or graphic features.~~

~~(f) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

~~(2) Schematic building plans including elevation and/or sections of major structures.~~

~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

~~(B) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:~~

\*\*\*

## **ARTICLE XXVI. BU-2, SPECIAL BUSINESS DISTRICT**

\*\*\*

### **Sec. 33-253.9. Plan review standards.**

~~(A) The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. After the Department of Planning and Zoning~~



completes its review, the site plan shall proceed to the Town Council for approval or denial. Denials shall be in writing and shall specifically set forth the grounds for denial. All final plans submitted for building permits shall be substantially in compliance with plans approved by the Town Council under the plan review procedure herein established.

~~(B) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:~~

~~(1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

~~(a) Proposed commercial floor area.~~

~~(b) Height, size, shape and location of existing and proposed buildings.~~

~~(c) Parking layouts.~~

~~(d) Proposed grades if significantly altered.~~

~~(e) Existing and proposed fences, walls, signs, architectural accents, street furniture and location of advertising or graphic features.~~

~~(f) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

~~(2) Schematic building plans including elevation and/or sections of major structures.~~

~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

~~(BE) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process.~~

\*\*\*

## ARTICLE XXVII. BU-3 LIBERAL BUSINESS DISTRICT

\*\*\*

### Sec. 33-256.8. Plan review standards.

(A) The Department of the Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. ~~The decisions of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed developments and its compatibility with the surrounding area. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. Denials shall be in writing and shall specifically set forth the grounds for denial. All final plans submitted for building permits shall be substantially in compliance with plans approved by the Town Council under the plan review procedure herein established.~~

~~(B) Exhibits which the applicant shall submit to the Department shall include, but not be limited to the following:~~

~~(1) Schematic site plan at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:~~

~~(a) Proposed commercial floor area.~~

~~(b) Height, size, shape and location of existing and proposed buildings.~~

~~(c) Parking layouts.~~

~~(d) Proposed grades if significantly altered.~~

~~(e) Existing and proposed fences, walls, signs, architectural accents, street furniture and location of advertising or graphic features.~~

~~(f) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.~~

~~(2) Schematic building plans including elevation and/or sections of major structures.~~

~~(3) Isometries or perspective and/or model(s) of the proposed development.~~

~~The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.~~

~~(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process.~~

\*\*\*

## ARTICLE XXIX. IU-1, INDUSTRIAL, LIGHT MANUFACTURING DISTRICT

\*\*\*

### Sec. 33-261.1. Site plan review.

~~(A) [Responsibility; purpose; procedures generally.] The Department of Planning and Zoning shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and encourage the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon request made in writing to the Department. After the Department of Planning and Zoning completes its review, the site plan shall proceed to the Town Council for approval or denial. Denials shall be in writing and shall specifically set forth the grounds for denial. Receipt of applicant's plans for fifteen (15) days without formal written denial shall constitute approval. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.~~

~~(B) Required exhibits. The following exhibits shall be prepared by design professionals such as architects and landscape architects and submitted to the Department of Planning and Zoning:~~

~~(1) Dimensioned site plan(s) indicating, as a minimum, the following information:~~



- (a) Existing zoning on the site and on adjacent properties.
- (b) The basic use, height, bulk and location of all buildings and other structures with setbacks.
- (c) Vehicular and pedestrian circulation systems, including connection(s) to existing or proposed roadway and sidewalk system and the layout of parking, service and loading areas.
- (d) Graphics and/or notations indicating the site planning or structure design methods used to minimize the impact of those industrial activities that could have a negative impact on existing or proposed adjacent land uses.
- (e) Sketches of design elements to be used for buffering surrounding uses.
- (2) Elevation of the proposed buildings and other major design elements.
- (3) Landscape plans: Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (4) Figures indicating the following:
- (a) Proposed uses.
- (b) Gross floor area:..... square feet
- (c) Gross \_\_\_\_\_ floor \_\_\_\_\_ area \_\_\_\_\_ above \_\_\_\_\_ four \_\_\_\_\_ (4) floors:..... square feet
- (d) Land area:
- Gross:
- ..... square \_\_\_\_\_ feet
- ..... acres
- Net:
- ..... square \_\_\_\_\_ feet
- ..... acres
- (e) Landscaped open space:
- Required:
- ..... square \_\_\_\_\_ feet
- ..... % of net land area
- Provided:
- ..... square \_\_\_\_\_ feet
- ..... % of net land area
- (f) Trees:
- Required: \_\_\_\_\_
- Provided: \_\_\_\_\_
- (g) Off street \_\_\_\_\_ parking \_\_\_\_\_ spaces:
- Required: \_\_\_\_\_
- Provided: \_\_\_\_\_

(B) *Criteria.* The following shall be considered in the plan review process:

\*\*\*

**Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5.**    **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6.**    **Effective Date.** This Ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edward P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



# TAB 16

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## MEMORANDUM

**To:** Steven Alexander, Town Manager

**From:** Don O'Donniley, AICP, Planning Director

**Date:** December 20, 2006

**Re:** Proposed Amendment to Section 33-13, of the Town Code Relating to Circuses and Carnivals

### REQUEST:

Town staff is proposing an amendment to Section 33-13 (Unusual Uses) Sub-section (g) of the Town Code which regulates Circuses and Carnivals within the Town boundaries.

### BACKGROUND AND ANALYSIS:

#### **Background**

Such temporary uses as circuses and carnivals have, in the past been, been used to promote community spirit and act as gathering places for Towns.

This item came about after discussion with a local House of Worship and their difficulty in obtaining all signatures of the surrounding property owners for their annual carnival.

#### **Analysis**

The Town's Code has rather stringent requirements when allowing circuses and carnivals in terms of the percentage of signatures of neighboring property owners required to allow such use.

Also, there are no allowances for administrative approvals besides for shopping centers over 60 acres. Staff recommends that a provision be added to provide for administrative approvals where an investigation by the Director has determined there would be no objections related to health, safety, or welfare.

#### **1. Consistency with the Comprehensive Development Master Plan**

This revision to the zoning code would be consistent with the Town Comprehensive Development Master Plan.

#### **2. Zoning**

The following Section of the Town Zoning Code is relevant to this request and with the proposed amendment as underlined.

**Sec. 33-13. Unusual uses.**

\* \* \*



(g) *Circuses or carnivals* may be operated on GU and AU properties which are located within the Urban Development Boundary, and in BU-2 and all IU Districts, and on properties having a current certificate of use and occupancy for church or school use without a public hearing, except within the OCR Overlay District as prescribed in the above paragraph, provided:

(1) Written waivers of objection for the specific use and length of time that the carnival or circus will remain in the location are obtained from all property owners within five hundred (500) feet.

(2) Written waivers of objections are obtained from eighty (80) percent of the owners or tenants or residential buildings within one thousand (1,000) feet and subsequent investigation by the Director does not determine other objections, and provided further that no such use shall be for more than fifteen (15) days.

(3) Carnival and circus use on school, church or shopping center premises shall be limited to ~~two~~ one (2 1) events per calendar year.

(4) The necessity for waivers of objection as enumerated in (g) (1) and (2) above shall be waived by the Director on developed shopping center sites containing not less than sixty (60) acres where the rides, tents and booths associated with the event are set back a minimum of five hundred (500) feet from any residential structure, providing subsequent investigation by the Director does not determine any objections related to health, safety, or welfare.

(5) Instead of obtaining written waivers of objection as provided for in sub-section (1) and (2), an applicant for any proposed circus or carnival, which has been previously held for at least 3 out of the past 4 years, may elect to send notice of the event to property owners within 500 feet of said property and if no more than 5% of the property owners of record respond to the Town in the negative, the application may be approved administratively. If more than 5% of the property owners of record respond in the negative a public hearing shall be required.

The notice sent to the property owners shall be in a form approved by the Town Planning Director. A duplicate set of address labels shall be kept on file in the Town Clerk's Office.

#### **RECOMMENDATION:**

**Approval**

#### **CONDITIONS:**

N/A

ORDINANCE NO. 06-\_\_

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING  
SECTION 33-13 "UNUSUAL USES" OF CHAPTER 33  
"ZONING" OF THE TOWN CODE; PROVIDING FOR  
REGULATIONS RELATING TO CIRCUSES OR  
CARNIVALS; PROVIDING FOR ORDINANCES IN  
CONFLICT; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently circuses or carnivals are permitted as unusual uses within certain zoning districts within the Town of Cutler Bay (the "Town"); and

WHEREAS, the Town has certain requirements that must be met prior to such uses being permitted to operate within the Town; and

WHEREAS, it is the intent of the Town Council to amend and update such requirements in order to better serve the citizens and residents of the Town; and

WHEREAS, the Town Council finds that adoption of these changes are in the best interest and welfare of the citizens and residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN  
COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Amendment to Section 33-13 of the Town Code.** Section 33-13 "Unusual Uses" of Chapter 33 "Zoning" of the Town Code is hereby amended to read as follows:

ARTICLE I. IN GENERAL

\*\*\*

**Sec. 33-13. Unusual uses.**

(a) *Prohibited in residential district.* Any use of premises in a residential district which conflicts with normal and expected use in the district is prohibited.

\*\*\*

(g) Circuses or carnivals shall not be permitted on any property within the Old Cutler Road Overlay Zoning District. However, such uses may be operated on GU and AU properties which are located within the Urban Development Boundary, and in BU-2 and all IU Districts, and on



properties having a current certificate of use and occupancy for church or school use without a public hearing as prescribed in the above paragraph, provided:

- (1) Written waivers of objection for the specific use and length of time that the carnival or circus will remain in the location are obtained from all property owners within five hundred (500) feet.
- (2) Written waivers of objections are obtained from eighty (80) percent of the owners or tenants or residential buildings within one thousand (1,000) feet and subsequent investigation by the Planning Director does not determine other objections, and provided further that no such use shall be for more than fifteen (15) days.
- (3) Carnival and circus use on school, church or shopping center premises shall be limited to ~~two~~ one (2 1) events per calendar year.
- (4) The necessity for waivers of objection as enumerated in (g) (1) and (2) above shall be waived by the Planning Director on developed shopping center sites containing not less than sixty (60) acres where the rides, tents and booths associated with the event are set back a minimum of five hundred (500) feet from any residential structure, providing subsequent investigation by the Director does not determine any objections related to health, safety, or welfare.
- (5) Notwithstanding the above provisions in sub-sections (1) and (2), an applicant for a proposed circus or carnival, which has previously been held for at least three (3) out of the four (4) past years, shall send notice of the event to property owners within 500 feet of said property.

a. Administrative approval. If less than five percent (5%) of the property owners of record respond in the negative, the application may be approved administratively by the Planning Director. In the event the Planning Director denies the application, such denial shall be in writing and shall specifically set forth the grounds for denial. The Planning Director's decision may be appealed by the applicant to the Town Council.

b. Approval after a public hearing. If five percent (5%) or more of the property owners of record respond in the negative, the application may be approved by the Town Council after a public hearing.

The notice sent to the property owners shall be in a form approved by the Planning Director. A duplicate set of address labels shall be kept on file in the Town Clerk's Office.

**Section 3. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.**    **Effective Date.** This Ordinance shall be effective immediately upon adoption.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



# TAB 17

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R. Don O'Donniley, AICP  
Planning Director

## MEMORANDUM

To: Steven Alexander, Town Manager

From: Joseph M. Corradino, AICP, Interim Town Planning Consultant *JM/DOO*

Date: December 14, 2006

Re: SS Falls Investments LLC, Rezone From EU-1 to EU-M

Application No:06-13

### REQUEST:

EU-1 (One-Acre Estate District) to EU-M (Modified Estate District)

### **Parcel Information and Legal Description:**

The request encompasses two parcels totaling approximately 4.38 acres in size bounded by SW 187<sup>th</sup> Terrace to the north, SW 82<sup>nd</sup> Avenue to the east, SW 188<sup>th</sup> Street to the south and the east property lines of the residences abutting SW 83<sup>rd</sup> Place.

Or as further described:

The East ½ of the South 323 feet of the South ½ of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW ¼ of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10.

Size: 2.07 acres

Location: 8201 SW 188<sup>th</sup> Street, Town of Cutler Bay

Folio: 36-6003-001-0131

and

The West ½ of the South 323 feet of the South ½ of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest ¼ of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida

Size: 2.31 acres

Location: 8295 SW 188<sup>th</sup> Street, Town of Cutler Bay

Folio: 36-6003-001-0140

### BACKGROUND AND ANALYSIS:

#### **Background**

SS Falls Investments LLC filed a request for a District Boundary Change (Rezoning) from EU-1 to EU-M for the eastern parcel on October 4, 2005. Subsequent to that action the applicant purchased the western parcel (Warranty Deed attached) and has amended the application to include said parcel.



This request was heard and approved by the Town Council on first reading at the Council Meeting of November 15, 2006.

The previous action on these parcels was in 1969 when they were rezoned from EU-1C (Single-Family Two and one Half Acre Estate District) to EU-1.

The surrounding properties are zoned EU-M, except to the southwest which is zoned EU-2 but is part of the East Ridge Retirement Village. Both the east and west parcels are improved with single family residences as are the properties to the north, east and west. The property to the south is currently undeveloped.

## **Analysis**

### **1. Consistency with the Comprehensive Development Master Plan**

The Adopted 2005 and 2015 Land Use Plan designates the subject properties as **Estate Density Residential**. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

This application is **consistent** with the Town Comprehensive Development Master Plan and the Land Use designation of the surrounding properties.

### **2. Zoning**

The following Sections of the Town Zoning Code are relevant to this request.

#### **Chapter 33 Zoning Code of the Town of Cutler Bay**

##### **Article XX. EU-M, ESTATE MODIFIED DISTRICT**

##### **Section 224. Uses permitted**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-M District, unless otherwise provided for, except for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servants' quarters only, not over one (1) story in height.
- (2) Noncommercial boat piers on slips for docking of private watercraft under same conditions as in an RU-1 District.
- (3) A group home shall be permitted in a dwelling unit provided:
  - (a) That the total number of resident clients on the premises not exceed six (6) in number.
  - (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of said licensure no later than the time of home occupancy.
  - (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line

from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

(4) Reserved.

#### Section 225. Area, frontage and depth of lots

(a) In any area zoned EU-M the minimum area of each site or lot shall be not less than fifteen thousand (15,000) square feet, having a minimum frontage of one hundred twenty (120) feet, and a minimum depth of one hundred fifteen (115) feet.

(b) Where lots in a subdivision have been platted or a lot has been deeded and recorded with a minimum frontage of less than one hundred twenty (120) feet, but having a frontage of at least one hundred (100) feet and an area of at least fifteen thousand (15,000) square feet prior to July 18, 1957, the site shall be deemed conforming, if the property concerned was zoned LRU prior to July 18, 1957.

#### Section 311. Town of Cutler Bay Town Council – Authority and Duties

[The following summarizes the intent of this Section as it relates to factors in considering a rezoning]

The Town Council shall take into consideration, among other things, the extent to which:

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for the Town of Cutler Bay, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

***The application is consistent with the CDMP.***

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

***The approval of this request will not have an adverse impact on the environmental and natural resources of the Town.***

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town of Cutler Bay;

***The approval of this request will not have an adverse impact on the economy of the Town.***

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

***The approval of this request will not have an adverse impact on the necessary public facilities.***

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways



which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

***The approval of this request will not have an adverse impact on the necessary public transportation facilities.***

This request is **consistent** with the current zoning of the surrounding properties.

At the time of application for **site plan review** the applicant shall be required to adhere to the minimum lot size requirements, unless a variance from the Town Code is requested and approved. Currently, based on the parcel size of 4.38 acres, approximately 10 dwelling units would be allowed.

### **3. Environmental Resources Management**

Potable Water Supply and Wastewater Disposal:

Public water and sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to said systems shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle additional flows. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available.

Stormwater Management:

A Surface Water Management Individual Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant shall contact DERM (305-372-6789) for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

Although the subject property is located within a designated wetland basin, the subject property does not contain jurisdictional wetlands as defined by Chapter 24-5 of the Code. Therefore a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocations of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

#### Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

#### Concurrency Review Summary:

A concurrency review for this application has been completed and it has been determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to any comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code.

#### **4. Public Works**

Public Works has no objection to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

The application meets the traffic concurrency criteria for an initial development order. It will generate approximately 19 PM daily peak hour period vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these trips does not exceed the acceptable level of service of the following roadways:

<u>Station</u>	<u>Location</u>	<u>LOS</u> <u>(Present)</u>	<u>LOS</u> <u>(w/ Appl.)</u>
9174	SW 87 Ave. s/o SW 184 St.	B	B
9592	Old Cutler Rd. sw/o SW 184 St.	B	B



ORDINANCE NO. 06- \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 33 "Zoning," of the Town Code of Ordinances (the "Town Code"), SS Falls Investments LLC (the "Applicant") has applied to the Town of Cutler Bay (the "Town"), for approval of a rezoning from EU-1 (One-Acre Estate District) to EU-M (Modified Estate District), for the adjoining properties legally described in Exhibit "A" (the "Property") (Application 06-13); and

**WHEREAS**, staff recommended approval of the requested rezoning in its report dated November 15, 2006; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

**WHEREAS**, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Approval of Rezoning.** Pursuant to Chapter 33 "Zoning" of the Town Code, the Property, described in Exhibit "A," is hereby rezoned from EU-1 (One-Acre Estate District) to EU-M (Modified Estate District).

**Section 3. Recording.** The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

**Section 4. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 15<sup>th</sup> day of November, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_



**“Exhibit A”**

**Legal Description**

The East  $\frac{1}{2}$  of the South 323 feet of the South  $\frac{1}{2}$  of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW  $\frac{1}{4}$  of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10;

and

The West  $\frac{1}{2}$  of the South 323 feet of the South  $\frac{1}{2}$  of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest  $\frac{1}{4}$  of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida

This instrument prepared by:  
Hilary C. Kuchan, Esquire  
8700 South Oculand Blvd., Suite 1911  
Miami, Florida 33144

Folio No.: 36-6003-001-0140

11/11/11 11:11:11 11/11/11 11:11:11 11/11/11 11:11:11

FILED 02/23/2006 11:11:11  
BY BK 14848 Page 3803 - 3803  
RECORDED 02/23/2006 11:11:11  
DEED DOC TAG 2,340.00  
HARVEY NUTTING, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

## WARRANTY DEED

THIS DEED, made this 18<sup>th</sup> day of August, 2006, between, PATRICK MORNANE and LARRIE LYNN MORNANE, his wife, as "GRANTOR", and SS FALLS INVESTMENTS LLC, a Florida limited liability company, as "GRANTEE", whose post office address is 70720 SW 135 Terrace, Miami, Florida 33176,

(Wherever used herein, the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

### WITNESSETH:

That the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid to GRANTOR by said GRANTEE, receipt whereof is hereby acknowledged, by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the GRANTEE their interest in the following described real property, and rights and interest in real property located and situated in the County of Miami-Dade and State of Florida, to wit:

The West 1/2 of the South 323 feet of the South 1/2 of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest 1/4 of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida,

### SUBJECT TO:

1. Taxes for the year 2006 and subsequent years.
2. Conditions, restrictions, easements, reservations, agreements, and limitations of record, if any, but not seeking to reinstate the same.
3. Zoning and municipal resolutions, ordinances and regulations.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining

TO HAVE AND TO HOLD the same in fee simple forever,

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor

A. 10/11/11 11:11:11 11/11/11 11:11:11 11/11/11 11:11:11





OR BK 24848 PG 3803  
LAST PAGEWarranty Deed  
Page 2 of 2

hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF, the GRANTOR has signed and sealed these presents on the day and year first above written.

WITNESSES:

#1 (Signature)

Printed name:

#2 (Signature)

Printed name:

PATRICK MORNANE

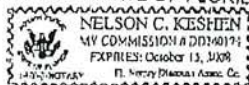
LARRIE LYNN MORNANE

STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )

The foregoing instrument was subscribed and acknowledged before me this 18<sup>th</sup> day of August, 2006, by PATRICK MORNANE and LARRIE LYNN MORNANE, his wife, who are personally known to me or who produced their Florida driver's licenses as identification.

NOTARY PUBLIC-STATE OF FLORIDA



August 23 2006

### **SS Falls**

The East  $\frac{1}{2}$  of the South 323 feet of the South  $\frac{1}{2}$  of Lot 8, in PERRINE GRANT SUBDIVISION, of the NW  $\frac{1}{4}$  of Section 3, Township 56 South, Range 40 East, less the East 35 feet and the South 25 feet, Plat Book 4, Page 10.

Size: 2.07 acres

Location: 8201 SW 188<sup>th</sup> Street, Town of Cutler Bay

Folio: 36-6003-001-0131

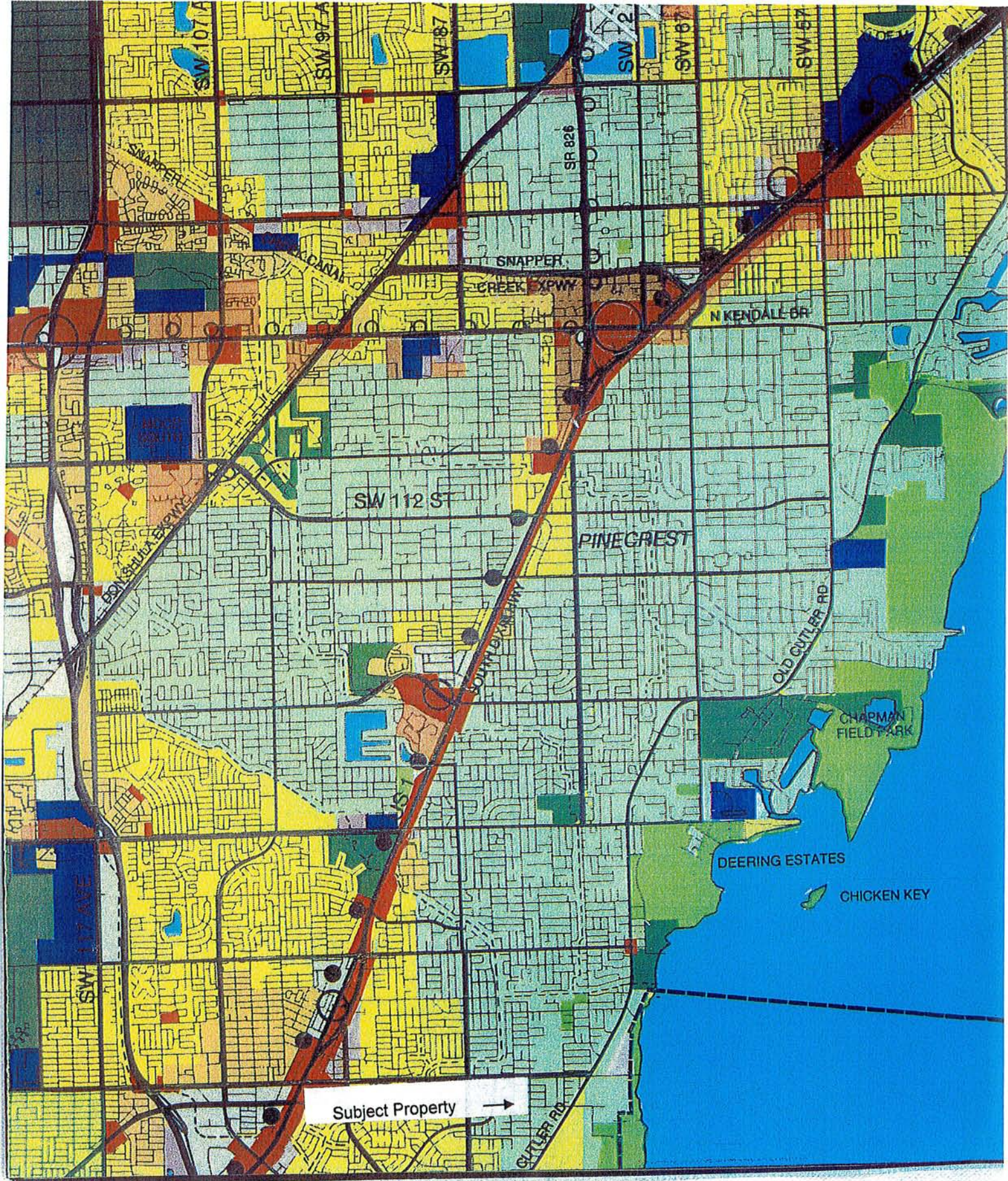
The West  $\frac{1}{2}$  of the South 323 feet of the South  $\frac{1}{2}$  of Tract 8, less the South 25 feet thereof, in PERRINE GRANT SUBDIVISION, of the Northwest  $\frac{1}{4}$  of Section 3, Township 56 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida

Size: 2.31 acres

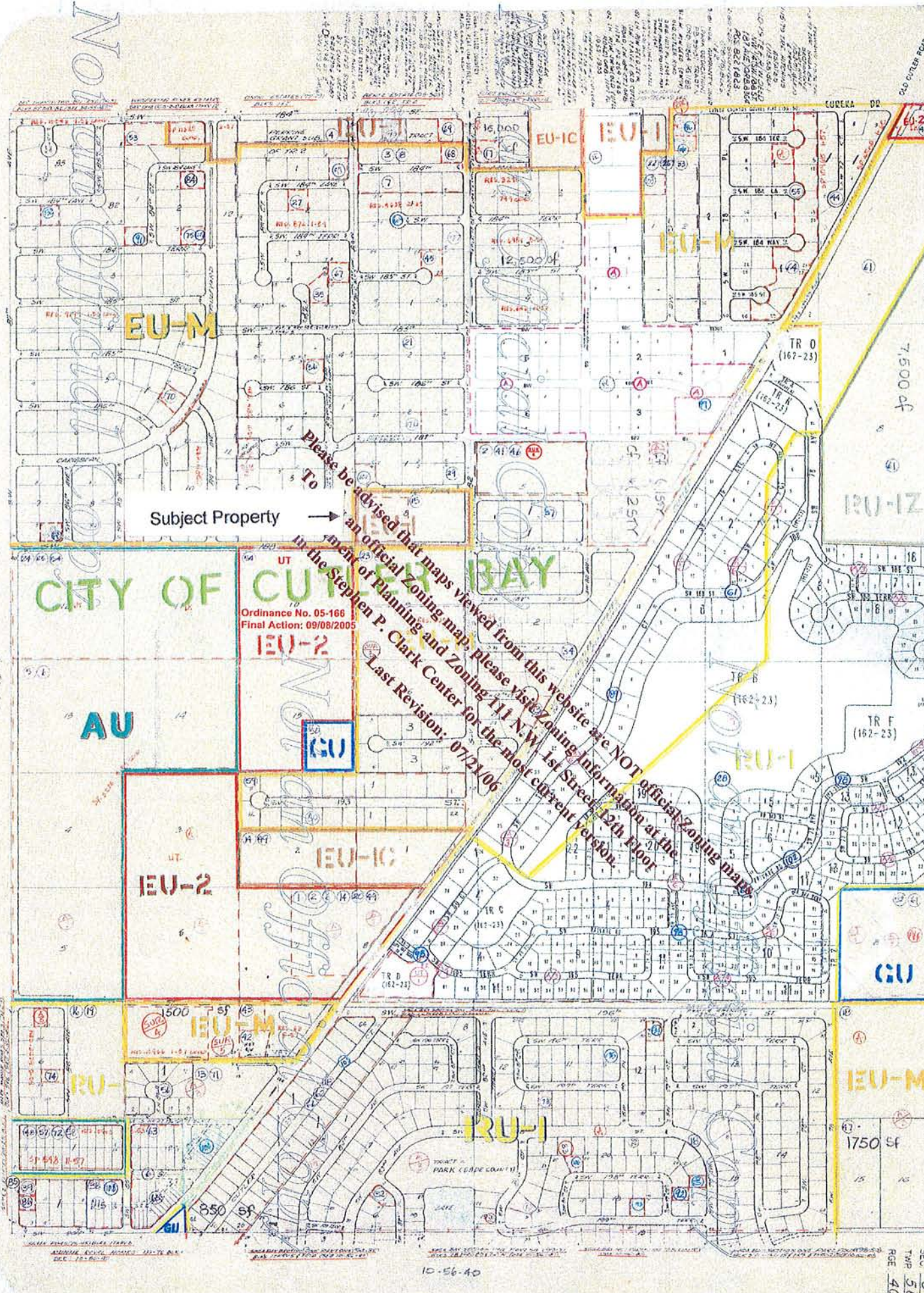
Location: 8295 SW 188<sup>th</sup> Street, Town of Cutler Bay

Folio: 36-6003-001-0140











**My Home**  
Miami-Dade County, Florida

[miamidade.gov](http://miamidade.gov)
**MIAMI-DADE**
**Property Information Map**


Digital Orthophotography - 2005

0 — 133 ft

This map was created on 9/11/2006 11:33:45 AM for reference purposes only.

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Close

**Summary Details:**

Folio No.:	36-6003-001-0131
Property:	8201 SW 188 ST
Mailing Address:	SS FALLS INVESTMENTS LLC
	10720 SW 135 TERR MIAMI FL 33176-6060

**Property Information:**

Primary Zone:	2300 ESTATE RESIDENTIAL
CLUC:	0001 RESIDENTIAL- SINGLE FAMILY
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	3,403
Lot Size:	90,169 SQ FT
Year Built:	1994
Legal Description:	3 56 40 2.07 AC M/L PERRINE GRANT SUB PB 4-10 E 1/2 OF S323FT OF S1/2 OF LOT 8 IN NW1/4 LESS E35FT & S25FT LOT SIZE IRREGULAR OR 19648-0059 032001 4

**Sale Information:**

Sale O/R:	24353-0304
Sale Date:	3/2006
Sale Amount:	\$1,400,000

**Assessment Information:**

Year:	2006
Land Value:	\$434,700
Building Value:	\$303,236
Market Value:	\$737,936
Assessed Value:	\$737,936
Total Exemptions:	\$0
Taxable Value:	\$737,936
Past Assessment:	30-6003-001-0131



**My Home**  
Miami-Dade County, Florida

[miamidade.gov](http://miamidade.gov)

MIAMI-DADE

**Property Information Map**



Digital Orthophotography - 2005

0 133 ft

This map was created on 9/11/2006 11:34:15 AM for reference purposes only.

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Close

**Summary Details:**

Folio No.:	36-6003-001-0140
Property:	8295 SW 188 ST
Mailing Address:	PATRICK MORNANE & W LARRIE L
	8295 SW 188 ST MIAMI FL 33157-7338

**Property Information:**

Primary Zone:	2600 ESTATE-2 1/2 ACRES
CLUC:	0002 MULTIFAMILY-DUPLEX
Beds/Baths:	6/4
Floors:	2
Living Units:	2
Adj Sq Footage:	6,222
Lot Size:	100,624 SQ FT
Year Built:	1953
Legal Description:	3 56 40 2.31 AC PERRINE GRANT SUB PB 4-10 W1/2 OF S323FT OF S1/2 OF TR 8 LESS S25FT NW1/4 OR 21166-4760 022003 4 F/A/U 30-6003-001-0140

**Sale Information:**

Sale O/R:	18168-4184
Sale Date:	6/1998
Sale Amount:	\$365,000

**Assessment Information:**

Year:	2006
Land Value:	\$485,100
Building Value:	\$416,222
Market Value:	\$901,322
Assessed Value:	\$809,553
Homestead Exemption:	\$25,000
Total Exemptions:	\$25,000
Taxable Value:	\$784,553
Past Assessment:	30-6003-001-0140



# TAB 18



## Planning & Zoning Department

R. Don O'Donniley, AICP  
Planning Director

# MEMORANDUM

**To:** Steven Alexander, Town Manager

**From:** Don O'Donniley, Planning Director

**Date:** December 12, 2006

**Re:** Request of Cutler Ridge Evangelical Lutheran Church for a rezone on 4 Acres from AU, Agricultural District, to RU-1 Single-Family Residential District (Application 06-012).

**Applicant:** Cutler Ridge Evangelical Lutheran Church

**Application No:** 06-012

### REQUEST:

The applicant, Cutler Ridge Evangelical Lutheran Church originally requested to change the zoning on property from AU, Agricultural District to RU-1M(a), Modified Single-Family Residential District. The applicant amended the request to change zoning from the AU to RU-1 (Single Family Residential) at the first reading of this ordinance on November 15, 2006. The property is located at the 20851 SW 97<sup>th</sup> Avenue and consists of 4.28 acres.

### RECOMMENDATION:

It is recommended that the Town Council **approve** this request for a zone change from AU to RU-1.

### BACKGROUND:

In 1966, subject to resolution 3-ZAB-427-66, the subject property was allowed, (a) a Special Exception to permit a church and Sunday School, summer bible school, and an elementary school and (b) Unusual Use to permit a kindergarten. The site is currently occupied by a single story church building.

### Consistency with the Comprehensive Development Master Plan.<sup>1</sup>

The proposal is **consistent** with the Comprehensive Development Master Plan (CDMP) which designates this property for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

### NEIGHBORHOOD CHARACTERISTICS:

---

<sup>1</sup> The Miami-Dade County Comprehensive Development Master Plan functions as the Town's Comprehensive Plan.



	Zone	Use	Land Use Designation	Density	Min. Lot Size
Subject Property					
	AU	Church	Low Density Residential	2.5 to 6 dua	N/A
Surrounding Properties					
North	RU-1	SF Residential	Low Density Residential	2.5 to 6 dua	7,500 sf
South	RU-1	SF Residential	Low Density Residential	2.5 to 6 dua	7,500 sf
East	RU-1	SF Residential	Low Density Residential	2.5 to 6 dua	7,500 sf
West	RU-1	Gulfstream Elementary School	Low Density Residential	2.5 to 6 dua	7,500 sf
Proposed Zone					
	RU-1	SF Residential	Low Density Residential	2.5 to 6 dua	7,500 sf

The subject property is located at 20851 SW 97 Avenue. The surrounding properties to the north, south and east are all single family residences zoned RU-1. The property to the west is an elementary school with a zoning designation of RU-1. If this parcel were to develop at the same zone as the surrounding properties, the minimum lot size standards of the RU-1 zone would allow a maximum of 18 units.

#### **SITE AND BUILDINGS REVIEW:**

Should the requested zone change be approved, any future development proposals shall be in accordance with the proposed RU-1 zoning district regulations which require a minimum lot frontage and a minimum area of 7,500 square feet. Site development standards, building and setback requirements will be reviewed as part of all future development applications.

#### **PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311 (F)** In evaluating an application for a **district boundary change** the Town Council shall take into consideration, among other factors the extent to which:

- (1) *The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*

The parcel is designated as Low Density Residential, the RU-1 zoning designation may be placed on land designated residential on the Future Land Use Map.

- (2) *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and*

*whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*

The approval of this request will not have an adverse effect on the environment.

- (3) *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*

The approval of this requested rezone will have no impact on the economy.

- (4) *The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*

This proposed change would not adversely affect population density such that the demand for water, sewers and other public facilities and services would be adversely affected.

- (5) *The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*

A memorandum from Miami-Dade Public Works Department states that this application meets traffic concurrency criteria and will generate 22 additional PM daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the area roadways which are currently operation at the following levels:

<u>Road Segment</u>	<u>LOS Present</u>	<u>LOS w/Project</u>
Old Cutler Rd. sw/o Franjo Rd.	B	B
SW 85 Ave. se/o Old Cutler Rd.	D	D
Caribbean Blvd e/o HEFT	E	E
SW 216 St e/o HEFT	B	B

#### **ANALYSIS:**

The subject property is located on SW 97<sup>th</sup> Avenue approximately 400 feet north of Old Cutler Road. SW 97<sup>th</sup> Avenue splits and becomes SW 97<sup>th</sup> Court at the southern tip of this modified rectangular shaped lot, where SW 97<sup>th</sup> Avenue is currently missing a segment before it intersects with Old Cutler Road. As part of the future development of this property, the missing segment of SW 97<sup>th</sup> Avenue would have to be constructed to complete the road north of Old Cutler Road. The neighborhood in this area is characterized by single family residential developed under RU-1 zoning district regulations. The applicant is seeking to rezone the property from AU Agricultural District to RU-1, Single-Family Residential District. Access to the development will be provided through the extension of SW 97<sup>th</sup> Avenue to complete this section of a County section line road. This applicant has submitted a conceptual site plan indicating the development of the site. Should the requested zone change be approved, any future development proposal shall be in accordance with the proposed RU-1 zoning district regulations which require a minimum lot frontage of and a minimum area of 7,500 square feet. Site development standards, building and setback requirements will be reviewed as part of the site plan review. The Department of Environmental Resources Management (DERM) has no objections to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum dated September 28, 2005. The Miami-Dade County Public Works Department has no objections to this



application. Their memorandum states that the land requires platting and that the road dedications and improvements will be accomplished through the recording of the plat. The Public Work's memorandum further indicates that this application meets traffic concurrency criteria and will generate 22 additional PM daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the area roadways. The Miami-Dade Fire Rescue Department has no objection to this application.

Policy 1.6 of the Educational Element of the Town's Comprehensive Development Master Plan states that: "School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions which could impact the school district, as provided for in Chapter 236.193(2)F.S."

Also, pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH percent utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development. Based on this review, the applicants have fulfilled all obligations required by State law.

The Miami-Dade Public Schools (MDCPS) has indicated that the proposed zoning will bring an estimated 15 additional students into the area's public schools including Gulfstream Elementary School, Centennial Middle School, and Miami Southridge Senior High School. The area schools that are anticipated to be impacted by this development are currently operating at 97% at Gulfstream Elementary, 128% at Centennial Middle and 138% at Miami Southridge Senior, two of which are beyond the Florida Inventory of School Houses (FISH) capacity of 115%. The student population increase as a result of this development will increase the FISH capacity levels to 98%, and 129% for the Elementary and Middle schools. The Senior High will remain at the same level.

According to the Miami-Dade County Public Schools memorandum dated January 19, 2006, the applicant has voluntarily proffered to provide monetary donations over and above the impact fees.

The approval of the rezone to RU-1 would permit the applicant to provide additional housing for the community. The Land Use Plan map of the Comprehensive Development Master Plan designates this site for Low-Density Residential use permitting a maximum of 6 units per acre on this 4.28 acre property, for a total of 18 units. The proposed RU-1 zoning will allow the applicant to develop no more than 18 single family residential units in accordance with the design standards and regulations that pertain to that zone.

Staff is of the opinion that the rezoning of the subject property to RU-1 will be compatible with the existing and developed RU-1 zoned parcels of the surrounding area.

**RECOMMENDATION:**

Approval.

**CONDITIONS:**

None.

**ORDINANCE NO. 06- \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 33 "Zoning," of the Town Code of Ordinances (the "Town Code"), Cutler Ridge Evangelical Lutheran Church (the "Applicant") has applied to the Town of Cutler Bay (the "Town"), for approval of a rezoning from AU (Agricultural District) to RU-1M(a) (Modified Single-Family Residential District), for the property legally described in Exhibit "A" (the "Property") (Application 06-012); and

**WHEREAS**, staff recommended approval of the requested rezoning in its report dated November 3, 2006; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, this Ordinance was heard and was recommended for denial by the Town Council, in its capacity as the Town's Local Planning Agency; and

**WHEREAS**, after such a recommendation, the Applicant voluntarily amended its application to provide for a rezoning from AU (Agricultural District) to RU-1 (Single-Family Residential District); and

**WHEREAS**, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Approval of Rezoning.** Pursuant to Chapter 33 "Zoning" of the Town Code, the Property, described in Exhibit "A," is hereby rezoned from AU (Agricultural District) to RU-1 (Single-Family Residential District).



**Section 3. Recording.** The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

**Section 4. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 15<sup>th</sup> day of November, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_

**EXHIBIT "A"**

**EV LUTHERAN CHURCH**

**PARCEL 1:**

A PORTION OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SAID SECTION 9 AND RUN NORTH 89 DEGREES 37 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  FOR 361.79 FEET, THENCE RUN SOUTH 0 DEGREE 38 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 9 FOR 463.65 FEET; THENCE RUN SOUTH 47 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL TO AND 390-0 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1616 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 304.58 FEET; THENCE RUN SOUTH 89 DEGREES 37 MINUTES 14 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  FOR 133.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SOUTHWEST  $\frac{1}{4}$ , THENCE RUN FORTH 0 DEGREES 38 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST  $\frac{1}{4}$  FOR 665.96 FEET TO THE POINT OF BEGINNING.

**LESS**

THAT PORTION OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE WEST  $\frac{1}{4}$  CORNER OF SAID SECTION 9, THENCE RUN N88°55'43" E ALONG THE NORTH LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, FOR 40.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, THENCE RUN S1°20'32"E ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, FOR 371.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE NORTHEAST; THENCE RUN SOUTH AND SHOUTHEASTERLY ALONG SAID CIRCULAR ARC HAVING A RADIUS OF 1,001.75 FEET AND CENTRAL ANGEL 17°08'08" FOR AN ARC DISTANCE OF 299.59 FEET TO A POINT ON THE SOUTH LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, THENCE RUN S88°57'16"N ALONG THE SOUTH LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SETION 9 FOR 84.48 FEET TO THE SOUTHWEST CORNER OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, THENCE RUN N1°20'32"W ALONG THE WEST LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9 FOR 665.9 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

LOT 1 IN BLOCK 17, OF "CUTLER RIDGE SECTION FOUR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK60, PAGE 23 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



LAW OFFICES OF  
*Javier L. Vazquez, P.A.*

---

8061 N.W. 155 Street • Miami Lakes, Florida 33016  
Phone: (305) 825-7080 • Fax: (305) 825-6523  
e-mail: javivaz@bellsouth.net

April 24, 2006

Diane O'Quinn Williams  
Director, Dept. of Planning and Zoning  
Miami-Dade County  
111 N.W. 1st Street, 11th Floor  
Miami, Florida 33128

Re: Revised Letter of Intent – Cutler Ridge Evangelical Lutheran Church  
Application #05-287

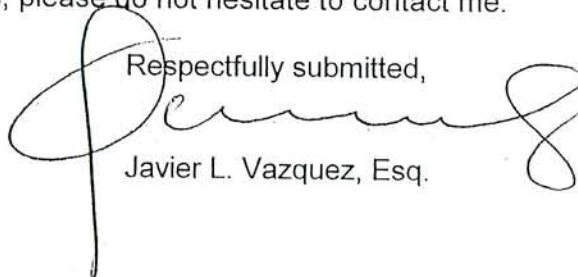
Dear Ms. O'Quinn,

The undersigned has been retained in connection with the above-referenced matter. Please accept this letter as our **revised** letter of intent in support of the above-referenced application (the "Application"). The original submittal by Jerry Proctor, Esq., of Bilzin, Sumberg, LLP, is a request for a district boundary change from AU to RU-1.

Our revised request is for a DBC from AU to RU-1M(a) to allow for the development of 25 single family homes. The applicant is submitting plans with this letter, which plans the applicant is willing to tie to the approval of this request by way of a Declaration of Restrictions running with the land. Our request continues to be consistent with the CDMP designation of Single Family Residential and is compatible with the surrounding neighborhood. Consideration should also be given to the fact that the proposed development fronts and accesses to and from a section line road, being SW 97<sup>th</sup> Avenue.

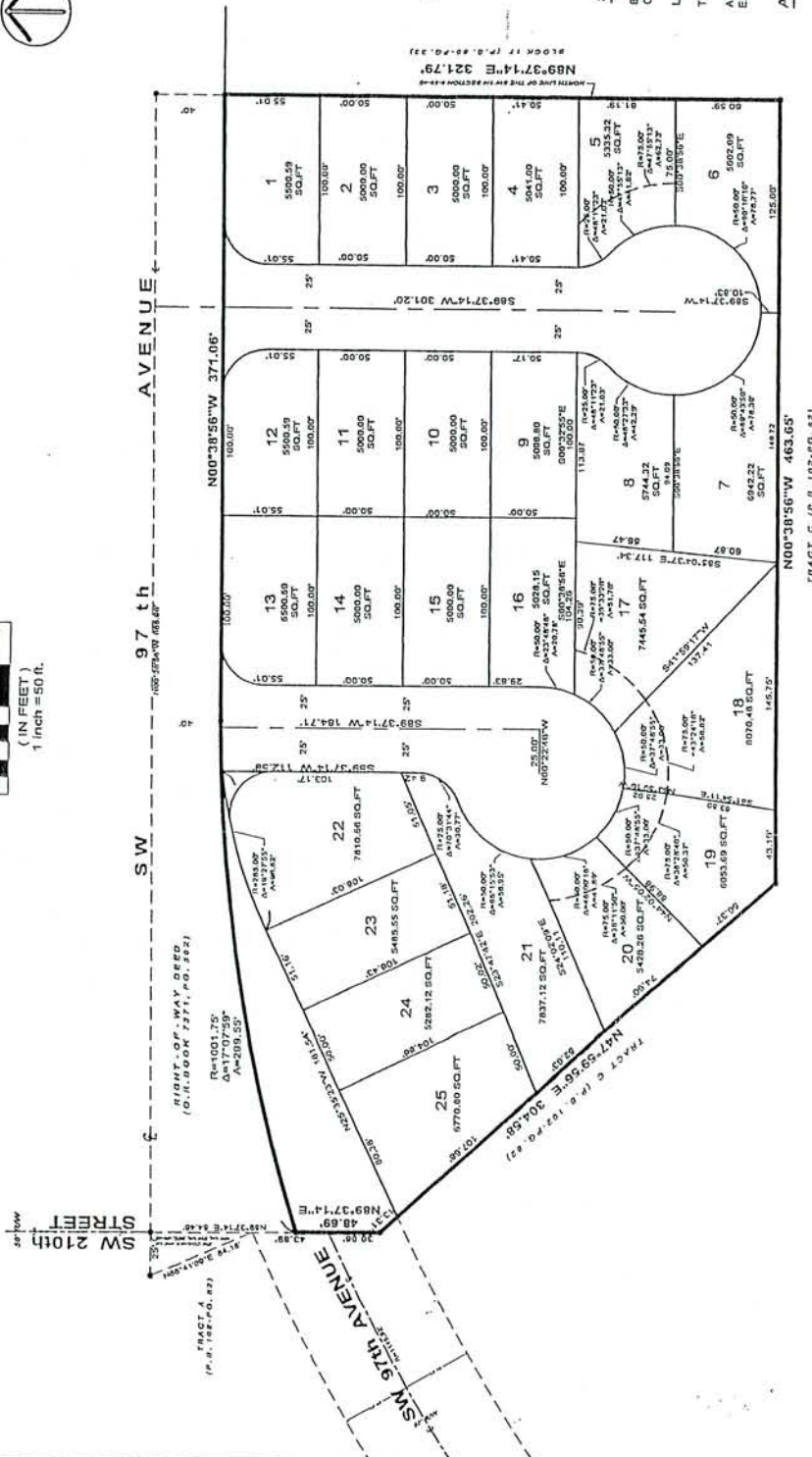
We respectfully request your recommendation of approval in this matter. In the meantime, should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Javier L. Vazquez', is written over the typed name. The signature is fluid and cursive, with a large initial 'J'.

Javier L. Vazquez, Esq.

# SITE PLAN



## LEGAL DESCRIPTION:

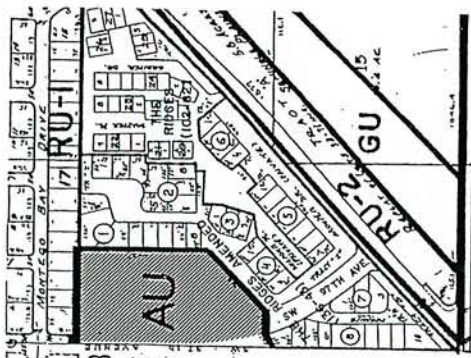
A PORTION OF THE SW 1/4 OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SAID SECTION 9 AND RUN NORTH 89°37'14" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 FOR 361.73 FEET, THENCE RUN SOUTH 0°37'56" EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 9 FOR 463.65 FEET, THENCE RUN SOUTH 47°59'42" WEST, ALONG A LINE PARALLEL TO AND 300 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1618 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 354.58 FEET, THENCE RUN SOUTH 89°37'14" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST 1/4 FOR 131.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SOUTHWEST 1/4, THENCE RUN NORTH 0°37'56" WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST 1/4 FOR 665.06 FEET TO THE POINT OF BEGINNING.

LESS

THAT PORTION OF THE NW 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE WEST 1/4 CORNER OF SAID SECTION 9, THENCE RUN NORTH 89°55'43" EAST ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 9, FOR 40.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE SW 1/4 OF SAID SECTION 9, THENCE RUN SOUTH 01°20'22" EAST ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE SW 1/4 OF SAID SECTION 9, FOR 371.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE NORTHEAST, ANGLE 17°08'46" FOR AN ARC DISTANCE OF 299.59 FEET TO A POINT ON THE SOUTH LINE OF THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 9, THENCE RUN NORTH 01°20'22" WEST ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 9 FOR 655.06 FEET TO THE POINT OF BEGINNING.



## LOCATION SKETCH

N.T.S.

## SURVEYOR'S REPORT:

BEARING SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF SW 8TH AVENUE WHICH BEARS N 0°25'52" W.

LEGAL DESCRIPTION SHOWN HEREON WAS FURNISHED BY THE CLIENT.

THIS SITE PLAN WAS PREPARED FROM INFORMATION FURNISHED BY THE CLIENT. AREA AND DIMENSIONS OF CORNER LOTS ARE TO THE INTERSECTION OF BLOCK LINES EXTENDED, UNLESS OTHERWISE SHOWN.

## ABBREVIATIONS:

CL-DENOTES CENTER LINE  
SQ. FT. -DENOTES SQUARE FEET

## DEVELOPMENT INFORMATION:

EXISTING ZONING DISTRICT: AU  
PROPOSED ZONING DISTRICT: RU-1WA  
TOTAL No. BLOCKS: 1  
TOTAL No. LOTS: 25

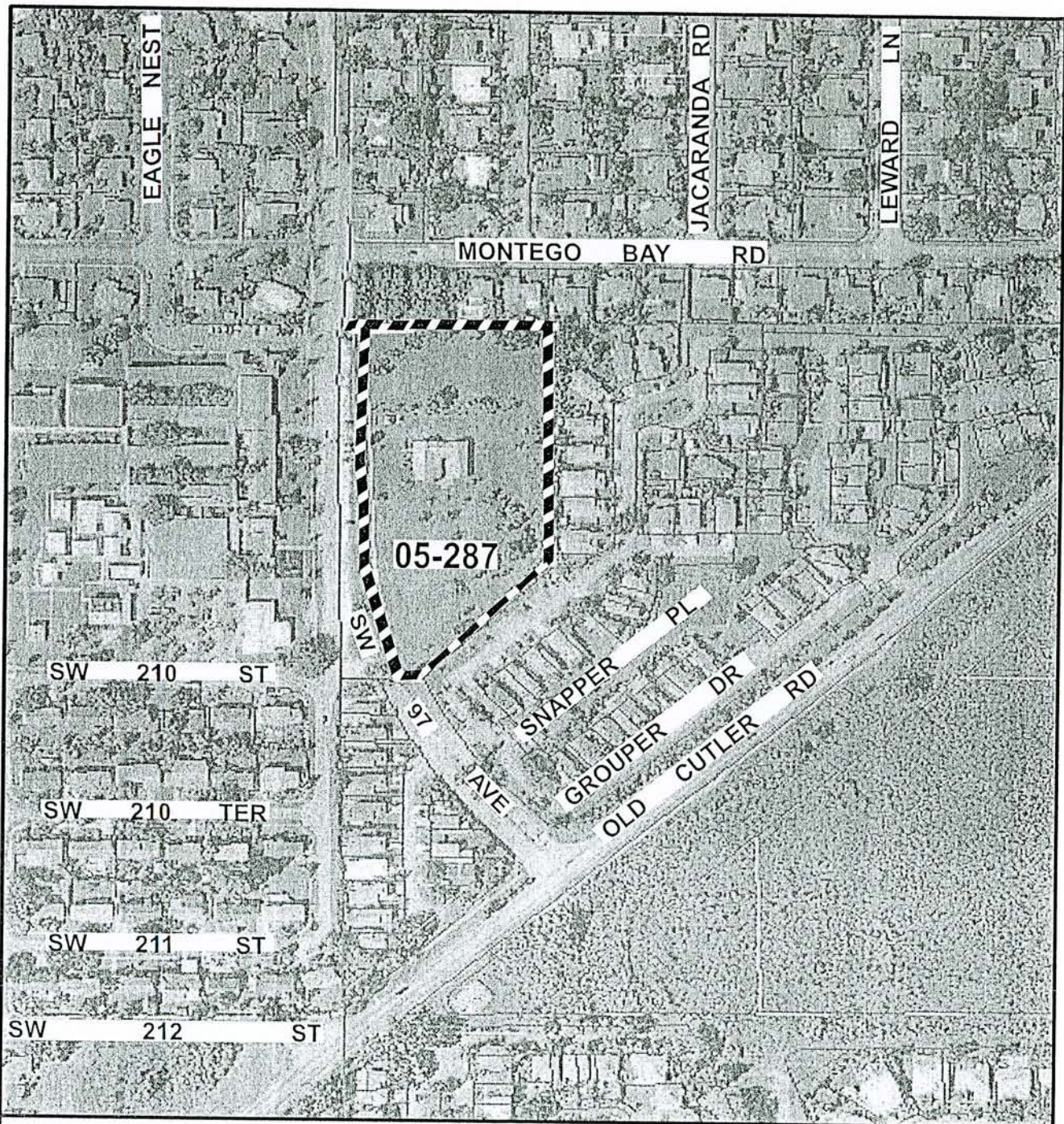
THIS IS NOT A BOUNDARY SURVEY.

MANUEL G. VERA AND ASSOCIATES, INC.  
ENGINEERS, LAND SURVEYORS, PLANNERS  
13960 S.W. 47th STREET MIAMI, FLORIDA 33155 PHONE: (305) 221-1210 FAX: (305) 221-1295

## PROPOSED SITE PLAN

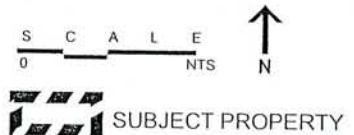
DATE	DRAWN BY	SCALE	F.B. - PG.	JOB NO.
03/15/05	T.A.	1" = 50'		05-05-101



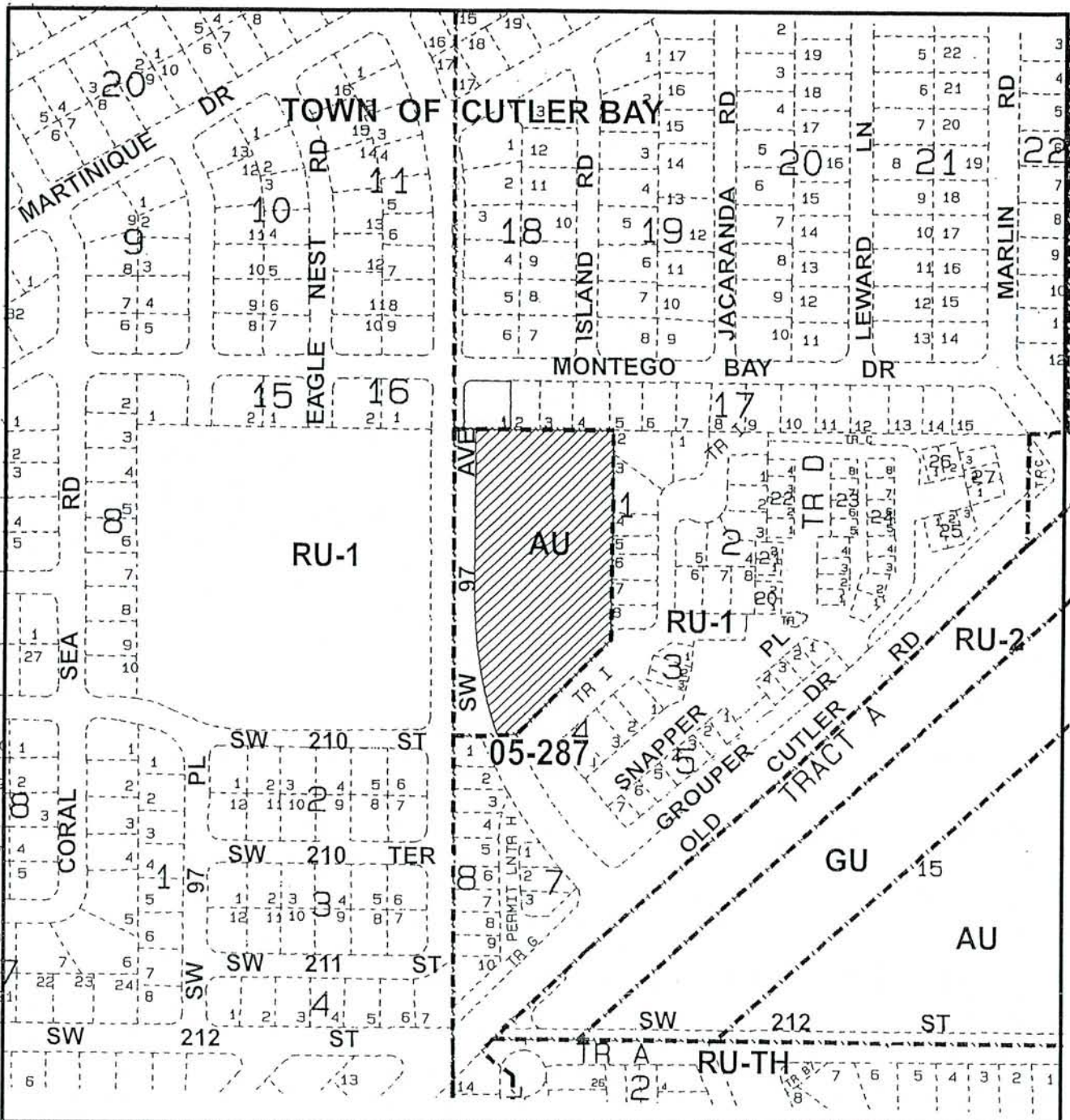


# MIAMI-DADE COUNTY AERIAL

Section: 09 Township: 56 Range: 40  
 Process Number: 05-287  
 Applicant: CUTLER RIDGE EV LUTHERAN CHURCH  
 Zoning Board: TCB  
 District Number: 8  
 Drafter ID: JEFFER  
 Scale: NTS







# MIAMI-DADE COUNTY HEARING MAP

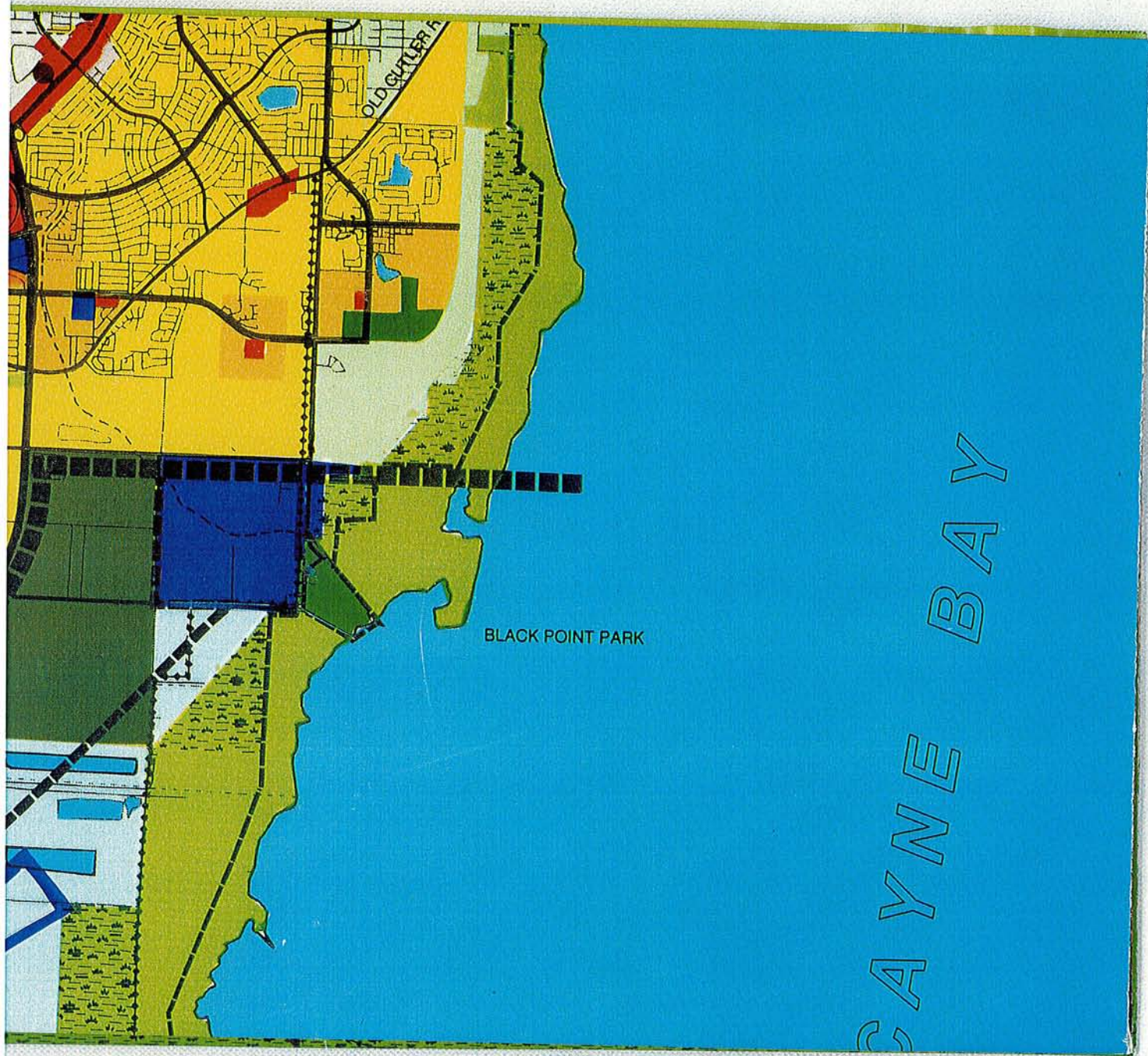
Section: 09 Township: 56 Range: 40  
 Process Number: 05-287  
 Applicant: CUTLER RIDGE EV LUTHERAN CHURCH  
 Zoning Board: TCB  
 District Number: 8  
 Drafter ID: JEFFER  
 Scale: 1:200'

S C A L E  
 0 NTS N

 SUBJECT PROPERTY









**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

MIAMI • TALLAHASSEE

JERRY B. PROCTOR, ESQ.  
Direct Dial (305) 350-2361  
Direct Facsimile (305) 351-2250  
E-mail: jproctor@bilzin.com

August 22, 2005

Ms. Diane O'Quinn Williams, Director  
Miami-Dade County  
Department of Planning and Zoning  
111 N.W. 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, FL 33128

Re: District Boundary Change Application  
Property: 20851 S.W. 97<sup>th</sup> Avenue  
Folio Number: 30-6009-000-0160

Dear Ms. O'Quinn Williams:

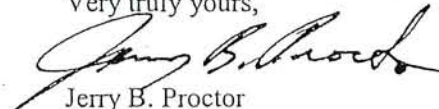
Please accept the attached application for a district boundary change of the property located at 20851 S.W. 97<sup>th</sup> Avenue (the "Property"). The firm represents Charles Tochtermann, prospective purchaser of the Property.

The Applicant hereby requests a district boundary change of their 4+/- acre site from Agricultural ("AU") to Single Family Residential ("RU-1"). This request is compatible with the character of the surrounding area. RU-1 uses surround the Property to the north, south, east and west. The Applicants propose to develop the Property as residential commensurate with RU-1 district requirements.

The request is also in accordance with the Comprehensive Development Master Plan (the "CDMP"). The CDMP designates the area for Single Family Residential. This classification permits a density of 2.5 to 6 units per acre. The proposed development will provide a density in compliance with the Single Family Residential requirements. Accordingly, the request is compatible with the CDMP.

Thank you for your consideration of this application.

Very truly yours,



Jerry B. Proctor

JBP:id

cc: Charles Tochtermann  
Alexandra Deas, Esq.



## REQUEST FOR LEGAL DESCRIPTION CHECK (Part A)

Appl. No.: Z

Sec: \_\_\_\_\_ Twp: \_\_\_\_\_ Rge: \_\_\_\_\_

Processor: \_\_\_\_\_

CZAB # \_\_\_\_\_: BCC \_\_\_\_\_

### TYPE OR PRINT ALL INFORMATION – ALL FOLIO NUMBERS REQUIRED

1. FOLIO NUMBER(S) OF SUBJECT PROPERTY (List all folio numbers comprising the subject property)

30-6009-000-0160

2. NAME OF APPLICANT (Property Owner or Lessee with Owner's Sworn-to-Consent)

Cutler Ridge EV Lutheran Church

3. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If application contains requests for multiple zone changes, provide the legal description for each area. Attach separate sheet(s), as needed.

See Exhibit "A"

4. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

20851 S.W. 97<sup>th</sup> Avenue

5. SIZE OF PROPERTY \_\_\_\_\_ "x" \_\_\_\_\_ (in acres): 4+/-  
(divide total sq. ft. by 43,560 to obtain acreage)

6. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (If attaching separate sheet, clearly label as contiguous property)

N/A

Sec.	Twp.	Range

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: \_\_\_\_\_

Date Received \_\_\_\_\_

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed "Owner's Sworn-to-Consent" and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

\_\_\_\_\_ Cutler Ridge EV Lutheran Church \_\_\_\_\_

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: \_\_\_\_\_ 20851 Gulfstream Road \_\_\_\_\_

City: \_\_\_\_\_ Miami \_\_\_\_\_ State: \_\_\_\_\_ FL \_\_\_\_\_ Zip: \_\_\_\_\_ 33189 \_\_\_\_\_ Phone#: \_\_\_\_\_

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): \_\_\_\_\_ Same as above \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

4. **CONTACT PERSON'S INFORMATION:**

Name: \_\_\_\_\_ Jerry Proctor, Esq. \_\_\_\_\_

Company: \_\_\_\_\_ Bilzin Sumberg Baena Price & Axelrod LLP \_\_\_\_\_

Mailing Address: \_\_\_\_\_ 200 South Biscayne Boulevard, Suite 2500 \_\_\_\_\_

City: \_\_\_\_\_ Miami \_\_\_\_\_ State: \_\_\_\_\_ FL \_\_\_\_\_ Zip: \_\_\_\_\_ 33131 \_\_\_\_\_

Phone#: \_\_\_\_\_ 305.350.2361 \_\_\_\_\_ Fax#: \_\_\_\_\_ 305.351.2250 \_\_\_\_\_ E-mail: \_\_\_\_\_ jproctor@bilzin.com \_\_\_\_\_

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

\_\_\_\_\_ See Exhibit "A" \_\_\_\_\_



6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

20851 S.W. 97<sup>th</sup> Avenue

7. SIZE OF PROPERTY (in acres): 4+/- (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☐ leased: Lease term: years  
(month & year)

9. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

10. Is there an option to purchase ☒ or lease ☐ the subject property or property contiguous thereto? ☐ no ☒ yes (If yes, identify potential purchaser or lessee and complete "Disclosure of Interest" form)

Charles Tochtermann

11. PRESENT ZONING CLASSIFICATION: AU

12. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

☒ District Boundary Changes (DBC) [Zone class requested]: RU-1

☐ Unusual Use:

☐ Use Variance:

☐ Alternative Site Development:

☐ Special Exception:

☐ Modification of previous resolution/plan:

☐ Modification of Declaration or Covenant:

13. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

14. Is this hearing as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: and describe the violation:

15. Describe structures on the property: Church

16. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: Religious Year:

## APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

### OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

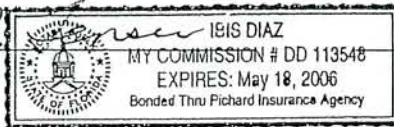
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

### CORPORATION AFFIDAVIT

I/we Harold J. Lenser being first duly sworn, depose and say that I am the \_\_\_\_\_ of the aforesaid limited liability company, and as such, have been authorized to file this application for public hearing; and that said limited liability company is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: Harold J. Lenser

(Corp. Seal)



Sworn to and subscribed to before me  
this 23 day of August, 2005

Notary Public: [Signature]  
Commission Expires: \_\_\_\_\_

### PARTNERSHIP AFFIDAVIT

WE, the undersigned, being first duly sworn, depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

### ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF \_\_\_\_\_

Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_,  
hereinafter the Affiant(S), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the \_\_\_\_\_  
Corporation, with the following address:  
\_\_\_\_\_  
\_\_\_\_\_
2. The corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Obi Diaz  
Signature

Obi Diaz  
Print Name

Harold J. Lenser  
Affiant's signature

Harold J. Lenser  
Print Name

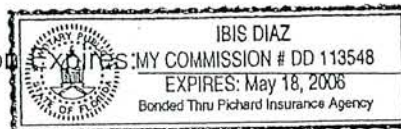
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the 23 day of August, 2005. Affiant  
is personally known to me or has produced Fla. Div. License 252635040010 as identification.

Obi Diaz  
Notary  
(Stamp/Seal)

My Commission Expires



## RESPONSIBILITIES OF THE APPLICANT

### I AM AWARE THAT:

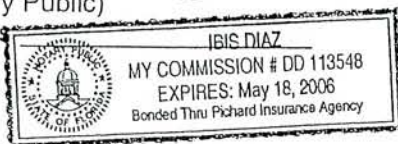
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

*Harold J. Jensen*

Sworn to and subscribed before me this 23 day of August, 2005 Affiant is personally known to me or has produced F.I.D.L.# L52635044006-0 as identification.

*Obi Diaz*  
(Notary Public)

My commission expires





OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared \_\_\_\_\_, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiants are the fee owner of the property which is the subject of the proposed hearing.

2. The subject property is legally described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

\_\_\_\_\_  
Signature

\_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, 2003. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary  
(Stamp/Seal)

My Commission Expires: \_\_\_\_\_

OWNERSHIP AFFIDAVIT  
FOR  
TRUSTEE

STATE OF \_\_\_\_\_

Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the Trustee of the \_\_\_\_\_, with the following address: \_\_\_\_\_
2. The Trust is the fee simple owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as: \_\_\_\_\_
4. Under the terms of the trust, Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

\_\_\_\_\_ Trust  
By: \_\_\_\_\_, Trustee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Affiant's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2003. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Stamp/Seal)  
Commission Expires: \_\_\_\_\_

PH # \_\_\_\_\_



### DISCLOSURE OF INTEREST\*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: \_\_\_\_\_

NAME AND ADDRESS	Percentage of Stock
_____	_____

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

NAME AND ADDRESS	Percentage of Stock
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS	Percentage of Stock
_____	_____

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Walden Jensen*

Sworn to and subscribed before me this 23 day of August, 2005. Affiant is personally known to me or has produced as identification. R.D.# 6926-352-44-006-0



My commission expires \_\_\_\_\_

\* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



EXHIBIT "A"

EV LUTHERAN CHURCH

PARCEL 1:

A PORTION OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SAID SECTION 9 AND RUN NORTH 89 DEGREES 37 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  FOR 361.79 FEET, THENCE RUN SOUTH 0 DEGREE 38 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 9 FOR 463.65 FEET; THENCE RUN SOUTH 47 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL TO AND 390.0 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD CUTLER ROAD, AS RECORDED IN DEED BOOK 1616 AT PAGE 483 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, FOR 304.58 FEET; THENCE RUN SOUTH 89 DEGREES 37 MINUTES 14 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  FOR 133.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SOUTHWEST  $\frac{1}{4}$ , THENCE RUN FORTH 0 DEGREES 38 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST  $\frac{1}{4}$  FOR 665.96 FEET TO THE POINT OF BEGINNING.

LESS

THAT PORTION OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST  $\frac{1}{4}$  CORNER OF SAID SECTION 9, THENCE RUN N88°55'43" E ALONG THE NORTH LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, FOR 40.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 40 FEET OF THE S.W.  $\frac{1}{4}$  OF SECTION 9, THENCE RUN S1°20'32" E ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE WEST LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, FOR 371.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE THAT IS CONCAVE TO THE NORTHEAST; THENCE RUN SOUTH AND SHOUTHEASTERLY ALONG SAID CIRCULAR ARC HAVING A RADIUS OF 1,001.75 FEET AND CENTRAL ANGEL 17°08'08" FOR AN ARC DISTANCE OF 299.59 FEET TO A POINT ON THE SOUTH LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, THENCE RUN S88°57'16" N ALONG THE SOUTH LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SETION 9 FOR 84.48 FEET TO THE SOUTHWEST CORNER OF THE N.W.  $\frac{1}{4}$  OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9, THENCE RUN N1°20'32" W ALONG THE WEST LINE OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 9 FOR 665.9 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOT 1 IN BLOCE 17, OF "CUTLER RIDGE SECTION FOUR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK60, PAGE 23 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

# TAB 19



ORDINANCE NO. 06-\_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , AMENDING SECTION 26-33 “THE SHANNON MELENDI ACT” OF THE MIAMI-DADE COUNTY CODE MADE APPLICABLE IN THE TOWN PURSUANT TO SECTION 8.3 OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) will be in control of certain parks in the Town in the near future; and

**WHEREAS**, Miami-Dade County Code section 26-33 entitled the Shannon Melendi Act as it existed on November 9, 2005, is applicable in the Town pursuant to Section 8.3 of the Town Charter; and

**WHEREAS**, the Town Council finds it is in the best interest of the Town to adopt an amended Shannon Melendi Act for the protection of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Shannon Melendi Act Amended.** Miami-Dade County Code Chapter 26, “Park and Recreation Department Rules and Regulations,” Article II, “Programming Partners Program,” Section 26-33 “The Shannon Melendi Act”, as applicable to the Town pursuant to Section 8.3 of the Town Charter, is hereby amended as follows: <sup>1</sup>

Sec. 26-33. The Shannon Melendi Act.

A. All Programming Partner staff and volunteers who will have direct contact with program participants, at their expense, must show proof of official statewide background checks (either through the Florida Department of Law Enforcement or the Miami-Dade Police) for ~~substance abuse~~, sex offenses, family violence and crimes of moral turpitude. The Department will seek a cooperative agreement with the Miami-Dade Police Department to provide such services at a discount for Partners. All Programming Partner staff must show proof of legal immigrant status in the United States. The Programming Partner shall keep records of all background checks and proof of legal immigrant status.

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<sup>1</sup>/ Proposed additions to existing Town Code text are shown by underline; proposed deletions from existing Town Code text are shown by ~~strikethrough~~.

B. All Programming Partner staff and permanent volunteer coaches shall wear a picture identification at all times while on ~~County~~ Town property, any park owned or operated by the Town and at all times when in direct contact with program participants.

C. All fair and carnival employees or agents who will have direct contact with children under the age of 18 in a ~~Miami-Dade County~~ any park owned or operated by the Town, shall, at their expense, show proof of official statewide background checks (either through the Florida Department of Law Enforcement or the Miami-Dade Police) for ~~substance abuse~~, sex offenses, family violence and crimes of moral turpitude. All fair and carnival employees or agents working in a ~~Miami-Dade County~~ any park owned or operated by the Town must show either proof of U.S. citizenship or legal immigrant status in the United States. The employer of any fair or carnival employee serving in any park owned or operated by the Town ~~a Miami-Dade County~~ shall keep records of all background checks and proof of legal immigrant status.

D. All fair and carnival employees or agents who will have direct contact with children under the age of 18 in a ~~Miami-Dade County~~ any park owned or operated by the Town shall wear a picture identification at all times while on ~~County~~ Town property and at all times when in direct contact with program participants.

E. Should any background check, as required by this section, report that a person subject to the background check: 1) is a registered sex offender or sexual predator; 2) has a history of domestic violence; or 3) has a criminal record for a crime of moral turpitude, then that person shall be precluded from acting as a programming partner staff, volunteer, fair or carnival employee or agent in any park, owned or operated by the Town of Cutler Bay.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Cutler Bay Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.



PASSED AND ADOPTED on first reading this 15<sup>th</sup> day of November, 2006.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_