

## TOWN OF CUTLER BAY

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

Interim Town Manager Steve Alexander  
Interim Town Attorney Richard Weiss  
Interim Town Clerk Elizabeth Sewell

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 Interim Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting.

### TOWN COUNCIL MEETING AGENDA

Thursday, May 18, 2006

7:00 PM

East Ridge Retirement Village

19301 S.W. 87 Avenue

(305) 256-3506

#### INVOCATION:

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

#### II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by United Citizens for South Link
- B. Presentation by Wilson Fernandez of Miami-Dade Metropolitan Planning Organization

#### III. TOWN MANAGER'S REPORT

- A. Budget Report

#### IV. TOWN ATTORNEY'S REPORT

#### V. BOARD AND COMMITTEE REPORTS

- A. Town Clerk/Communications Committee

#### VI. ADDITIONS, DELETIONS, AND DEFERRALS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO AN APPROVED SITE PLAN TO ALLOW FOR REDEVELOPMENT OF A MOVIE THEATER INTO A COMMERCIAL BUILDING AND APPROVAL OF AN UNUSUAL USE FOR OUTDOOR DINING FOR THE SHOPPING

CENTER LOCATED AT 18403 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

**VII. CONSENT AGENDA**

- A. Minutes of the May 4, 2006 Council Meeting
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING A TOWN POLICY RELATED TO FLOODS IN ORDER TO BE INCLUDED IN THE NATIONAL FLOOD INSURANCE PLAN; PROVIDING AN EFFECTIVE DATE
- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE INTERIM TOWN MANAGER TO HIRE SUPPORT STAFF; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA RELATING TO FINANCE; AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY IN ORDER TO RECEIVE FUNDING FROM MIAMI-DADE COUNTY IN THE AMOUNT OF \$600,000; PROVIDING FOR AN EFFECTIVE DATE.

**VIII. RESOLUTIONS**

**IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33, "ZONING" ARTICLE VI, "SIGNS," DIVISION 2, "GENERAL PROVISIONS" OF THE TOWN'S CODE OF ORDINANCES, BY PROVIDING FOR THE PROHIBITION OF OFF-PREMISES SIGNAGE WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AND ADOPTING THE INTERIM BUDGET FOR THE TOWN OF CUTLER BAY FOR FISCAL YEAR 2005-06; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS WITHIN THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1, WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); EXEMPTING CERTAIN DEVELOPMENT; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

**XII. PUBLIC COMMENTS**

**XIII. OTHER BUSINESS**

**XIV. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT**

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.

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

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO AN APPROVED SITE PLAN TO ALLOW FOR REDEVELOPMENT OF A MOVIE THEATER INTO A COMMERCIAL BUILDING AND APPROVAL OF AN UNUSUAL USE FOR OUTDOOR DINING FOR THE SHOPPING CENTER LOCATED AT 18403 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Woolbright Pembroke Ltd (the "Applicant") has submitted an application to the Town of Cutler Bay (the "Town") for a modification of an approved site plan and approval of an unusual use for the shopping center located at 18403 South Dixie Highway (Application No. Z05-262); and

**WHEREAS,** the Applicant seeks to modify the approved site plan for the shopping center by replacing an existing movie theater with a commercial building, which will include retail and office uses and two proposed restaurants; and

**WHEREAS,** the Applicant also seeks approval of an unusual use for this shopping center to permit outdoor dining areas for the two proposed restaurants and an existing restaurant; and

**WHEREAS,** Town staff has reviewed the requirements of Sections 33-311(A)(7) and 33-311(A)(3) of the Town Code of Ordinances (the "Code") and has recommended approval of these requests with conditions; and

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

**WHEREAS,** the Town Council finds that this modification of the site plan for the shopping center and the unusual use are consistent with the provisions of the Town's Comprehensive Plan.

**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. Approval of Modification of Site Plan.** The Town Council, pursuant to Section 33-311(A)(7) of the Town Code, hereby approves the request by the Applicant, subject to the conditions below, to replace an existing movie theater with a commercial building, which will include retail and office uses and two proposed restaurants.

**Section 3. Approval of an Unusual Use for Outdoor Dining.** The Town Council, pursuant to Section 33-311(A)(3) of the Town Code, hereby approves the request by the Applicant, subject to the conditions below, for an unusual use for outdoor dining.

**Section 4. Conditions.** The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

1. That the Applicant apply for and obtain a Certificate of Use from the Town for the outdoor dining, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
2. That the outdoor dining areas be arranged in a manner so as not to obstruct pedestrian and wheelchair access to the entrance of the premises.
3. That all conditions of Miami-Dade County Resolutions Nos. Z-231-83 and 5-ZAB-57-95 remain in full force and effect, except as herein modified.
4. That a revised Declaration of Restrictions be submitted to the Town within 90 days after public hearing approval of this application, unless a time extension is granted by the Town, for good cause shown.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

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

\_\_\_\_\_  
PAUL VROOMAN  
Mayor

Attest: \_\_\_\_\_  
ELIZABETH SEWELL  
Interim 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 Vrooman \_\_\_\_\_

Vice Mayor Edward MacDougall \_\_\_\_\_

Council Member Timothy J. Meerbott \_\_\_\_\_

Council Member Ernest Sochin \_\_\_\_\_

Council Member Peggy Bell \_\_\_\_\_

# Final Kit

5-10-2006 Version # 1



TOWN OF CUTLER BAY  
SOUTH DADE GOVERNMENT CENTER - ROOM 203 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Thursday, May 18, 2006 at 7:00 p.m.

## PREVIOUSLY DEFERRED

A. 06-5-TCB-2 WOOLBRIGHT PEMBROKE LTD.

05-262

05-56-40

# TOWN OF CUTLER BAY COUNCIL

## TOWN OF CUTLER BAY

MEETING OF THURSDAY, MAY 18, 2006

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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**A. WOOLBRIGHT PEMBROKE LTD. (06-5-TCB-2/05-262)**

**5-56-40**

- (1) MODIFICATION of a plan approved pursuant to Resolution Z-231-83, passed and adopted by the Board of County Commissioners, last modified by Condition #2 of Resolution 5ZAB-57-95, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Old Cutler Oyster Company,' as prepared by Michael Alan Fine, dated revised 11-16-94, consisting of five sheets and a liquor survey as prepared by Jose E. Fuxa, P. L. S., dated Sept. 30, 1994."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Towers at Cutler Ridge,' as prepared by Gallo Architects, consisting of 13 pages, AS101 and AS104 dated stamped received 9/2/05, AS101A dated stamped received 1/23/06 and the remaining 11 pages dated stamped received 7/20/05."

- (2) MODIFICATION of Condition #1 of a Covenant recorded in Official Record Book 12025 at Pages 125 through 133 and reading as follows:

FROM: "1. Notwithstanding any zoning designation placed upon the real property herein described, Owner hereby agrees, on behalf of itself, its successors and assigns, that the areas designated for landscaping shall be developed and maintained substantially in accordance with the spirit and intent of the plans previously submitted, prepared by O'Leary, Shafer and Cosio, entitled South Dade Plaza Planting Plan dated the 7<sup>th</sup> day of December, 1983 (hereinafter 'Landscape Plan')."



TO: "1. Notwithstanding any zoning designation placed upon the real property herein described, owner hereby agrees, on behalf of itself, its successors and assigns, that the areas designated for landscaping shall be developed and maintained substantially in accordance with the spirit and intent of the plans previously submitted, as prepared by Gallo Architects entitled 'Towers at Cutler Ridge,' consisting of 13 pages, AS101 and AS104 dated stamped received 9/2/05, AS101A dated stamped received 1/23/06 and the remaining 11 pages dated stamped received 7/20/05."

The purpose of these requests is to permit the applicant to submit revised plans for an office building in lieu of the movie theater as shown on the previously approved plans and to show revised landscape plans for the office building site only.

(3) UNUSUAL USE to permit outdoor dining.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

LOCATION: 18403 South Dixie Highway, Town of Cutler Bay, Florida.

SIZE OF PROPERTY: 28.17 Acres

Department of Planning and  
Zoning Recommendation:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (generalized modification standards); approval with conditions of request #3 under Section 33-311(A)(3) (standards for special exceptions, unusual uses and new uses); and denial without prejudice of requests #1 and #2 under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 1 \_\_\_\_\_

Deferred from 5/4/06

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**A. WOOLBRIGHT PEMBROKE LTD.**  
Applicant

**06-5-TCB-2 (05-262)**  
TCB/District 8  
Hearing Date: 5/18/06

Property Owner (if different from applicant) Same.

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1983	Jean Barber Godwin	- Zone change from RU-1, BU-1, AU, and EU-1 to BU-1A. - Non-Use variance for wall.	BCC	Approved w/conds.
1984	Dr. Raul Gonzalez	Special exception spacing requirements for liquor package store.	ZAB	Approved
1984	Freddie Walker Assoc.	- Use variance and special exception for nightclub. - Special exception spacing.	ZAB	Approved w/conds.
1984	Jean Barber	- Modification of conditions. - Non-Use variances parking & sign.	BCC	Approved
1985	G.G.G. Investments, Inc.	Special exception relocation of liquor package store; spacing.	ZAB	Approved w/conds.
1986	G.G.G. Investments, Inc.	- Special exception lounge in conjunction with package store; spacing. - Modification of conditions.	ZAB	Approved w/conds.
1987	Zackli's Restaurant Systems, Inc.	Special exception for cocktail lounge in conjunction with restaurant; spacing.	ZAB	Approved w/conds.
1989	Hooligans Pig City BBQ.	Special exception lounge in connection with restaurant; spacing.	ZAB	Approved w/conds.
1995	The Old Cutler Oyster Co.	- Use variance nightclub in conjunction with a restaurant. - Special exception of spacing requirements.	ZAB	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**RECOMMENDATION TO THE TOWN OF CUTLER BAY**

**APPLICANT:** Woolbright Pembroke Ltd.

**PH:** Z05-262

**SECTION:** 05-56-40

**DATE:** May 18, 2006

**ITEM NO.:** A

=====

**A. INTRODUCTION**

o **REQUESTS:**

- (1) **MODIFICATION** of a plan approved pursuant to Resolution Z-231-83, passed and adopted by the Board of County Commissioners, last modified by Condition #2 of Resolution 5-ZAB-57-95, passed and adopted by the Zoning Appeals Board, reading as follows:

**FROM:** "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Old Cutler Oyster Company,' as prepared by Michael Alan Fine, dated revised 11-16-94, consisting of five sheets and a liquor survey as prepared by Jose E. Fuxa, P. L. S., dated Sept. 30, 1994."

**TO:** "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Towers at Cutler Ridge,' as prepared by Gallo Architects, consisting of 13 pages, AS101 and AS104 dated stamped received 9/2/05, AS101A dated stamped received 1/23/06 and the remaining 11 pages dated stamped received 7/20/05."

- (2) **MODIFICATION** of Condition #1 of a Covenant recorded in Official Record Book 12025 at Pages 125 through 133 and reading as follows:

**FROM:** "1. Notwithstanding any zoning designation placed upon the real property herein described, Owner hereby agrees, on behalf of itself, its successors and assigns, that the areas designated for landscaping shall be developed and maintained substantially in accordance with the spirit and intent of the plans previously submitted, prepared by O'Leary, Shafer and Cosio, entitled South Dade Plaza Planting Plan dated the 7<sup>th</sup> day of December, 1983 (hereinafter 'Landscape Plan')."

**TO:** "1. Notwithstanding any zoning designation placed upon the real property herein described, owner hereby agrees, on behalf of itself, its successors and assigns, that the areas designated for landscaping shall be developed and maintained substantially in accordance with the spirit and intent of the plans previously submitted, as prepared by Gallo Architects entitled 'Towers at Cutler Ridge,' consisting of 13 pages, AS101 and AS104 dated stamped received 9/2/05, AS101A dated stamped received 1/23/06 and the remaining 11 pages dated stamped received 7/20/05."

The purpose of these requests is to permit the applicant to submit revised plans for an office building in lieu of a movie theater as shown on the previously approved plans and to show revised landscape plans for the office building site only.

(3) **UNUSUAL USE** to permit outdoor dining.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to modify plans of an existing shopping center by replacing an existing movie theater with a commercial building, which will include retail and office uses and two proposed restaurants. An unusual use to permit outdoor dining areas for the two proposed restaurants and an existing restaurant with lounge is also sought.

o **LOCATION:**

18403 South Dixie Highway, Town of Cutler Bay, Florida.

o **SIZE:** 28.17 acres

o **IMPACT:**

The proposed outdoor dining service areas will provide an additional dining option for the community. However, the proposed use could visually and aurally impact the surrounding area. The replacement of the movie theater with a commercial/office building with restaurants will bring different entertainment options than the movie theater would have provided for the community.

**B. ZONING HEARINGS HISTORY:**

In 1983, the subject property was granted a district boundary change from BU-1, Neighborhood Business District, EU-1, One Acre Estates District, AU, Agricultural District, and RU-1, Single-Family Residential District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-231-83. A required 5' high decorative masonry wall along the rear (east) property line was also waived. In October 1984, a modification of plans and a non-use variance of parking requirements to permit less parking and a non-use variance of signs to permit a second oversized sign were granted, pursuant to Resolution No. Z-154-84. In that same year, a special exception of spacing requirements to permit a liquor package store to be located within 2,500 feet of churches was approved, pursuant to Resolution No. 4-ZAB-399-84. In November 1984, a use variance and special exception to permit a nightclub in the BU-1A zone as would be permitted in the BU-2 zone and to allow

said nightclub to be spaced less than required from churches and from another alcoholic beverage use was granted, pursuant to Resolution No. 4-ZAB-478-84. In 1985, the package liquor store relocated within the shopping center and was granted a special exception of spacing requirements, pursuant to Resolution No. 4-ZAB-85-85. In 1986, the subject property was granted 1) a special exception to permit a lounge in conjunction with an existing package store, 2) a special exception of spacing requirements for the proposed lounge, and 3) a modification of a Condition of Resolution No. 4-ZAB-85-85 to indicate the aforementioned use, pursuant to Resolution No. 4-ZAB-25-86. In 1986, additional special exceptions were granted to permit a cocktail lounge in conjunction with a restaurant and to permit the proposed cocktail lounge to be spaced less than required from churches and alcoholic beverage uses, pursuant to Resolution No. 4-ZAB-354-87. In 1989, pursuant to Resolution No. 4-ZAB-467-89, a special exception to permit a lounge in connection with an existing restaurant, a special exception of spacing requirements to permit said lounge to be spaced less than required from churches and from another alcoholic beverage use and a non-use variance of hours and days of operation for the lounge were granted on the subject site. In 1995, a use variance to permit a nightclub in conjunction with a restaurant in the BU-1A District was granted. A special exception of spacing requirements to permit said nightclub to be located closer than permitted to other existing alcoholic beverage uses and from churches and schools was also approved, pursuant to Resolution No. 5-ZAB-57-95.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

**2. Other Land Uses Not Addressed.**

Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including

roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

3. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

BU-1A; shopping center

Business and Office

**Surrounding Properties:**

**NORTH:** BU-3; offices  
BU-1A; retail businesses and  
vacant land

Business and Office

**SOUTH:** BU-2; retail businesses  
BU-1A; gas station  
RU-3; townhouse style condos  
RU-2; duplexes  
RU-1; single-family residences

Business and Office

Low Density Residential, 2.5 to 6 dua

**EAST:** RU-4L; multi-family apartments  
GP; park  
RU-1; single-family residences

Business and Office

Low Density Residential, 2.5 to 6 dua

**WEST:** BU-1A; gas station  
BU-2; commercial building  
BU-3; gas station

Business and Office

The subject property is located at 18403 South Dixie Highway. The area is characterized by mixed uses including single-family residences, duplexes, multi-family apartments, gas stations, offices and retail businesses. A vacant parcel is located to the north.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**Section 33-311(A)(7) Generalized Modification Standards.** The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such

requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This application was deferred from the May 4, 2006 meeting at the Town's request. The subject property is a commercial shopping center that is zoned BU-1A and is located at 18403 South Dixie Highway. The applicant is requesting Modifications of previously approved plans pursuant to Resolution Z-231-83 and of a condition of a Covenant restricting the development of the property to a specific site plan. The applicant intends to redevelop the site with a new commercial building consisting of retail and office space and two proposed restaurants. An unusual use to permit outdoor dining service areas for the two proposed restaurants and an existing restaurant with lounge within the shopping center is also being requested. The surrounding area is characterized by a mixture of uses including an established residential area to the south; multi-family apartments, single-family residences and a park to the east; gas stations and commercial buildings to the west and offices, apartment buildings and a vacant parcel to the north.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and states that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. They indicate that this application will generate less vehicle trips than the existing usage and will not generate any new additional daily peak hour vehicle trips and therefore meets traffic concurrency.

Approval of this application would allow the applicant to provide to the community additional retail uses and office space, two new restaurants with outdoor dining services and outdoor dining for an existing restaurant and lounge. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates a full range of sales and services activities, including retail, wholesale, personal and professional services, commercial and professional offices, hotels and motels, hospitals, medical buildings,



entertainment and cultural facilities and commercial recreational establishments. A vacant movie theater building exists on the site of the subject property, which will be demolished and replaced with a three-story building to contain retail, office and two restaurants with outdoor dining service. A third outdoor dining area is proposed for an existing restaurant and lounge located on the northwest portion of the site. The subject site's existing BU-1A zoning and uses and the proposed retail, office, restaurants and outdoor dining service uses, are consistent with the LUP Map of the CDMP.

The applicant is seeking an unusual use to permit outdoor dining in connection with an existing restaurant and lounge and two proposed restaurants (request #3). The Master Plan specifies that certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. The unusual use request for outdoor dining is similar to a children's accessory playing facility that can be found outside restaurants. The site is a commercial shopping center consisting of several buildings located on all sides of the property and the majority of the parking area is located in the center of the site. The subject property is bounded by South Dixie Highway to the west, SW 184 Street (Eureka Drive) to the north and SW 186 Street (Quail Roost Road) to the south, which facilitates transportation to the site by patrons. A 95' wide berm exists along the south property line. To the south of the subject property is an established residential development consisting of single-family residences, duplexes, and townhouse-style apartments; to the west is a commercial building and a gas station; to the east are multi-family apartments, a park and single-family residences and to the north are offices and a vacant parcel. The applicant will be demolishing a vacant theater located on the southwest portion of the subject property and replacing it with a commercial building that will include offices, retail uses, and two restaurants with outdoor dining areas on the first floor. Staff supports the proposed outdoor dining in conjunction with the proposed restaurants. The site plan submitted indicates that the two proposed restaurants with outdoor dining areas will be oriented towards South Dixie Highway. A 75'4" wide parking area will act as a buffer from said major roadway and will lessen any visual or aural impacts generated by the outdoor dining areas. The 95' wide landscaped berm located along the south portion of the property and the additional 65' wide SW 186 Street (Quail Roost Road) is, in staff's opinion, an adequate buffer for the residential community located to the south from the visual and aural impacts of the proposed outdoor dining areas. Staff also supports the third proposed outdoor dining area for an existing restaurant with lounge which is located on the northwest portion of the site near SW 184 Street (Eureka Drive). Across this roadway to the north are offices and a vacant parcel, which staff opines, will not be impacted by the proposed use. When considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area concerned and the compatibility of the applied

for use with such area and its development, staff is of the opinion that the proposed outdoor dining is **consistent** with the Master Plan and **compatible** with the surrounding area. As such, staff recommends approval with conditions of request #3 to permit outdoor dining under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses.

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modifications of a plan previously approved pursuant to Resolution Z-231-83 (request #1) and of Condition #1 of a Covenant (request #2) to allow the redevelopment of the southwest portion of the site with a new commercial building consisting of retail and office spaces and two proposed restaurants with outdoor dining service areas and to permit an outdoor dining service area for an existing restaurant with lounge will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. As previously mentioned, the Public Works Department has indicated that the proposed uses would generate less traffic than the previously approved uses. The submitted plans indicate that the theater building will be demolished and a three-story commercial and office building will be constructed that includes two restaurants with outdoor dining service areas on the first floor. The difference between the previously approved plans and the proposed plans is that the setback of the theater building from the west property line was 30', whereas the proposed building will be setback 75'4" from the west (South Dixie Highway) property line. This significant change will allow additional parking area to be provided for the proposed retail and office uses and restaurants with outdoor dining service areas and buffer the proposed building from South Dixie Highway. Also, the plans indicate a third proposed outdoor dining service area for an existing restaurant with lounge that is located towards the northwest portion of the site, which staff opines will not negatively impact the office building and vacant parcel to the north nor the residential areas to the south and west. The landscape plans submitted indicate that substantial landscaping will be provided along the west side of the property which will help lessen the visual impact of the proposed building and uses onto South Dixie Highway. The existing live oaks and cocoplum hedge lined along the west property line and the proposed added ficus hedge and redtip cocoplum hedge on the perimeter of the commercial building where the proposed restaurants will be located will enhance the aesthetics of the property. Staff is of the opinion that approval of these modifications to the site will not cause an undue burden on the surrounding area. As such, staff recommends approval of requests #1 and #2 under the Generalized Modification Standards, Section 33-311(A)(7).

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to requests #1 and #2. Due to the lack of information, staff is unable to properly analyze requests #1 and #2 under said standards and, as such, said requests should be denied without prejudice under these standards.

Accordingly, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7)(Generalized Modification Standards); approval with conditions of request #3 under Section 33-311(A)(3) (Standards For Special Exceptions, Unusual Uses And New Uses) and denial without prejudice of requests #1 and #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

**I. RECOMMENDATION:**

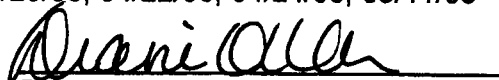
Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards); approval with conditions of request #3 under Section 33-311(A)(3) (Standards For Special Exceptions, Unusual Uses And New Uses) and denial without prejudice of requests #1 and #2 under Section 33-311(A) (17) (Modification or Elimination of Conditions and Covenants After Public Hearing).

**J. CONDITIONS:**

1. That the applicants apply for and obtain a Certificate of Use from the Town of Cutler Bay for the outdoor dining, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
2. That the outdoor dining areas be arranged in a manner so as not to obstruct pedestrian and wheelchair access to the entrance of the premises.
3. That all conditions of Resolutions Nos. Z-231-83 and 5-ZAB-57-95 remain in full force and effect, except as herein modified.
4. That a revised Declaration of Restrictions be submitted to the Town of Cutler Bay within 90 days after public hearing approval of this application, unless a time extension is granted by the Town of Cutler of Bay, for good cause shown.

**DATE INSPECTED:** 03/30/06  
**DATE TYPED:** 03/31/06  
**DATE REVISED:** 04/03/06; 04/05/06; 04/20/06; 04/22/06; 04/24/06; 05/11/06  
**DATE FINALIZED:** 05/11/06

DO'QW:AJT:MTF:LVT:JV:CSE

  
Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning



# Memorandum

**Date:** October 4, 2005

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

**Subject:** C-15 #Z2005000262  
Woolbright Pembroke, Ltd.  
18403 S. Dixie Highway  
Modification of a Resolution to Permit a Revised Site Plan & Unusual Use to Permit  
Outdoor Tables  
(BU-1A) (28.17 Ac.)  
05-56-40

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

**Potable Water Supply and Wastewater Disposal:**

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system 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 (CDMP). 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 the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

**Stormwater Management:**

A Surface Water Management General 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 is advised to contact DERM 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 the LOS standards for flood protection set forth in the CDMF subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the existing zoning classification, operating permits from DERM may be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Pollution Remediation:

The subject property contains the following sites with records of current contamination assessment or remediation on the property:

Dry Clean USA

18515 S. Dixie Highway  
PCD tracking #IW5-4680

Chlorinated solvents contaminated site. Currently in a state administered program awaiting funding for cleanup.

Main Moon Chinese Buffet (former Dry Clean USA)

18423 S. Dixie Highway  
PCD tracking #IW5-3764

Chlorinated solvents contaminated site. Currently in a state administered cleanup program awaiting funding for cleanup.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 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 (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The site contains specimen-sized (trunk diameter 18" of greater) trees. According to Section 24-49 of the Code, specimen-sized trees must be preserved on site whenever reasonably possible. Any future development plans must take into consideration the preservation of said trees. Tree Removal Permit 2005-254 was issued to Woolbright Pembroke, Ltd., on May 26, 2005. All approved tree removal and replanting must be completed prior to the scheduled expiration date of this permit on May 26, 2006. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any other trees on the property. 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:**

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMF for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the 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 and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

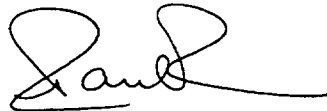
PH# Z2005000262  
CZAB - C15

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: WOOLBRIGHT PEMBROKE LTD

This Department has no objections to this application.

The proposed use of this application will generate less vehicle trips than the existing usage and will not generate any new vehicle trips; therefore this application meets the Initial Traffic Concurrency Criteria.



Raul A Pino, P.L.S.

19-SEP-05

RESOLUTION NO. 5-ZAB-57-95

WHEREAS, OLD CUTLER OYSTER COMPANY had applied for the following:

- (1) USE VARIANCE to permit a nightclub in conjunction with a restaurant in the BU-1A district.
- (2) SPECIAL EXCEPTION of spacing requirements as applied to alcoholic beverage establishments to permit the aforementioned nightclub to be spaced less than the required 1,500' from other existing alcoholic beverage establishments and to be spaced less than the required 2,500' from an existing school and houses of worship.
- (3) MODIFICATION of Condition #2 of Resolution 4-ZAB-85-85, last modified by Resolution 4-ZAB-25-86, passed and adopted by the Zoning Appeals Board on the 29th day of January, 1986, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'South Dade Shopping Center,' as prepared by Miami Group 2, Architecture and Land Planning, dated revised 8-13-84, and a floor plan entitled 'Proposed Lounge for South Dade Liquors-South Dade Shopping Center,' as prepared by Ivonne Barrera, Architect, dated September 14, 1985."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Old Cutler Oyster Company,' as prepared by Michael Alan Fine, dated revised 11-16-94, consisting of five sheets and a liquor survey as prepared by Jose E. Fuxa, P.L.S., dated Sept. 30, 1994."

The purpose of this request is to allow the applicant to submit a revised plan for the shopping center.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A", SOUTH DADE SHOPPING CENTER, Plat book 123, Page 68.

LOCATION: Lying east of U.S. #1, between S.W. 184 Street & S.W. 186 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and



WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested use variance, special exception and modification would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the following motion was offered by Jonathan Rubin seconded by Humberto Amaro and upon a poll of the members present, the vote was as follows:

Humberto Amaro	aye	Barbara Hardemon	aye
Willie Barnett	aye	Herminia Herrera	aye
Wilfredo Calvino, Jr.	aye	Eric Jacobs	aye
Frank Colunga	aye	Charlie McGarey	absent
Raul Del Portillo	aye	Jonathan Rubin	aye
Colleen Griffin	aye	June Stevens	absent
		Mavel Cruz	aye

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Old Cutler Oyster Company,' as prepared by Michael Alan Fine, dated revised 11-16-94, consisting of five sheets and a liquor survey as prepared by Jose E. Fuxa, P.L.S., dated Sept. 30, 1994.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Dade County Building and Zoning Department; upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management for applications of this type.
6. That a fully executed affidavit be submitted to the Department prior to Certificate of Use and Occupancy issuance stating that the subject alcoholic beverage use complies with Section 33-255.1 of the Code of Metropolitan Dade County and is not an adult entertainment establishment.

BE IT FURTHER RESOLVED that all conditions of Resolution No. 4-ZAB-85-85 shall remain in full force and effect, except as herein modified.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 15th day of February, 1995.

Hearing No. 94-12-32  
Typed bn

RESOLUTION NO. Z-231-83

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	aye	Barry D. Schreiber	absent
Clara Oesterle	aye	Ruth Shack	absent
Beverly B. Phillips	aye	Jorge (George) Valdes	aye
James F. Redford, Jr.	nay	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, JEAN BARBER GODWIN had applied for the following:

- (1) A district boundary change from BU-1 (Neighborhood Business), EU-1 (One Acre Estates), AU (Agricultural) and RU-1 (Single Family Residential) to BU-1A (Limited Business);
- (2) NON-USE VARIANCE REQUIRING a 5' high decorative masonry wall along the rear (east) property line; to waive same.

Plans are on file and may be examined in the Zoning Department entitled "South Dade Plaza", as prepared by Miami Group 2, revised dated 11-8-83 on sheet 1, revised dated 11-1-83 on sheet 2, and revised dated 9-12-83 on sheet 3.

SUBJECT PROPERTY: Lots 2, 3, and 4, FERRINE GRANT SUBDIVISION, Section 5, Township 56 South, Range 40 East, Plat book 1, Page 4; property lying east of State Road 5, less the South 42' for road and less the beginning 42' north of the South line, Lot 4 East line of State Road 5; thence NE/ly 187.9', East 150', SW/ly 187.9', West 150' to the Point of beginning.

LOCATION: The East side of U.S. #1, between S.W. 184 Street and S.W. 186 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant by her attorney proffered a covenant pertaining to the maintenance of landscaping and agreeing to contribute \$25,000.00 for fire service improvements in the area, and upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and that the requested non-use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved and that the proffered Covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly, subject

to the following conditions:

1. That a plot use plan, including among other things but not limited to, the location of buildings and structures, type, size and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping and sprinkler systems, shall be submitted for approval as required by, and pursuant to, Section 33-314 of the Code Of Metropolitan Dade County.
2. That the use be established and maintained in accordance with the, then, approved plan.

BE IT FURTHER RESOLVED that the request to waive the non-use variance requiring a 5' high decorative masonry wall along the rear (east) property line be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Board does hereby accept the proffered contribution for fire service improvements in the area.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 8th day of December, 1983.

December, 1983  
No. 83-12-CC-2  
vp  
12/9/83

DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
Richard P. Brinker, Clerk

By \_\_\_\_\_  
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 21st day of December 1983.

COVENANT

THIS COVENANT, made and entered into this 7th day of December, 1983, by and between JEAN BARBER GODWIN, hereinafter referred to as "Owner", and THE BOARD OF COUNTY COMMISSIONERS, METROPOLITAN DADE COUNTY, FLORIDA, hereinafter referred to as "County";

W I T N E S S E T H:

WHEREAS, Owner is the fee simple owner of certain property described on Exhibit "A" attached hereto and incorporated herein by reference;

WHEREAS, the property is presently the subject of a public hearing before the Dade County Board of County Commissioners under Public Hearing No. 83-12-CC-2(83-494);

WHEREAS, Owner is desirous of giving assurance to the County that landscaped areas on the subject property will be developed and maintained substantially in accordance with the spirit and intent of plans submitted to the County;

WHEREAS, the Developmental Impact Committee has issued its report and identified certain fire protection improvements needed to support the proposed development;

NOW, THEREFORE, the said Owner hereby voluntarily delivers this, its Covenant, to Dade County, Florida, and agrees that the real property herein described shall be subject to the following restrictions:

1. Notwithstanding any zoning designation placed upon the real property herein described, Owner hereby agrees, on behalf of itself, its successors and assigns, that the areas designated for landscaping shall be developed and maintained substantially in accordance with the spirit and intent of the plans previously submitted, prepared by O'Leary, Shafer and Cosio, entitled South Dade Plaza Planting Plan dated the 7th day of December, 1983 (hereinafter "Landscape Plan").

2. Owner hereby covenants that Owner will provide for the perpetual maintenance of said landscaped areas in a healthy, orderly condition and in accordance with the Landscape Plan, and that said maintenance shall be sufficient to ensure that all plant materials shall continually remain in the condition speci-

ified in Section 18A (b) and (c) of the Code of Metropolitan Dade County, Florida, attached hereto as Exhibit B and incorporated herein by reference, regardless of any subsequent modification or repeal of said section.

3. As a means of ensuring that the landscaped areas are maintained in the manner set forth in paragraph 2 above, Owner hereby agrees that, notwithstanding any regulation to the contrary, all certificates of use and occupancy issued, for each use in the proposed shopping center shall have an initial term of one year and are required to be subsequently renewed for consecutive one year terms. Regardless of the actual date of issuance of said certificates of use and occupancy, they shall all annually expire on the anniversary of the date of issuance of the first certificate of occupancy obtained for any use within the proposed shopping center. Renewal of all said certificates of use and occupancy shall be automatically granted by the Dade County Building and Zoning Department, unless a notice of unacceptable corrective action is in effect pursuant to paragraph 4 hereof in which event said certificates shall not be renewed except as hereinafter provided. Owner shall be responsible for assuring that said certificates of use and occupancy are renewed as a group annually on the aforementioned anniversary date. In the event that a complaint is being processed pursuant to paragraph 4 hereof as of the expiration date of said certificates of use and occupancy, but a notice of unacceptable corrective action has not as yet been issued, renewal shall be granted on a temporary basis pending the completion of the enforcement proceeding as set forth in paragraph 4, at which time said certificates shall be fully renewed for a term ending on the pre-established expiration date or shall expire, and not be renewed pursuant to the terms of paragraph 4 hereof.

4. Upon receipt by the County of a written complaint, including complaints from County staff, regarding the appearance of the landscaped areas, the Dade County Committee of Adjustment, or its successor (Section 18-6, Dade County Code, hereinafter the "Committee"), shall make an on-site inspection of the property, consider the complaint, and shall determine if said landscaped areas are being maintained in an acceptable manner as specified

in paragraph 2 above. The Committee shall notify the owner of record of the subject property of its findings, in writing, by certified mail, return receipt requested. In the event the landscaped areas are found to be in a condition which is not in compliance with the standards set forth in paragraph 2 herein, said notice shall state the corrective action which should be provided by Owner to be in compliance. The owner indicated on the current tax rolls shall be presumed to be the owner of record for purposes of this notice of findings. Said Owner shall have thirty (30) days from receipt of said notice to show evidence of corrective action to the Committee. If, after proper consideration at a meeting of the Committee which is held after giving at least ten (10) days written notice to Owner, the Committee decides that the corrective action is not acceptable, the Committee shall issue a notice of unacceptable corrective action and send same to the record owner and to the Director of the Dade County Building and Zoning Department (hereinafter the "Director"). Said notice shall provide that all previously issued certificates of use and occupancy on the subject property shall not be renewed upon their annual expiration unless and until the Committee notifies the Director that the Owner has provided acceptable corrective action. Said notice shall further provide for the immediate termination of any temporary certificates of use and occupancy issued pursuant to paragraph 3. Upon receipt of the notice of unacceptable corrective action, the Director shall send a letter to the Owner and all holders of certificates of use and occupancy for uses within the proposed shopping center. Said letter shall: indicate the Director's intent not to renew said certificates of use and occupancy upon their annual expiration; advise of the termination of any temporary certificates of use and occupancy issued pursuant to paragraph 3 hereof; state that not less than thirty (30) days from said expiration and non-renewal of said certificates the Director may notify the Florida Power and Light Company (hereinafter "FP&L") to discontinue electrical service to those uses; and provide that the aforementioned notice of unacceptable corrective action shall remain in effect until the Director is notified by the Committee that the notice of unac-

ceptable corrective action has been satisfied and withdrawn. It is hereby agreed that the Director shall have the authority to so notify FP&L if necessary and appropriate; provided, however, that the Director shall notify the Owner and all holders of said certificates of use and occupancy of his intention to so notify FP&L, in writing, at least thirty (30) days before sending said notification to FP&L, and the Director shall further send a copy of the letter so notifying FP&L to the Owner and all holders of said certificates, simultaneously therewith. Any time after the receipt of the Director's letter of intent not to renew, Owner shall have the right to submit new and/or additional evidence of corrective action to the Committee for its reconsideration in the manner prescribed for their initial consideration. Immediately upon a determination by the Committee that Owner has undertaken acceptable corrective action, the Committee will notify the Director in writing that the outstanding notice of unacceptable corrective action has been satisfied and the same is to be withdrawn. Upon receipt of this notice of satisfaction and withdrawal, the Director shall send a letter to the Owner, certified mail, return receipt requested, stating the Director's intent to renew the aforementioned certificates of use and occupancy.

5. The Owner hereby agrees that all leases with tenants of the proposed shopping center shall contain a reference to the effect that the center operates subject to this Covenant and shall include in said reference the official records book and page number for said Covenant as recorded.

6. In recognition of the need for additional fire protection service as a result of the proposed development, Owner hereby agrees to voluntarily contribute \$25,000 to the Dade County Fire Department for fire service improvement in Fire District No. 4. Said sum will be paid directly to the Metropolitan Dade County Fire Department by Owner, its successors and assigns, as a prerequisite to the issuance of the first building permit for the proposed development, but in no event shall said contribution be paid later than December 31, 1988.

7. As further part of this agreement, it is hereby understood and agreed that the Committee may have the privilege at any time during normal working hours of entering and investigating



the use of the premises to determine whether or not the covenants herein-agreed to are being complied with.

8. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

9. This Covenant may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the current owners of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same has first been approved by the Dade County Board of County Commissioners after public hearing.

10. Should this Covenant be so modified, amended or released, the Director of the Dade County Building and Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

11. Remedies otherwise provided herein shall not be exclusive and enforcement may also be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation, require compliance or to recover damages. The prevailing party shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the court may adjudge to be reasonable for the services of his attorney.

12. Invalidation of any one of these covenants, by judgment or court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

13. Notwithstanding the foregoing, this Agreement shall not become effective unless and until the County Commission approves Owner's application under Public Hearing No. 83-12-CC-2 (83-494) for rezoning of the subject property.



EXHIBIT A

Lots 2, 3 and 4 of PERRINE GRANT SUBDIVISION, in Section 5, Township 56 South, Range 40 East according to the Plat thereof, recorded in Plat Book 1 at Page 4 of the Public Records of Dade County, Florida, lying East State Road 5 less South 42 feet for Road and less Beginning 42 feet North of South line Lot 4 East line State Road 5 thence NEly 187.9 feet East 150 feet SWly 187.9 feet West 150 feet to the Point Of Beginning.

## LESS AND EXCEPT

A portion of Lot 3 of A.A. Dooley Survey of PERRINE GRANT Subdivision of Section 5, Township 56 South, Range 40 East, according to the plat thereof recorded in Plat Book 1 at Page 4 of the Public Records of Dade County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Lot 3; thence run S 87°48'20" W along the North line of said Lot 3, said line also being the North line of the NE 1/4 of said Section 5, for a distance of 591.46 feet to the point of intersection with the Easterly right of way line of State Road 5 as shown on the State of Florida Department of Transportation Right of Way Map, Section No. 37020-2512 and recorded in Road Plat Book 83 at Page 51 of the Public Records of Dade County, Florida; thence run S 22°32'25" W along the Easterly right of way line of State Road 5 for a distance of 54.54 feet; thence run W 55°10'23" E for a distance of 26.96 feet to the point of intersection with the South line of the North 35.00 feet of said Lot 3; thence run N 87°48'20" E along the South line of the North 35.00 feet of said Lot 3 for a distance of 590.57 feet to the point of intersection with the East line of said Lot 3; thence run W 00°32'46" W along the East line of said Lot 3 for a distance of 35.01 feet to the Point of Beginning.

2 k2

## EXHIBIT "B"

**Sec. 18A-5. Landscaping requirements for certain yard areas, off-street parking and other vehicular use areas.**

All areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses" including but not limited to activities of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants, and the like, shall conform to the minimum landscaping requirements hereinafter provided, save and except areas used for parking or other vehicular uses under, on or within buildings, and parking areas serving single and two-family uses as normally such residential areas are voluntarily landscaped:

- (a) *Installation.* All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping exclusive of plant material except hedges shall be installed so as to meet all other applicable ordinances and code requirements. Landscaped areas shall require protection from vehicular encroachment as herein provided in section 18A-5(e) and (f). A qualified representative of the agency charged with the issuance of building permits shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.
- (b) *Maintenance.* The owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be provided with a readily available water supply with at least one outlet located within one hundred fifty feet (150') of all plant material to be maintained.
- (c) *Plant material.*
  - (1) *Quality.* Plant materials used in conformance with provisions of this chapter shall conform to the Standards for Florida No. 1 or better as given in "Grades & Standards for Nursery Plants", Part I, 1963 and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be

may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

(5) Ground covers. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

(6) Lawn grass. Grass areas shall be planted in species normally grown as permanent lawns in Dade County. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is achieved.

(7) Prohibited plant species. The following plant species are prohibited from use as live landscaping material:

- 1. Cajuput (*Melaleuca quinquenervia*).
- 2. Australian pine (*Casuarina spp.*).
- 3. Brazilian pepper (*Schinus terebinthifolius*).

(d) Required landscaping adjacent to public rights-of-way. On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding dedicated such area there shall be provided landscaping between such area and such right-of-way, as follows:

- (1) A strip of land at least five (5) feet in depth located between the abutting right-of-way and the off-street parking area or other right-of-way area which is exposed to an abutting to in-use area shall be landscaped, such landscaping to include one tree for each fifty (50) lineal feet or

delivered to the jobsite in bags with Florida Department of Agriculture tags attached indicating the seed growers compliance with the department's quality control program.

(2) Trees shall be species having an average mature spread of crown of greater than fifteen (15) feet in Dade County and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. Palms shall be considered by Dade County building standards promulgated and approved by the county and zoning department and approved by the county commission.

Tree species shall be a minimum of seven (7) feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6X6X6) or equivalent. A list of such tree species shall be maintained by the guidance of the zoning department for the guidance of the public.

- (3) Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a maximum unbroken, solid, visual screen within a maximum of one (1) year after time of planting.
- (4) Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and

rlt

# Memorandum



**Date:** 21-OCT-05  
**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue  
**Subject:** Z2005000262

## Fire Prevention Unit:

Fire Water & Engineering has no objection to plans presented with letter of intent dated July 20 2005. Applicant must submit changes to this plan for review and approval.

## Service Impact/Demand:

Development for the above Z2005000262  
located at 18403 SOUTH DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2147 is proposed as the following:

<u>          </u> single	dwelling units	<u>          </u> Industrial	square feet
<u>          </u> multifamily	dwelling units	<u>          </u> institutional	square feet
<u>52,500</u> commercial	square feet	<u>          </u> nursing home	square feet

Based on this development information, estimated service impact is: 13.86 alarms-annually.

## Existing services:

The Fire station responding to an alarm in the proposed development will be:  
Station 50 - Perrine, 9798 Hibiscus Street  
Rescue

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:  
None

## Fire Planning Additional Comments:

Current service impact calculated based on letter of intent dated July 20 2005. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 04/03/06

REVISION 1

# TEAM METRO

## ENFORCEMENT HISTORY

WOOLBRIGHT PEMBROKE LTD.

18403 SOUTH DIXIE HIGHWAY,  
MIAMI-DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2005000262

---

HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

3-29-06 No violations.

**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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: Woolbright Pembroke Ltd.

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>3200 N. Military Trail Boca Raton FL 33431</u>	<u>100%</u>
<u>Woolbright South Dade LLC - Pres - Duane Stiller</u>	<u>80%</u>
<u>(Shopping Ctr owner) VP - Michael Fimiani</u>	<u>20%</u>
<u>Woolbright South Dade Theater LLC - Pres - Duane Stiller</u>	<u>80%</u>
<u>(Office/theater owner) VP - Michael Fimiani</u>	<u>20%</u>



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 Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

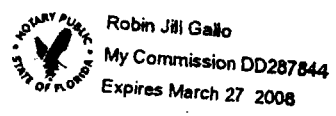
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Mark G. [Signature]  
(Applicant)

Sworn to and subscribed before me this 19 day of July, 2005. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Robin Jill Gallo  
(Notary Public)



My commission expires 3/27/08

\*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. 2





**SHA SCHEDULE - SOUTH DADE PLAZA - RETAIL EXPANSION**

Use by Trade Scheduling Contractors based upon original form from Architect

Activity	Trade	Start/Finish	Duration	Resources	Notes
14001	General Contractor	01/15/12	01/22/12	1000	Site Preparation
14002	General Contractor	01/22/12	01/29/12	1000	Foundation
14003	General Contractor	01/29/12	02/05/12	1000	Structural Steel
14004	General Contractor	02/05/12	02/12/12	1000	Concrete
14005	General Contractor	02/12/12	02/19/12	1000	Roofing
14006	General Contractor	02/19/12	02/26/12	1000	Interior Partitions
14007	General Contractor	02/26/12	03/05/12	1000	MECHANICAL
14008	General Contractor	03/05/12	03/12/12	1000	ELECTRICAL
14009	General Contractor	03/12/12	03/19/12	1000	PAINTING
14010	General Contractor	03/19/12	03/26/12	1000	Final Clean
14011	General Contractor	03/26/12	04/02/12	1000	Final Inspection
14012	General Contractor	04/02/12	04/09/12	1000	Final Handover

Note 1: All activities are dependent on the schedule of the other trades as indicated in the notes to the schedule. Note 2: Preparing drawings and materials shall be completed as indicated under contract award. Refer to Schedule for details.

**ORIGINAL SCHEDULE APPROVAL**

**PROPOSED SCHEDULE CALCULATIONS**

Activity	Trade	Start/Finish	Duration	Resources	Notes
14001	General Contractor	01/15/12	01/22/12	1000	Site Preparation
14002	General Contractor	01/22/12	01/29/12	1000	Foundation
14003	General Contractor	01/29/12	02/05/12	1000	Structural Steel
14004	General Contractor	02/05/12	02/12/12	1000	Concrete
14005	General Contractor	02/12/12	02/19/12	1000	Roofing
14006	General Contractor	02/19/12	02/26/12	1000	Interior Partitions
14007	General Contractor	02/26/12	03/05/12	1000	MECHANICAL
14008	General Contractor	03/05/12	03/12/12	1000	ELECTRICAL
14009	General Contractor	03/12/12	03/19/12	1000	PAINTING
14010	General Contractor	03/19/12	03/26/12	1000	Final Clean
14011	General Contractor	03/26/12	04/02/12	1000	Final Inspection
14012	General Contractor	04/02/12	04/09/12	1000	Final Handover

Handwritten signature and date: 5/9/12

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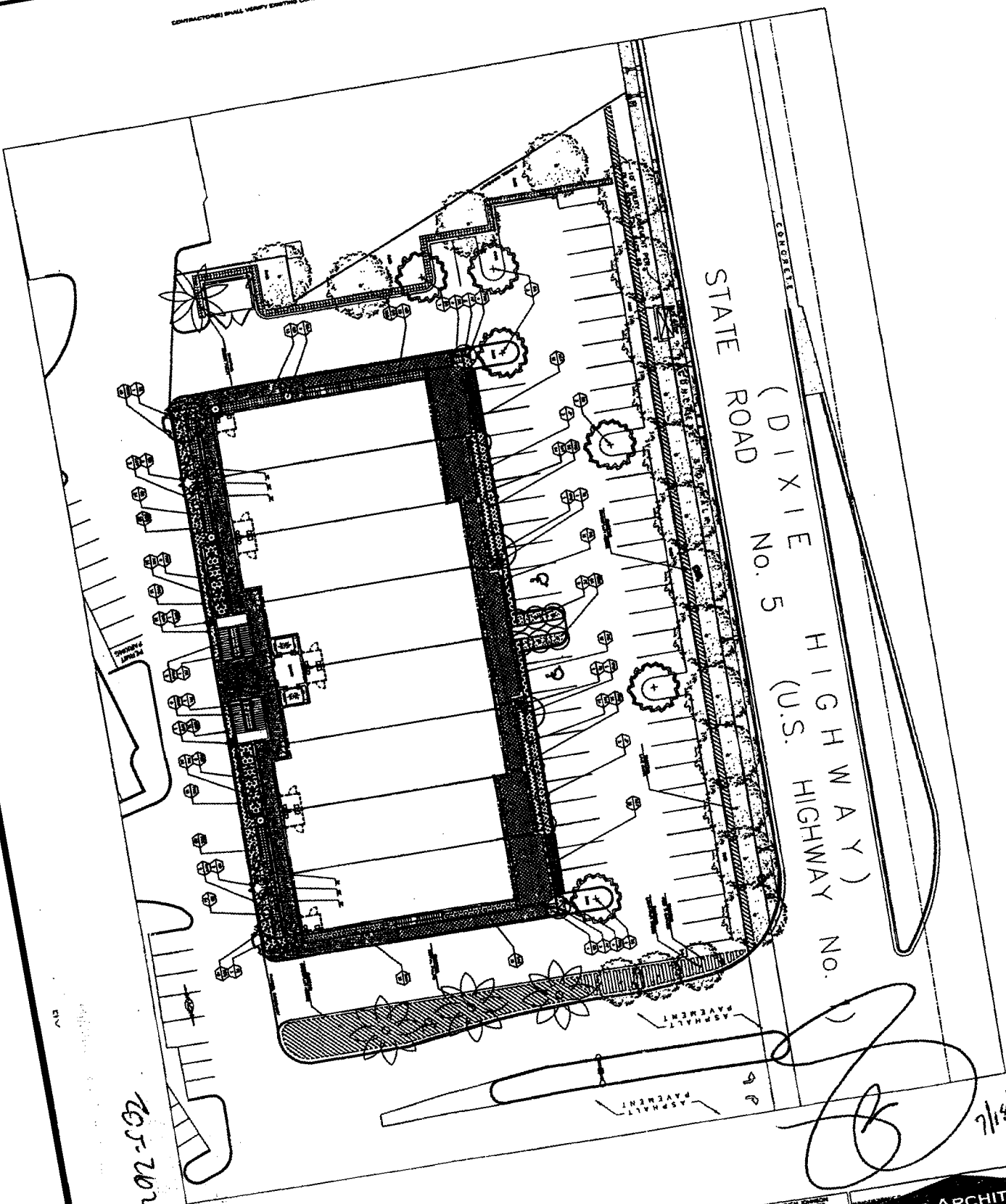
**GALLO ARCHITECTS**  
 1400 SOUTH DADE PLAZA  
 MIAMI, FLORIDA 33130  
 (305) 551-1111  
 www.galloarchitects.com



**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 1800 SOUTH UE1  
 MIAMI, FLORIDA

**AS101-a**  
 MASTER SCHEDULE  
 DATE: 05/09/12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND CORRELATE DRAWINGS PRIOR TO PROCEEDING THE WORK DETAIL IN THESE DRAWINGS, AND SHALL PROMPTLY NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

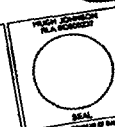


205-202



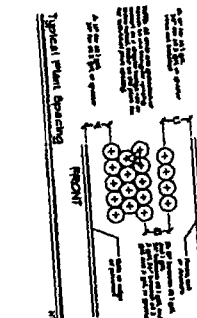
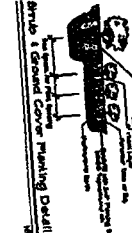
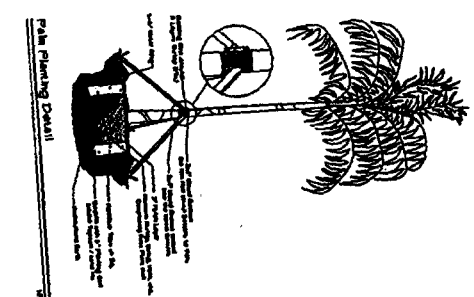
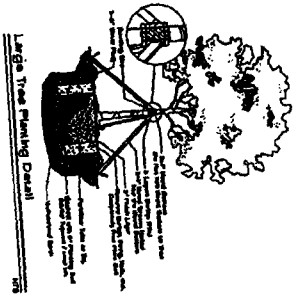
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PROJECT NAME & LOCATION:  
**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 1800 SOUTH US1  
 MIAMI, FLORIDA



**GALLO ARCHITECTS**  
 DEVELOPMENT CONSULTANTS, INC.  
 111 NEWPORT CENTER DRIVE, MIAMI BEACH, FLORIDA 33154  
 (305) 861-8800 FAX: (305) 861-8801

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND COMPLETE DIMENSIONS PRIOR TO PROCEEDING THE WORK DETAILED IN THESE DRAWINGS AND SHALL PROSECUTE THE ARCHITECT OF ANY DISCREPANCY.



**NOTES**

**GENERAL PLANTING REQUIREMENTS**

1. All plants shall be planted in the ground unless otherwise specified.

2. All plants shall be planted in the ground unless otherwise specified.

3. All plants shall be planted in the ground unless otherwise specified.

4. All plants shall be planted in the ground unless otherwise specified.

5. All plants shall be planted in the ground unless otherwise specified.

6. All plants shall be planted in the ground unless otherwise specified.

7. All plants shall be planted in the ground unless otherwise specified.

8. All plants shall be planted in the ground unless otherwise specified.

9. All plants shall be planted in the ground unless otherwise specified.

10. All plants shall be planted in the ground unless otherwise specified.

**PLANT LIST**

Code	Plant Name	Quantity	Notes
01	Large Tree	1	
02	Palm Tree	1	
03	Ground Cover	1	
04	Palm Spacing	1	

*[Handwritten Signature]*  
7/18/05

**PLANTING SPECIFICATIONS**

1. All plants shall be planted in the ground unless otherwise specified.

2. All plants shall be planted in the ground unless otherwise specified.

3. All plants shall be planted in the ground unless otherwise specified.

4. All plants shall be planted in the ground unless otherwise specified.

5. All plants shall be planted in the ground unless otherwise specified.

6. All plants shall be planted in the ground unless otherwise specified.

7. All plants shall be planted in the ground unless otherwise specified.

8. All plants shall be planted in the ground unless otherwise specified.

9. All plants shall be planted in the ground unless otherwise specified.

10. All plants shall be planted in the ground unless otherwise specified.

205-262

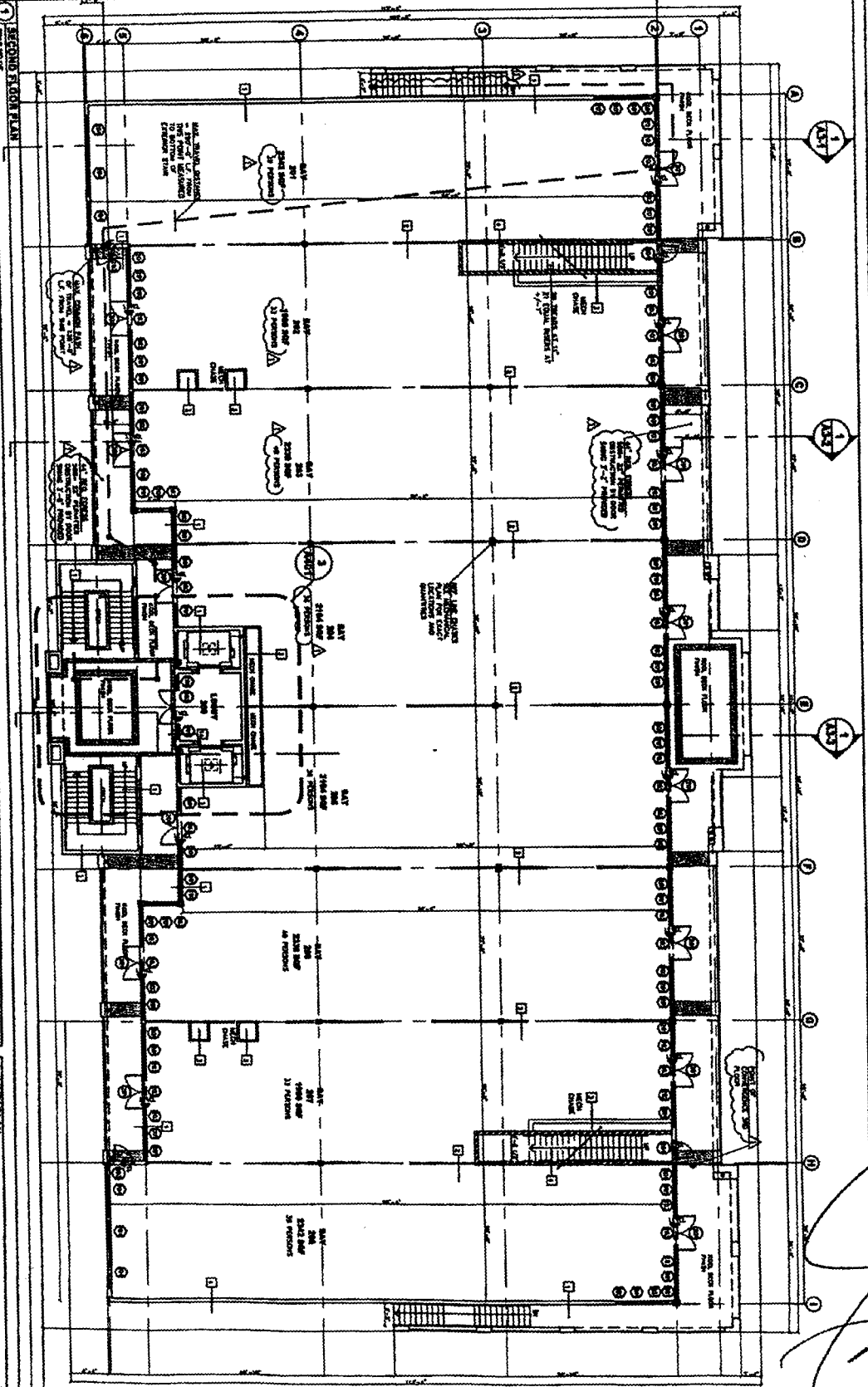
**GALLO ARCHITECTS**  
1975 HUNTERS CREEK DRIVE, SUITE 100, BOCA RATON, FL 33433  
TEL: 561-993-8888 FAX: 561-993-8889

**TOWERS AT CUTLER RIDGE**  
SOUTH GARDEN PLAZA  
1380 SOUTH US1  
MIAMI, FLORIDA

L-2

37

CONTRACTORS SHALL VERIFY EXISTING CONDITIONS AND CONSULT ENGINEERS PRIOR TO PROVIDING THE WORK DETAILED IN THESE DRAWINGS, AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.



**LEGEND**

SYMBOL	DESCRIPTION
(Symbol: Circle with dot)	MECHANICAL ROOM
(Symbol: Square with dot)	RESTROOM
(Symbol: Triangle with dot)	JANITOR CLOSET
(Symbol: Circle with cross)	ELEVATOR
(Symbol: Square with cross)	STAIRCASE
(Symbol: Circle with vertical line)	STAIRCASE
(Symbol: Circle with horizontal line)	STAIRCASE
(Symbol: Circle with diagonal line)	STAIRCASE
(Symbol: Circle with diagonal line 2)	STAIRCASE

**CALLOUTS**

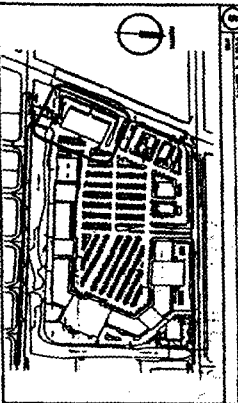
EXISTING MECHANICAL ROOM TO BE REMOVED AND RELOCATED TO THE NORTH SIDE OF THE BUILDING.

EXISTING RESTROOM TO BE REMOVED AND RELOCATED TO THE SOUTH SIDE OF THE BUILDING.

EXISTING JANITOR CLOSET TO BE REMOVED AND RELOCATED TO THE SOUTH SIDE OF THE BUILDING.

**FINISH SCHEDULE**

NO.	FINISH	LOCATION
1	PAINT	ALL INTERIOR SURFACES
2	CARPETS	ALL OFFICE AREAS
3	CEILING	ALL OFFICE AREAS
4	FLOORING	ALL COMMON AREAS
5	WALLS	ALL COMMON AREAS
6	DOORS	ALL INTERIOR DOORS
7	WINDOWS	ALL INTERIOR WINDOWS
8	STAIRS	ALL STAIRS
9	ELEVATORS	ALL ELEVATORS
10	MECHANICAL	ALL MECHANICAL ROOMS
11	RESTROOMS	ALL RESTROOMS
12	JANITOR CLOSETS	ALL JANITOR CLOSETS

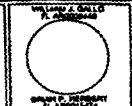


*[Handwritten signature]*

**REVISIONS**

NO.	DATE	DESCRIPTION
1		ISSUED FOR PERMIT
2		ISSUED FOR CONSTRUCTION
3		ISSUED FOR AS-BUILT

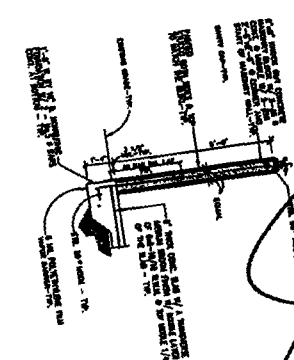
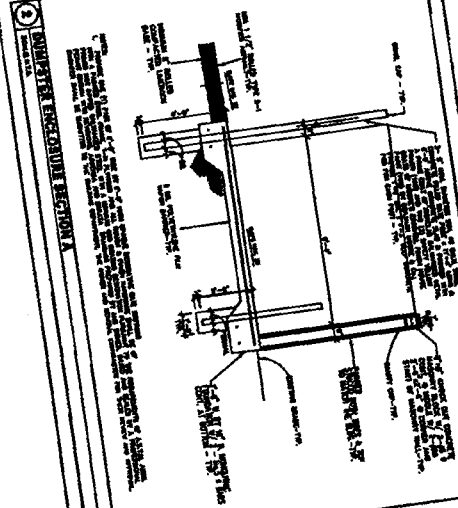
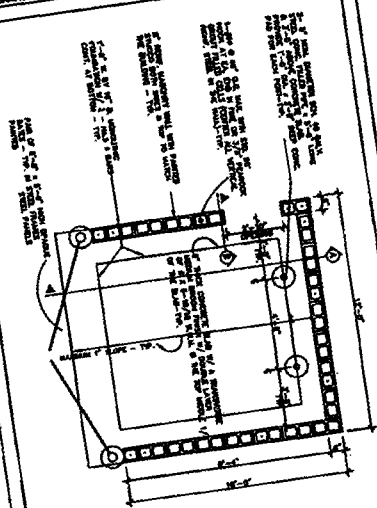
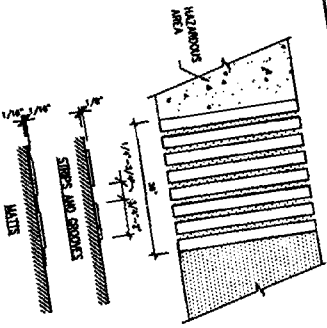
PROJECT NAME & LOCATION:  
**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 1400 SOUTH US1  
 MIAMI, FLORIDA



**GALLO ARCHITECTS**  
 DEVELOPMENT CONSULTANTS, INC.

A102

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND COMPLETE EXISTING WORK TO PROVIDE THE WORK DETAILED IN THESE DRAWINGS AND SHALL PROTECT THE INTEREST OF ALL OTHERS.



20' CENTER TO CENTER ON SPOKES,  
 P.I. AND P.T. OF CURB AND NEW  
 SPOKES AND DRIVEWAYS, AND SIMILAR  
 CONC. CURBS,  
 STRUCTURAL  
 1/2" PROPOSED  
 EXPANSION JOINT  
 MATERIAL.

3' CENTER TO CENTER ON  
 SPOKES  
 1/8" X1-1/2" CONTROL JOINT  
 AT 5'-0" O.C.

20126

*[Handwritten signature]*  
 7/18/05

AS103

NO.	REVISION	DATE	BY	CHKD.

PROJECT NAME & LOCATION

**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 1800 SOUTH 1ST  
 MIAMI, FLORIDA



**GALLO ARCHITECTS**  
 1100 SOUTH MIAMI AVENUE, SUITE 200  
 MIAMI, FLORIDA 33130  
 (305) 371-1100





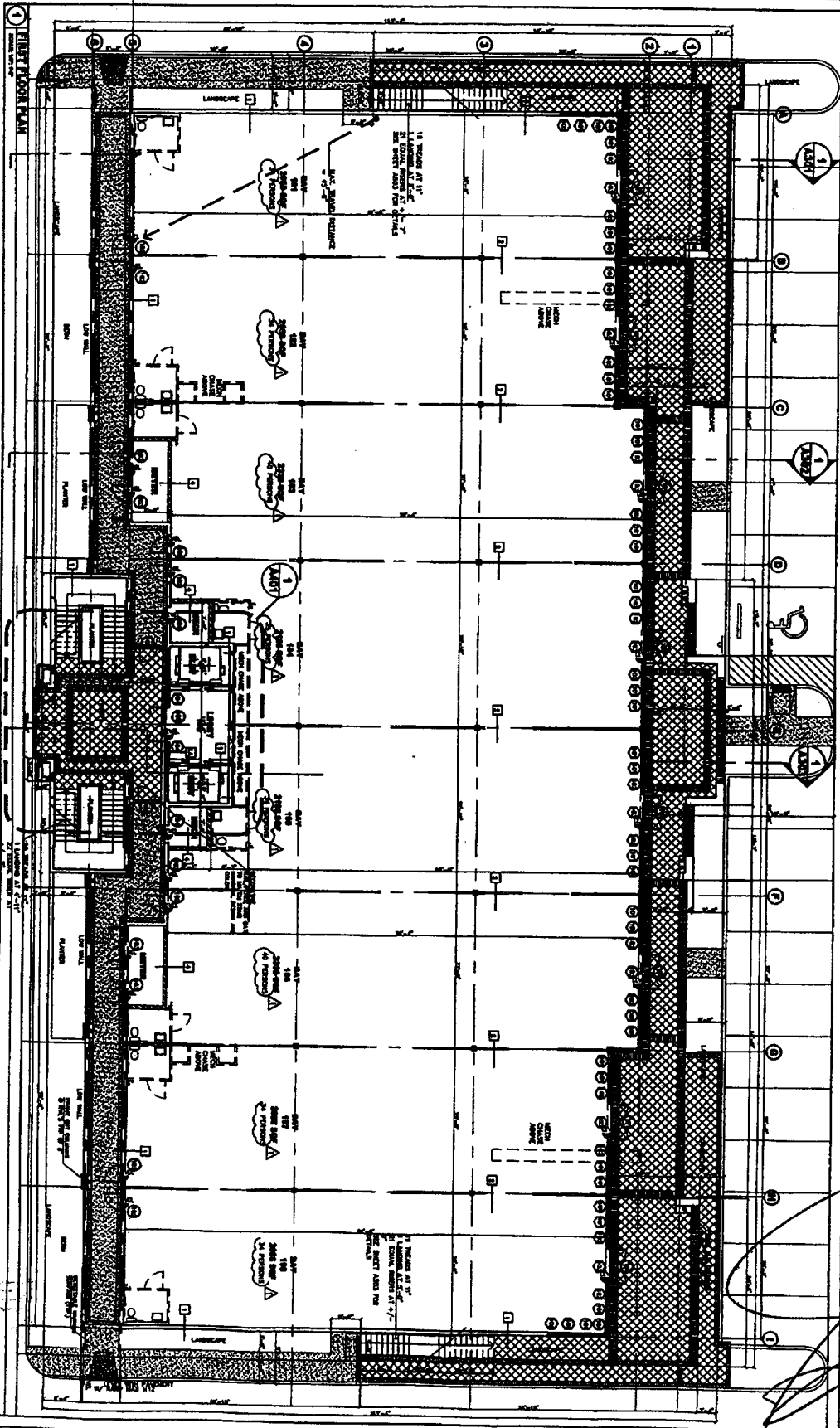
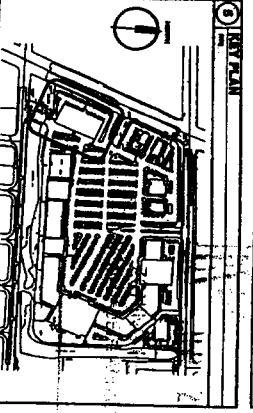
CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND DISSEMINATE FINDINGS PRIOR TO PROVIDING THE WORK DETAILED IN THESE DRAWINGS, AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

LEGEND	
	LANDSCAPE
	WALL
	DOOR
	WINDOW
	STAIR
	ELEVATION
	SECTION
	NOTE

**3. CALCULATIONS**

ALL CALCULATIONS SHALL BE PROVIDED TO THE ARCHITECT FOR REVIEW AND APPROVAL. CALCULATIONS SHALL BE PROVIDED IN A SEPARATE SHEET AND SHALL BE DATED AND SIGNED BY THE DESIGNER.

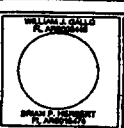
WALL TYPE	
1	CONCRETE
2	CMU
3	BRICK
4	GLASS
5	WOOD
6	PLASTER
7	PAINT
8	CEILING
9	FLOOR
10	ROOF



*Handwritten signature and date:*  
 5/18/16

PROJECT INFORMATION	
PROJECT NO.	A101
DATE	5/18/16
DESIGNER	WILLIAM GALLO
ARCHITECT	GALLO ARCHITECTS

**PROJECT NAME & LOCATION:**  
**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 5800 SOUTH 1ST  
 MIAMI, FLORIDA



**GALLO ARCHITECTS**  
 1000 BAYVIEW BLVD., SUITE 1000  
 MIAMI, FLORIDA 33134  
 TEL: 305.555.1234  
 FAX: 305.555.5678  
 WWW.GALLOARCHITECTS.COM

(U.S. HIGHWAY No. 1)

(DIXIE HIGHWAY)

MOBIL OIL CORP.  
PROPERTY

1 STORY BUILDING

FOUND MAIL & DISK  
8/12/03

FOUND 1/2" PIPE &  
CAP LB3553 8/12/03

(PERIOD)  
1 STORY  
FLOOR ELEVATION +13.46  
14,000 SQUARE FEET

7/18/05

AS102

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	7/18/05
2	ISSUED FOR PERMITS	7/18/05
3	ISSUED FOR PERMITS	7/18/05
4	ISSUED FOR PERMITS	7/18/05
5	ISSUED FOR PERMITS	7/18/05
6	ISSUED FOR PERMITS	7/18/05
7	ISSUED FOR PERMITS	7/18/05
8	ISSUED FOR PERMITS	7/18/05
9	ISSUED FOR PERMITS	7/18/05
10	ISSUED FOR PERMITS	7/18/05

PROJECT NAME & LOCATION  
**TOWERS AT CUTLER RIDGE**  
SOUTH DADE PLAZA  
1800 SOUTH 1ST  
MIAMI, FLORIDA



**GALLO ARCHITECTS**  
AN ENVIRONMENT CONSULTANTS FIRM  
1800 SOUTH 1ST MIAMI, FLORIDA 33133  
TEL: 305.375.1100 FAX: 305.375.1101  
WWW.GALLOARCHITECTS.COM

**LEGEND**

1	THIRD FLOOR PLAN
2	GENERAL NOTES
3	GENERAL NOTES
4	GENERAL NOTES

**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.

3. ALL DOORS ARE 3'0" WIDE UNLESS OTHERWISE NOTED.

4. ALL WINDOWS ARE 6'0" WIDE UNLESS OTHERWISE NOTED.

5. ALL CEILING HEIGHTS ARE 10'0" UNLESS OTHERWISE NOTED.

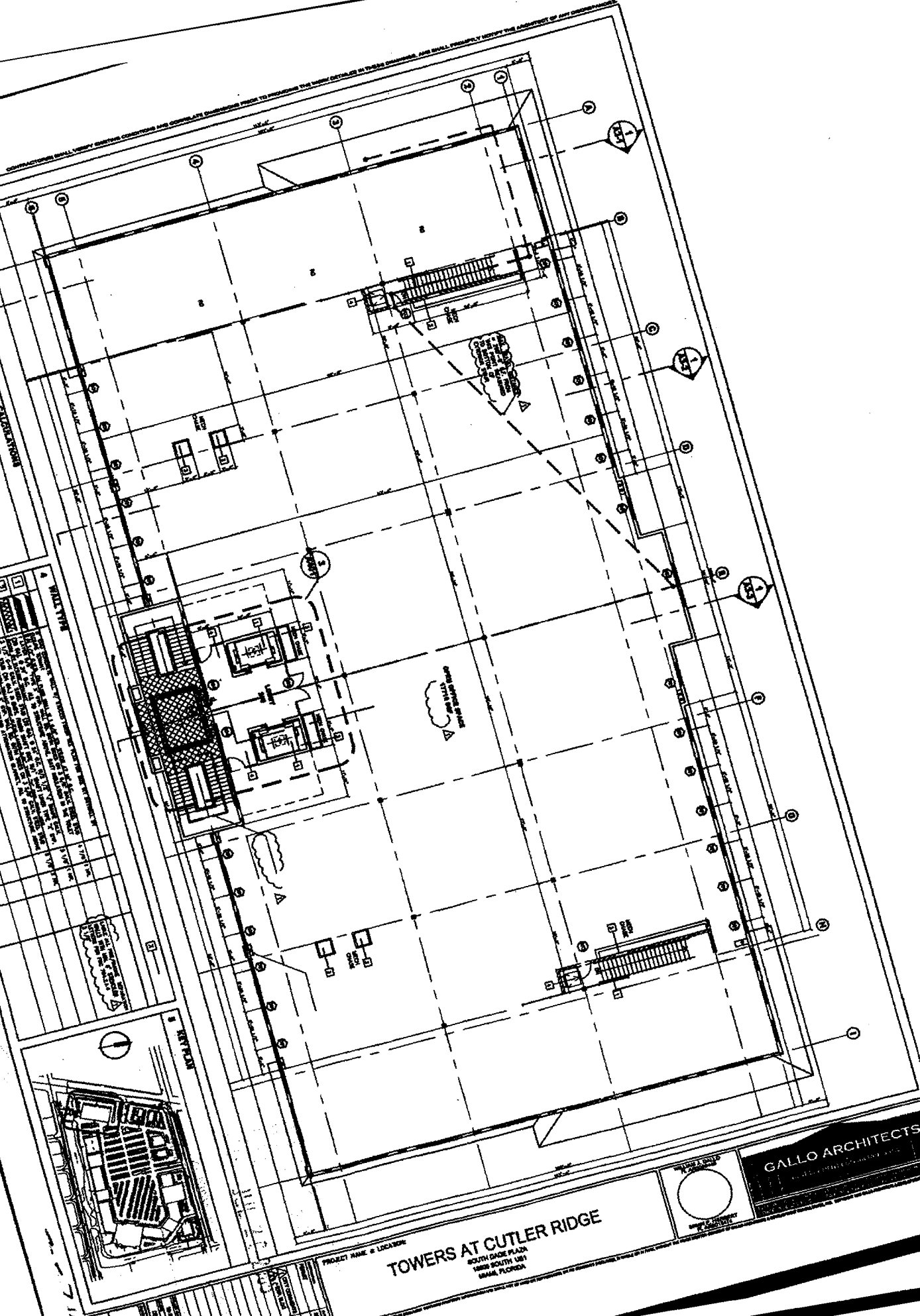
6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE CODES AND STANDARDS.

10. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT.



**GENERAL NOTES**

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2. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.

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10. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT.

**PROJECT NAME & LOCATION**

**TOWERS AT CUTLER RIDGE**

SOUTH DIXIE PLAZA  
1400 SOUTH 1401  
MIAMI, FLORIDA

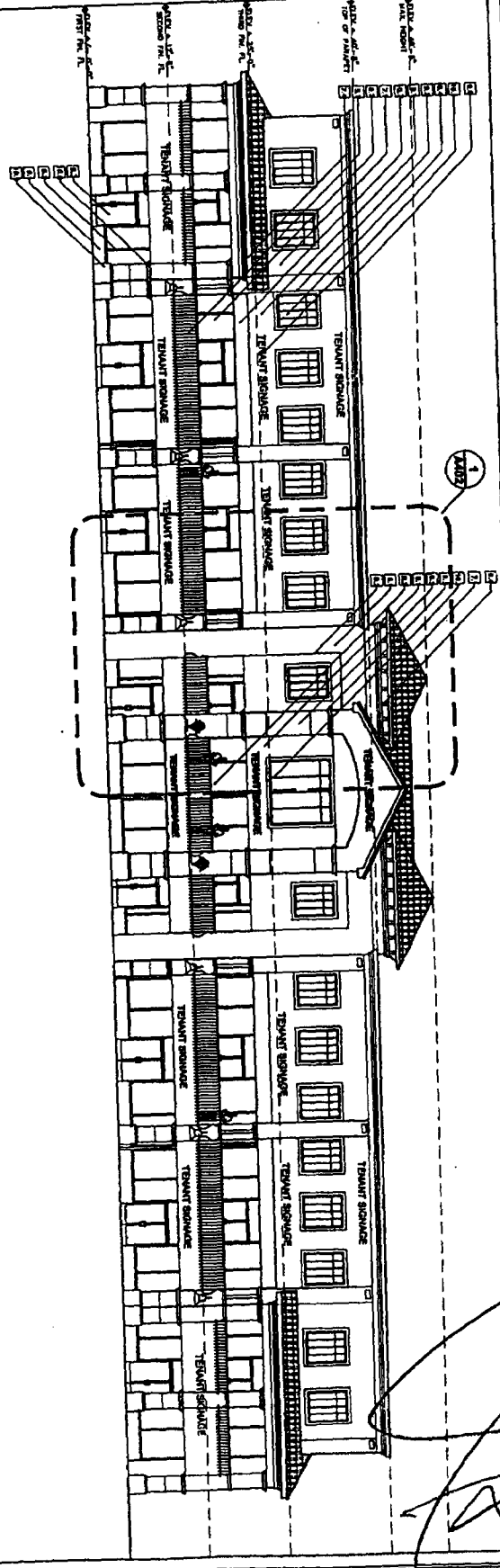
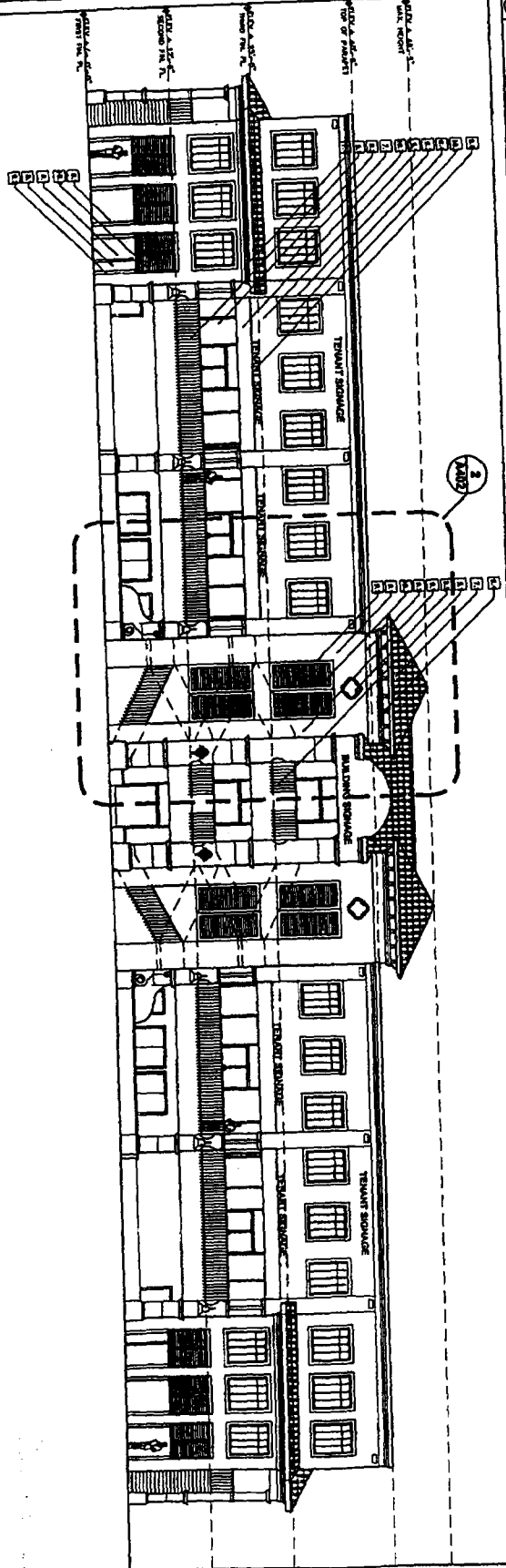


**A103**

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND CORRELATE DIMENSIONS PRIOR TO PROVIDING THE WORK DETAILED IN THESE DRAWINGS, AND SHALL PROMPTLY NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

2 EAST BUILDING ELEVATION

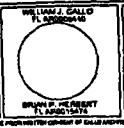
1 WEST BUILDING ELEVATION



*Handwritten signature and date: 2/18/05*

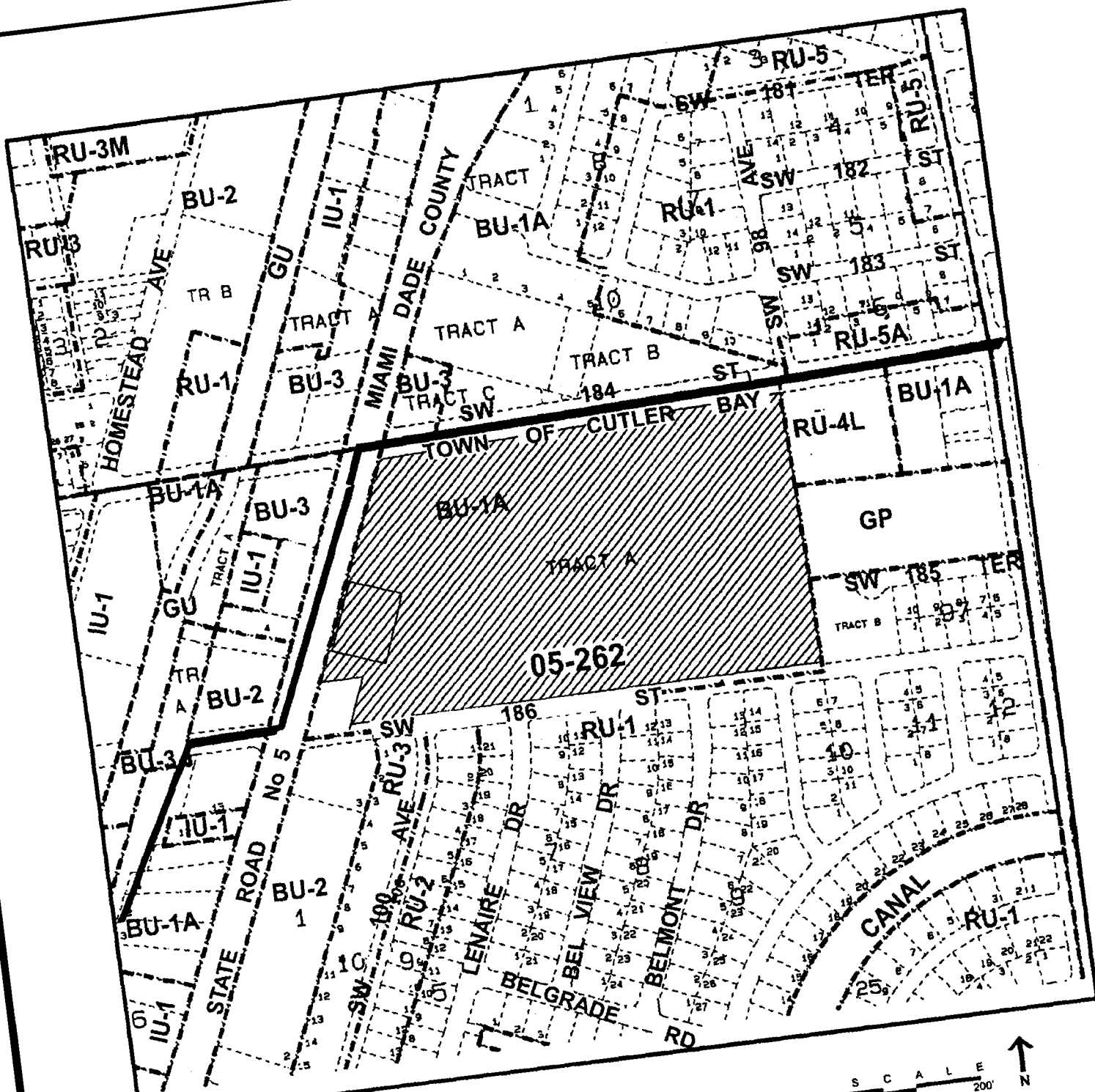
PROJECT NO.	AD01
DATE	02/18/05
SCALE	AS SHOWN
DESIGNED BY	...
CHECKED BY	...
DATE	...

PROJECT NAME & LOCATION:  
**TOWERS AT CUTLER RIDGE**  
 SOUTH DADE PLAZA  
 1800 SOUTH US1  
 MIAMI, FLORIDA



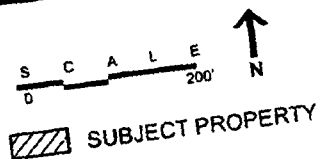
**GALLO ARCHITECTS**  
 OLIVE BRUNNE CONSULTANTS, INC.  
 1800 SOUTH US1, SUITE 1000  
 MIAMI, FLORIDA 33133  
 TEL: 305.372.1100 FAX: 305.372.1101

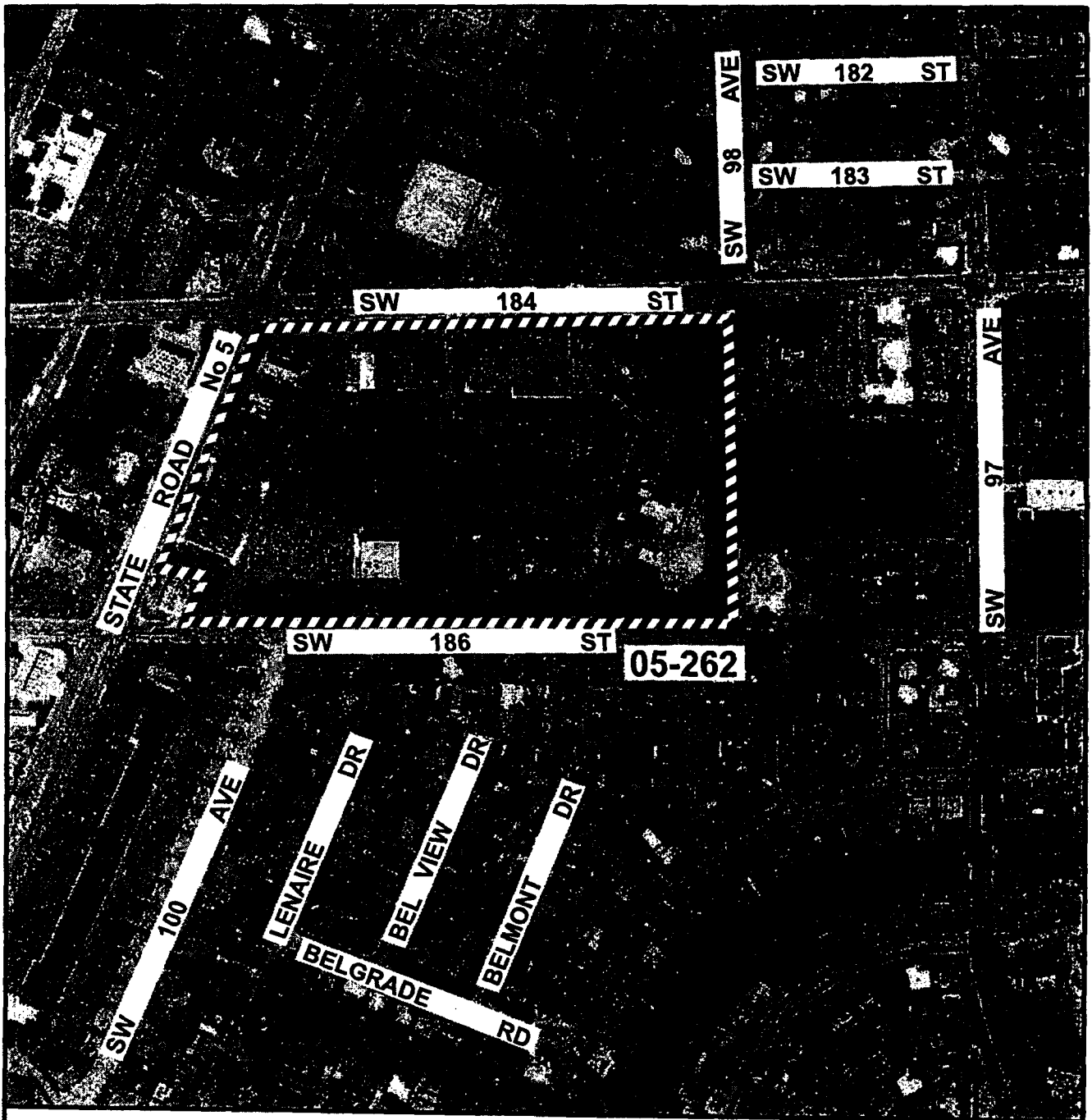




**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 05 Township: 56 Range: 40  
 Process Number: 05-262  
 Applicant: WOLBRIGHT PEMBROKE LTD  
 Zoning Board: TCB  
 District Number: 8  
 Drafter ID: JEFFER  
 Scale: 1:200'





MIAMI-DADE COUNTY  
AERIAL

Section: 05 Township: 56 Range: 40  
Process Number: 05-262  
Applicant: WOLBRIGHT PEMBROKE LTD  
Zoning Board: TCB  
District Number: 8  
Drafter ID: JEFFER  
Scale: NTS

SCALE  
0 NTS N

 SUBJECT PROPERTY





**TOWN OF CUTLER BAY**

**MINUTES TOWN COUNCIL MEETING**

Thursday, May 4, 2006

7:00 PM

South Governmental Center  
10710 SW 211 Street, Room 203  
Miami, FL 33189

Meeting commenced at 7:05 PM

**INVOCATION:** Sister Arnett from the Parrish of the Lady of the Holy Rosary Church provided the invocation in honor of former Mayor John F. Cosgrove.

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

Mayor Vrooman called the meeting to order. The following members of the Town Council were present:

Mayor Paul S. Vrooman  
Council Member Timothy J. Meerbott  
Council Member Ernest N. Sochin  
Council Member Peggy R. Bell

The following staff members were present:

Interim Town Manager Steven Alexander  
Interim Town Clerk Elizabeth Sewell  
Interim Town Attorney Mitchell Bierman  
Interim Town Attorney Chad Friedman  
Interim Town Attorney Andrew Mai

The Village of Pinecrest Color Guard led the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A.. Mayor Vrooman provided words of remembrance on behalf of the Council of former Mayor Cosgrove.

**III. TOWN MANAGER'S REPORT**

The town manager provided a report regarding the tasks he was working on in the past few weeks. He advised that he and the town attorney spent a lot of time negotiating with Miami-Dade County in regards to the interlocal agreements. The town received fund from Tallahassee for storm water management, but will

have to work hard to preserve these funds. The laptop computers for the council had arrived and were distributed to council members. He was working on ordering furniture for the town hall office space. He was meeting with the architects regarding the build-out of the new office space. In the near future the town will be providing twenty-four (24) hour day municipal code enforcement services. Town Hall was beginning to provide building permitting and zoning services. He was interviewing individuals within the next two weeks to fill the Police Commander's position. The new phone system is installed at town hall. The Hurricane Plan is in process and a Hurricane Debris Contract is forthcoming. He advised that he and Council Member Bell toured the park facilities within in town. He also advised that Ana Cecelia Velasco was leaving and her replacement was Ms. Yani Ramos from the Village of Palmetto Bay Police Department.

**IV. TOWN ATTORNEY'S REPORT – None at this time**

**V. BOARD AND COMMITTEE REPORTS**

- A. Council Member Sochin advised that he was working on a tree trimming ordinance. He had a meeting scheduled with staff from Florida Power and Light in regards to drafting the utility tree ordinance.
- B. Council Member Meerbott reported that some of the citizens had expressed concerns to him regarding traffic situation involving speeding motorist on Franjo Road. He asked Lieutenant Pichardo if he could set-up some radar monitoring of the traffic in the area, especially the intersections of Caribbean Boulevard and Franjo Road as well as Gulfstream and Franjo Road.
- C. Council Member Bell thanked Lieutenant Pichardo for responding to the concerns that some of the residents had regarding drag racing on 112<sup>th</sup> Street. She advised that the Town Clerk/Communications Committee had received twelve applications regarding the town clerk position. She provided a brief report regarding the tour of the park facilities with the town manager. She advised that a meeting was scheduled for May 10, 2006 with Miami-Dade County Parks and Recreation Department regarding a grant for the Lakes by Bay Park. Council Member Bell reported that most of the Council Members had submitted their appointees for the Logo Contest Committee.
- D. Mayor Vrooman advised that he would be scheduling monthly coffees with the Mayor at Cutler Bay Seafood. He advised that Mrs. Barbara Condon would be coordinating these meetings. He also advised that he would like to pursue planning a bus trip for the Council to visit developments that have been built and similar to the charrette project. He

advised that citizens are encouraged to attend. The trip would be noticed to comply with the Sunshine Law requirements. Mayor Vrooman asked the Council for a motion to pass an Administrative Moratorium for the town attorney to prepare moratorium study area of the Old Cutler Road charrette.

Council Member Bell moved to approve an Administrative Moratorium for Old Cutler Road. Seconded by Council Member Meerbott. All voted in favor. The Motion was adopted unanimously (5-0).

## **VI. ADDITIONS, DELETIONS, AND DEFERRALS**

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33, "ZONING" ARTICLE VI, "SIGNS," DIVISION 2, "GENERAL PROVISIONS" OF THE TOWN'S CODE OF ORDINANCES, BY PROVIDING FOR THE PROHIBITION OF OFF-PREMISES SIGNAGE WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
  
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO AN APPROVED SITE PLAN TO ALLOW FOR REDEVELOPMENT OF A MOVIE THEATER INTO A COMMERCIAL BUILDING AND APPROVAL OF AN UNUSUAL USE FOR OUTDOOR DINING FOR THE SHOPPING CENTER LOCATED AT 18403 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Sochin moved to defer Items VI. A & B to a date Certain May 18, 2006 Council Meeting. Seconded by Council Member Bell. All voted in favor. The Motion was adopted unanimously (5-0).

## **VII. CONSENT AGENDA**

- A. Minutes of the April 6, 2006 council meeting. Council Member Meerbott moved to approve. Seconded by Council Member Sochin. All voted in favor. The minutes were approved unanimously.
  
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO INSTALL HIGHWAY SIGNAGE ALONG THE FLORIDA TURNPIKE FROM SW 152 STREET TO SW 216 STREET TO EFFECT THE CO-DESIGNATION OF THE TURNPIKE IN HONOR OF FORMER STATE

REPRESENTATIVE/MAYOR OF THE TOWN OF CUTLER BAY JOHN F. COSGROVE; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA GRANTING THE TOWN CLERK AUTHORITY TO PAY FOR THE ADVERTISING OF PUBLIC HEARINGS; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH THE INSTITUTE FOR COMMUNITY COLLABORATION, INC. FOR THE FACILITATION OF A COUNCIL WORKSHOP; PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONSULTING AGREEMENT WITH THE NONPROFIT ASSISTANCE CENTER FOR ACCOUNTING AND FINANCIAL SERVICES; PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY 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, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE ACTING TOWN MANAGER TO PROCURE A LARGE CAPACITY COLOR COPIER, WITH SERVICE AND SUPPLY BY LEASE AT A REASONABLE COST TO BE DETERMINED BY THE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE ACTING TOWN MANAGER TO REMIT PAYMENT FOR TRAVEL BY COUNCIL TO TALLAHASSEE; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONSULTING AGREEMENT WITH THE GOVERNMENT SERVICES GROUP, INC. FOR STRATEGIC BUDGET SERVICES; PROVIDING FOR A

**DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Meerbott moved to approve. A through H. Seconded by Council Member Sochin. All voted in favor. Consent Agenda Items VII.A through H was adopted unanimously (5-0).

**VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, FILLING THE VACANCY OF VICE MAYOR; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Vrooman provided a brief explanation regarding the process for selecting the town's new vice mayor. He advised that twelve (12) applicants had submitted resumes.

Council Member Sochin had offered a motion to prohibit whoever was chosen at this council meeting as vice mayor to run in the September special election for the position of vice mayor of the Town of Cutler Bay. Seconded by Council Member Meerbott for discussion

After a brief discussion regarding the selection process for the vice mayor Council Member Sochin withdrew his motion to prohibit the applicant chosen for vice mayor to run for the September election.

Three applicants were nominated: Council Member Bell nominated Mr. Edward MacDougall; Council Member Sochin nominated Mr. Kurt Kadel, and Mayor Vrooman nominated Mr. Wayne Collins.

Council Member Bell moved to approve Mr. Edward MacDougall as the Vice Mayor. Seconded by Council Member Sochin.

A roll call vote was taken as follows: Council Member Bell, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Mayor Vrooman, Yes. Resolution No. 06-48 was adopted unanimously (5-0).

**IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING ADMINISTRATIVE ORDER NO. 06-1; AND PROVIDING FOR AN EFFECTIVE DATE.

The town manager provided a brief explanation regarding Administrative Order No. 06-1.

No comments from the public was provided in favor of Administrative Order. No 06-1.

George Genetopolis,. 7300 SW 105 Terrace; Michael DelPressio, 400 Parkway, Hallandale, FL; Jeffrey Gottley 12630 Ramario Street, Coral Gables, FL; from the public spoke in opposition of Administrative Order No. 06-1.

Town Attorney Susan Trevarthen provided a brief explanation regarding this resolution. She advised that the maximum period of enforcement of Administrative Order No. 06-1 was 120 days under the Miami-Dade County code.

After a brief discussion by the council regarding this matter.

Council Member Meerbott moved to approve. Seconded by Council Member Bell.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell; Yes. Resolution No. 06-49 was adopted unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A REQUEST TO WAIVE 15 FEET OF THE ZONED RIGHT-OF-WAY LOCATED APPROXIMATELY 200 FEET SOUTH OF S.W. 212TH STREET & NORTHWEST OF OLD CUTLER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

Mohamedd Ishmael, 8576 SW Kuton Terrace- the applicant spoke in regards to this application.

Otavio Menesava, 12004 SW 268 Street; Rudy Casalan, 3279 SW 141 Avenue, from the public spoke in favor.

No one from the public spoke in opposition to this application.

George Vital, Miami-Dade County Planning Department Evaluator, provided a brief explanation of the request of waiver and recommending approval.

Council Member Bell moved to approve. Seconded by Council Member Sochin.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. Resolution No. 06-50 was adopted unanimously. (5-0)

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A REQUEST TO WAIVE 15 FEET OF THE ZONED RIGHT-OF-WAY FOR THE NORTHWEST CORNER OF S.W. 213TH STREET & OLD CUTLER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

Otavio Menesava, 12004 SW 268 Street; the applicant provided a brief explanation of the request of waiver.

Rosa Paulatme, 2842 SW 32 Avenue, Miami; Rudy Casalan, 3279 SW 141 Avenue, Miami; Mohamed Ishmael, 8576 SW Kuton Terrace; from the public spoke in favor of this matter.

Arthur Nanni 18843 SW 92 Avenue from the public spoke in opposition of this application.

George Vital, Miami-Dade County Planning Department Evaluator, provided a brief description and recommended approval of application Z05-095. Mr. Vital advised that DERM and the Health Department would not approve this application if the request of waiver for 15 feet was not granted.

Joe Corradino, Interim Town Planner, advised that he had reviewed the Miami-Dade County Planning Department report and assured the Council that there would be no negative impact on the Charrette Project.

Council Member Meerbott moved to approve. Seconded by Council Member Sochin.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Sochin, Yes; Council Member Bell, Yes; Council Member Meerbott, Yes. Resolution No. 06-51 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A REQUEST TO WAIVE 15 FEET OF THE ZONED RIGHT-OF-WAY FOR THE NORTHWEST CORNER OF S.W. 215TH STREET & OLD CUTLER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

Otavio Menesava, 12004 SW 268 Street; the applicant provided a brief explanation of the request of waiver.

Rosa Paulatme, 2842 SW 32 Avenue, Miami; Rudy Casalan, 3279 SW 141 Avenue, Miami; Mohamed Ishmael, 8576 SW Kuton Terrace; from the public spoke in favor of this matter.

Joy Cooper, 9365 Nassua Drive; Beth Parrot, 19301 Holiday Road; Richard Rebuth, 8586 SW 208 Street; from the public spoke in opposition to this application.

George Vital, Miami-Dade County Planning Department Evaluator, provided a brief explanation for the request of waiver and is recommending approval of application Z05-096.

Council Member Meerbott moved to approve. Seconded by Council Member Sochin.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Bell, Yes; Council Member Sochin, Yes; Council Member Meerbott, Yes. Resolution No. 06-52 was adopted unanimously (5-0)

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE SECTION ENTITLED, "FLOODPLAIN MANAGEMENT REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Manager provided a brief explanation of this ordinance.

Council Meerbott moved to approve. Seconded by Council Member Bell.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. The proposed Ordinance was adopted on first reading unanimously (5-0)

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS WITHIN THE AREA GENERALLY



LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1, WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); EXEMPTING CERTAIN DEVELOPMENT; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Jerry Proctor, 200 S. Biscayne Boulevard, asked if this was the first of two readings.

No one from the public spoke in regards to this matter.

Town Attorney Susan Trevarthen answered that this was the first of two readings.

Council Member Meerbott moved to approve. Seconded by Council Member Bell.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Sochin, Yes; Council Member Meerbott, Yes; Council Member Bell; Yes. The proposed ordinance was adopted on first reading unanimously (5-0).

- C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING A CHAPTER OF THE TOWN CODE OF ORDINANCES, ENTITLED "VENDORS' CAMPAIGN CONTRIBUTION DISCLOSURE," PROVIDING FOR PROCEDURES FOR DISCLOSURE OF CAMPAIGN CONTRIBUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Sochin moved to approve. Seconded by Council Member Meerbott.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Bell, Yes; Council Member Sochin, Yes; Council Member Meerbott, Yes. The proposed Ordinance was adopted on first reading unanimously (5-0)

- D. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE SECTION ENTITLED, "NUISANCE VEGETATION ABATEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Meerbott moved to approve. Seconded by Council Member Bell.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell; Yes. The proposed Ordinance was adopted on first reading unanimously (5-0).

- E. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN COUNCIL AGENDA FORMAT; CREATING TOWN COUNCIL MEETING PROCEDURES; CREATING ADVERTISEMENT AND NOTICE REQUIREMENTS; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Council Member Bell moved to approve on. Seconded by Council Member Meerbott.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. The proposed Ordinance was adopted on first reading.

## **XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING A COST RECOVERY ADMINISTRATIVE PROGRAM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

The Town Manager presented a brief explanation regarding this Ordinance.

No one from the public spoke in regards to this Ordinance.

Council Member Sochin moved to approve. Seconded by Council Member Meerbott.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. The proposed Ordinance No. 06-07 was adopted on second reading.

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 286.0115, FLORIDA STATUTES, TO ESTABLISH A PROCEDURE GOVERNING EX PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS CONCERNING QUASI-JUDICIAL MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney provided a brief explanation regarding this Ordinance. The Florida Statutes Section 286.0115 provides for a procedure to eliminate the presumption of due process denial that would come with ex parte communication in quasi-judicial matters.

Jamie Reyes, 9750 SW 215 Lane; Ed Wolmers, 9370 Dominican Drive; George Cadman, III, 21361 SW 92 Avenue from the public spoke in opposition of this Ordinance.

Mayor Vrooman advised that the Miami-Dade County procedure was more restrictive. As a result he asked the council to consider deferring this ordinance for second reading to be scheduled for the June 7, 2006 council meeting after review of this matter.

Council Member Sochin moved to defer this ordinance on second reading to the June 7, 2006 council meeting. Seconded by Council Member Bell.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. The proposed Ordinance was deferred on second reading unanimously (5-0).

- C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE OFFICIAL SEAL OF THE TOWN OF CUTLER BAY; DESIGNATING THE TEMPORARY OFFICIAL SEAL OF THE TOWN OF CUTLER BAY; PROVIDING FOR USE AND PENALTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

The town manager provided a brief explanation that this taking the emergency ordinance that was a temporary seal and approving it as a permanent seal.

No one from the public spoke in regards to this Ordinance

Council Member Meerbott moved to approve. Seconded by Council Member Sochin.

A roll call vote was taken as follows: Mayor Vrooman, Yes; Council Member Meerbott, Yes; Council Member Sochin, Yes; Council Member Bell, Yes. The proposed Ordinance No. 06-08 was adopted on second reading unanimously. (5-0).

## **XII. PUBLIC COMMENTS**

The following individuals address the council: Louise Lockwood, 9071 Richmond Drive; Beth Parrot, 19301 Holiday Road; Nancy McCue, 8303 Franjo Road; Jim Shiver, 20220 SW 105 Avenue; Alphonsania Sergio, 9261 Caribbean Blvd.; Edwardo, 9221 Marina Drive.

## **XVI. OTHER BUSINESS**

Swearing-In Ceremony for Mr. Edward MacDougall as vice mayor of the Town of Cutler Bay.

## **XVII. NEXT MEETING ANNOUNCEMENT ON MAY 18, 2006 AND ADJOURNMENT**

The Council Meeting of May 18, 2006 will be held at East Ridge Retirement Village at 7:00 PM.

The meeting was officially adjourned at 9:41 pm.

*Prepared and submitted by:*

---

*Elizabeth A. Sewell, CMC  
Interim Town Clerk*

*Adopted by the Town Council on  
this 18<sup>th</sup> day of May, 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 THE 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.

**RESOLUTION NO. 06-**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING A TOWN POLICY RELATED TO FLOODS IN ORDER TO BE INCLUDED IN THE NATIONAL FLOOD INSURANCE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain areas of the Town of Cutler Bay are subject to periodic flooding, or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood, or flood-related erosion hazards in all official actions relating to the land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Section 2.2 of the Town Charter.

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. Flood Insurance Policy.** The Town Council of the Town of Cutler Bay assures the Federal Insurance Administrator that it will enact as necessary, and maintain in force in those areas having flood, or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Part 60 of the National Flood Insurance Program Regulations (CFR44); and

Vests the Town Manager with the responsibility, authority and means to:

(a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, or flood-related erosion hazards.

(b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain, or flood-related erosion areas.

(c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining flood plain, and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(d) Upon occurrence, notify the Administrator in writing whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

Appoints the Town Clerk to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in

relation to mean sea level) of the level of the lowest flood (including basement) of all new or substantially improved structures, and include whether or not such structures include a basement, and if the structure has been flood proofed and agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

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

PASSED and ENACTED this \_\_\_\_ day of May, 2006.

\_\_\_\_\_  
PAUL VROOMAN  
Mayor

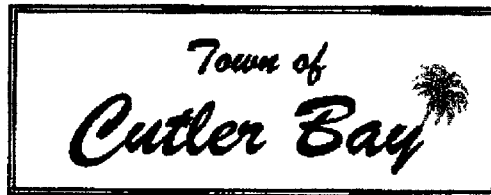
Attest: \_\_\_\_\_  
ELIZABETH SEWELL  
Interim Town Clerk

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 Vrooman \_\_\_\_\_  
Vice Mayor Edward P. MacDougall \_\_\_\_\_  
Council Member Timothy J. Meerbott \_\_\_\_\_  
Council Member Ernest Sochin \_\_\_\_\_  
Council Member Peggy Bell \_\_\_\_\_



**MEMORANDUM**

**To:** Mayor and Council

**From:** Steven Alexander, Town Manager

**Date:** May 11, 2006

**RE:** Support Staff

For council consideration please find this resolution which authorizes the town manager to hire support staff necessary in order to conduct the town business.

I hereby respectfully recommend the council approve the attached resolution.



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

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ACTING TOWN MANAGER TO HIRE SUPPORT STAFF NECESSARY TO CONDUCT TOWN BUSINESS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Cutler Bay (the "Town") is engaged in the start-up of municipal government and the provision of initial government services; and

WHEREAS, it is necessary to hire support staff necessary in order to conduct the Town Business.

**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.** The Acting Town Manager is authorized to hire support staff as necessary to conduct Town Business.

**Section 3.** This resolution shall take effect immediately upon approval.

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

\_\_\_\_\_  
PAUL S. VROOMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Elizabeth Sewell, CMC  
INTERIM TOWN CLERK

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

\_\_\_\_\_  
INTERIM TOWN ATTORNEY

FINAL VOTE AT ADOPTION:

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

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

Council Member Timothy J. Meerbott \_\_\_\_\_

Council Member Ernest N. Sochin \_\_\_\_\_

Council Member Peggy R. Bell \_\_\_\_\_

RESOLUTIONS NO. 06-\_\_\_\_

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA RELATING TO FINANCE; AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY IN ORDER TO RECEIVE FUNDING FROM MIAMI-DADE COUNTY IN THE AMOUNT OF \$600,000; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the Town Council ("Council") of the Town of Cutler Bay, Florida ("Town") were sworn in and seated on February 2, 2006; and

WHEREAS, the Council previously requested and received from Miami Dade County ("County") an advance of \$300,000 from revenues collected by the County on behalf of the Town, and the Town now requires additional funding for the continuation of municipal government and the provision of municipal services; and

WHEREAS, the Council requested that the County release to the Town an additional \$600,000 from revenue to be collected by the County on behalf of the Town; and

WHEREAS, on May 10, 2006, the County Commission of Miami-Dade County approved the execution of the second interlocal agreement with the Town and authorized the County to provide an advance payment of \$600,000.00 to the Town subject to the terms of the attached interlocal agreement(the "Agreement").

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

**Section 1. Recitals.** The recitals above are true and correct and incorporated into this resolution.

**Section 2. Town Mayor Authorization.** The Town Mayor is authorized to execute the attached interlocal agreement with the County.

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

PASSED and ENACTED this \_\_\_\_ day of May, 2006.

\_\_\_\_\_  
PAUL VROOMAN  
Mayor

Attest: \_\_\_\_\_  
ELIZABETH SEWELL  
Interim 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 Vrooman	_____
Vice Mayor Ed MacDougall	_____
Council Member Timothy J. Meerbott	_____
Council Member Ernest Sochin	_____
Council Member Peggy Bell	_____

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

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33, "ZONING" ARTICLE VI, "SIGNS," DIVISION 2, "GENERAL PROVISIONS" OF THE TOWN'S CODE OF ORDINANCES, BY PROVIDING FOR THE PROHIBITION OF OFF-PREMISES SIGNAGE WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the "Town") finds and determines that, in order to maintain and improve the aesthetics, quality of life, and safety of the Town and its residents, the Town must adopt regulations prohibiting off-premises signage; and

**WHEREAS**, sign regulation to advance the governmental purpose of aesthetics has long been upheld by the state and federal courts; and

**WHEREAS**, as long ago as 1954, the U.S. Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the Town Council to determine that the community should be "beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

**WHEREAS**, sign regulations have been held to advance these aesthetic purposes and advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*, 414 So. 2d 1030 (Fla. 1982); and

**WHEREAS**, the Town Council finds and determines that the Town has consistently adopted severability provisions in connection with its Code of Ordinances, and that the Town

wishes to assure that its severability provisions will be applied to its land development regulations, including its off-premises sign regulations; and

**WHEREAS**, in several recent judicial decisions, the courts have failed to give full effect to severability provisions applicable to sign regulations, and expressed uncertainty over whether local governments intended that severability would apply to certain factual situations despite the plain and ordinary meaning of the severability clauses; and

**WHEREAS**, the Town Council is aware that the failure of some courts to apply severability clauses has led to an increase in litigation by billboard developers and other applicants seeking to strike down sign regulations in their entirety, so that they may argue that their applications to erect billboards or other signs must be granted; and

**WHEREAS**, the Town Council desires that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its off-premises sign regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

**WHEREAS**, the Town Council desires that its prohibition of billboards be given full effect, regardless of the invalidity or unconstitutionality of any or all of the Town's other regulations; and

**WHEREAS**, the Town Council further intends to allow noncommercial speech to appear wherever commercial speech appears, and codifies this intention through the adoption of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages as set forth in the body of this Ordinance; and

WHEREAS, the Town Council specifically intends that this substitution clause be applied so that its sign regulations can never be construed to impermissibly favor commercial messages over noncommercial messages; and

WHEREAS, the Town further provides for the political expression of its residents, as required by *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), by allowing a permanent noncommercial sign to be posted in any residential zoning district.

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. Amendment to Sign Regulations.** The sign regulations contained Chapter 33, "Zoning," Article VI, "Signs," Division 2, "General Provisions," Sections 33-83 "Purpose," 33-84 "Definitions," and 33-95, "Prohibited Signs," are hereby amended as follows:

\* \* \*

**Sec. 33-83. Purpose Scope, Purpose, Substitution and Severability.**

(a) *Purpose.* The purpose of this ~~chapter~~ {article} is to permit signs that will not, because of size, location, method of construction and installation, or manner of display:

- (1) Endanger the public safety; or
  - (2) Create distractions that may jeopardize pedestrian or vehicular traffic safety;
- or
- (3) Mislead, confuse, or obstruct the vision of people seeking to locate or identify uses or premises; or

- (4) Destroy or impair aesthetic or visual qualities of Miami-Dade County which is so essential to tourism and the general welfare; and

The purpose of this article is also to permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement land use objectives as set forth in the Comprehensive Development Master Plan. It shall be further the purpose of this article to promote the aesthetics, safety, health, and general welfare and the assurance of protection of adequate light and air within the Town by regulation of the general posting, displaying, erection, use, and maintenance of signs. In the event of any conflict between this code and any declaration of covenants, bylaws, or other restrictions applying to any property within the town, the language affording the more restrictive interpretation shall apply.

(b) *Scope.* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.

(c) *Substitution of Noncommercial Speech for Commercial Speech.* Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial copy, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this article.



(d) Severability.

(1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

(2) Severability where less speech results. This subsection (2) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to these regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.

(3) Severability of provisions pertaining to prohibited signs. This subsection (3) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to section 33-95, entitled "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(4) Severability of prohibition on off-premises signs. This subsection (4) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of this article or any other provision of the town's code of ordinances is declared

unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that that declaration shall not affect the prohibition of off-premises signs in Section 33-95(k).

**Sec. 33-84. Definitions.**

For the purposes of this article the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, it shall be the prerogative of the Director to place said sign in the strictest category and/or classification.

\* \* \*

*Noncommercial sign:* A sign containing only noncommercial copy. "Noncommercial" shall mean not-for-profit or commercial gain. Regardless of the content of the copy, a noncommercial sign shall not be construed to be an off-premises sign.

*Non-conforming sign:* A sign located within the town limits on the effective date of this code or existing in an area annexed by the town after the effective date of this code (or amendments hereto) which, by its height, type, area, design, colors, materials, location, use, or structural support, conformed to the town code prior to the effective date of this ordinance, but does not conform to the requirements of this code. This shall include signs that had been granted variances that were approved, and signs that were issued a construction permit by Miami-Dade County prior to the effective date of this ordinance.

*Off-premises sign:* A sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. An off-premises sign is the principal use of the property on which it is located. It may also be referred to as a "billboard."

This definition includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver or its contents.

On-premises sign: A sign that is located on the premises of the occupant, business, or property identified on the sign. The occupant, business, or property is the principal use of the property, and the sign is an accessory use of the property on which it is located.

\* \* \*

**Sec. 33-95. Prohibited signs.**

\* \* \*

(k) Except for non-conforming signs, off-premises signs or billboard signs are prohibited in the town. Any off-premises sign or billboard sign erected after the effective date of this article as amended shall be removed at the sole expense of the sign owner and shall be subject to code enforcement proceedings as provided in the town code.

**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. Effective Date.**

This Ordinance shall be effective immediately upon adoption on second reading.

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

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

\_\_\_\_\_  
Paul Vrooman  
MAYOR

ATTEST:

\_\_\_\_\_  
Elizabeth Sewell  
INTERIM 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 MacDougall \_\_\_\_\_  
Council Member Timothy J. Meerbott \_\_\_\_\_  
Council Member Ernest N. Sochin \_\_\_\_\_  
Council Member Peggy R. Bell \_\_\_\_\_

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

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AND ADOPTING THE INTERIM BUDGET FOR THE TOWN OF CUTLER BAY FOR FISCAL YEAR 2005-06; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay is a (the "Town") is a municipality located in Miami-Dade County, Florida; and

WHEREAS, following negotiations and information received by Miami-Dade County and in accordance with Section 8.7 of the Town's Charter, an Interim Budget has been prepared and is incorporated herein by reference as Exhibit "A"; and

WHEREAS, the amount of funds available from taxation and other non-ad valorem revenues equals the total appropriations for expenditures and reserves.

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

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

Section 2: Interim Budget Adoption: The Town of Cutler Bay's Interim Budget for the Fiscal Year 2005-2006 (the "Interim Budget"), a copy of which is attached hereto as Exhibit "A", is approved and adopted and shall become effective retroactive to November 2, 2005, the date of incorporation, to the end of the fiscal year, which is September 30, 2006.

Section 3. Expenditure of Funds: The Town Manager or his designee is authorized to expend or contract for expenditures such funds as are necessary for the operation of the Town government in accordance with the Interim Budget. The Town Manager may transfer any unencumbered line item allocation of funds, or any portion thereof, to another line item classification within the same department.

Section 4. Carryover of Funds: Funds from the Town's 2005-06 Interim Budget not expended during the current fiscal year may be used and expended during subsequent fiscal years.

**Section 5. Conflict:** That all sections or parts of sections of the Miami-Dade County Code as it may apply to the Town in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

**Section 6. Severability:** The provisions of this ordinance are declared to be severable, if any section, clause, sentence, 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 7.** This ordinance shall take effect immediately upon enactment.

1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_

PASSED AND ENACTED this \_\_\_\_ day of June, 2006.

Attest: \_\_\_\_\_  
Elizabeth Sewell  
Interim Town Clerk

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.  
Town Attorneys

FINAL VOTE AT ADOPTION:

Council Member Peggy Bell \_\_\_\_\_  
Council Member Timothy Meerbott \_\_\_\_\_  
Council Member Ernest Sochin \_\_\_\_\_  
Vice-Mayor Robert MacDougall \_\_\_\_\_  
Mayor Paul S. Vrooman \_\_\_\_\_

# TOWN OF CUTLER BAY

## MEMORANDUM

**To:** The Honorable Mayor and  
Council Members  
Town of Cutler Bay

**Date:** May 12, 2006

**From:** Steven Alexander  
Town Manager

**Subject:** Summary of Interim 2005-06 (November 9<sup>th</sup>) to 2006 (September 30) Budget

This first partial fiscal year covers the period from November 9, 2005 through September 30, 2006. To meet this obligation, an ordinance has been placed on the May 18<sup>th</sup> agenda for first reading with a public hearing will be advertised and noticed for second reading for the Town Council meeting on June 7, 2006. Exhibit A of the Ordinance is an abbreviated budget format that meets the basic requirements for recognizing anticipated revenue and appropriating expenditures.

I want to emphasize that our revenue forecasts are conservative and our expense projections are intended to be equally conservative i.e., providing sufficient dollars which in many cases may be beyond those actually required. Please be assured therefore that the Town is in a sound financial condition with more than adequate reserves (carryover) to begin the first full operational year beginning on October 1, 2006 through September 30, 2007.

I fully expect that as the budget process proceeds and revenues and expenditures are further refined and clarified that a supplemental or amended budget will be brought back to the Council for review and approval after the initial budget process. These actions are legally required and are typical for new, as well as, established municipalities.

Exhibit A indicates actual revenues received and actual expenses paid through March 30, 2006. It also projects revenues and expenses through the end of the fiscal year. Key points in the recommended Interim Budget are summarized as follows.

### **Revenues**

As of May 12, 2006, the revenue transfer from Miami-Dade County to the Town of Cutler Bay has been projected by the County Budget Office to be \$ 300,000. We have been successful in securing an additional appropriation from the County Commission in the amount of \$600,000 although those new funds will not be received by the Town until sometime later in May. We are working with the Budget Office to understand and

The Honorable Mayor and Council Members

Page 2

May 12, 2006

reconcile any justifiable changes — focused in particular on increasing the FY05-06 surplus available to the Town after deducting county expenses.

### Expenses

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As of April 30, 2006, the Town has written checks totaling \$100,382. These expenditure categories and these time lines were used as the basis for the forward projections of expenses and other typical operating expenses. We also anticipated necessary additions to our office staff and other known or anticipated costs.

#### *Employee Salaries*

For planning purposes, the permanent Town Manager is estimated for two months (August and September) and the permanent Town Clerk for four months (June through September). Permanent Support staff are budgeted to begin as soon, as possible. Fringe benefit costs have been allocated to handle social security, FICA, Florida Retirement System and benefit contributions.

#### *Operating Expenses — Contracted Services*

The significant items in this category include the Interim Manager, the various consultants hired as a transitional team, and Legal Services. We have also included a modest appropriation for a Contingency Fund to provide for expenditures during hurricanes and other unforeseen budgetary demands. This amount may well increase in the next fiscal year when more extensive funds would be performed.

#### *Operating Expenses — Other*

These include the typical expenses required to operate your administration and Town Hall. The major expenses include rent for the Town Hall, insurance through the League of Cities, and costs associated with Council meetings and workshops.

#### *Capital Expenses*

The Town's major capital expense items included are the purchase of several computers and other office equipment. The budget plans for the purchase of additional computers and an additional printer.



The Honorable Mayor and Council Members

Page 3

May 12, 2006

*Contingency Reserve*

We have also included a modest appropriation for a Contingency Fund to provide for expenditures during hurricanes and other unforeseen budgetary demands. This amount may well increase in the next fiscal year when more extensive funds would be provided.

**Revenues Less Expenses**

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The Interim Budget is extremely conservative and indicates that 98.17% of the revenues (exclusive of the Contingency Reserve of \$175,000) will be expended by year-end leaving a balance of \$184,320, which will be carried forward into the next fiscal year, FY06-07. I believe that this carryover will increase significantly by fiscal year end unless we experience extraordinary and unanticipated expenses.

**Interim Budget FY2005/2006  
Town of Cutler Bay**

**Summary**

	<b>Full Year (1)</b>	<b>Prorated 11/9/05 to 9/30/06</b>
Taxes & Revenues collected by County and by Town	\$ 11,071,592	\$ 10,036,259
Less: Cost of County Services Provided to Town	\$ 8,709,644	\$ 7,879,422
Revenues Less Expenditures (Funds Available for Town Operations)		\$ 2,156,837
Less: Estimated Town Expenses through 9/30/06 Assuming Approval of Proposed Preliminary Budget Including \$200,000 Contingency Reserve		\$ 2,134,804
Year-End Balance to Carry Forward as FY2006/2007 Beginning Balance		\$ 22,033

(1) For information purposes only

interim Budget FY2005/2006  
Town of Cutler Bay

OMB Allocation of UMSA Revenues to Cutler Bay	Per OMB Full Year Budget for Info Only	Per OMB Prorata Share Projected 11/9/05 to 9/30/06
<b>Taxes</b>		
Property Tax Revenue @ 95%	\$ 4,021,000	\$ 3,931,641
Electrical Franchise Fees (Note 1)	\$ 939,407	\$ 840,248
Electrical Utility Taxes	\$ 2,001,222	\$ 1,492,077
Water Utility Taxes	\$ 215,600	\$ 137,428
Gas Utility Taxes	\$ 58,800	\$ 47,693
Unified Communications Tax	\$ 1,267,200	\$ 922,240
Occupational Licenses	\$ 116,793	\$ 94,732
<b>Subtotal</b>	<b>\$ 8,620,022</b>	<b>\$ 7,466,059</b>
<b>Intergovernmental Revenues</b>		
1/2 Cent Sales Tax	\$ 1,839,964	\$ 1,339,085
Local Option Gas Tax (\$.05) (Note 2)	\$ 160,050	\$ 116,481
Local Option Gas Tax (\$.06)	\$ 409,328	\$ 297,900
Alcoholic Beverage Fees	\$ 7,911	\$ 5,757
<b>Subtotal</b>	<b>\$ 2,417,253</b>	<b>\$ 1,759,223</b>
<b>Other Revenues</b>		
State Shared Revenues (Note 3)	\$ -	\$ 157,660
Building Permit Fees	\$ -	\$ 369,000
Storm Water Planning	\$ -	\$ 250,000
Interest Earnings	\$ 34,317	\$ 34,317
<b>Subtotal</b>	<b>\$ 34,317</b>	<b>\$ 810,977</b>
<b>Total Operating Revenues</b>	<b>\$ 11,071,592</b>	<b>\$ 10,036,259</b>

OMB Allocation of Expenses for County Provided Services	Per OMB Full Year Budget for Info Only	Per OMB Prorata Share Projected 11/9/05 to 9/30/06
Parks & Recreation	\$ 771,700	\$ 656,703
Public Works	\$ 139,370	\$ 134,679
Local Patrol	\$ 5,082,643	\$ 4,546,142
Police Specialized Services	\$ 1,400,214	\$ 1,252,414
Municipal Elections	\$ -	\$ 108,437
PA System	\$ -	\$ 7,480
<b>Subtotal</b>	<b>\$ 7,393,927</b>	<b>\$ 6,705,855</b>
Planning, Team Metro & Others	\$ 517,575	\$ 481,296
Policy Formulation/Internal Support	\$ 510,181	\$ 454,706
<b>Subtotal</b>	<b>\$ 1,027,756</b>	<b>\$ 916,002</b>
QNIP Bond Payments	\$ 287,961	\$ 257,565
<b>Subtotal</b>	<b>\$ 287,961</b>	<b>\$ 257,565</b>
<b>Cost: County Provided Services</b>	<b>\$ 8,709,644</b>	<b>\$ 7,879,422</b>
<b>Revenues Less Cost of County Provided Services</b>		<b>\$ 2,156,837</b>

**Interim Budget FY2005/2006  
Town of Cutler Bay**

*(Funds remaining for Town to provide services)*

<b>Funds Remaining for Town Provided Services</b>		<b>\$ 2,166,837</b>
<b>Town Provided Operating Expenses</b>	<b>Actual Expenditures 11/9/05 to 9/30/06</b>	<b>Projected 11/9/05 to 9/30/06</b>
Mayor & Council	\$ 7,387	\$ 110,540
Clerk's Office	\$ 174	\$ 82,971
Town Attorney	\$ 78,512	\$ 258,512
General Government	\$ 33,623	\$ 613,586
Police	\$ -	\$ 142,458
Community Development	\$ -	\$ 441,609
Public Works	\$ -	\$ 310,150
Parks & Recreation	\$ -	\$ -
Contingency Reserve	\$ -	\$ 175,000
<b>Total Town Provided Operating Expenses</b>	<b>\$ 119,696</b>	<b>\$ 2,134,804</b>
<b>Balance of Revenues After Town Expenditures</b>		<b>\$ 22,033</b>

Note: Gas tax revenues are restricted to roadway and transportation uses to include maintenance.

<b>Restricted Use Funds</b>			
<b>OMB Allocation of Capital</b>			
	<b>Revenues</b>	<b>Restricted</b>	
Police Impact Fees (2)	\$ 75,778	\$ 75,778	
Parks Impact Fees (2)	\$ 311,128	\$ 311,128	
<b>Subtotal</b>	<b>\$ 386,906</b>	<b>\$ 386,906</b>	
<b>Capital Budget</b>			
Anticipated Capital Expenditures	\$ -	\$ -	
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Balance: Capital Revenues Less Expenditures</b>	<b>\$ 386,906</b>	<b>\$ 386,906</b>	

Note 1: Actual Franchise Fees are paid in July and distributed in August

Note 2: Gas tax revenues restricted to roadway/transportation uses and maintenance.

Note 3: Represents 3 months for first fiscal year.

Interim Budget FY2005/2006  
Town of Cutler Bay  
Town Provided Services

TOWN PROVIDED SERVICES/EXPENSES	Actual thru 3/31/06	Projection 12 mo. Thru 9/30/06
<b>Mayor &amp; Council</b>		
Charter Compensation	\$ 6,000	\$ 26,500
Taxes & Benefits	\$ 1,227	\$ 20,550
Travel & Per Diem	\$ 160	\$ 13,620
Communications	\$ -	\$ 3,780
Rentals/Leases	\$ -	\$ 9,500
Other Operating Expenses	\$ -	\$ 6,590
Capital Outlay	\$ -	\$ 30,000
<b>Subtotal</b>	<b>\$ 7,387</b>	<b>\$ 110,540</b>
<b>Clerk's Office</b>		
Salaries	\$ -	\$ 23,307
Taxes & Benefits	\$ -	\$ 7,570
Travel & Per Diem	\$ 174	\$ 174
Communications	\$ -	\$ 420
Rentals & Leases	\$ -	\$ -
Other Operating Expenses	\$ -	\$ 48,500
Capital Outlay	\$ -	\$ 3,000
<b>Subtotal</b>	<b>\$ 174</b>	<b>\$ 82,971</b>
<b>Town Attorney</b>		
Town Attorney Agreement	\$ 53,364	\$ 233,364
Other Legal Fees	\$ 25,148	\$ 25,148
<b>Subtotal</b>	<b>\$ 78,512</b>	<b>\$ 258,512</b>
<b>General Government</b>		
Manager's Office Salaries (3 FTE)	\$ 20,423	\$ 123,048
Taxes & Benefits	\$ -	\$ 23,372
Contractual Support Services	\$ -	\$ 110,236
Travel & Per Diem	\$ -	\$ 10,520
Communications	\$ -	\$ 38,260
Rentals/Leases	\$ 7,128	\$ 51,544
Other Operating Expenses (includes Insurance, Promotional	\$ 3,826	\$ 106,307
Equipment & Furniture	\$ 2,246	\$ 75,279
Capital Outlay (Office Build Out)	\$ -	\$ 75,000
<b>Subtotal</b>	<b>\$ 33,623</b>	<b>\$ 613,566</b>

**Interim Budget FY2005/2006**

**Town of Cutler Bay**

**Town Provided Services**

<b>TOWN PROVIDED SERVICES/EXPENSES</b>	<b>Actual thru 3/31/06</b>	<b>Projection 12 mo. Thru 9/30/06</b>
<b>Police</b>		
County Contract for Service (included in County Services Above)		
Other Operating Expenses	\$ -	\$ 39,470
Capital Outlay (Furnishings)	\$ -	\$ 102,986
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 142,456</b>
<b>Community Development</b>		
Salaries (Planner, Code Enforcers (2))	\$ -	\$ 40,000
Taxes Benefits	\$ -	\$ 10,826
Contracted Programming Services	\$ -	\$ 7,000
Contracted Building Official, permits and inspection services for 3 months	\$ -	\$ 349,800
Vehicle Operatng and Maintenanc	\$ -	\$ 5,250
Other Operating Expenses	\$ -	\$ 15,400
Capital Outlay - Vehicles	\$ -	\$ 7,333
Capital Outlay (Furniture)	\$ -	\$ 6,000
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 441,609</b>
<b>Public Works</b>		
Salaries (1)	\$ -	\$ 7,500
Taxes/Benefits	\$ -	\$ 7,700
Rental and Leases	\$ -	\$ 5,000
Insurance	\$ -	\$ 1,650
Other Operating Expenses	\$ -	\$ 3,300
Capital Outlay (Town signs)	\$ -	\$ 25,000
Capital Outlay (Vehicles)	\$ -	\$ 10,000
Storm Water Master Plan	\$ -	\$ 250,000
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 310,150</b>
<b>Parks &amp; Recreation</b>		
No Town Expenditures	\$ -	\$ -
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Contingency Reserve</b>	<b>\$ -</b>	<b>\$ 175,000</b>
<b>TOTAL TOWN PROVIDED SERVICES/EXPENSES</b>	<b>\$ 119,696</b>	<b>\$ 2,134,804</b>

nov	22
dec	31
jan	31
feb	28
mar	31
ap	30
may	31
ju	30
jul	31
aug	31
sep	30
days	326
year	365
prorata %	0.89315068

incorporation on 11/9/06  
deduct first 8 days of november  
30-8+22

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

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS WITHIN THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1, WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); EXEMPTING CERTAIN DEVELOPMENT; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, on April 6, 2006, the Town Council of the Town of Cutler Bay (the "Town") adopted the Urban Center District ("UCD") land development regulations; and

**WHEREAS**, the Town Council wishes to ensure that no incompatible development is approved during the time necessary to rezone properties within the area located south of the intersection of the Homestead Extension of the Turnpike (HEFT) and US1, west of the HEFT to the Town limits, and north of the C-1 Canal (Black Creek Canal) (the "moratorium area") from their existing zoning categories to UCD; and

**WHEREAS**, to achieve this end, the Town Council directed Town staff to draft an ordinance for its consideration, declaring a building moratorium within the moratorium area until the rezoning to UCD can be approved by the Town Council; and

**WHEREAS**, the Town Council has determined that developments that have had their final plat reviewed and approved by the Town Council, or have received at least one building permit for a principal building should be allowed to proceed, even if they would otherwise be affected by the moratorium; and

**WHEREAS**, the Town Council has determined that this building moratorium should be in place until the earlier of 120 days from the effective date of this Ordinance or the date of final adoption of the rezoning of the area to UCD; and

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

**WHEREAS**, by resolution, the Town Council approved the Town Manager's Administrative Order No. 06-1 that was issued pursuant to Section 33-319 of the Town's Code



of Ordinances (the "Code"), which further authorizes a building moratorium in the moratorium area; and

**WHEREAS**, it is the intent of the Town Council that this Ordinance be adopted together with the above referenced resolution to accomplish the same purpose in accordance with all applicable laws; and

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

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

**Section 1. Building Moratorium Imposed.** During the time that this Ordinance is in effect as specified in Section 7 below, there shall be a building moratorium on the issuance of development orders and development permits within the moratorium area. For purposes of this Ordinance, the terms "development orders" and "development permits" shall be defined as follows: building permits, variances, special exceptions, zoning district changes, minimum square footage requirement changes, unusual and new uses, or modifications or elimination of conditions, restrictions or limitations on these orders and permits. The following categories of development shall be exempt from this moratorium:

- Any development that had its final plat reviewed and approved by the Town Council.
- Any development that has received at least one building permit for a principal building.
- Any development being built by Miami Dade County or the Town.

**Section 2. Waivers.** Any property owner seeking a waiver under this Section 2 must file an application with the Town Council, for a determination within 30 days after the effective date of this Ordinance. The Town Council, after a public hearing, may grant a waiver to the moratorium provided above and permit development to proceed on a specific parcel where the Town Council determines, based upon substantial competent evidence, that the specific use or activity requested by the waiver application will not detrimentally affect the land development regulations adopted in the UCD, will be compatible with surrounding land uses, and will not impair the public health, safety or welfare. The public hearing shall be advertised at least seven days prior to the hearing in a local newspaper. The grant of waiver, if any, shall be by resolution. The applicant shall be responsible for the waiver application fee and any other standard fees and requirements for a public hearing.

**Section 3. Determination of Vested Rights or Denial of All Economic Use.**

(A) Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:

- (1) A governmental act of development approval was obtained prior to the effective date of this Ordinance; and
- (2) Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and
- (3) That it would be highly inequitable to deny the property owner the right to complete the development.

(B) Nothing in this Ordinance shall be construed or applied to prevent development of a particular parcel where the property owner can demonstrate by substantial competent evidence that, because of the moratorium, no economic use can be made of the parcel.

(C) Any property owner claiming vested rights or denial of all use under this Section 3 must file an application with the Town Council for a determination within 30 days after the effective date of this Ordinance. The application shall be accompanied by an application fee of \$1,500.00 and contain a sworn statement as to the basis upon which the vested rights or denial of all use are asserted, together with documentation required by the Town and other documentary evidence supporting the claim. The Town Council shall hold a public hearing on the application and, based upon the competent substantial evidence submitted, shall make a determination as to whether the property owner has established vested rights or a lack of economic use for the parcel.

**Section 4. Judicial Review.** Judicial review of final decisions by the Council under Section 2 or Section 3 of this Ordinance shall be by the filing of a Petition for Certiorari in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial decisions of municipalities.

**Section 5. Exhaustion of Administrative Remedies.** No property owner claiming that this Ordinance, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court, unless he or she has first exhausted the applicable administrative remedies provided in Sections 2 and 3 of this Ordinance.

**Section 6. Conflicts.** 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. Term.** The building moratorium imposed by this Ordinance is temporary and shall be effective for a period of 120 days from the effective date of this Ordinance, unless dissolved earlier by the Town Council. Further, the building moratorium shall automatically dissolve upon the adoption of the rezoning of properties within the moratorium area to UCD, which rezoning shall be expeditiously pursued. The building moratorium may be reasonably extended, if necessary, by Ordinance of the Town Council.

**Section 8. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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

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

\_\_\_\_\_  
PAUL VROOMAN  
Mayor

Attest:

\_\_\_\_\_  
ELIZABETH SEWELL  
Interim 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 Vrooman \_\_\_\_\_

Vice Mayor Edward MacDougall \_\_\_\_\_

Council Member Timothy J. Meerbott \_\_\_\_\_

Council Member Ernest Sochin \_\_\_\_\_

Council Member Peggy Bell \_\_\_\_\_