

TOWN OF CUTLER BAY

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

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria
Town Manager Steve Alexander

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

LOCAL PLANNING AGENCY AGENDA

Wednesday, October 15, 2008, 7:00 PM
South Dade Regional Library
10750 SW 211th ST, 1st Floor
Cutler Bay, Florida 33189

- I. **CALL TO ORDER, ROLL CALL**
- II. **ADDITIONS, DELETIONS, AND DEFERRALS**
- III. **CONSENT AGENDA**
 - A. Minutes – September 17, 2008
- IV. **PUBLIC HEARING: (MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE)**
 - A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CITY FURNITURE FOR A REZONING FROM IU-1 (INDUSTRIAL, LIGHT MANUFACTURING DISTRICT) TO BU-1A (LIMITED BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 18750 S. DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 56,413 SQ. FT.; AND PROVIDING FOR AN EFFECTIVE DATE.
- VI. **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.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, September 17, 2008, 7:00 PM
South Dade Regional Library
10750 Southwest 211th Street, 1st Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:00 p.m. Present were the following chartered officials:

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

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

II. PLEDGE OF ALLEGIANCE: There was no Pledge of Allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA:

Councilmember Sochin made a motion approving the minutes of meeting of August 20, 2008. The motion was seconded by Vice Mayor MacDougall and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

The clerk read the following ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 07-07 RELATING TO NONRESIDENTIAL DESIGN STANDARDS AND REGULATIONS; PROVIDING FOR THE DELETION OF LOCATION REQUIREMENTS; PROVIDING FOR AMENDMENTS TO PERMITTED SQUARE FOOTAGE; PROVIDING FOR GREEN BUILDING INCENTIVES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim Planning Director, Kathryn Lyon provided a brief discussion and recommended approval of the ordinance.

There was no public hearing at this time.

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

VI. ADJOURNMENT: The meeting was officially adjourned at 7:10 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 15th day of October, 2008.*

Paul S. Vrooman, Mayor

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



Planning & Zoning Department

Kathryn Lyon
Interim Community Development Director

MEMORANDUM

DATE: October 7, 2008

TO: Steven J. Alexander, Town Manager

FROM: Kathryn Lyon, Acting Community Development Director

SUBJECT: Application # Z2008-018
City Furniture - 18750 S Dixie Highway
(Folio # 36-6005-052-0060)

APPLICANT'S REQUEST: Change of zoning district from Industrial, Light Manufacturing District (IU-1) to Limited Business District (BU-1A) to allow for the expansion of an existing commercial building.

STAFF'S RECOMMENDATION: Staff finds the proposed zoning change of Light Manufacturing District to Limited Business District consistent with the Miami-Dade County Comprehensive Plan. Staff recommends approval of # Z2008-018.

SUBJECT:

Presently the area has a zoning designation of Industrial, Light Manufacturing (IU-1). The proposed zoning for this property is BU-1A (Limited Business District).

The applicant, City Furniture, requests a change of zoning which would provide consistency with the adjacent lot to the south. The zoning change would allow the expansion of the existing City Furniture building on to the adjacent lot.

BACKGROUND AND ANALYSIS:

The applicant is seeking a district boundary change from IU-1 to BU-1A to permit a retail furniture store on the property. These two parcels owned by City Furniture are currently zoned IU-1 and BU-1A. The applicant is seeking to rezone the IU-1 parcel to the north to BU-1A.

Background

The property is located along South Dixie Highway with more than 522 feet of street frontage. To the south, the property is bordered by the C-1N canal and to the west; the

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property abuts the FDOT corridor. To the north, the property abuts the soon to be Tropical Financial Credit Union.

The applicant is proposing to be LEED certified at the Silver Level.

The applicant, who is proposing an expansion into the adjacent property, owns the existing City Furniture located at 18760 S. Dixie Highway. The rezoning of this parcel from the less desirable IU-1 to the more restrictive BU-1A will provide consistency between the two parcels. The US1 corridor, a main thoroughfare, is an ideal location for the expansion of such commercial activity.

Applicant:	City Furniture
Property Owners:	City Furniture
Address/Location:	18750 S Dixie Highway
Size of Property:	56,413 sq. ft.
Legal Description:	POINT WEST 4TH ADDN PB 107-67 LOT 6 BLK 6 LOT SIZE 56413 SQ FT F/A/U 30-6005-052- 0060 COC 26284-1624 03 2008 1
Existing Zoning:	Industrial, Light Manufacturing (IU-1)
Requested Zoning:	Limited Business District (BU-1A)
Existing Future Land Use:	Business, Office

ADJACENT ZONING:

North:	Limited Business District (BU-1A)
South:	Limited Business District (BU-1A)
East:	South Dixie Highway and Special Business District (BU-2)
West:	Busway

Analysis

Rezoning

The applicant is requesting to rezone the northern parcel, previously IDEA furniture), from IU-1 to BU-1A to make consistent with the existing City Furniture parcel, which is zoned BU-1A.

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Zoning

The following Sections of the Town Zoning Code are relevant to this request.

Chapter 33 Zoning Code of the Town of Cutler Bay

Article XXIX. BU-1A, LIMITED BUSINESS DISTRICT

Section 199. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved, reconstructed, structurally altered or maintained which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

- (21) Furniture stores, retail of new merchandise only.

The request is consistent with the BU-1A, Limited Business District.

Analysis

The Town Council shall take into consideration, among other things, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

The proposed application submittal was prior to the adoption of the Town's Growth Management Plan. Therefore, the evaluation of this project was based on the Miami-Dade County Comprehensive Plan. In addition the proposed application was presented before Town Council at a Zoning Workshop before adoption of the Town's Growth Management Plan. Therefore given that it is not permissible to permit planning in progress, the evaluation of this project was based on the Miami-Dade Comprehensive Plan.

The County Future Land Use Map designates the subject property as **Business and Office**. This category accommodates the full range of sales and services activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The Miami-Dade County Comprehensive Plan states, in

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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.

This application is **consistent** with the Miami-Dade County Comprehensive Plan and the Land Use designation of the surrounding properties.

The application is consistent with the Miami-Dade County Comprehensive Plan.

(2) The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the Town of Cutler Bay, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

The approval of this request will not have an adverse impact on the environment of the Town.

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the Town of Cutler Bay;

The approval of this request will not have an adverse impact on the economy of the Town.

(4) The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

The approval of this request will not have an adverse impact on the necessary public facilities.

(5) The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

The approval of this request will not have an adverse impact on the necessary public transportation facilities.



Planning & Zoning Department

This request is **consistent** with the current zoning of the surrounding properties.

Environmental Resources Management

Potable Water Supply and Wastewater Disposal:

Public water and sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to said systems shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Growth Management Plan. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle additional flows. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available.

Stormwater Management:

A Surface Water Management Individual Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant shall contact DERM (305-372-6789) for further information regarding permitting procedures and requirements.

Public Works

Public Works has no objection to this application.

TOWN STAFF RECOMMENDATION:

Town of Cutler Bay staff recommends **approval** of application # Z2008-018 Rezoning (From IU-1 to BU-1A)

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ORDINANCE NO. 08-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CITY FURNITURE FOR A REZONING FROM IU-1 (INDUSTRIAL, LIGHT MANUFACTURING DISTRICT) TO BU-1A (LIMITED BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 18750 S. DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 56,413 SQ. FT.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 33 "Zoning," of the Town Code of Ordinances (the "Town Code"), City Furniture (the "Applicant") has applied to the Town of Cutler Bay (the "Town"), for approval of a rezoning from IU-1 (Industrial, Light Manufacturing District) to BU-1A (Limited Business District), for property located at 18750 S Dixie Highway, as legally described in Exhibit "A," consisting of approximately 56,413 sq. ft. (the "Property"); and

WHEREAS, Town staff has recommended approval of the requested rezoning in its report, dated October 3, 2008; and

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

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

WHEREAS, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Town Code and the Town's Comprehensive Plan (Growth Management Plan).

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

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

Section 2. Approval of Rezoning. Pursuant to Chapter 33 "Zoning" of the Town Code, the Property, legally described in Exhibit "A," is hereby rezoned from IU-1 (Industrial, Light Manufacturing District) to BU-1A (Limited Business District).

Section 3. Recording. The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2008.

PASSED AND ADOPTED on second reading this _____ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF THE
TOWN OF CUTLER BAY ONLY:

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

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

CUTLER BAY, FLORIDA

ZONING, VARIANCE, SPECIAL EXCEPTION, ADMINISTRATIVE WAIVER
OTHER APPLICATIONS
DEPARTMENT OF PLANNING, ZONING

LIST ALL FOLIO #S: 36-6005-052-0071 & 36-6005-052-0060 DATE RECEIVED: _____

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Advance Business Associates, LLP, a Florida limited liability partnership and
City Furniture, Inc., a Florida corporation

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 6000 Cypress Road

City: Plantation State: Florida Zip: 33317 Phone#: _____

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Same as above.

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone#: _____

4. **CONTACT PERSON'S INFORMATION:**

Name: William W. Riley Company: Bilzin Sumberg

Mailing Address: 200 S. Biscayne Blvd., Suite 2500

City: Miami State: Florida Zip: 33131

Phone#: 305.375.6139 Fax#: 305.351.2285 E-mail: WRiley@bilzin.com

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book and page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See Exhibit "A" attached hereto and incorporated herein.

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc).
18750 & 18760-80 S Dixie Highway
7. **SIZE OF PROPERTY** (in acres): 3.26± (divide total sq. ft. by 43,560 to obtain acreage)
8. **DATE** property acquired leased: December 1986 & March 2008
(month and year)
9. **LEASE TERM:** Not applicable. Years
10. **IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S)**, provide complete legal description of said contiguous property.
Not applicable.
11. **Is there an option to purchase** or lease the subject property or property contiguous thereto? no yes (if yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)
12. **PRESENT ZONING CLASSIFICATION:** BU-1A and IU-1
13. **APPLICATION REQUESTS** (check all that apply and describe nature of the request in space provided) {DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)
 .District Boundary Changes (DBC) (Zone class requested): BU-1A & IU-1 to BU-1A
 Unusual Use: _____
 Non-use Variance: Appearing on site plan.
 Alternative Site Development (PUD): _____
 Special Exception: _____
 Administrative Waiver: _____
 Modification of previous resolution/plan: _____
 Modification of Declaration or Covenant: _____
 Other: _____
14. **Has a public hearing been held on this property within the last year and a half?**
 No Yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:
15. **Is this hearing as a result of a violation notice?** No Yes. If yes, give name to whom the Violation notice was served: _____ and describe the violation:

16. Describe structures on the property: Retail furniture stores and accessory structures

17. Is there any existing use on the property? No yes. If yes, what use and when established?

Use: Retail Commercial

Year: 1978 & 1981

18. Submitted Materials Required:

Please check all that Apply:

- Letter of intent
- Justifications for change
- Statement of hardship
- Proof of ownership or letter from owner
- Power of attorney
- Contract to purchase.
- Current survey (1 original sealed and signed / 1 reduced copy @ 11" x17")
- (12) Copies of Site Plan and Floor Plans
- (1) Reduced copy @ 11"x 17"
- 20% Property owner signatures (If required)
- Mailing Labels (3 sets) and map (If required)
- Required Fee(s)

EXHIBIT "A"

Lot 6, Block 6, POINT WEST FOURTH ADDITION, according to the plat thereof, as recorded in Plat Book 107, Page 6, of the Public Records of Miami-Dade County, Florida.

AND

Lots 7, 8, and 9, Block 6, POINT WEST FOURTH ADDITION, according to the plat thereof, as recorded in Plat Book 107, Page 67, of the Public Records of Miami-Dade County, Florida.

William W. Riley, Jr., Esquire
Direct Dial: (305) 375-6139
Direct Facsimile: (305) 351-2285
E-mail: wriley@bilzin.com

April 14, 2008

VIA HAND DELIVERY

R. Don O'Donniley, AICP
Planning Director
Town of Cutler Bay
10720 Caribbean Blvd
Suite 110
Cutler Bay, Florida 33189

Re: *City Furniture & Ashley Furniture Homestore*
Property Location: 18750 & 18760-80 S Dixie Highway
Folio Numbers: 36-6005-052-0071 & 36-6005-052-0060

LETTER OF INTENT

Dear Mr. O'Donniley:

Please accept this correspondence as our Letter of Intent to the attached public hearing application. This law firm represents Advance Business Associates, LLP and City Furniture, Inc. (collectively referred to hereinafter as the "Applicant"), the owners of 3.26± contiguous acres of land located at 18760-80 and 18750 South Dixie Highway (the "Property").

The Applicant is seeking a district boundary change from BU-1A and IU-1 to BU-1A, site plan approval and associated non-use variances to permit a retail furniture center on the Property (the "Application"). As depicted on the development plans attached to this Application, the Applicant is proposing a comprehensive improvement program for the Property that will include the following: (1) a partial redevelopment of the existing City Furniture building that will result in a conversion of said building to an Ashley Furniture Homestore, a reduction of gross floor area, enhancements to the sites' aesthetic qualities with a new building facade and enhanced landscaping; and (2) a redevelopment of the existing IDEA Home Design furniture store that will result in a new City Furniture showroom designed in accordance with New Urbanism planning principles and in accordance with conservation principles promoted by the US Green Building Council Leadership in Energy and Environmental Design (LEED). Based on the following analysis, we submit that this request is consistent with the goals, objectives, and policies of the Comprehensive Development Master Plan and compatible with the surrounding area.

R. Don O'Donniley, AICP, Planning Director
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A. **THE PROPERTY, EXISTING CONDITIONS & THE DEVELOPMENT PROGRAM**

The Property is located along US Highway No. 1 ("U.S. 1") with more than 522 feet of street frontage. To the south, the Property is bordered by the Belle Aire (C-1N) Canal and, to the west, the Property abuts the State of Florida Transportation Corridor, which is the previous location of the Florida East Coast Railway. To the north, the Property abuts the Tropical Financial Credit Union.

The Property comprises the southern most end of an existing commercial strip located along the west side of U.S. 1, extending from Quail Roost Drive to the C-1N Canal. The commercial strip is developed with a wide array of commercial and retail uses, including specialty stores, a restaurant, a commercial bank and a gasoline station. The Property is currently developed with two detached retail furniture stores, which are independently owned and operated, and a free-standing billboard. The Applicant's proposal seeks to create a unified retail furniture center with cross-access and cross-parking benefits and to remove the billboard. The development program, if approved, will serve to provide an enhanced terminus to the existing commercial strip.

As depicted on the development plans attached hereto, which were prepared by Architecture 6400, Inc., the City Furniture and Ashley Furniture Homestore buildings will be connected by a party wall located along northern facade of the existing City Furniture building. The new City Furniture building, which will be located along the northern portion of the Property, will create an offset at the point of connection with the proposed Ashley Furniture Homestore. This offset will provide a visual transition between the proposed stores and promote the architectural expression encouraged in Town Ordinance No. 07-07. In addition, also in accordance with Ordinance No. 07-07, the proposed City Furniture building will be positioned along the street-front to further New Urbanism planning principles and to provide an enhanced architectural expression along the U.S. 1 corridor.

The existing City Furniture building, which is proposed for conversion into an Ashley Furniture Homestore, will be reduced in size from 45,295± to 33,588 square feet of gross floor area and will undergo substantial exterior renovations. The building facade and roofline will be improved with architectural features and decorative moldings that follow the design standards set forth in Town Ordinance No. 07-07, including reveals and projecting ribs. In addition, the Property will be enhanced by increased landscaping areas and streetscape.



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B. THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

The Property is designated Business and Office, which is a land use category described in the Comprehensive Development Master Plan (CDMP) as one that "accommodates the full range of sales and service activities." Among the activities permitted within this category are retail commercial centers, including retail furniture stores.

The Property is located both on a major roadway (U.S. 1) and along a rapid transit corridor (the "Busway"). The CDMP provides that infill and redevelopment of underutilized property shall be given priority in such areas. In addition to permitting the use proposed for the Property, the CDMP encourages the design standards incorporated within the development plans. Land Use Policy LU-7A, for example, reads in part as follows:

Through its various planning, regulatory and development activities, [the Town of Cutler Bay] shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities...

Land Use Policy LU-7B reads:

It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid transit stations that is well designed, conducive to both pedestrian and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians, pedestrian accommodations shall include, as appropriate, continuous sidewalks to the transit station, small blocks and closely intersecting streets, buildings oriented to the street or pedestrian paths, parking lots predominantly to the rear and sides of buildings...



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The development plans incorporate the street frontage building orientations and architecturally enhanced visual experience encouraged by the CDMP. The site's positioning between two rapid transit stations, one at Quail Roost Drive and another at Marlin Road, will also further the pedestrian accessibility promoted in the CDMP.

C. THE ZONING DISTRICT AND DEVELOPMENT REGULATIONS

The Property has two separate and distinct zoning districts. The southern portion of the Property is situated within the Town's Limited Business (BU-1A) Zoning District and northern portion of the Property is located within the Town's Light Manufacturing Industrial (IU-1) Zoning District. The Applicant respectfully requests a district boundary change from BU-1A and IU-1 to BU-1A to create zoning uniformity on the Property, to bring the Property into conformance with the existing Business and Office land use designation and to permit the institution of the development program.

Retail furniture centers are permitted within the BU-1A zoning classification. Site development regulations applicable within the district, however, generally constrain the implementation of New Urbanism planning principles and the design standards promoted in Town Ordinance No. 07-07. Applicant respectfully requests non-use variances from those provisions.

Among the non-variances being requested is a setback variance to permit the proposed City Furniture building to be positioned along the street front with side and rear off-street parking in accordance with the policies of the CDMP, the New Urbanism planning principles and Ordinance No. 07-07. In addition, the Applicant is requesting a minimal variance of the landscaping requirements to permit a total open space of 14.5% of the total lot area where 16% is generally required.

Additional non-use variances are necessary to align the development program with industry standards for retail furniture centers. Unlike other retail uses, the size of a retail furniture center does not have a direct correlation to the development impacts addressed by site development regulations. Industry standards require that customers be provided with multiple showroom areas that replicate residential living areas. Due to the size of individual products offered for sale at such centers, each showroom space requires expansive floor areas (i.e., the amount of space that would be comparable to a small living room, bedroom or dining room). To accommodate for these industrial standards, the Applicant respectfully requests a non-use variance of lot coverage to permit 46.2% where 40% is generally permitted and a non-use variance to permit more FAR than generally permitted.



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Lastly, the Applicant respectfully requests a non-use variance of off-street parking regulations. Generally, franchised furniture stores, like City Furniture and Ashley Furniture Homestore, draw its customer base from one of two sources: (1) visits from neighborhood residents and (2) passerby visits (*i.e.*, captured trips). Such stores which are not coupled with other modifications, like the addition of furniture clearance centers, do not draw in an expanded customer base increasing the number of visitors and placing burdens on off-street parking counts but rather simply serve to provide its existing customer base with a wider selection of merchandise. As a result, the Applicant is requesting a non-use variance of off-street parking regulations to permit 127 parking spaces on site.

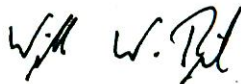
D. THE PROFFERED DECLARATION OF RESTRICTIONS

In order to assure the Town that the representations made by the Applicant during consideration of the Application will be abided by the Applicant, its successors and assigns, the Applicant is proffering a Declaration of Restrictions to be recorded in the Public Records of Miami-Dade County, Florida, which will run with the title to the Property for a period of 30 years; after which time said declaration shall be extended automatically for successive periods of 10 years unless and instrument signed by the then owners of the Property is recorded amending, modifying or releasing said declaration following approval at a public hearing by the Town Council. The Declaration, among other things, ties the Applicant's requests for approval to the development plans made a part of the Application and expressly provide that, in the event the Property ceases to be operated as a retail furniture store and showroom, the same will be converted and/or improved to comply with all applicable zoning laws including the Town's minimum parking requirements.

E. CONCLUSION

Based on the forgoing, we submit that the proposed development is consistent with the CDMP and compatible with the surrounding community. We thank you for your consideration and respectfully request your support of the application.

Very truly yours,



William W. Riley, Jr.

cc: Keith Koenig, President
City Furniture, Inc.



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Property Appraiser Tax Estimator

Summary Details:

Folio No.:	36-6005-052-0060
Property:	18750 S DIXIE HWY
Mailing Address:	CITY FURNITURE INC 6701 N HIATUS RD TAMARAC FL 33321-

Property Information:

Primary Zone:	7100 INDUSTRIAL
CLUC:	0011 RETAIL
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	5,621
Lot Size:	56,413 SQ FT
Year Built:	1978
Legal Description:	POINT WEST 4TH ADDN PB 107-67 LOT 6 BLK 6 LOT SIZE 56413 SQ FT F/A/U 30-6005- 052-0060 COC 26284- 1624 03 2008 1

Sale Information:

Sale O/R:	26284-1624
Sale Date:	3/2008
Sale Amount:	\$3,700,000

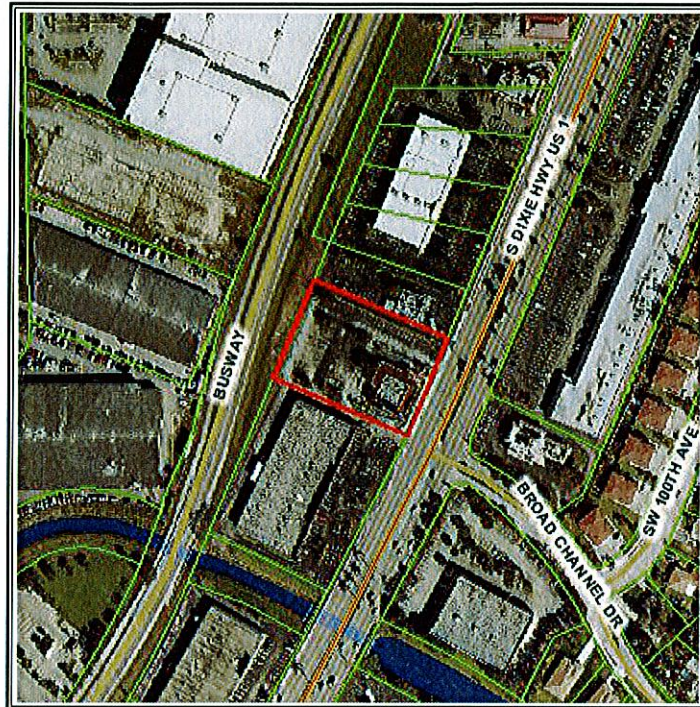
Assessment Information:*

Year:	2008	2007
Land Value:	\$2,256,520	\$1,692,390
Building Value:	\$525,739	\$505,215
Market Value:	\$2,782,259	\$2,197,605
Assessed Value:	\$2,782,259	\$2,197,605
Total Exemptions:	\$0	\$0
Taxable Value:	\$2,782,259	\$2,197,605

* The market and assessed values are accurately reflected. Information related to this property's exemptions and taxable values are being updated as a result of the recent passage of Amendment One and will be available shortly.

Additional Information:

Community Development District:	NONE
Community Redevelopment Area:	NONE
Empowerment Zone:	NONE
Enterprise Zone:	SOUTH
Land Use:	SHOPPING CENTERS, COMMERCIAL, STADIUMS, TRACKS
Urban Development:	INSIDE URBAN DEVELOPMENT



Digital Orthophotography - 2007

0 134 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water



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