



## 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 Santamaria  
Town Manager Steven 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 days prior to the meeting.

### TOWN COUNCIL MEETING AGENDA

Wednesday, August 19, 2009, 7:00 PM  
South Dade Regional Library  
10750 SW 211<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Cutler Bay, Florida 33189

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**
2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
  - A. Presentation of proclamation to Keith Diego and recognizing Samantha Gholar for her achievements.
  - B. Presentation from State Representative Julio Robaina
3. **APPROVAL OF MINUTES**
  - A. Regular Council Meeting – July 15, 2009 TAB 1
4. **REPORTS**
  - A. **TOWN MANAGER'S REPORT**
  - B. **TOWN ATTORNEY'S REPORT**
  - C. **BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS**
5. **CONSENT AGENDA**

ANY ITEMS SHALL BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION OR SEPARATE VOTE IF REQUESTED OR PULLED BY A COUNCILMEMBER OR THE TOWN MANAGER.

  - A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUESTING MIAMI-DADE COUNTY TO CEASE TAB 2

CONSTRUCTION OF A CHAIN LINK FENCE ALONG THE BIKE PATH ON SW 87<sup>TH</sup> AVENUE BETWEEN OLD CUTLER ROAD AND SW 216<sup>TH</sup> STREET AND REQUESTING THE COUNTY TO REMOVE THE EXISTING CHAIN LINK FENCE ALONG THE PATH; AND PROVIDING FOR AN EFFECTIVE DATE. **(BELL)**

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCUMBERING BUDGETED FUNDS FROM THE 2008/2009 FISCAL YEAR BUDGET FOR TWO UPCOMING EVENTS WITHIN THE TOWN; AND PROVIDING AN EFFECTIVE DATE. **(BELL)**

TAB 3

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING A STATE BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE. **(SOCHIN)**

TAB 4

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE A CHANGE ORDER FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$29,600 FOR ADDITIONAL DESIGN-BUILD SERVICES FOR CUTLER RIDGE PARK IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE TOWN MANAGER TO APPLY FOR GRANT FUNDING FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM FOR PARKS PROJECTS; PROVIDING FOR THE COMPLETION OF THE PROJECTS; PROVIDING FOR PARK ACCESSIBILITY; PROVIDING FOR FUNDING TO SUPPORT THE PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 6

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF JOHN DEERE COMPANY FOR THE PURCHASE OF A REPLACEMENT UTILITY VEHICLE IN THE AMOUNT OF \$5,365.26 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

TAB 7

**6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

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

**A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT A MAXIMUM HEIGHT OF 37 FEET WHERE 35 FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 8

**B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT THREE (3) STORIES IN HEIGHT WHERE TWO (2) STORIES IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 9

**C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT A DIRECTIONAL SIGN OF 75 SQUARE FEET WHERE THREE (3) SQUARE FEET IS PERMITTED AND TO PERMIT A HEIGHT OF SIX (6) FEET WHERE FOUR (4) FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 10

**D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT A MONUMENT SIGN OF 88 SQUARE FEET WHERE 24 SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 11

**E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO THE SITE PLAN FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT A 333,577 SQUARE FOOT BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 12

**7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)**

**A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING ROADS, POLICE, FIRE/RESCUE, PUBLIC BUILDINGS, AND PARKS IMPACT FEES; REPEALING CHAPTER 33H PARK IMPACT FEE ORDINANCE; REPEALING CHAPTER 33I POLICE SERVICES IMPACT FEE ORDINANCE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 13

**8. ORDINANCES FOR FIRST READING OR RESOLUTIONS REQUIRING A PUBLIC HEARING**

**9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)**

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 14

**10. PUBLIC COMMENTS**

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

**11. MAYOR AND COUNCIL COMMENTS**

**12. OTHER BUSINESS**

**13. 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 VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TAB 1

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

Wednesday, July 15, 2009, 7:00 PM  
South Dade Regional Library  
10710 SW 211<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Cutler Bay, Florida 33189

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the mayor at 7:00 PM. Present were the following:

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

Town Attorney Mitchell Bierman  
Town Clerk Erika Santamaria  
Town Manager Steven J. Alexander

- 2. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.

**3. APPROVAL OF MINUTES:**

**A.** Councilmember Bell made a correction in the minutes of June 17, 2009. She corrected that she did not make a request for reconsideration of a motion on the resolution referring to the Parks Master Plan amendment as stated on page four. Councilmember Sochin made a motion approving the corrected minutes of the meeting on June 17, 2009. The motion was seconded by Councilmember Meerbott and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**B.** Councilmember Sochin made a motion approving the minutes of the special meeting on June 29, 2009. The motion was seconded by Councilmember Meerbott and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**4. REPORTS**

**A. TOWN MANAGER'S REPORT**

The manager stated that currently he is working on a report in reference to the Miami-Dade Police contract. He said he will have something available possibly by the next meeting for the Council to review. The manager reported that the intersection at 107<sup>th</sup> Avenue and US1 will undergo

realignment by the Department of Transportation. The manager stated that the sidewalk repair project is ongoing, he stated that 1400 locations in the Town were identified for repairs. He stated that Public Works is continuing to plant live Oak trees around the Town which is to replace the lost canopy from Hurricane Andrew.

**B. TOWN ATTORNEY'S REPORT**

The town attorney provided an update on Senate Bill 360 challenge. He stated that other cities are expressing interest in joining the lawsuit.

**C. BOARD AND COMMITTEE REPORTS, COUNCIL ANNOUNCEMENTS**

Councilmember Bell introduced her new appointment to the Parks Committee, Joyce Huck. Mrs. Huck attended the council meeting and Member Bell gave a brief background on her appointment. Councilmember Meerbott made a motion to approve Joyce Huck as the new appointed member to the Parks Committee. The motion was seconded by Councilmember Bell and all members were in favor.

Councilmember Bell proceeded to discuss the future of Town events for the upcoming year. She requested that the Council allocate the funds for Town events from this year's budget to be carried over to next year's budget in order to support Town events. She introduced Terry Long, a volunteer in the events ad hoc committee and resident of the Town, who then began to discuss the upcoming events that have been lined up for the upcoming year.

**5. CONSENT AGENDA:**

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF PLAYMORE RECREATIONAL PRODUCTS & SERVICES FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT, SAFETY SURFACING AND A SHADE STRUCTURE ON THE PLAYGROUND AT SAGA BAY PARK IN THE AMOUNT OF \$84,096.10 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DECLARING CERTAIN VEHICLES TO BE SURPLUS IN ACCORDANCE WITH TOWN ORDINANCE 06-22; PROVIDING FOR THE REVISION OF THE TOWN INVENTORY; DIRECTING THE TOWN MANAGER TO DISPOSE OF SURPLUS VEHICLES IN ACCORDANCE WITH TOWN ADMINISTRATIVE PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.
- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE TOWN'S PARTICIPATION IN THE

STATE OF FLORIDA'S ENERGY ECONOMIC ZONE PILOT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND MIAMI-DADE COUNTY FOR THE ENFORCEMENT OF COMMERCIAL AND MULTI-FAMILY RECYCLING PROGRAMS IN THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell pulled Items A, B, and G from the Consent Agenda.

Councilmember Meerbott made a motion to approve the Consent Agenda as amended with Items A, B and G pulled for discussion. The motion was seconded by Councilmember Bell and Resolutions 09-50 through 09-53 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following resolution by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUIRING THAT THE TOWN SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS WITH RESPECT TO EMPLOYEES ABSENT FROM WORK FOR SERVICE IN THE UNIFORMED SERVICES; PROSPECTIVELY RESCINDING PREVIOUS SUPPLEMENTAL PAY POLICY; ALLOWING FUTURE SUPPLEMENTAL PAY IF REQUIRED BY LAW OR WHERE TOWN COUNCIL, IN ITS SOLE DISCRETION, DETERMINES THAT CIRCUMSTANCES SO WARRANT; AND PROVIDING FOR AN EFFECTIVE DATE. **(MACDOUGALL)**

Vice Mayor MacDougall gave a brief explanation on the resolution. Councilmember Bell stated that the current resolution states that if the Town is experiencing financial trouble that it is the manager's discretion to end the supplemental pay. She encouraged the manager to reconsider continuing the supplemental pay for military reservists since the financial situation was different when the resolution was enacted. Mayor Vrooman stated that he had concerns with the terminology in the resolution. He said that consistency and uniformity should be applied in human resources and the resolution does not provide that. Member Meerbott said that the Town stepped up to the plate and responded to military leave supplemental pay. He agreed that the Town should continue to support the supplemental pay resolution previously passed.

Vice Mayor MacDougall made a motion to approve the resolution until. There was no second on the motion, therefore, the motion died. No further action was taken on the resolution.

The town clerk read the following resolution by title:

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS



AS REQUIRED BY LAW; DIRECTING THE CLERK OR HER DESIGNEE TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

The town manager gave a brief report on the resolution. He explained that the upcoming budget will be a difficult one since the ad-valorem taxes expected for the next fiscal year has been reduced by 19 percent. He explained further that cuts will be made and that virtually all departments will be reducing their expected expenditures. He stated that if the tax-rate remained the same at 2.447 that there will be major lay-offs, no road projects, and a reduction in planning ability. The manager's recommendation was to raise the millage rate in order to maintain the current level of services.

Mayor Vrooman requested that the manager provide various scenarios to present at an upcoming workshop of the effect of the millage rate to a long-term homeowner in the Town versus a recently purchased home. Councilmember Meerbott agreed that it would be beneficial to see the different scenarios. Councilmember Bell encouraged the Council to defer the item in order to conduct a Town Hall meeting so that Council may receive feedback from the community. Councilmember Sochin stated that the Council should go forward with the manager's recommendation and emphasized that the Council will only be setting the cap and that they can lower the millage rate during the budget hearing in September.

Councilmember Sochin made a motion to approve the millage rate cap at 3.0310. The motion was seconded by Councilmember Meerbott and the resolution was adopted by 3-2 roll call vote. The vote was as follows: Councilmembers Meerbott, Sochin, and Mayor Vrooman voting Yes; Councilmember Bell and Vice Mayor MacDougall voting No.

Councilmember Sochin made a motion to set the dates for the budget hearing as September 10<sup>th</sup> and September 23<sup>rd</sup> at 7:00 p.m. at South Dade Regional Library. Councilmember Meerbott seconded the motion and the hearing dates were set by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following resolution by title:

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES AGREEMENT, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR ENGINEERING AND SURVEYING SERVICES FOR STREET IMPROVEMENTS ON SW 208<sup>th</sup> STREET BETWEEN 87<sup>th</sup> AVE TO OLD CUTLER ROAD; AND PROVIDING AN EFFECTIVE DATE.**

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

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO CONTRACT WITH A FIRM TO PERFORM GRANT WRITING SERVICES IN CONNECTION WITH AN APPLICATION FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF COMMERCE, BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP); AUTHORIZING THE TOWN MANAGER TO APPLY FOR THE GRANT; AUTHORIZING THE TOWN MANAGER TO EXPEND FUNDS AS NECESSARY FROM ANY AVAILABLE FUNDS IN THE BUDGET AS DETERMINED BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Sochin provided a brief explanation on the resolution. He introduced Maggie Pedraza, who then discussed the purpose of the grant and the services of her grant writing organization.

Councilmember Meerbott offered an amendment to the resolution by reducing the amount allowed to spend on the grant writing services to \$5,000.

Councilmember Meerbott made a motion to approve the resolution with the amended amount of \$5,000.00. The motion was seconded by Councilmember Bell and the resolution was approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

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

**7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)**

The town clerk read the following ordinance by title:

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

The town attorney gave an oral report on the ordinance.

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

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

## **8. ORDINANCES FOR FIRST READING OR RESOLUTIONS REQUIRING A PUBLIC HEARING**

The town clerk read the following resolution by title:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF CARIBBEAN BOULEVARD AND SW 192 DRIVE; REQUESTING THAT MIAMI-DADE COUNTY CONSTRUCT A TRAFFIC CIRCLE AT THAT INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.

The town manager provided a brief report on the resolution.

The mayor opened the public hearing. David Feinberg, 9161 Caribbean Boulevard and Kevin Woitke, 19001 Southwest 91<sup>st</sup> Avenue, addressed the Council. The mayor closed the public hearing.

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

## **9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED):**

### **10. PUBLIC COMMENTS**

**THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.**

Jaime Reyes, 9750 Southwest 215<sup>th</sup> Lane, William Santiago, 20076 Southwest 91<sup>st</sup> Court, and Steve Zarzecki, 9640 Martinique Drive.

### **11. MAYOR AND COUNCIL COMMENTS**

Councilmember Bell stated that she recently met with the town manager in order to improve the upcoming budget book. She also reported that she attended a Chamber South meeting in reference to transportation. She stated that Commissioner Sorenson praised the Town's efforts on the Senate Bill 360 challenge. She stated that there was a presentation from FP&L in reference to power poles being placed along US 1 and the Busway which is adjacent. Member Bell also stated that recently, she and Member Sochin, toured the NOAA facility and suggested that the Town provide an outreach to the elderly homes for planning an evacuation during a potential hurricane.

Mayor Vrooman was proud to announce that the largest employer in Cutler Bay, PRC, will be hiring 250 additional employees. He stated that this will be a great help to our community and to the local economy.

### **12. OTHER BUSINESS: None at this time.**

### 13. ADJOURNMENT

The next council meeting will be held on August 19, 2009 at South Dade Regional Library.

The meeting was officially adjourned at 10:15 P.M.

*Respectfully submitted:*

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*Erika Gonzalez-Santamaria, CMC  
Town Clerk*

*Adopted by the Town Council on  
this 19<sup>th</sup> day of August, 2009.*

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*Paul S. Vrooman, Mayor*

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

TAB 2

**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUESTING MIAMI-DADE COUNTY TO CEASE CONSTRUCTION OF A CHAIN LINK FENCE ALONG THE BIKE PATH ON SW 87<sup>TH</sup> AVENUE BETWEEN OLD CUTLER ROAD AND SW 216<sup>TH</sup> STREET AND REQUESTING THE COUNTY TO REMOVE THE EXISTING CHAIN LINK FENCE ALONG THE PATH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Miami-Dade County (the “County”) has erected a chain link fence along the guardrail which runs along portions of the bike path on SW 87<sup>th</sup> Avenue between Old Cutler Road and SW 216<sup>th</sup> Street; and

**WHEREAS**, the construction of the chain link fence has obstructed the views that the path is greatly noted for; and

**WHEREAS**, the installation of the chain link fence has created an aesthetic eyesore; and

**WHEREAS**, the Town of Cutler Bay (the “Town”) wishes to eliminate the visibility of chain link fences within its boundaries and pursuant to that goal has prohibited the installation of chain link fences in the Town that can be seen from the public right-of-way as per Ordinance 07-06, adopted February 21, 2007; and

**WHEREAS**, the installation of a new chain link fence along one of the Town’s most scenic bicycling and pedestrian venues, directly contradicts the Town’s stated demonstrated aesthetic goal; and

**WHEREAS**, the Town is requesting the removal of the existing chain link fence and furthermore requests that the County discontinue the installation of future chain link fences along the bike path; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

**Section 2. Request for Fence Removal.** The Town hereby requests the removal of the existing chain link fence and discontinuance of any future chain link fence installation adjacent to the bike path along SW 87<sup>th</sup> Avenue.

**Section 3. Authorization for Transmittal.** The Town Clerk is hereby directed to transmit this Resolution to the Miami-Dade County Manager, the Miami-Dade County Public Works Department, and the Miami-Dade County Board of County Commissioners.

**Section 4. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 3



**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCUMBERING BUDGETED FUNDS FROM THE 2008/2009 FISCAL YEAR BUDGET FOR TWO UPCOMING EVENTS WITHIN THE TOWN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) is interested in facilitating the creation of interesting and fulfilling cultural and recreational events for the benefit of the Town’s residents; and

**WHEREAS**, in furtherance of this effort, the Town would like to assist in the preparation of two upcoming events within the Town (the “Town Events”); and

**WHEREAS**, these Town Events consist of: (1) a bicycling event in November; and (2) a music event in December; and

**WHEREAS**, the Town Council wishes to utilize \$12,000.00 of the unencumbered budget appropriation within the Town’s parks budget for the 2008/2009 fiscal year, under the “Community Activities” line item, to assist these Town Events; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

**Section 2. Encumbered Funds for Bicycling Event.** The Town Council hereby encumbers \$2,000 of the unencumbered budget appropriation within the Town’s parks budget for the 2008/2009 fiscal year, under the “Community Activities” line item to be used for police security and other governmental related costs for a bicycling event in November.

**Section 3. Encumbered Funds for Music Event.** The Town Council hereby encumbers \$10,000 of the unencumbered budget appropriation within the Town’s parks budget for the 2008/2009 fiscal year, under the “Community Activities” line item to be used for permitting, solid waste, and other governmental related costs for a music event to be held in December. Said funds shall only be expended upon the request of the music event planners and authorized by a resolution of the Town Council.

**Section 4.** **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 4

**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING A STATE BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (The “Town”) finds that text messaging while operating a motor vehicle is a grave threat to the well-being of motor vehicle operators, passengers, and other persons in the vicinity of roadways including pedestrians and cyclists; and

**WHEREAS**, the Town Council is deeply concerned about the continued state pre-emption of local action, provided by 316.0075 F.S., with regard to this issue without corresponding legislation banning or otherwise regulating text messaging while operating a motor vehicle; and

**WHEREAS**, as reported by the Miami Herald, in July of this year the National Highway Traffic Safety Administration reported that even back in 2002 – before text messaging was as widespread as it is today – there were 955 deaths and 240,000 crashes attributable to drivers using cell phones, either through the use of text messaging or talking on their cell phone; and

**WHEREAS**, there are already ten states (as well as Washington, D.C.) that have recognized the danger in this practice and have banned text messaging while driving: Alaska, Arkansas, California, Connecticut, Louisiana, Minnesota, New Jersey, Utah, Virginia, and Washington; and

**WHEREAS**, as reported by the Miami Herald, according to a study authored by the Transport Research Laboratory in the United Kingdom – and confirmed by Car and Driver Magazine – drivers reaction time slowed by as much as 35 percent when reading or text messaging, almost triple the effect on reaction time of drinking enough alcohol to be legally impaired; and

**WHEREAS**, the Town Council believes that it is in the best interest of the health safety, and welfare of residents of the Town for the state to either ban the practice of text messaging while operating a motor vehicle or in the alternative to allow local communities to enact their own ban.

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

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

**Section 2. Support.** The Town of Cutler Bay (the “Town”) hereby supports legislation that either bans the practice of text messaging while operating a motor vehicle or in the alternative allows local communities to enact their own ban.

**Section 3. Transmittal.** That the Town Clerk is hereby directed to transmit copies of this Resolution to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, any Members of the Florida House of Representatives or Florida Senate introducing legislation in accordance with the terms of this Resolution, and the Mayors and Members of the governing bodies of the municipalities within Miami-Dade County.

**Section 4. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 5



Steven J. Alexander  
Town Manager

## MEMORANDUM

**To:** Honorable Mayor, Vice Mayor and Town Council

**From:** Steven J. Alexander, Town Manager

**Date:** August 19, 2009

**Re:** **AUTHORIZATION TO APPROVE A CHANGE ORDER FOR ADDITIONAL DESIGN-BUILD SERVICES FOR CUTLER RIDGE PARK IMPROVEMENTS**

---

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE A CHANGE ORDER FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$29,600 FOR ADDITIONAL DESIGN-BUILD SERVICES FOR CUTLER RIDGE PARK IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

In April 2008 the Town Council adopted Resolution # 08-20 authorizing the issuance of a Request For Qualifications (RFQ) for design/build services for the Cutler Ridge Park improvement projects. The resolution authorized the Town Manager to negotiate and enter into an agreement with the top-ranked firm responding to the RFQ. In October 2008 the Town entered into a Design-Build Construction Contract with Recreational Design and Construction, Inc. for the completion of the Cutler Ridge Park and Pool improvements.

During the course of construction, it has become apparent that additional work (not included in the original scope of work) is necessary to ensure safe, operational and aesthetic facilities upon completion. In order to complete the work, a Change Order must be issued to the contractor. As per the Design-Build Construction Contract, and the Town's Purchasing Ordinance 06-22, when change orders increase the cost of the project by \$25,000 or more, they must be approved by the Town Council. One change order has already been approved (by Ordinance # 09-04) in the amount of \$60,000 for the installation of the concrete walkway around the new soccer field.

The changes anticipated at this time are as follows:



- Installation of a rolling gate and curbing at the new picnic pavilion - \$4,285.00. The gates allow full access to the picnic pavilion for events and activities while providing the necessary security during school hours.
- Installation of security fencing and gate around the existing electric meter and disconnect switches at the pool - \$2,940.00. The electric meter and disconnect switches are in an area that is currently open to the public, allowing easy access to the electrical weatherhead and onto the roof of the pool building.
- Electrostatic painting of the existing metal fence surrounding the pool - \$12,300.00. Painting the drab grey galvanized metal fence will make the pool look more like a recreational facility and less like a prison facility. The electrostatic application “bonds” the paint to the fence and results in a much more durable finish than painting with a brush.
- Installation of electrical outlets and lighting at the new pavilion - \$10,075.00. This will allow for additional events at the pavilion without the need for generators to provide power.

Funding for these improvements is available as a result of a decrease in the overall project budget in the amount of \$30,000.00 due to a grant that the Town received from the United States Soccer Foundation that lowered the cost of installing the sports field lighting.

#### **RECOMMENDATION**

We recommend that the attached resolution be adopted, authorizing the issuance of a change order to Recreational Design and Construction, Inc. in an amount not to exceed \$29,600.00 for additional improvements at Cutler Ridge Park and Pool.

**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE A CHANGE ORDER FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$29,600 FOR ADDITIONAL DESIGN-BUILD SERVICES FOR CUTLER RIDGE PARK IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in April 2008, the Town Council of the Town of Cutler Bay (the "Town") adopted Resolution # 08-20 authorizing the issuance of a Request For Qualifications (the "RFQ") for the design/build services for the Cutler Ridge Park improvement projects; and

**WHEREAS**, in October 2008, the Town entered into a Design-Build Construction Contract (the "Contract") with Recreational Design & Construction, Inc. for the completion of the Cutler Ridge Park and Pool improvements; and

**WHEREAS**, pursuant to the Town's Purchasing Ordinance 06-22 (the "Ordinance") and the change order provisions of the Contract, the Town Council must approve any change orders that increase the overall contract amount by \$25,000.00; and

**WHEREAS**, the first change order for additional work related to the installation of a concrete walkway in the amount of \$60,000.00 was approved by the Town Council as a part of Town Ordinance 09-04; and

**WHEREAS**, the Parks and Recreation Department has identified additional improvements, described in the estimate in the attached Exhibit "A", that would result in facilities that are safer, more operationally efficient and more aesthetically pleasing, at a cost not to exceed \$29,600.00; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

**Section 2. Authorization.** The Town Manager or his designee is authorized to approve a change order to Recreational Design & Construction, Inc. for additional design-build services as described in the attached Exhibit "A" in an amount not to exceed \$29,600.00.

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_



**RECREATIONAL DESIGN & CONSTRUCTION, INC.**

3990 NORTH POWERLINE ROAD

FORT LAUDERDALE, FL 33309

954 • 566 • 3885

FAX: 954 • 566 • 3335

EMAIL: info@recreationaldesign.com

August 7, 2009

Town of Cutler Bay  
Parks and Recreation Department  
10100 Southwest 200<sup>th</sup> Street  
Cutler Bay, FL 33157  
Attn: Mr. Alan Ricke, Parks and Recreation Director

Re: Cutler Ridge Park Improvements – Miscellaneous Change Orders

Dear Mr. Ricke:

As per your request, Recreational Design & Construction, Inc. (RDC) is pleased to submit this cost proposal to include all labor, material and equipment for the following miscellaneous change orders for the improvements at Cutler Ridge Park located at 10100 S.W. 200th Street, Cutler Bay, Florida.

Galvanized Picket Fence

- Proposal to include all labor, material and equipment for the fabrication and installation of a galvanized picket fence and one (1) walk gate around the existing electrical panel and meter in the area at the existing pool deck.

Galvanized Picket Fence = \$2,940.00

Electro Static Painting

- Proposal to include all labor, material and equipment for the refinishing, repairs and the application of electro static painting of the existing pool deck perimeter picket fence and gates.

Electro Static Painting = \$12,300.00

Double Rolling Gate

- Proposal to include all labor, material and equipment for the installation of one (1) chain link galvanized double rolling gate, 24 feet wide x 6 feet tall including all concrete footing and miscellaneous concrete work between the new soccer field and the new pavilion.

Double Rolling Gate = \$4,285.00

Electrical at Pavilion

- Proposal to provide electrical service for the installation of outlets and lighting to the new Pavilion Shelter including all electrical engineering design drawings, electrical service, disconnect and load center, (2) 20 amp electrical GFCI Outlets, (2) vandal resistant light fixtures, light control timer switch and grounding.

Electrical at Pavilion = \$10,075.00

Re-Cap:

- The miscellaneous change orders have been combined into one change order; the savings achieved by combining, results in savings to the Town of Cutler Bay.

Change Order Total: \$29,600.00

We kindly await your approval on these items in order to proceed with the work.

If you have any questions, please contact me at (954) 566-3885.

Thank you.

Sincerely,  
Recreational Design & Construction, Inc.

Joseph C. Cerrone, III  
President

TAB 6



Steven J. Alexander  
Town Manager

## MEMORANDUM

**To:** Honorable Mayor, Vice Mayor and Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** August 19, 2009  
**Re:** Safe Neighborhood Parks Bond Program Grant Application

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### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE TOWN MANAGER TO APPLY FOR GRANT FUNDING FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM FOR PARKS PROJECTS; PROVIDING FOR THE COMPLETION OF THE PROJECTS; PROVIDING FOR PARK ACCESSIBILITY; PROVIDING FOR FUNDING TO SUPPORT THE PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

On Monday, June 15, the Miami-Dade County Office of Safe Neighborhood Parks (OSNP) announced the availability of grant funding through a competitive application process. Applications were due back to the OSNP by July 20, and funding is expected to be awarded by the Board of County Commissioners (BCC) in November.

Funding is available for land acquisition and/or capital development of public parks. The total amount of funding available is approximately \$6,000,000. The minimum amount that may be requested is \$10,000, and there is no maximum amount that may be requested; however, there is a dollar for dollar match requirement. All funds must be expended within one year after the BCC awards the funds.

The Parks and Recreation Department has prepared and submitted grant applications for the following projects to implement portions of the recommendations identified in the Parks Master Plan for the following:

1. Bel Aire Park Improvements in the amount of \$179,400.
2. Saga Lake Park Improvements in the amount of \$113,200.

We believe that these are both viable projects that will be well-received by the Safe Neighborhood Parks Citizens Oversight Committee.

The OSNP also requires an authorizing resolution from governmental agencies prior to execution of grant agreements. A draft of the resolution language has been provided by the OSNP, and subsequently modified by the Town Attorney.

In order to comply with the grant guidelines, the Town needs to commit to complying with the OSNP guidelines for the projects, and the resolution demonstrates the Town's commitment to some of the core guidelines for the grant. These requirements include, but are not limited to the following: the Town is responsible for providing the funds for completing the projects if they go over budget; providing appropriate committing operating funds for projects created with grant funding; and the Town cannot use the funding provided by the grant as a substitute for an existing Town budget allocation. Additionally, the Town must ensure that the park projects be open and accessible to the public without discrimination as to race, color, gender, age, religion, belief, residence, natural origin, marital status or disability.

**RECOMMENDATION**

We recommend that the attached resolution be adopted.



**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE TOWN MANAGER TO APPLY FOR GRANT FUNDING FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM FOR PARKS PROJECTS; PROVIDING FOR THE COMPLETION OF THE PROJECTS; PROVIDING FOR PARK ACCESSIBILITY; PROVIDING FOR FUNDING TO SUPPORT THE PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the citizens of Miami Dade County have authorized the issuance of general obligation bonds (the "Bonds") for the purpose of financing capital improvement programs for certain parks, beaches, natural areas and recreation facilities; and

**WHEREAS**, to implement and give effect to the Bond program, the Board of County Commissioners of Miami Dade County, Florida enacted Ordinance No. 96-115, the Safe Neighborhood Parks Ordinance (the "Ordinance"); and

**WHEREAS**, the Town Council of the Town of Cutler Bay (the "Town") has sought, to improve the Town's parks and natural areas in order to improve the quality of life, to increase property values within the community, to promote prevention of juvenile crime by providing positive recreation opportunities, and to improve the recreation facilities for youth, adult, and senior citizens in this community; and

**WHEREAS**, in order to foster those important values, the Town will be seeking reimbursement pursuant to the terms of the Ordinance for the Bel Aire Park Improvements project and Saga Bay Park Improvements project; and

**WHEREAS**, pursuant to the terms of the Ordinance, the passage of this Resolution and the acts contemplated by this Resolution are conditions to obtaining a grant; and

**WHEREAS**, the Town wishes to apply for the grant monies for the Bel Aire Park Improvements project and Saga Bay Park Improvements project subject to all terms and conditions of the Ordinance; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

**Section 2. Grant Application Authorized.** The Town Manager is authorized to make application for a grant to fund the projects and in the amount listed below, and to expend Safe Neighborhood Parks bond funds received for the purposes described in the funding request. Application shall be made with respect to each of the following projects (the "Projects") in the amounts set forth below.

<u>Grant Title</u>	<u>Total Grant</u>
Bel Aire Park Improvements	\$179,400
Saga Lake Park Improvements	\$113,200

**Section 3. Projects Completion.** The Town shall complete each of the Projects in accordance with the terms the Ordinance and the administrative rules authorized by the Citizens' Oversight Committee (the "Committee") to implement the Ordinance. If the total cost of a Project exceeds the value allocated in the grant, then the Town will provide any supplemental funds required to complete the Project.

In the event that supplemental funds are necessary for the completion of either of the Projects, as of the point in time that it is known that supplemental funds are needed, the Town will demonstrate that such supplemental funds have been committed to either of the Projects prior to, and as a condition of, disbursement or further disbursement of grant funds. The requirement for the Town to provide any supplemental funds required to complete either of the Projects may, at the sole discretion of the Committee, be modified in whole or in part by a reduction in scope of work consistent with the Ordinance.

**Section 4. Accessibility.** The Town recognizes and directs that any beach, park, or other public facility acquired, developed, rehabilitated or restored with Bond funds, including the Projects, shall be open and accessible to the public without discrimination as to race, color, gender, age, religion, belief, residence, natural origin, marital status or disability.

**Section 5. Operating Funds.** To the extent allowed by law, the Town shall commit any and all funds which may be required to operate, maintain and provide programming at each of the Park Projects, upon the completion of the respective Park Projects.

**Section 6. Funding Substitutions.** No substitution in capital project funding by the Town shall occur as a result of the grant for which the Town is applying.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 7



Steven J. Alexander  
Town Manager

## MEMORANDUM

**To:** Honorable Mayor, Vice Mayor and Town Council  
**From:** Steven J. Alexander, Town Manager  
**Date:** August 19, 2009  
**Re:** PURCHASE OF REPLACEMENT UTILITY VEHICLE FOR CUTLER RIDGE PARK

---

### REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF JOHN DEERE COMPANY FOR THE PURCHASE OF A REPLACEMENT UTILITY VEHICLE IN THE AMOUNT OF \$5,365.26 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

When Cutler Ridge Park was transferred from Miami-Dade County to the Town two years ago, the County also transferred certain furnishings and equipment that the County had acquired for the operation of the park. One piece of equipment that was transferred to the Town was a 20 year-old E-Z Go utility vehicle. Due to numerous service calls for repairs to the vehicle for the past two years, the Parks and Recreation Department budgeted funds in the current year's budget for a replacement utility vehicle.

The Parks and Recreation Department has received a quotation from John Deere Company, who was awarded a contract through Orange County, Florida Public Schools bid # 07-07-04 to furnish landscape equipment (see attached contract award sheet). The Town will be saving time and resources by accessing the Orange County Public Schools' bid awarded to John Deere Company as provided for in the Town's purchasing ordinance. The total cost of the new utility vehicle is \$5,365.26 (see attached Quote Worksheet provided by John Deere Company).

### RECOMMENDATION

We recommend that the attached resolution be adopted, authorizing the Town Manager to enter into an agreement with John Deere Company for the purchase and delivery of a replacement utility vehicle.

**RESOLUTION NO. 09- \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF JOHN DEERE COMPANY FOR THE PURCHASE OF A REPLACEMENT UTILITY VEHICLE IN THE AMOUNT OF \$5,365.26 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2008-2009 adopted budget of the Town of Cutler Bay (the “Town”) includes funding in the Parks and Recreation Department’s “Machinery and Equipment” line item for the purchase of one replacement utility vehicle; and

**WHEREAS**, the Parks and Recreation Department has solicited information from utility vehicle manufacturers for the purchase of a utility vehicle; and

**WHEREAS**, in accordance with the Town’s purchasing Ordinance 06-22, the Town intends to utilize the prices submitted through the competitive bidding process as performed by Orange County, Florida Public Schools (Bid # 07-07-04), to procure a utility vehicle at a competitive price as described by the specifications and price quotations attached as Exhibit “A” (the “Quotation”);

**WHEREAS**, the Town Manager is seeking approval for the purchase and delivery of the utility vehicle through that bid’s approved vendor, John Deere Company, at a cost of \$5,365.26; and

**WHEREAS**, the Town Council desires to authorize the Town Manager, on behalf of the Town, to negotiate and enter into a Purchase Agreement (the “Agreement”), for the utility vehicle described herein, provided that Town Attorney determines that the terms of the Agreement are legally sufficient; and

**WHEREAS**, the Town Manager has determined in accordance with Section 3.10 of the Town Charter and the Town purchasing ordinance that there is a sufficient unencumbered budget appropriation within the department to pay for the Quotation, and the Town Manager has made a written recommendation to the Council for its approval; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

**Section 2.**     **Selection Approved.** Pursuant to Section 4 of the Town of Cutler Bay Ordinance 06-22, the Town intends to contract with John Deere company, which was selected through the competitive bidding process as performed by Orange County, Florida Public Schools (Bid # 07-07-04), to procure a utility vehicle at a competitive price as described by the specifications and price quotations attached as Exhibit "A" (the "Quotation").

**Section 3.**     **Town Manager Authorized.** The Town Manager is hereby authorized to negotiate and enter into a Purchase Agreement (the "Agreement") in the amount of \$5,365.26 for the utility vehicle described in Exhibit "A", provided that the Agreement is subject to review for legal sufficiency by the Town Attorney.

**Section 4.**     **Effective Date.**     This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

**JOHN DEERE COMPANY  
GOVERNMENTAL & NATIONAL SALES CONTRACT QUOTE WORKSHEET**

AGENCY INFORMATION	
Bill to: Cutlerbay Address: City, State, Zip: Contact Name: Fred Phone: 305-238-4166	Ship to: <b>B</b> Address: City, State, Zip: Contact Name: Phone:

VENDOR	DELIVERING DEALER
C&CE Equipment John Deere Company 2000 John Deere Run Cary, NC 27513 Phone: (800) 535-2967 Fax: 309-749-2313	Dealer: <b>C</b> Acct # City/State: Phone: Contact:

Contract # 07-07-04 **D**  
 Price Effective Date: \_\_\_\_\_ 29-Jun-07 **List and price all codes, bundles and part numbers required.**

Equipment Codes	Description	Factory Inv /Order #	Qty	List Price	Total Contract Price
1924W	GATOR 4X2 TS		1	\$ 5,999.00	\$ 4,919.18
1000	KNOBBY TIRES		1	IN BASE	
2000	PROP ROD		1	IN BASE	
3001	ADJUSTABLE SEAT		1	\$ 56.00	\$ 45.92
9030	FRONT BUMPER		1	\$ 168.00	\$ 137.76
9040	FRONT BRUSH GUARD		1	\$ 132.00	\$ 108.24
9050	FRONT FENDER GUARD		1	\$ 98.00	\$ 80.36
9070	RECEIVER HITCH		1	\$ 62.00	\$ 50.84
9080	HITCH DRAWBAR KIT		1	\$ 28.00	\$ 22.96
				\$ 6,543.00	\$ 5,365.26
<b>Allied Equipment:</b>					
<b>Trade-In:</b>					
				Total List Price per Unit	\$ 6,543.00 <b>L</b>
				Less Contract Discount	18% <b>M</b>
				Discount Amount	\$ 1,177.74 <b>N</b>
				Total Price of John Deere Equipment	\$ 5,365.26 <b>O</b>
				Plus Non-John Deere Equipment - Allied (if applicable)	<b>P</b>
				Less Trade-in (if applicable)	<b>Q</b>
				Subtotal	<b>R</b>
<b>Municipal Lease?</b> U Yes ___ No ___ Contract # _____				Plus Tax: <u>T</u> % (if applicable)	<b>S</b>
<b>Retail Note?</b> Yes ___ No ___ Contract # _____				*Miscellaneous Fees, if applicable (JDC)	<b>U</b>
*Applicable miscellaneous fees are to be charged to the customer by JDC and can be blended into their payments. This assures that the lease credit to GNS from JDC matches the agency PO amount. If the fees have not been included in the customer's purchase price and financing documents, GNS will debit the dealer for the fees.					
<b>If tax exempt please submit tax exemption certificate with purchase order.</b>				Total PO Price	\$ 5,365.26 <b>V</b>
<b>Please submit this form along with the purchase order.</b>					





# ORANGE COUNTY PUBLIC SCHOOLS

P. O. Box 271  
32802-0271

Orlando, Florida  
(407) 317-3200

445 W. Amelia Street  
32801-1127

December 12, 2007

To All Awarded Vendors:

The School Board of Orange County meeting in official session on September 11, 2007, voted to award the bid for Landscape Equipment (ITB 07-07-04) to the vendors noted below.

Group #1,2 and 7: Thrallkill.  
Group # 1 and 11: Bucks  
Group # 3,5,8 and 9: Trallsaw.  
Group # 6 and 9: D & J  
Group # 12: John Deere Company.

The contract period shall run from September 11, 2007 through September 11, 2010. **This letter is notification of award only. Do not ship or order materials without an authorized purchase order.** Purchase orders shall be placed as needed by Orange County Public School personnel and delivery must be completed within the time specified in the bid.

Upon receipt of this letter, Terrycomm must submit a current Certificate of Liability Insurance, naming OCPS as the Certificate Holder. Radio One's certificate has been received.

Sincerely,

Mursal Mzee.  
Specialist Procurement Services

**The School Board of Orange County, Florida**  
(Orange County Public Schools)

Attachment

**FLORIDA**  
**Orange County Schools**  
**Landscape Equipment**

**Contract Number:** 07-07-04  
**Contract Period:** September 11, 2007 – September 11, 2010  
**Eligibility:** This is a cooperative purchase contract and permits any school board, city, municipality or other governmental agency to participate in the contract.  
**State Agencies:** Florida Statute Section 287.042(16), Rule 60A - 1.047 of the Florida Administrative Code requires that executive (state) agencies request and receive permission from DMS to utilize non-state (county, city etc.) contracts. Agencies must submit form PUR 7102 (Agency Request for Review of Alternate Contract Source) located at the website below and email the form to the email address indicated on the form...

[http://dms.myflorida.com/business\\_operations/state\\_purchasing/documents\\_forms\\_references\\_resources/purchasing\\_forms](http://dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/purchasing_forms)

**Allied/Non-Contract:** May be included on PO but must be identified as Allied or Non-Contract as applicable.

Item No.	Category	Discount off MSRP	Price Page Date
25	Lawn & Garden Equipment Walk-behind Mowers Residential Zero Turn Radius Mowers Lawn Tractors (excluding LA Series) Garden Tractors Equipment for Lawn & Garden Tractors	15%	<u>29Jun07</u> <u>02Apr07</u> <u>13Jul07</u> <u>30Jul07</u> <u>30Jul07</u>
27	Commercial Walk-Behind Mowers	25%	<u>30Apr07</u>
29	Commercial Front Mount Mowers Wide Area Mowers	25%	<u>18Jun07</u> <u>19Mar07</u>
31	Zero Turn Radius Mowers	25%	<u>30Apr07</u>
33	Golf & Turf Equipment Reel Mowers Special Application Mowers Special Application Vehicles Aeration Debris Maintenance	25%	<u>18Jun07</u> <u>15Dec06</u> <u>30Apr07</u> <u>30Apr07</u> <u>30Oct06</u>
35	Off-Road Utility Maintenance Vehicle Compact Utility Vehicles Utility Vehicles High Performance Utility Vehicles Military Gator	18%	<u>30Apr07</u> <u>29Jun07</u> <u>30Jul07</u> <u>29Jul07</u>
37	Compact Utility Tractors Compact Utility Tractor Equipment	10%	<u>13Jul07</u> <u>30Jul07</u>
39	Utility Tractors Utility Tractor Equipment	28%	<u>15Jun07</u> <u>01Nov06</u>

**NOTES:**

- o No pick-up / delivery charges may be billed to agencies for warrantable repairs for the entire warranty period of equipment.
- o Price Book Section L10 Handheld products no longer on contract effective 19 September 2008

If you have questions concerning this contract please call: 1-800-358-5010, option 1

Last Update: 22Apr09

TAB 8



## Community Development Department

---

David Hennis, AICP  
Community Development Director

### MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David G. Hennis, Community Development Director

Date: August 10, 2009

Re: East Ridge Retirement Village Height Variance

---

East Ridge Retirement Village, Inc has submitted a non-use height variance application for the retirement village property located at 19301 SW 87<sup>th</sup> Avenue. The variance seeks relief from Code Section 33-283(b), which limits height in the AU Agricultural district to two stories, 35 feet. The variance application requests one additional story and an additional 2 feet in height to 37 feet to accommodate the roof lines of the independent living and memory care / skilled nursing building wings. All roof lines are below the 37 foot height maximum. Improvements above 37 feet are architectural features which are exempted from the code. The remaining building wings will not exceed the two story, 35 feet height limit. The total height of the project encompassing the architectural features will not exceed 43 feet 8 inches.

The additional height is necessary for the facility to maximize operational efficiencies, conserve open green space and increase functionality of the facility for residents. All proposed buildings are set back at least 125 feet from front property lines and will be buffered from SW 87<sup>th</sup> Avenue by extensive landscaping. The proposed gables and hip roof configurations on the three story buildings are designed to conform to the aesthetics of the surrounding residential properties, both on-site and off.

In support of the height variance the applicant has offered a setback covenant as part of the associative site plan amendment package, stating no structure with a height exceeding 35 feet and/or more than 2 stories shall be set closer than 125 feet of the west property line and 100 feet of the south property line.

#### **Non-Use Variance Review Standards**

Section 33-311(4)(b) of the Code of Ordinances requires the following considerations in support of non-use variance applications.

(1) The variance maintains the basic intent and purpose of the land development requirements by protecting the general welfare of the public; particularly as it affects the stability and appearance of the community.

Staff Evaluation

*The variances are in general harmony with the policies of the Growth Management Plan and the Land Development Regulations. The variance does not contemplate modifications which diminish the quality of the existing and surrounding development.*

(2) The variance is compatible with and not detrimental to the surrounding land uses.

Staff Evaluation

*Granting the variances are not anticipated to impair or negatively impact the use or value of neighboring properties and surrounding land uses.*

(3) The variance is in harmony with the general purpose and intent of the regulation

Staff Evaluation

*The granting of the proposed variances are consistent with the general purpose and intent of the applicable AU, Agricultural zoning district.*

(4) The variance is the minimum required that will permit the reasonable use of the premises.

Staff Evaluation

*The requested variances are the minimum necessary to allow the applicant to improve the site in the manner proposed.*

**TOWN STAFF RECOMMENDATION:**

Approval; height variance for 1 additional story above the 2 story maximum; [buildings limited to 3 stories in height].

Approval; height variance for an additional 2 feet in height above the 35 foot height limit; [buildings limited to 37 feet in height].



**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT A MAXIMUM HEIGHT OF 37 FEET WHERE 35 FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Ridge Retirement Village Inc. (the “Applicant”) has submitted an application, pursuant to Section 33-311(A)(4)(b) of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-283 of the Town Code relating to height, to permit a maximum height of 37 feet where 35 feet is permitted for the building proposed in site plan application SP-2009-001, which is located on a portion of the property located at 19301 S.W. 87<sup>th</sup> Avenue; and

**WHEREAS**, staff recommended approval of the requested variance, in its report dated August 10, 2009; and

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

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

**Section 2. Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-283 of the Town Code to permit a maximum height of 37 feet where 35 feet is permitted for the building proposed in site plan application SP-2009-001, which is located on a portion of the property located at 19301 S.W. 87<sup>th</sup> Avenue

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 9



**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87<sup>TH</sup> AVENUE, TO PERMIT THREE (3) STORIES IN HEIGHT WHERE TWO (2) STORIES IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Ridge Retirement Village Inc. (the “Applicant”) has submitted an application, pursuant to Section 33-311(A)(4)(b) of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-283 of the Town Code relating to height, to permit three (3) stories where two (2) stories are permitted for the building proposed in site plan application SP-2009-001, which is located on a portion of the property located at 19301 S.W. 87<sup>th</sup> Avenue; and

**WHEREAS**, staff recommended approval of the requested variance, in its report dated August 10, 2009; and

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

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

**Section 2. Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-283 of the Town Code to permit three (3) stories where two (2) stories are permitted for the building proposed in site plan application SP-2009-001, which is located on a portion of the property located at 19301 S.W. 87<sup>th</sup> Avenue

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

TAB 10



## Community Development Department

---

David Hennis  
Director

### MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: August 10, 2009

Re: East Ridge Retirement Village Sign Variance  
V2009-001

---

East Ridge Retirement Village, Inc has submitted a sign variance application for the retirement village property located at 19301 SW 87<sup>th</sup> Avenue. The variance seeks relief from Code Section 33-100.1, which limits the size of a monument sign in an AU Agricultural district to 24 square feet and Code Section 33-111, which limits the size of a directional sign to 3 square feet and 4 feet in height. The variance application requests a monument sign 88 square feet [3.5 times larger than the code allows] and a directional sign 75 square feet and 6 feet in height [25 times larger and 2 feet in height taller than the code allows].

The monument sign is of concrete block and stucco construction, 7.5 feet in height and 16 feet in width and placed perpendicular to the SW 87<sup>th</sup> Avenue entry. The sign entails the use of columns and decorative stone caps. The directional sign is of the same construction, 6 feet in height and 15 feet in width and placed approximately 155 feet internal to the SW 87<sup>th</sup> Avenue entry and provides direction to the various buildings on-site.

The site presently has two identification signs mounted on the walls at the SW 87<sup>th</sup> Avenue entry. These signs will have to be removed prior to installation of any new signage.

#### **Town Council Review Standards**

Section 33-120.13 of the Code of Ordinances requires the following considerations in support of sign variance applications.

(1) Special conditions and circumstances exist which are peculiar to the land on which the sign is proposed and these conditions and/or circumstances are not applicable to other lands in the same zoning district.

#### **Staff Evaluation**

*The subject property is a 70+ acre adult congregate care facility. This places somewhat unique and special conditions on the tract.*

(2) The special conditions and circumstances do not result from the actions of the applicant.

Staff Evaluation

*The special conditions and circumstances generally result from the actions of the applicant in the construction of the facility and not the uniqueness of the site.*

(3) The granting of the variance will not confer upon the applicant any special privilege that is denied by this code to others in the same zoning district.

Staff Evaluation

*The size and scale of the proposed signs are inconsistent with the code and surrounding properties and may confer a special privilege if granted.*

(4) Literal interpretations of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the code and would result in an unnecessary and undue hardship on the applicant.

Staff Evaluation

*Literal interpretation of the code limits signage in the AU, Agricultural district to a maximum of 24 square feet; a limitation that existed prior to adoption and incorporation and also applies to educational campus and hospital facilities.*

(5) The grant of the variance is not contrary to the intent of the sign regulations or Chapter 33 Article VI of the Code of Ordinances, as applicable, will be in harmony with the purpose of this Article, and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Staff Evaluation

*The approval of this request will not have an adverse impact on the environment or the economy of the Town. However the request may negatively impact community aesthetics by allowing signage significantly larger than the code permits.*

**TOWN STAFF RECOMMENDATION:**

Denial of the monument sign variance request.

Denial of the directional sign variance request.



**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A DIRECTIONAL SIGN OF 75 SQUARE FEET WHERE THREE (3) SQUARE FEET IS PERMITTED AND TO PERMIT A HEIGHT OF SIX (6) FEET WHERE FOUR (4) FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Ridge Retirement Village Inc. (the “Applicant”) has submitted an application, pursuant to Section 33-120.13 of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-111 of the Town Code relating to signs, to permit a directional sign of 75 square feet where three (3) square feet is permitted and to permit a directional sign height of six (6) feet where four (4) feet is permitted, as shown in site plan application SP-2009-001, for the property located at 19301 S.W. 87<sup>th</sup> Avenue; and

**WHEREAS**, staff recommended denial of the requested variance, in its report dated August 10, 2009; and

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

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

**Section 2.** **Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-111 of the Town Code to permit a directional sign of 75 square feet where three (3) square feet is permitted and to permit a directional sign height of six (6) feet where four (4) feet is permitted, as shown in site plan application SP-2009-001, for the property located at 19301 S.W. 87<sup>th</sup> Avenue.

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

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

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.  
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	_____

TAB 11



**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A MONUMENT SIGN OF 88 SQUARE FEET WHERE 24 SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Ridge Retirement Village Inc. (the “Applicant”) has submitted an application, pursuant to Section 33-120.13 of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-100.1 of the Town Code relating to signs, to permit a monument sign of 88 feet where 24 feet is permitted, as shown in site plan application SP-2009-001, for the property located at 19301 S.W. 87<sup>th</sup> Avenue; and

**WHEREAS**, staff recommended denial of the requested variance, in its report dated August 10, 2009; and

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

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

**Section 2. Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-100.1 of the Town Code to permit a monument sign of 88 feet where 24 feet is permitted, as shown in site plan application SP-2009-001, for property located at 19301 S.W. 87<sup>th</sup> Avenue

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

---

ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk

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

---

WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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	_____

TAB 12



## Community Development Department

---

David Hennis  
Director

### MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David G. Hennis, Community Development Director

Date: August 10, 2009

Re: East Ridge Retirement Village Site Plan Amendment  
SP-2009-001

---

East Ridge Retirement Village, Inc has submitted a site plan amendment application to redevelop 20.56 acres of the 77.86 acre property located at 19301 SW 87<sup>th</sup> Avenue. The project consists of 125 independent living apartments, 60 skilled nursing suites, 26 memory care suites, 60 assisted living apartments, and administration and independent living common areas in 1, 2, and 3 story structures. The applicant proposes to demolish 124,363 SF and construct 333,577 SF for a total amount of building area of 658,741 SF. The site presently has 449,527 SF of one and two story buildings.

The amendment replaces the majority of the existing administrative and assisted living areas on the property with new, state of the art facilities. The proposed development will be confined to the 20.56 acre portion of the 77.86 acre parcel.

In support of the application the applicant has offered a voluntary setback covenant stating that no structure with a height exceeding 35 feet and/or 2 stories shall be set closer than 125 feet of the west property line and 100 feet of the south property line. The applicant has also voluntarily offered to contribute \$20,000 to the Town for the improvement of SW 87<sup>th</sup> Avenue abutting the site.

The site plan indicates the project will be constructed to achieve LEED certification according to the LEED Green Building rating system administered by the USGBC.

#### **BACKGROUND AND ANALYSIS:**

Established in 1962, East Ridge is a South Florida landmark development offering Independent Living, Assisted Living, and Skilled Nursing Services to seniors on a 77.86 acre campus. The Site Plan reflects a redevelopment footprint of approximately 20.56 acres located along the southwest portion of the property. The amended site plan indicates demolition of 30 independent living units [to be replaced with 125 for a total of 343]; demolition of 58 assisted living units [to be replaced with 60]; demolition of 60 special needs units [to be replaced with 48]; and the addition of 33 memory care units.

### **Site Plan Review Standards**

Section 33-311(4)(b) of the Code of Ordinances requires the following findings in consideration of site plan applications:

(1) The development permitted by the application, if granted, conforms to the Growth Management Plan for the Town of Cutler Bay, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

#### **Staff Evaluation**

*The application is consistent with the Growth Management Plan; not inconsistent with the area or neighborhood studies or plans; and may generally serve a public benefit by serving the physical needs of an aged population.*

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

#### **Staff Evaluation**

*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 efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

#### **Staff Evaluation**

*The approval of this request will not have an adverse impact on the necessary public facilities. The applicant will construct internal private streets to serve the proposed development.*

(4) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

#### **Staff Evaluation**

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

**STAFF RECOMMENDATION:** Approval with the following items to be provided and approved by staff prior to final development order issuance:

1. Prior to the issuance of the first principal building permit, the Applicant shall post a performance bond of 2% of the total cost of the building in order to secure performance and fulfillment of the of the applicant's obligation to obtain LEED Certification. The Town shall release the bond after: (i) project completion and certificate of occupancy has been issued by the Town; and (ii) the Applicant has certified the project with the United States Green Building Council (USGBC) and provides the certification letter to the Town.

If the project fails to meet the criteria required for LEED certification by the United States Green Building Council (USGBC) within two (2) years after receiving the Town's Certificate of Occupancy, the Applicant shall forfeit one hundred (100) percent of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town. These funds shall be utilized for improvements such as landscape, open space improvements, traffic calming, pollution mitigation, drainage and sanitary sewer improvements, sustainability improvements to public facilities, or similar improvements as deemed appropriate by the Town Council.

In lieu of the bond required by this condition, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the Applicant and the Town. The letter of credit or escrow shall be in the same amount of the bond if it were posted.

2. All applicable impact fees shall be paid prior to the issuance of a building permit.
3. The development shall be consistent with the following plans as revised and all other building plans and elevations on file in the Town Planning Department:
  - a. Site, construction, and building elevation plans for "East Ridge Retirement Village" (Sheets G220, G230-G231, A201-A203, A510- A512), prepared by AG Architecture, and signed, dated and sealed July 27, 2009;
  - b. Landscape Plans for " East Ridge Retirement Village" (Sheets L1-L15), prepared by AG Architecture; and signed dated and sealed July 1, 2009; and
  - c. Signage Plans for "East Ridge Retirement Village" (Sheet G230).

**RESOLUTION NO. 09-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO THE SITE PLAN FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A 333,577 SQUARE FOOT BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Ridge Retirement Village Inc. (the “Applicant”) has submitted an application for site plan approval for a 333,577 building to consist of assistant living, independent living, and memory care and skilled nursing facilities on property located at 19301 S.W. 87<sup>th</sup> Avenue; and

**WHEREAS**, staff recommended approval of the requested variance, in its report dated August 10, 2009, as conditioned herein; and

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

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

**Section 2. Approval of Site Plan.** The Town Council hereby approves the requested site plan modification, attached as Exhibit “A,” to this Resolution, subject to the conditions set forth below.

**Section 3. 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. Prior to the issuance of the first principal building permit, the Applicant shall post a performance bond of 2% of the total cost of the building in order to secure performance and fulfillment of the of the applicant’s obligation to obtain LEED Certification. The Town shall release the bond after: (i) project completion and certificate of occupancy has been issued by the Town; and (ii) the Applicant has certified the project with the United States Green Building Council (USGBC) and provides the certification letter to the Town.

If the project fails to meet the criteria required for LEED certification by the United States Green Building Council (USGBC) within two (2) years after receiving the

Town's Certificate of Occupancy, the Applicant shall forfeit one hundred (100) percent of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town. These funds shall be utilized for improvements such as landscape, open space improvements, traffic calming, pollution mitigation, drainage and sanitary sewer improvements, sustainability improvements to public facilities, or similar improvements as deemed appropriate by the Town Council.

In lieu of the bond required by this condition, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the Applicant and the Town. The letter of credit or escrow shall be in the same amount of the bond if it were posted.

2. All applicable impact fees shall be paid prior to the issuance of a building permit.
3. The development shall be consistent with the following plans as revised and all other building plans and elevations on file in the Town Planning Department:
  - a. Site, construction, and building elevation plans for "East Ridge Retirement Village" (Sheets G220, G230-G231, A201-A203, A510- A512), prepared by AG Architecture, and signed, dated and sealed July 27, 2009;
  - b. Landscape Plans for " East Ridge Retirement Village" (Sheets L1-L15), prepared by AG Architecture; and signed dated and sealed July 1, 2009; and
  - c. Signage Plans for "East Ridge Retirement Village" (Sheet G230).

**Section 4.**     **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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



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

---

WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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	_____



EASTRIDGE RETIREMENT VILLAGE

PROPOSED REDEVELOPMENT

30 JUNE 2009



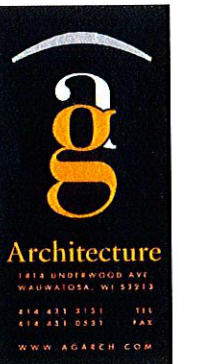
*East Ridge Retirement Village*  
**Continuing Care Retirement Community**  
*Cutler Bay, Florida*

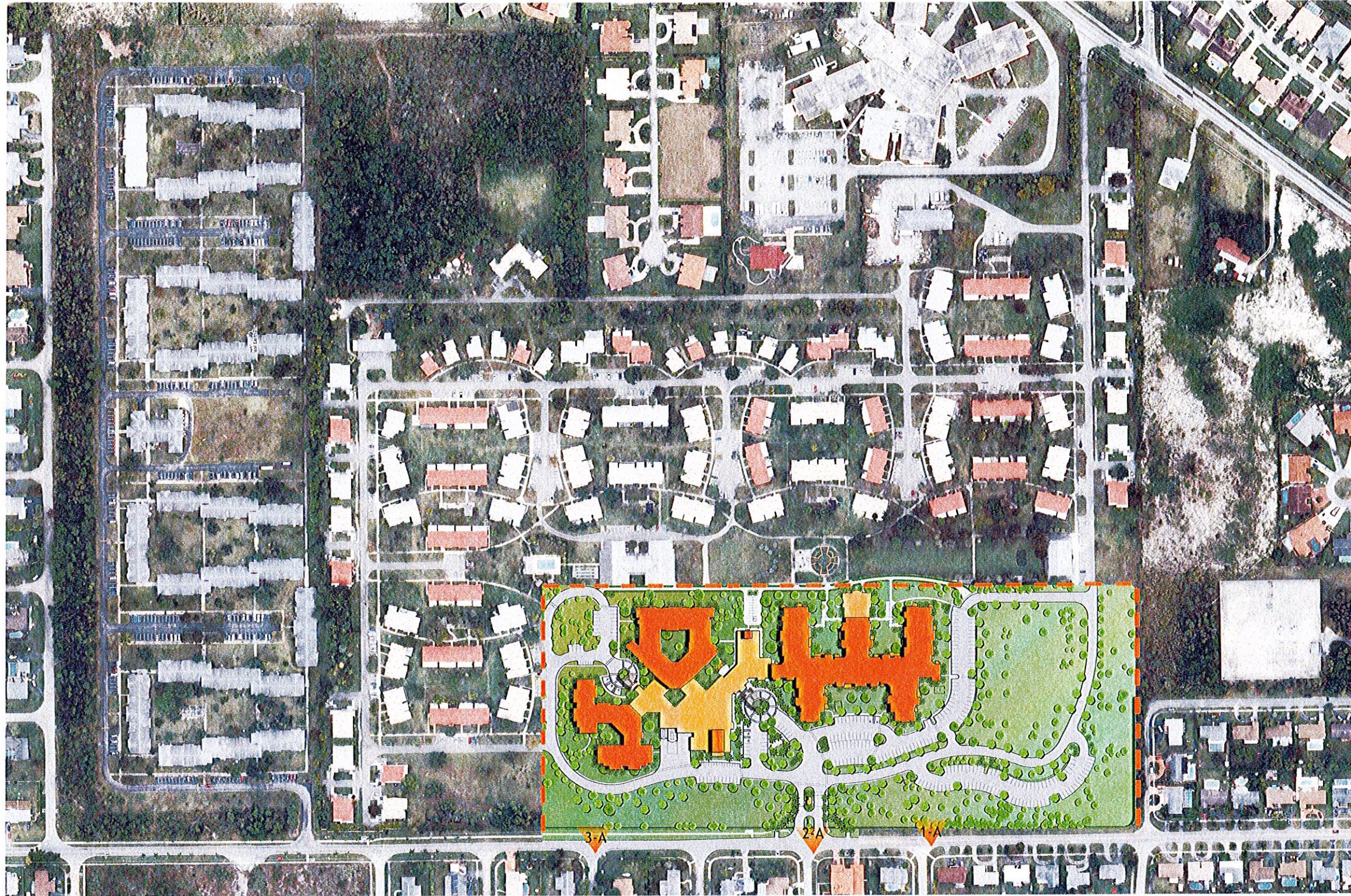




*East Ridge Retirement Village*  
**Continuing Care Retirement Community**  
*Cutler Bay, Florida*

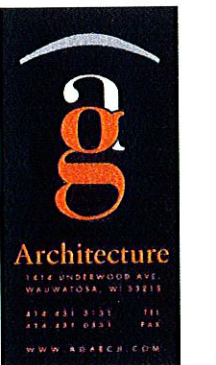
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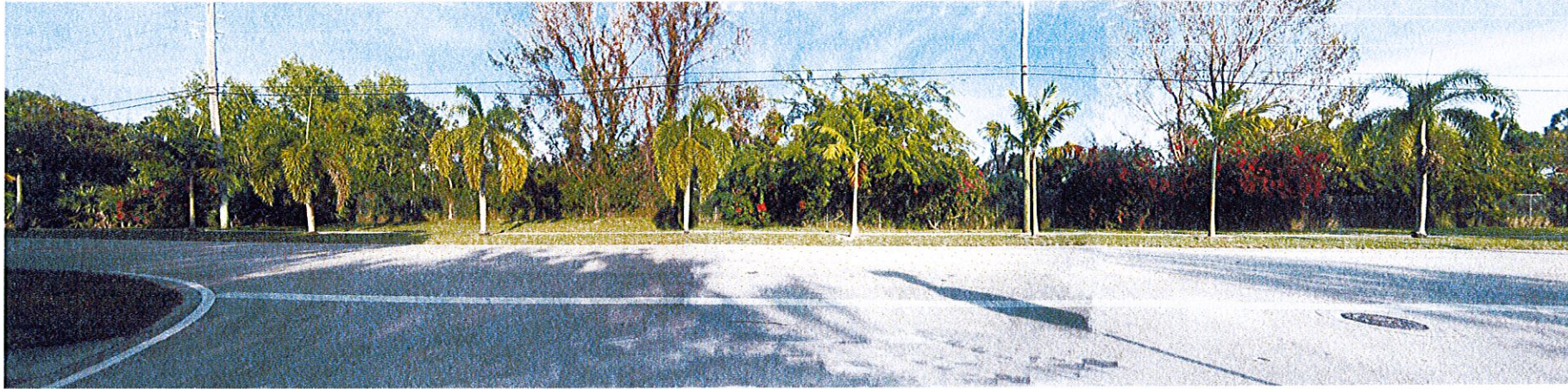




*East Ridge Retirement Village*  
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*Cutler Bay, Florida*

30 JUNE 2009





3



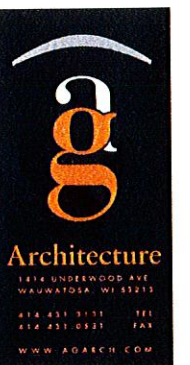
2



1

*East Ridge Retirement Village*  
**Continuing Care Retirement Community**  
*Cutler Bay, Florida*

30 JUNE 2009





3-A



2-A



1-A

*East Ridge Retirement Village*  
**Continuing Care Retirement Community**  
*Cutler Bay, Florida*

30 JUNE 2009



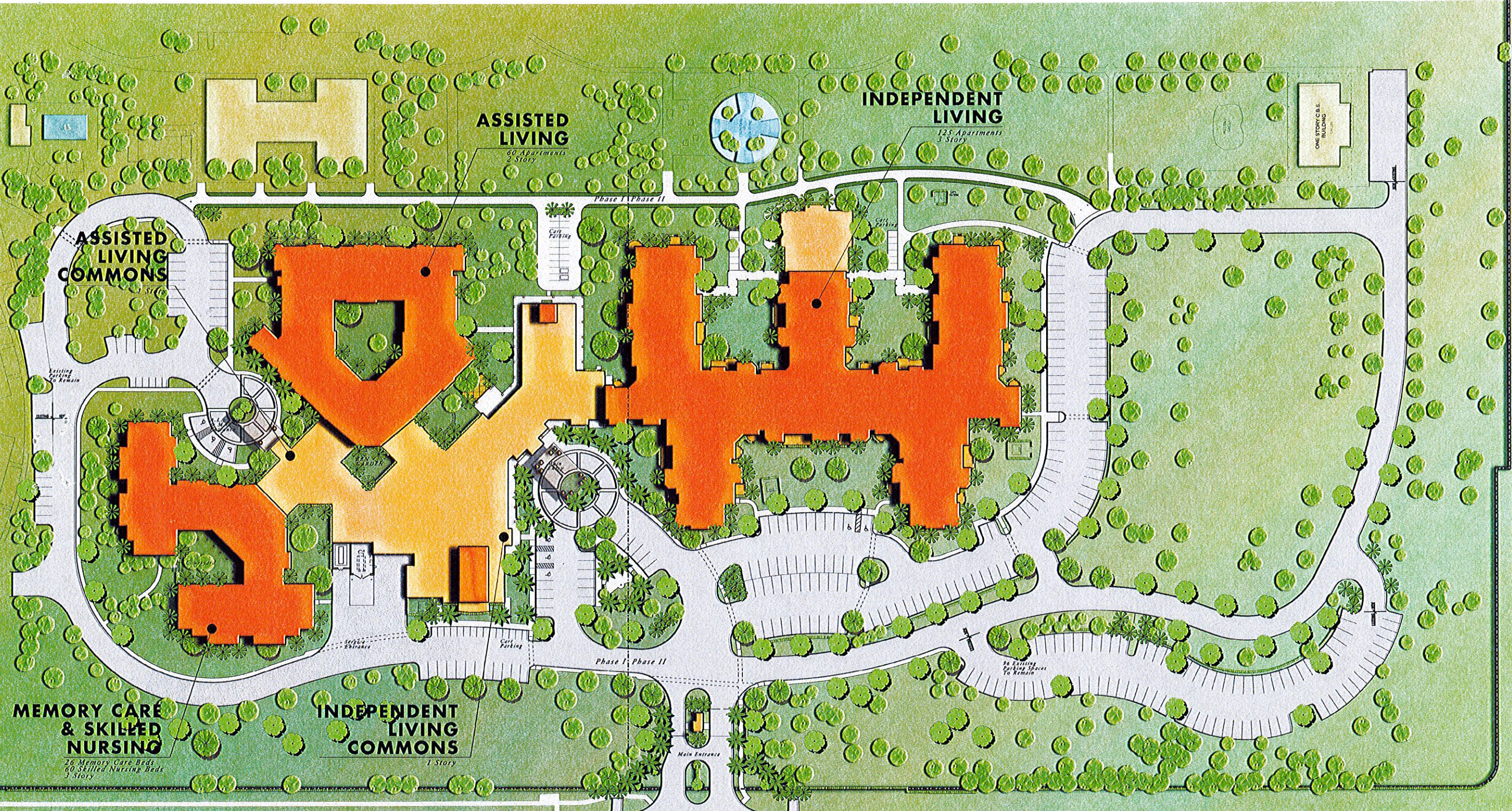




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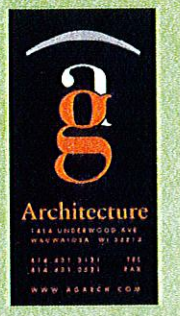




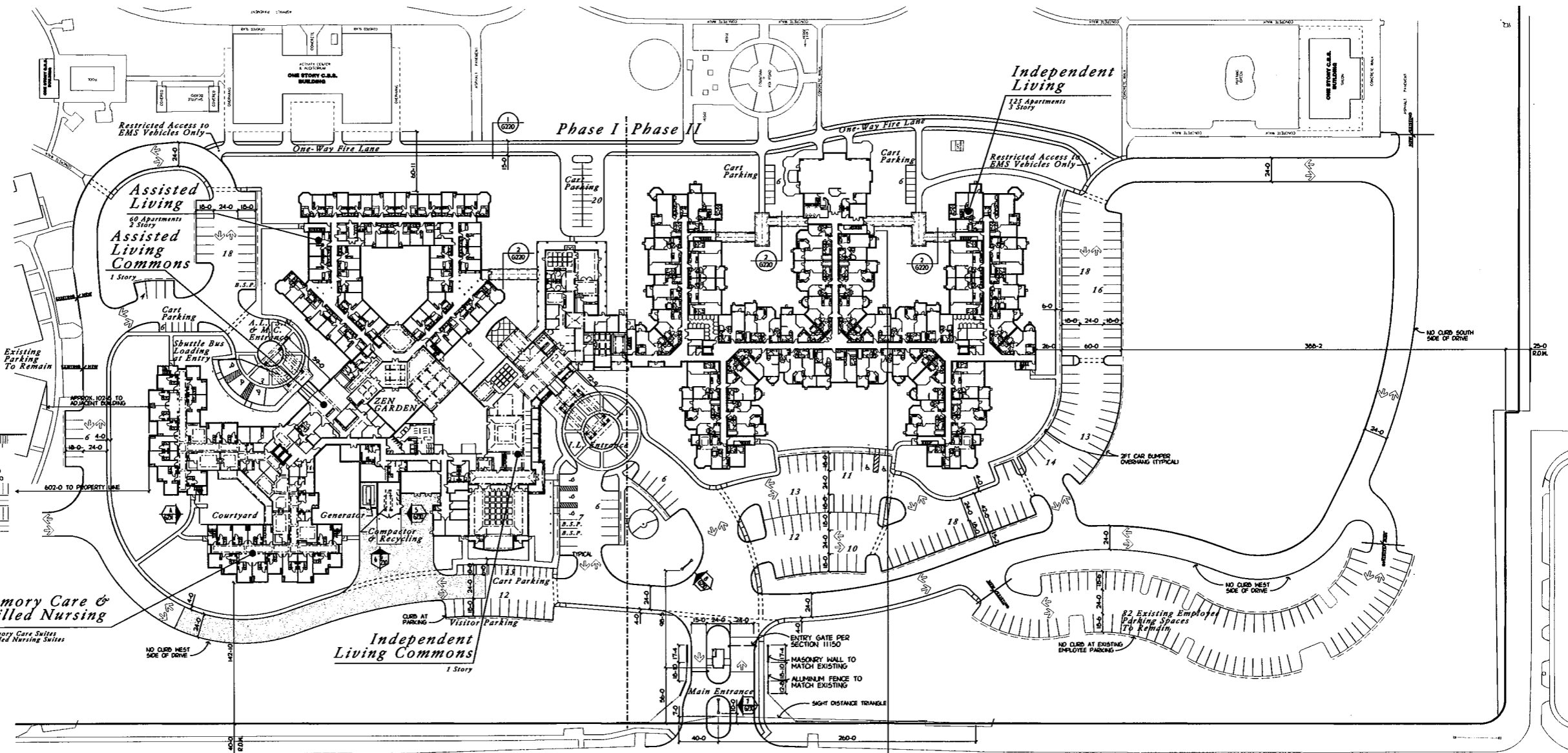
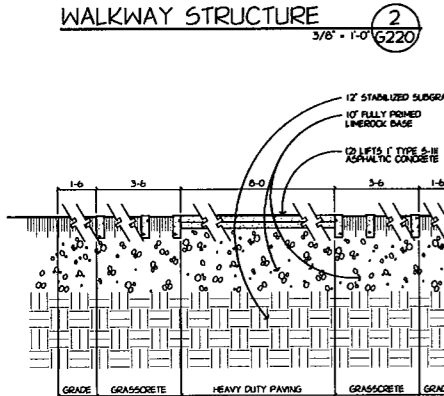
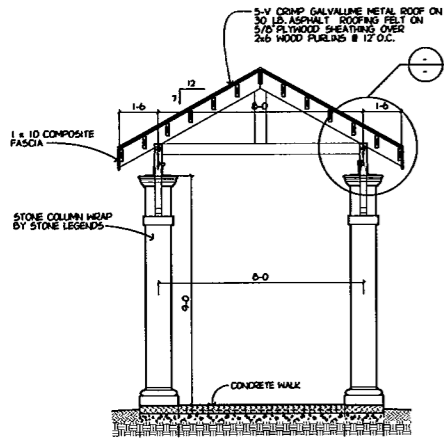


Scale 1"=40'  
 0 25 50 100  
 30 JUNE 2009

*East Ridge Retirement Village*  
 ← **Continuing Care Retirement Community**  
*Cutler Bay, Florida*



Zoning Legend		Present Zoning: AU, EU-2, GU					Setbacks			Project Areas			Parking Summary										
Data	Permitted	Existing	Demo	Proposed	Combined	Type	Required	Existing**	Proposed**	Areas (s.f./acres)	Project	Gross	Type	Existing	Demo	New	Combined	Required***					
GROSS LOT AREA(s.f./acres)		3,391,591 / 77.86	0	0	(no change)	FRONT SETBACK	50' min.	254'-10"	142'-10"	AREA	895,812 / 20.56	3,293,356 / 75.61	STANDARD PARKING	545	132	176	589	408					
NET LOT AREA(s.f./acres)		3,293,356 / 75.61	0	0	(no change)	REAR SETBACK	25' min.	40'	40'	BUILDING FOOTPRINT	168,599 / 3.87	493,763 / 11.34	ACCESSIBLE PARKING	15	10	8	13	12					
TOTAL BUILDING AREA (s.f.)		449,527	124,363	333,577	658,741	INTERIOR SIDE SETBACK	15' min.	n/a	n/a	EXISTING PAVING	25,909 / .59	325,909 / 7.48	BABY STROLLER PARKING	0	0	3	3	3					
BUILDING FOOTPRINT (s.f.)	494,003	449,527	124,363	168,599	493,763	SIDE STREET SETBACK	25' min.	25'	25'	NEW PAVING & WALKS	192,005 / 4.41	192,005 / 4.41	TOTAL	560	142	187	605	423					
LOT COVERAGE (footprint / net lot %)	15.00%	13.64%	3.78%	5.12%	14.99%	SPACING BETWEEN BUILDINGS	10' min.	20'	20'	PERMEABLE PAVERS	5,815 / .13	5,815 / .13	CART PARKING	0	0	53	53	0					
INSTITUTIONAL LAND USE (s.f./acres)		1,979,656 / 45.45	124,363	333,577	525,287							***PARKING RATIO											
BUILDING AREA IN INST. (s.f.)		316,073										1 per 2 Residential Bedrooms + 1 per 2 Employees											
BUILDING F.A.R. (area(s.f.) x 1.75)	3,464,398											***ACCESSIBLE PARKING											
MAX. BUILDING HEIGHT (stories/feet)	2 stories / 38'	1 story / 18'-6"	3 stories* / 37'-0"									***BABY STROLLER PARKING											
																			2% of Combined Standard Parking (589)				
																			Per Ch. 30 Article 11A Sec. 30-449				



MODEL REQUIRED BY THE SHEET  
 DATE: 7/15/09  
 DRAWN BY: A/JK  
 CHECKED BY: J/S  
 PROJECT: EAST RIDGE RETIREMENT VILLAGE  
 SHEET NO.: G220

NOTES:  
 THE PROPOSED NEW BUILDING IS INTENDED TO ACHIEVE A LEED CERTIFIED RATED ACCORDING TO THE LEED GREEN BUILDING RATING SYSTEM ADMINISTERED BY THE USGBC.  
 ALL PAVING TO HAVE CURB UNLESS NOTED OTHERWISE.  
 ALL PARKING STALLS ARE STANDARD SIZE UNLESS NOTED OTHERWISE. ALL PARKING STALLS ARE PROPOSED NEW UNLESS NOTED OTHERWISE.  
 THESE CURB STROLLER PARKING SPACES PROVIDED AND NOTED AS D.S.P.

DRAWN BY  
 A/JK  
 DATE  
 7 AUG 09  
 PROJECT  
 080601  
 SHEET NO.  
 G220

East Ridge  
 Retirement Village  
 Cutler Bay  
 Florida



1414 UNDERWOOD AVE.  
 WAUKESHA, WI 53151  
 414.451.3131 TEL  
 414.451.8951 FAX  
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1" = 50'-0" SITE PLAN G220



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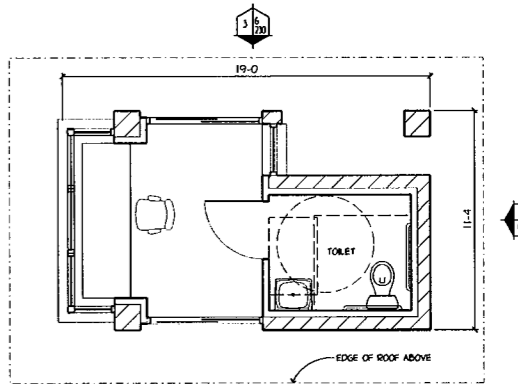
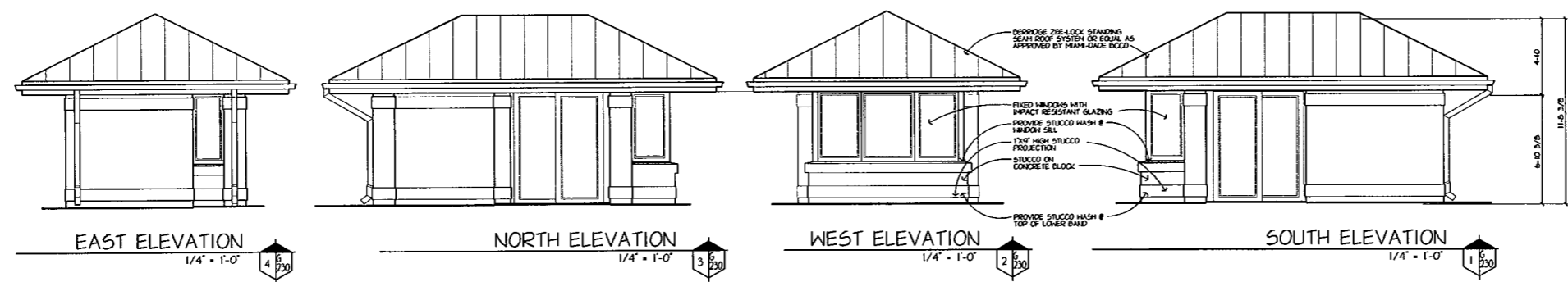
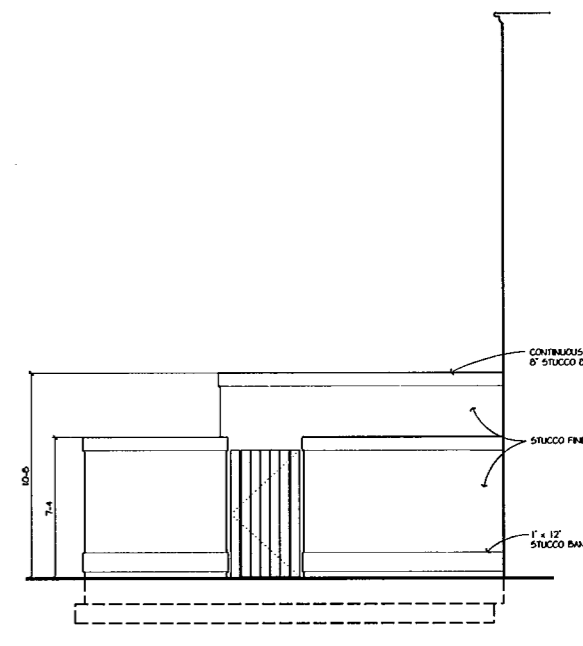
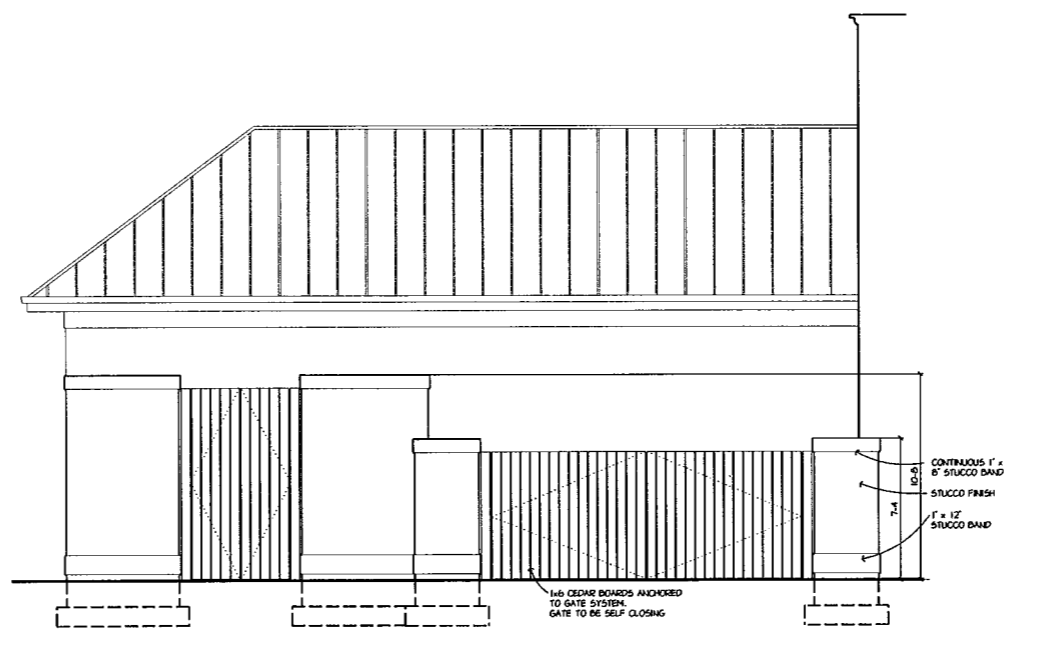
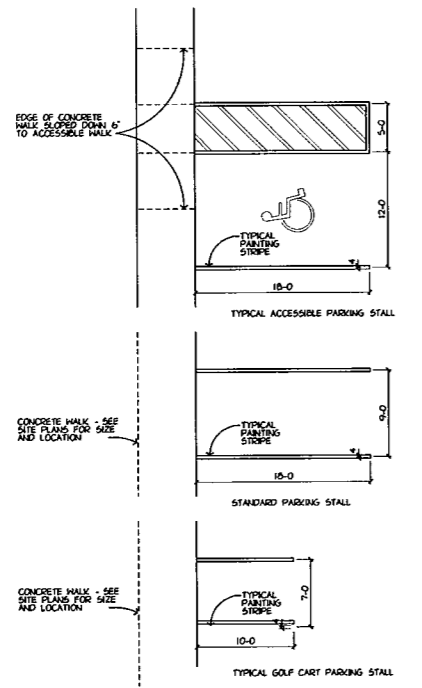
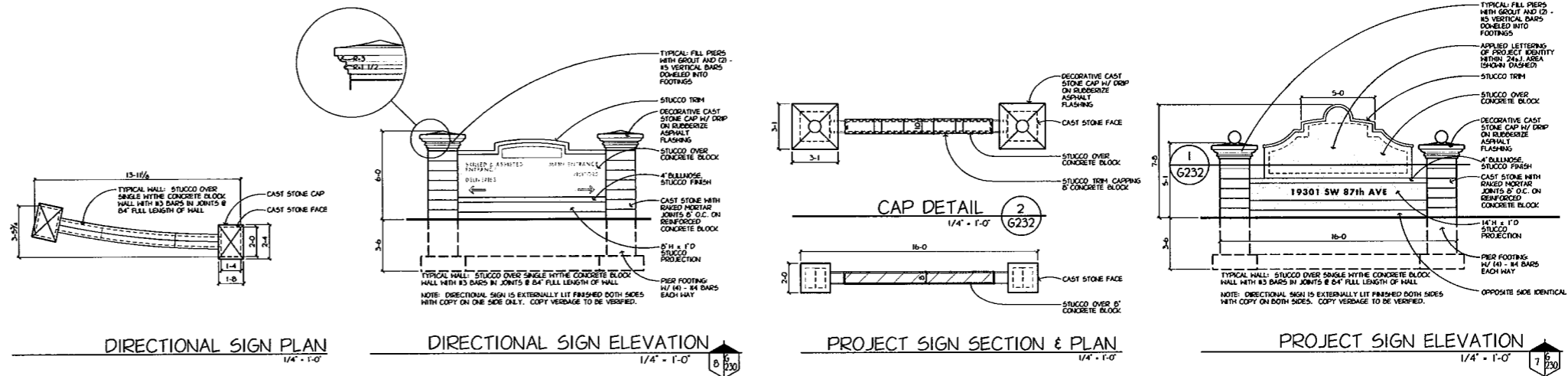
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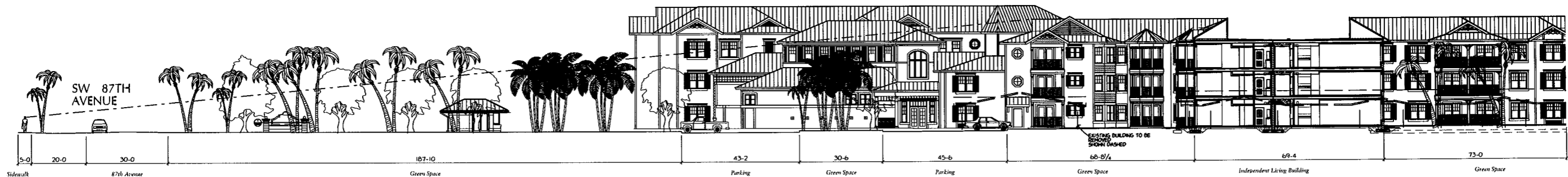
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DATE: 30 JUN 09  
PROJECT: 080601  
SHEET NO.

G230

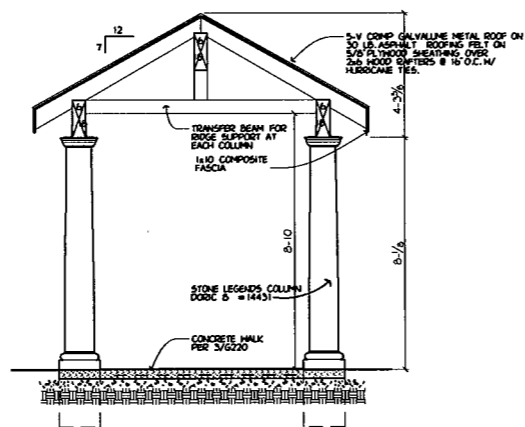


SITE DETAILS

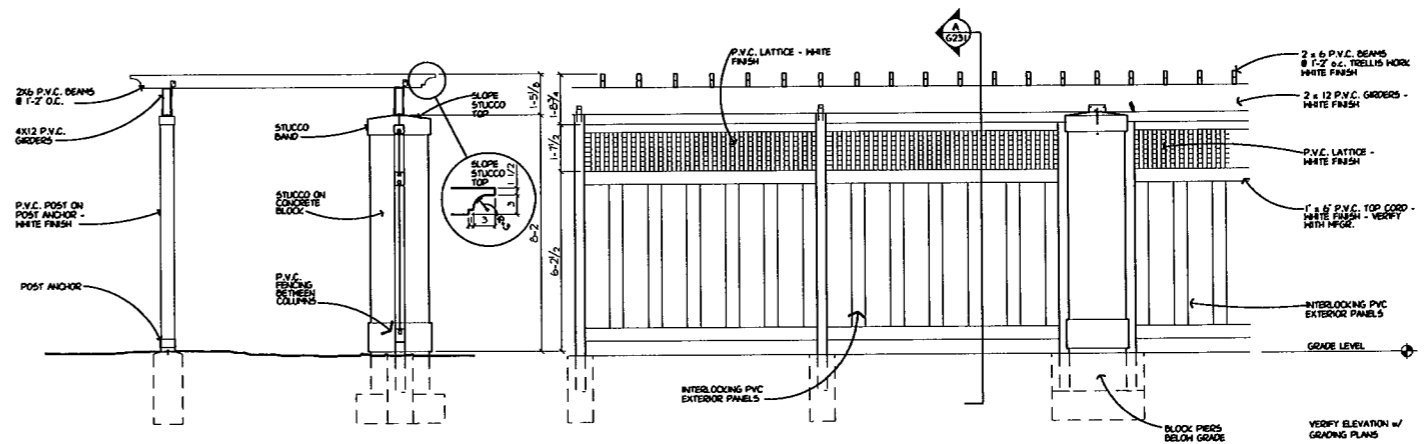
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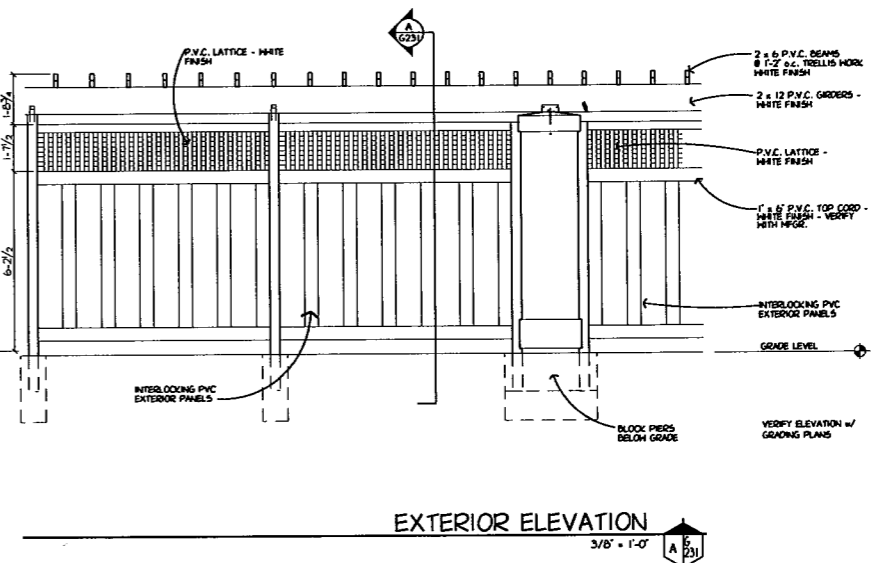
SITE SECTION C  
1/16" = 1'-0" 6231



COVERED WALK SECTION B  
3/8" = 1'-0" 6231



FENCE SECTION A  
3/8" = 1'-0" 6231



EXTERIOR ELEVATION  
3/8" = 1'-0" 6231

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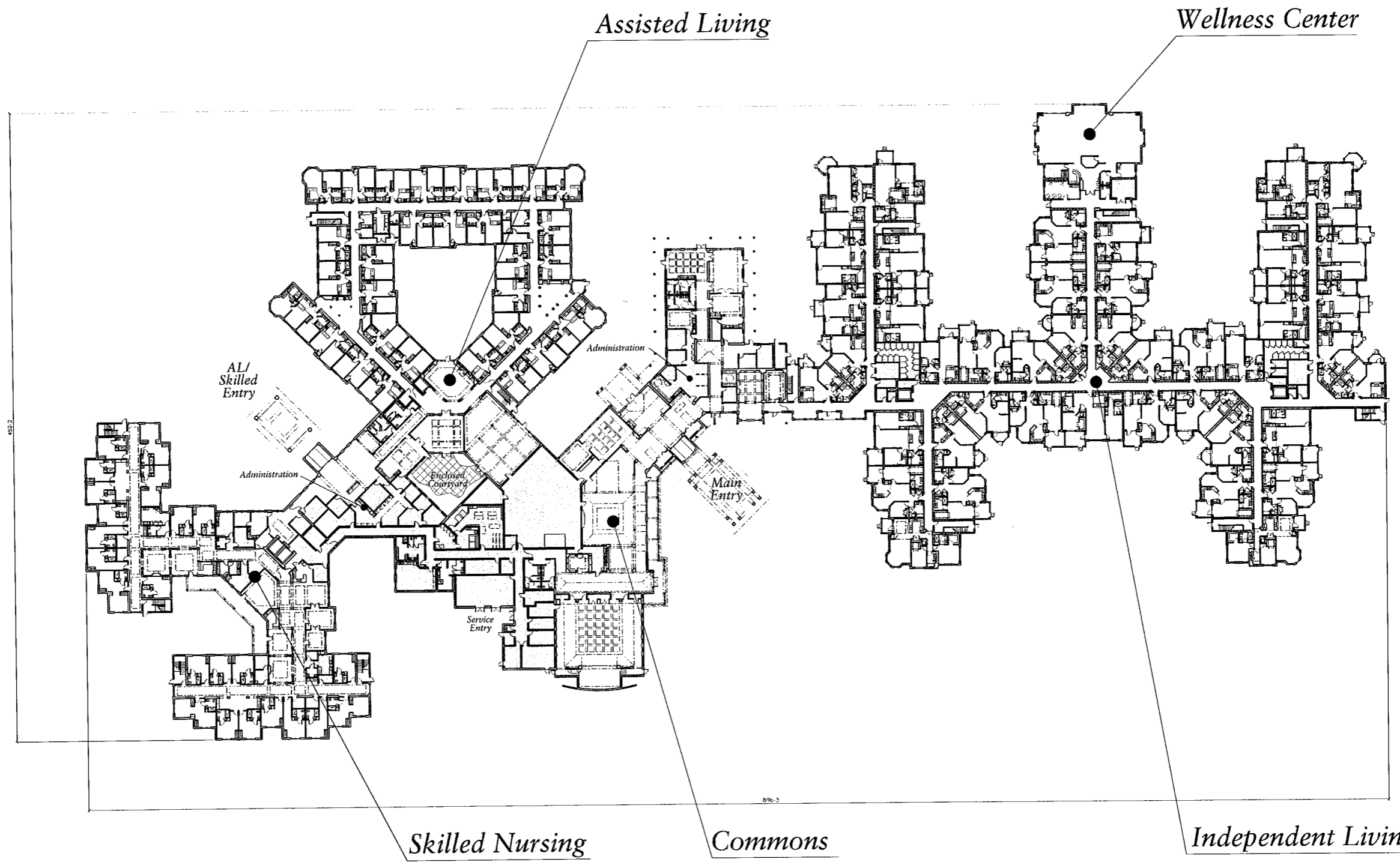
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EAS  
DATE  
30 JUN 09  
PROJECT  
080601  
SHEET NO



PROJECT: 080601 - EAST RIDGE RETIREMENT VILLAGE, CUTLER BAY, FLORIDA  
 DRAWN BY: DRN  
 CHECKED BY: [Name]  
 DATE: 30 JUN 09  
 SCALE: 1/32" = 1'-0"

FLOOR LEVEL	INDEPENDENT LIVING	COMMONS	ASSISTED LIVING	SKILLED NURSING	MAJORITY SUPPORT
LEVEL 1	59,170	43,808	25,067	0	21,872
LEVEL 2	60,242	0	24,986	22,321	0
LEVEL 3	53,788	0	0	22,321	0
TOTAL	173,200	43,808	50,053	44,642	21,872

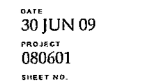
1/32" OVERALL FIRST FLOOR PLAN A201

East Ridge Retirement Village  
 Cutler Bay, Florida



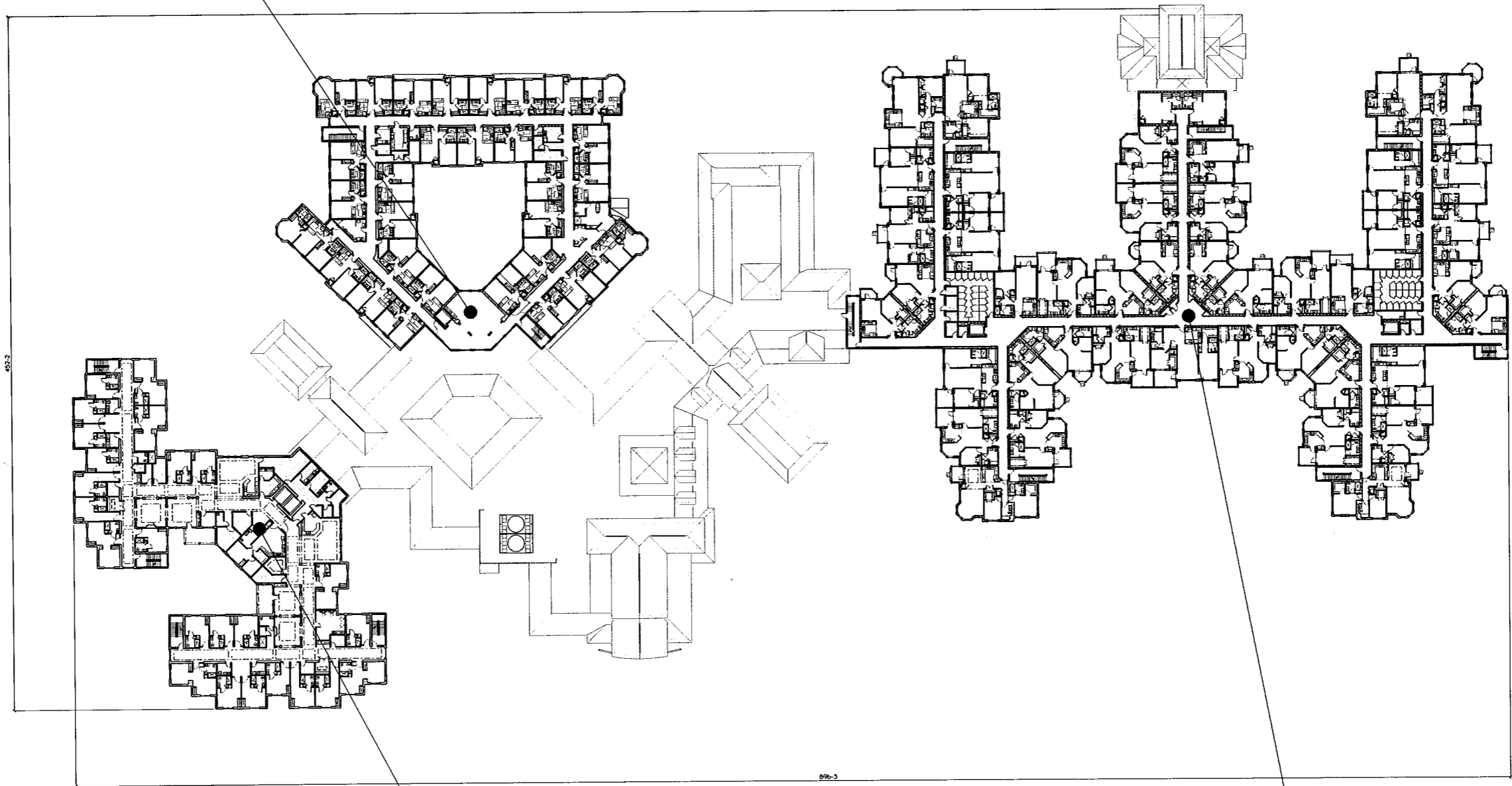
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 PROJECT: 080601  
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Assisted Living



Skilled Nursing

Independent Living

East Ridge  
Retirement Village  
Cutler Bay  
Florida



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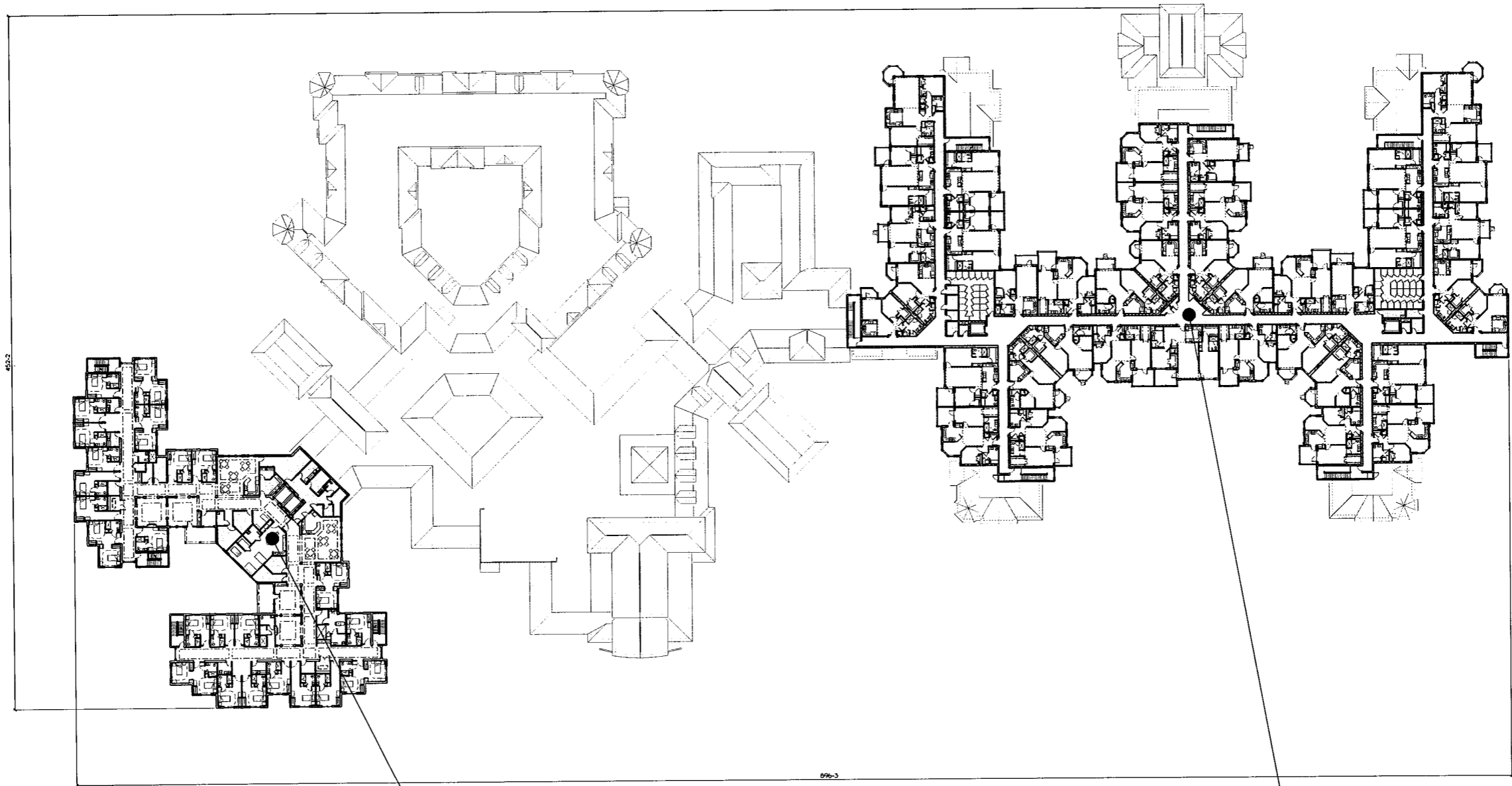
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1/32" OVERALL SECOND FLOOR PLAN A202

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Skilled Nursing

Independent Living

1/32" OVERALL THIRD FLOOR PLAN A203



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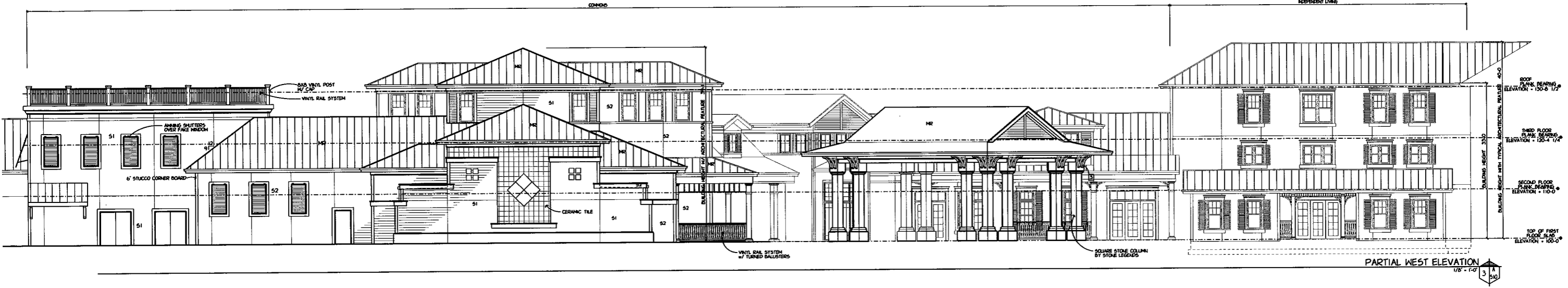


East Ridge  
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Cutler Bay  
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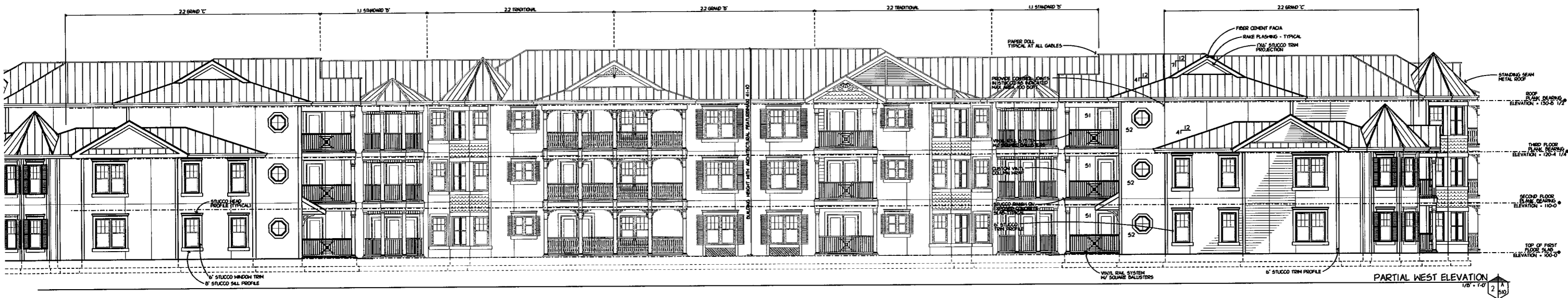


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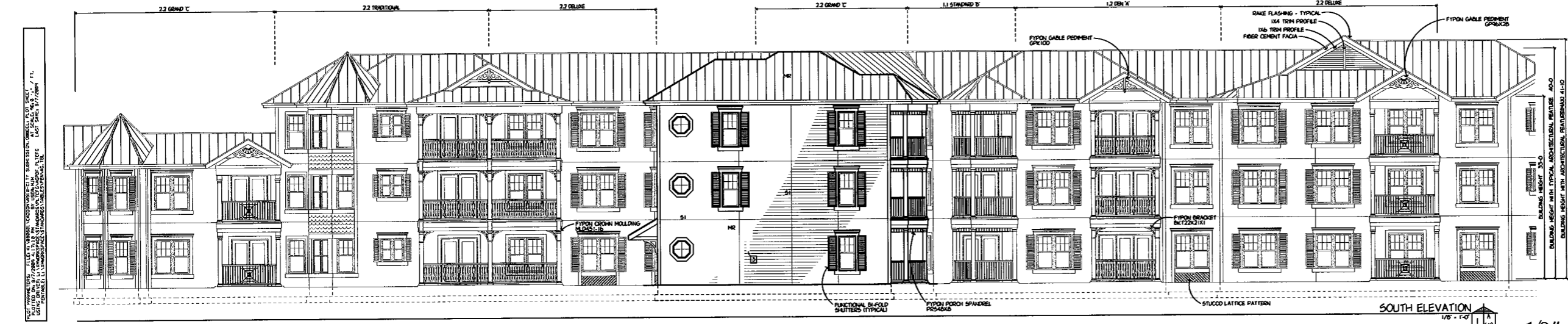
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PARTIAL WEST ELEVATION  
1/8" = 1'-0"

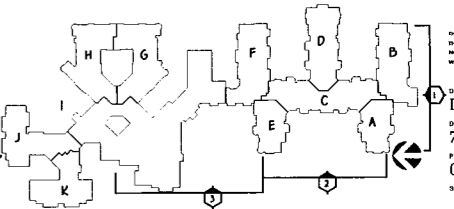


PARTIAL WEST ELEVATION  
1/8" = 1'-0"



SOUTH ELEVATION  
1/8" = 1'-0"

- GENERAL NOTES:**
- PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS WHICH SPILL OFFTO GRADE.
  - PREFINISHED ALUMINUM GUTTERS AND DOWNSPOUTS
  - NR - 3/4" COMP GALVALUME METAL ROOF
  - S1 - TRADITIONAL STUCCO SYSTEM - PAINT 'A' - W/ 6" LAP PATTERN
  - S2 - TRADITIONAL STUCCO SYSTEM - PAINT 'B' - W/ 6" LAP PATTERN
  - S3 - TRADITIONAL STUCCO SYSTEM - PAINT 'C' - W/ 6" LAP PATTERN
  - S4 - TRADITIONAL STUCCO SYSTEM - PAINT 'D' - W/ 4" LAP PATTERN
  - S5 - TRADITIONAL STUCCO SYSTEM PAINTED - W/ SCALLOP TEXTURE
  - S6 - TRADITIONAL STUCCO SYSTEM - WHITE
  - 1 - FIBRON GABLE VENT - ROUND FRLV24
  - 2 - FIBRON BRACKET - DKT30X30
  - 3 - FIBRON BRACKET - DKT19X24



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PROJECT: 080601  
SHEET NO.:





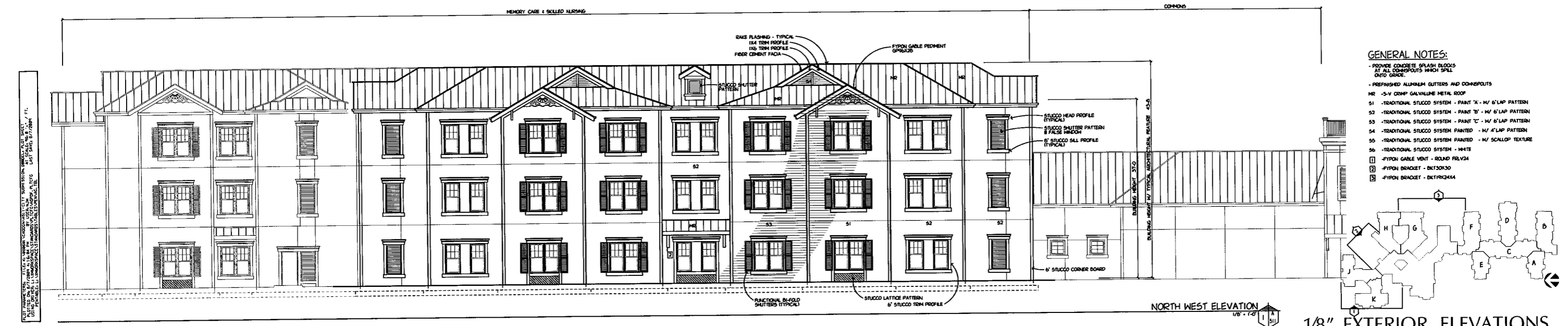
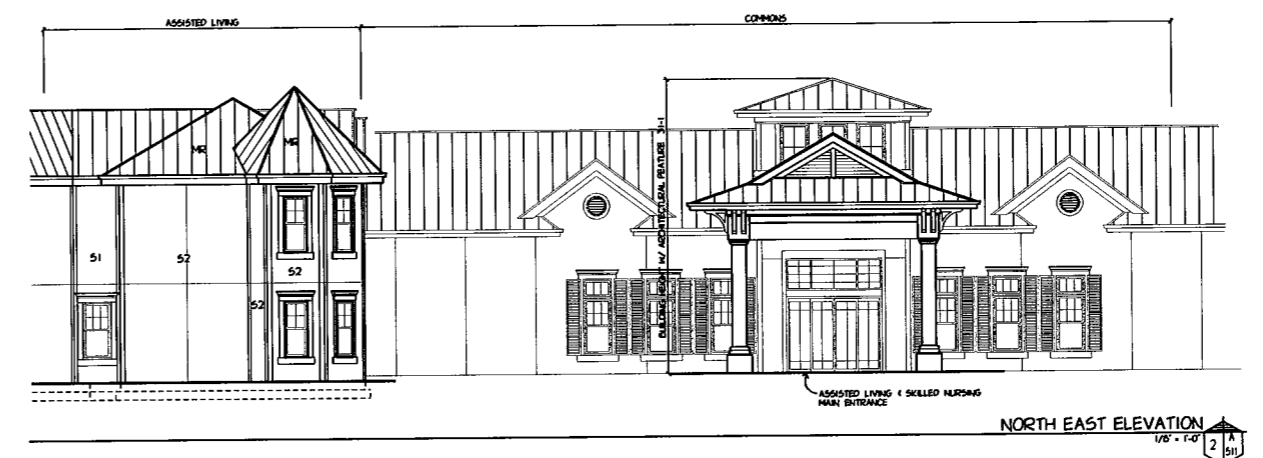
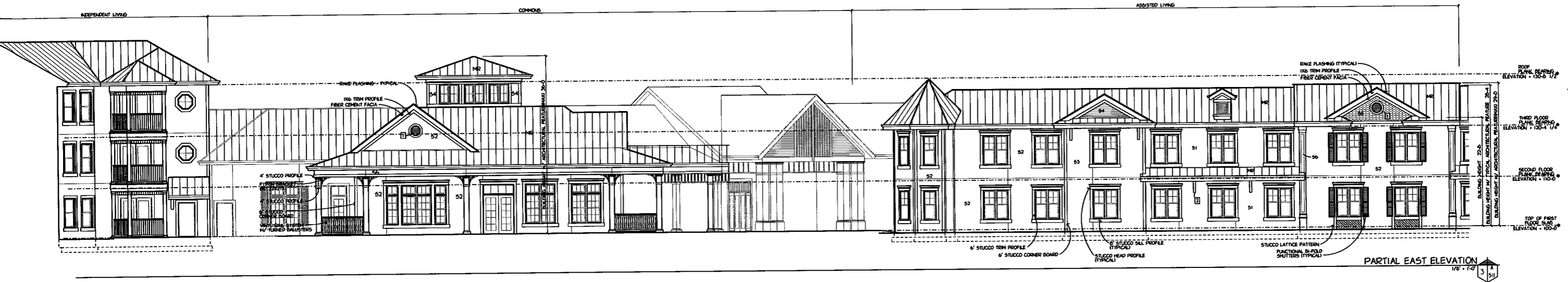
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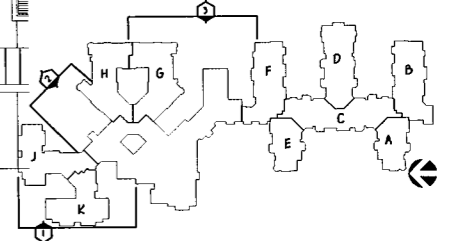
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080601  
SHEET NO.

A511



- GENERAL NOTES:**
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  - PREFINISHED ALUMINUM GUTTERS AND DOWNSPUTS
  - NR - 5-V CRMP GALVALUME METAL ROOF
  - S1 - TRADITIONAL STUCCO SYSTEM - PAINT 'A' - W/ 6\"/>
  - S2 - TRADITIONAL STUCCO SYSTEM - PAINT 'B' - W/ 6\"/>
  - S3 - TRADITIONAL STUCCO SYSTEM - PAINT 'C' - W/ 6\"/>
  - S4 - TRADITIONAL STUCCO SYSTEM PAINTED - W/ 4\"/>
  - S5 - TRADITIONAL STUCCO SYSTEM PAINTED - W/ SCALLOP TEXTURE
  - S6 - TRADITIONAL STUCCO SYSTEM - WHITE
  - 1 - FYPON GABLE VENT - ROUND RELV24
  - 2 - FYPON BRACKET - DMT30K30
  - 3 - FYPON BRACKET - DMT19K24X4

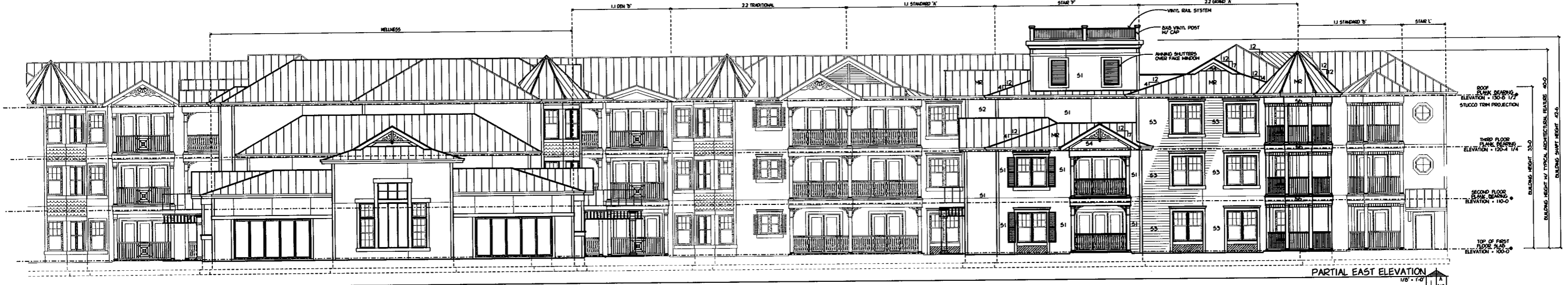
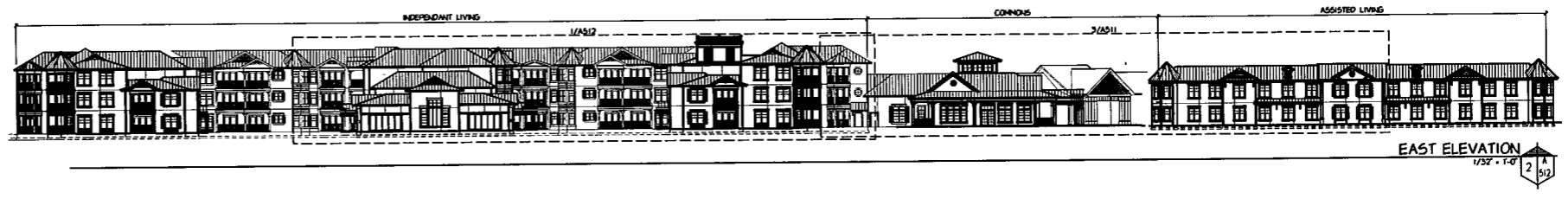
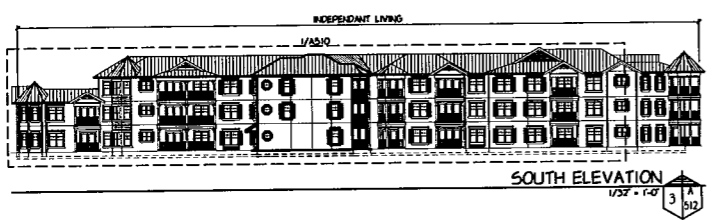
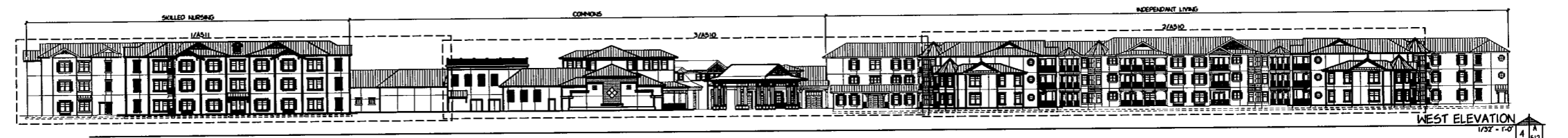


1/8" EXTERIOR ELEVATIONS

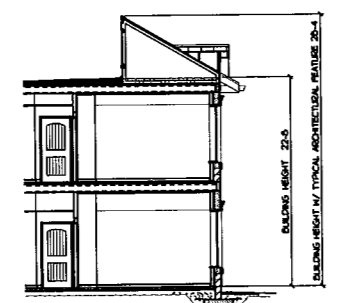


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WALWATONIA, MO 64153  
417.331.3331 TEL  
417.331.8833 FAX  
WWW.J&JARCH.COM

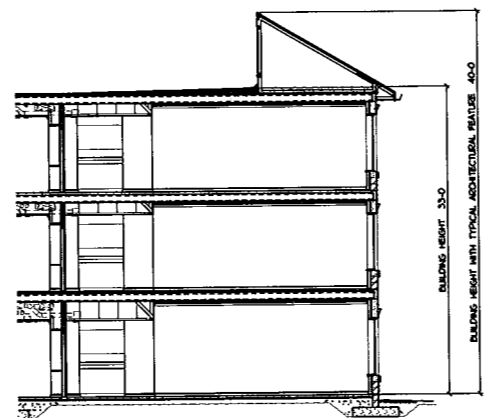
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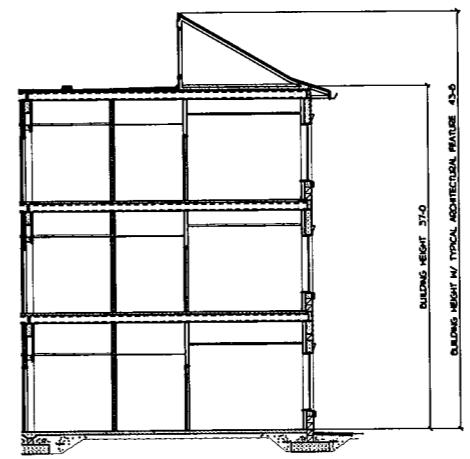
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DATE: 7 AUG 09  
PROJECT: 080601  
SHEET NO. 1



ASSISTED LIVING BUILDING SECTION  
1/8\"/>



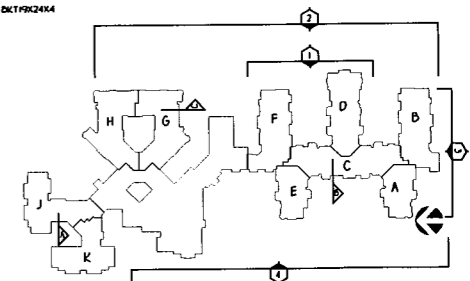
INDEPENDENT LIVING BUILDING SECTION  
1/8\"/>



SKILLED NURSING BUILDING SECTION  
1/8\"/>

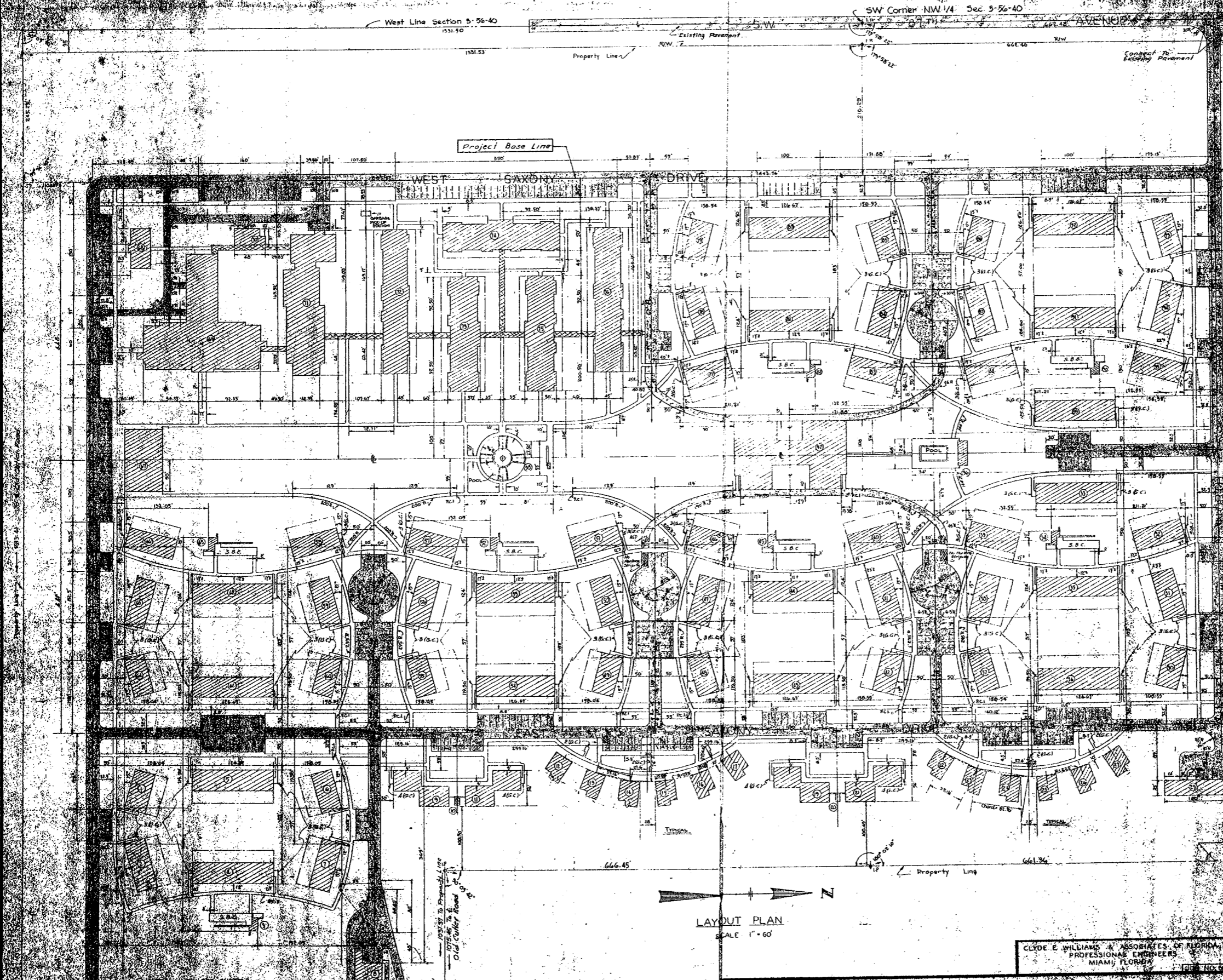
GENERAL NOTES:

- PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS 1/4\"/>
- PREFINISHED ALUMINUM GUTTERS AND DOWNSPOUTS
- M2 - 5-V CRMP GALVALUME METAL ROOF
- S1 - TRADITIONAL STUCCO SYSTEM - PAINT 'X' - W/ 6\"/>
- S2 - TRADITIONAL STUCCO SYSTEM - PAINT 'Y' - W/ 6\"/>
- S3 - TRADITIONAL STUCCO SYSTEM - PAINT 'C' - W/ 6\"/>
- S4 - TRADITIONAL STUCCO SYSTEM PAINTED - W/ 4\"/>
- S5 - TRADITIONAL STUCCO SYSTEM PAINTED - W/ SCALLOP TEXTURE
- S6 - TRADITIONAL STUCCO SYSTEM - WHITE
- 1 - FIPON GABLE VENT - ROUND PRLV24
- 2 - FIPON BRACKET - DKT30K30
- 3 - FIPON BRACKET - DKTFR24X4



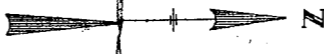
EXTERIOR ELEVATIONS

DRAWN BY: DRN  
DATE: 7 AUG 09  
PROJECT: 080601  
SHEET NO. A512



- LEGEND**
- Existing Pavement
  - Asphaltic Concrete Pavement
  - Building Building Number
  - Colored Concrete Walk
  - Shutoff Board Curbs
  - Number Markings of Driveway Area Acceptance
  - Concrete Retention Wall

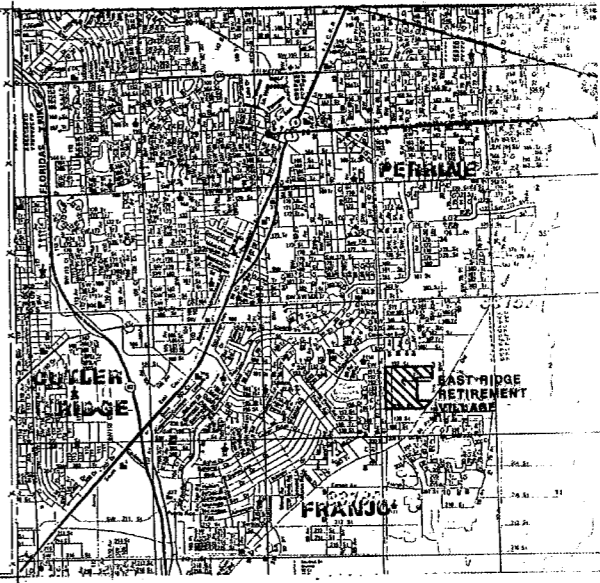
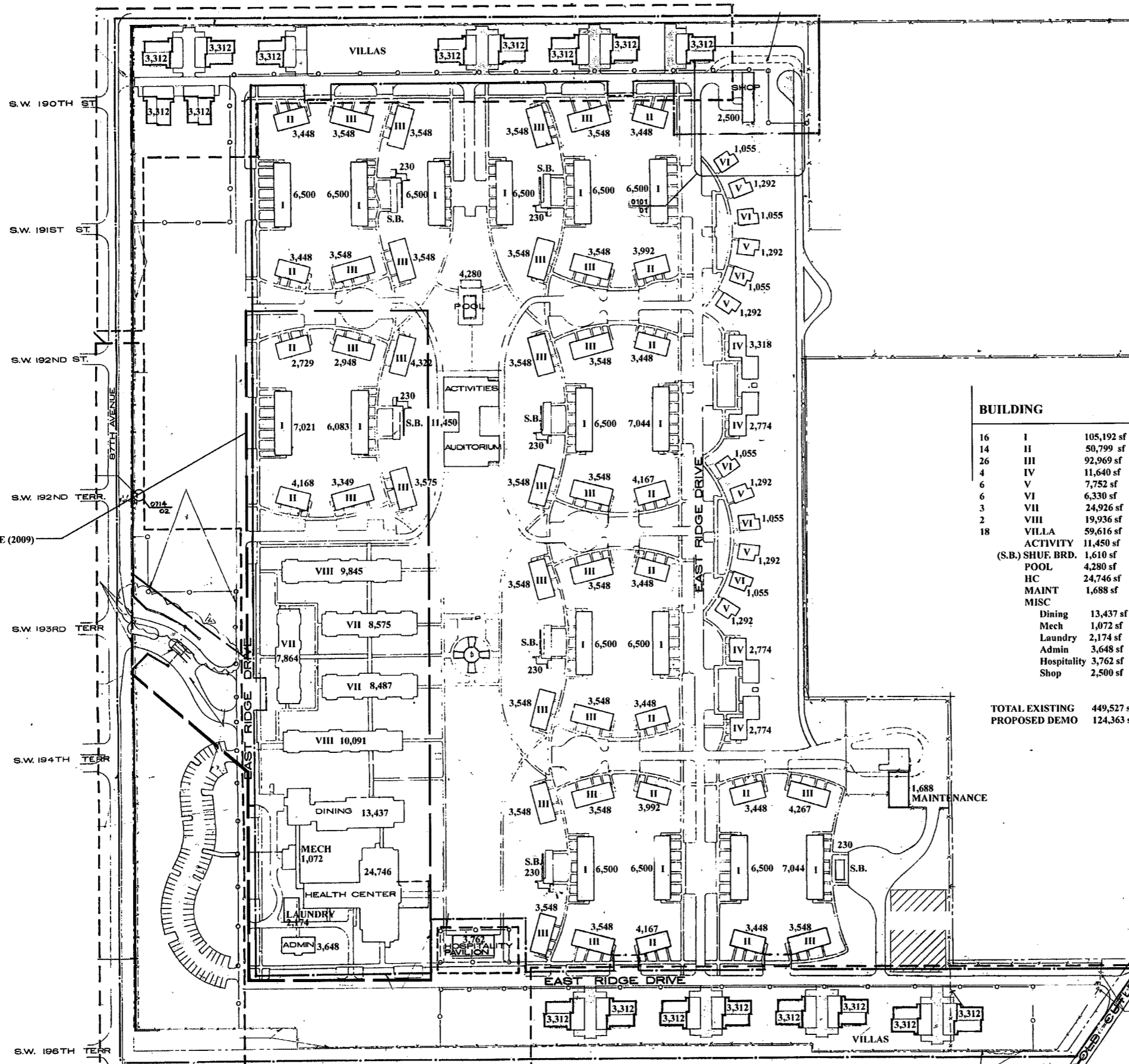
**NOTE**  
 All building footprints are shown in this plan. All areas shown in this plan are to be used for the purpose of the project. All areas shown in this plan are to be used for the purpose of the project. All areas shown in this plan are to be used for the purpose of the project. All areas shown in this plan are to be used for the purpose of the project.



LAYOUT PLAN  
 SCALE 1"=60'

CLYDE E. WILLIAMS & ASSOCIATES, OF FLORIDA, INC.  
 PROFESSIONAL ENGINEERS  
 MIAMI, FLORIDA

**EAST RIDGE RETIREMENT VILLAGE**  
 DADE COUNTY, FLORIDA  
 EAST RIDGE RETIREMENT VILLAGE FOUNDATION, INC.



SITE VICINITY MAP

BUILDING		PAVING
16	I	105,192 sf
14	II	50,799 sf
26	III	92,969 sf
4	IV	11,640 sf
6	V	7,752 sf
6	VI	6,330 sf
3	VII	24,926 sf
2	VIII	19,936 sf
18	VILLA	59,616 sf
	ACTIVITY	11,450 sf
	(S.B.) SHUF. BRD.	1,610 sf
	POOL	4,280 sf
	HC	24,746 sf
	MAINT	1,688 sf
	MISC	
	Dining	13,437 sf
	Mech	1,072 sf
	Laundry	2,174 sf
	Admin	3,648 sf
	Hospitality	3,762 sf
	Shop	2,500 sf
<b>TOTAL EXISTING</b>		<b>449,527 sf</b>
<b>PROPOSED DEMO</b>		<b>124,363 sf</b>

PAVING	
EXISTING (to remain)	527,390 sf
PROPOSED DEMO	201,481 sf

NOTE:  
THIS DRAWING IS PROVIDED FOR  
REFERENCE ONLY TO REPRESENT  
EXISTING STRUCTURES AND PAVING.

REVISION 30 JUNE 2009

CONSTRUCTION LIMIT LINE (2009)

SITE PLAN  
SCALE: 1" = 100'

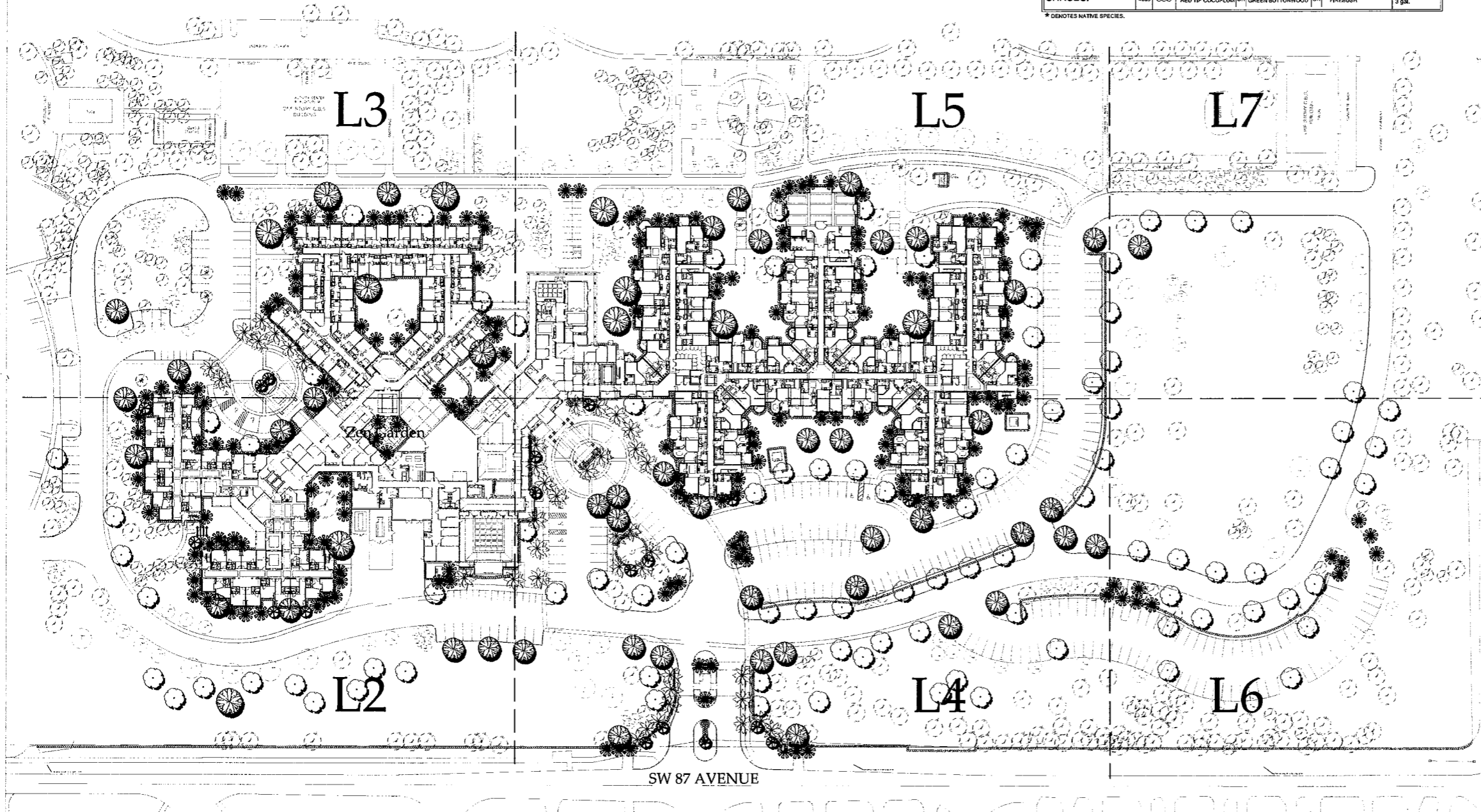


THE RUSSELL PARTNERSHIP INC  
2001 Southwest Twenty-fourth Street • Miami, Florida 33135  
305-441-0706

NEW RESIDENCES FOR  
EAST RIDGE RETIREMENT VILLAGE  
19301 S.W. 87 AVENUE  
MIAMI FL. 33157

DATE	10.28.07
BY	DRY
DATE	10.28.07
BY	DRY
DATE	11.28.07
BY	DRY
DATE	08.27.08
BY	DRY

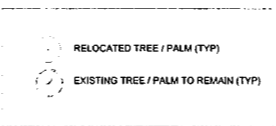
CONTRACTOR SHALL VERIFY ALL  
DIMENSIONS AT THE SITE BEFORE  
PROCEEDING WITH THE WORK  
NOT TO BE USED FOR  
CONSTRUCTION UNLESS  
APPROVED BY ARCHITECT



**PRELIMINARY LANDSCAPE LIST**

	CP*	KEY	BOTANICAL / COMMON NAME			DESCRIPTION		
<b>SPECIMEN TREES:</b>	57		* Quercus virginiana LIVE OAK	OR	* Bursaria almarata GUMBO LIMBO	OR	Dalmanella regia ROYAL PONCIANA	18" ht. x 6" spr. fg.
<b>SPECIMEN PALMS:</b>	42		* Roystonea elata ROYAL PALM					22' o.a. ht. fg.
<b>MEDIUM TREE:</b>	95		* Swietenia mahogani MAHOGANY	OR	* Conocarpus erectus G. BUTTONWOOD	OR	* Calophyllum brasiliense BRAZILIAN BEAUTYLEAF	12' ht. x 5" spr. fg.
<b>MEDIUM PALM:</b>	182		* Sabal Palm CABBAGE PALM	OR	* Acrostichum wrightii PALMETTO PALM	OR	* Thrinax radiata FLORIDA THATCH	18' o.a. ht. fg.
<b>SMALL TREE:</b>	18		* Conocarpus erectus SILVER BUTTONWOOD	OR	* Senna swartziana GLAUCOUS CASSIA	OR	* Lagerströmia indica CAPE MYRTLE	10' o.a. ht. fg.
<b>SHRUBS:</b>	4039		* Chrysobalanus icaya RED TIP COCOPLUM	OR	* Conocarpus erectus GREEN BUTTONWOOD	OR	* Hamelia patens FIREBUSH	24" ht. x 24" spr. 3 gal.

\* DENOTES NATIVE SPECIES.



**LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan**

Zoning District: AM Net Lot Area: 20.56 acres 895,594 s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 895,594 s.f. x 20 % = 179,119 s.f.	179,119	313,251
B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan: No. parking spaces: 655 x 10 s.f. per parking space =	6,550	6,950
C. Total s.f. of landscaped open space required by Chapter 33: A + B =	185,669	320,201
<b>LAWN AREA CALCULATION</b>		
A. 185,199 ... total s.f. of landscaped open space required by Chapter 33	185,199	319,251
B. Maximum lawn area (not permitted) = 62 % x 185,199 s.f. =	114,923	119,000
<b>TREES</b>		
A. No. trees required per net lot area: Less existing number of trees meeting minimum requirements: = 8 trees x net lot acres =	185	* 906 (estimated)
B. % Palms Allowed: No. trees required x 30% = % Palms permitted to count as street trees 1:1 basis x 30% =	56	56 (maximum)
C. % Native Required: No. trees provided x 30% = No. Native trees along street / 95 =	56	56 (estimated minimum)
D. Street trees (maximum average spacing of 35' o.c.): No. trees along street / 95 =	56	56 (estimated minimum)
E. Street trees located directly beneath power lines: (maximum average spacing of 35' o.c.) x 1,400' linear feet along street / 25 =	56	56 (estimated minimum)
F. Total Trees Required: A + D + E =	371	* 962 (estimated)
<b>SHRUBS</b>		
A. No. trees required x 10 = No. of shrubs allowed	3,710	3,710 (estimated minimum)
B. No. shrubs allowed x 30% = No. of native shrubs required	1,113	1,113 (estimated minimum)

IRRIGATION PLAN: F required by Chapter 33  
TABLE: Containing information as indicated in sample below: SEE LANDSCAPE LIST

NOTE: AS PER DADE COUNTY CODE, THERE WILL BE AT LEAST 3,710 SHRUBS PROVIDED ON THE FINAL PLANTING PLANS.

IRRIGATION PLAN WILL BE PROVIDED AT TIME OF PERMIT

\* 50% more shrubs (387) proposed than 1:1 required trees (411) need to match  
\* 136 proposed trees to count toward minimum requirements (total of 507 trees for 1:1 ratio)  
\* The Plan to be recalled to match tree #s: 73,161, 178, 387, 1038

Site Plan Approval - Landscape Index  
Scale: 1" = 50' - 0"

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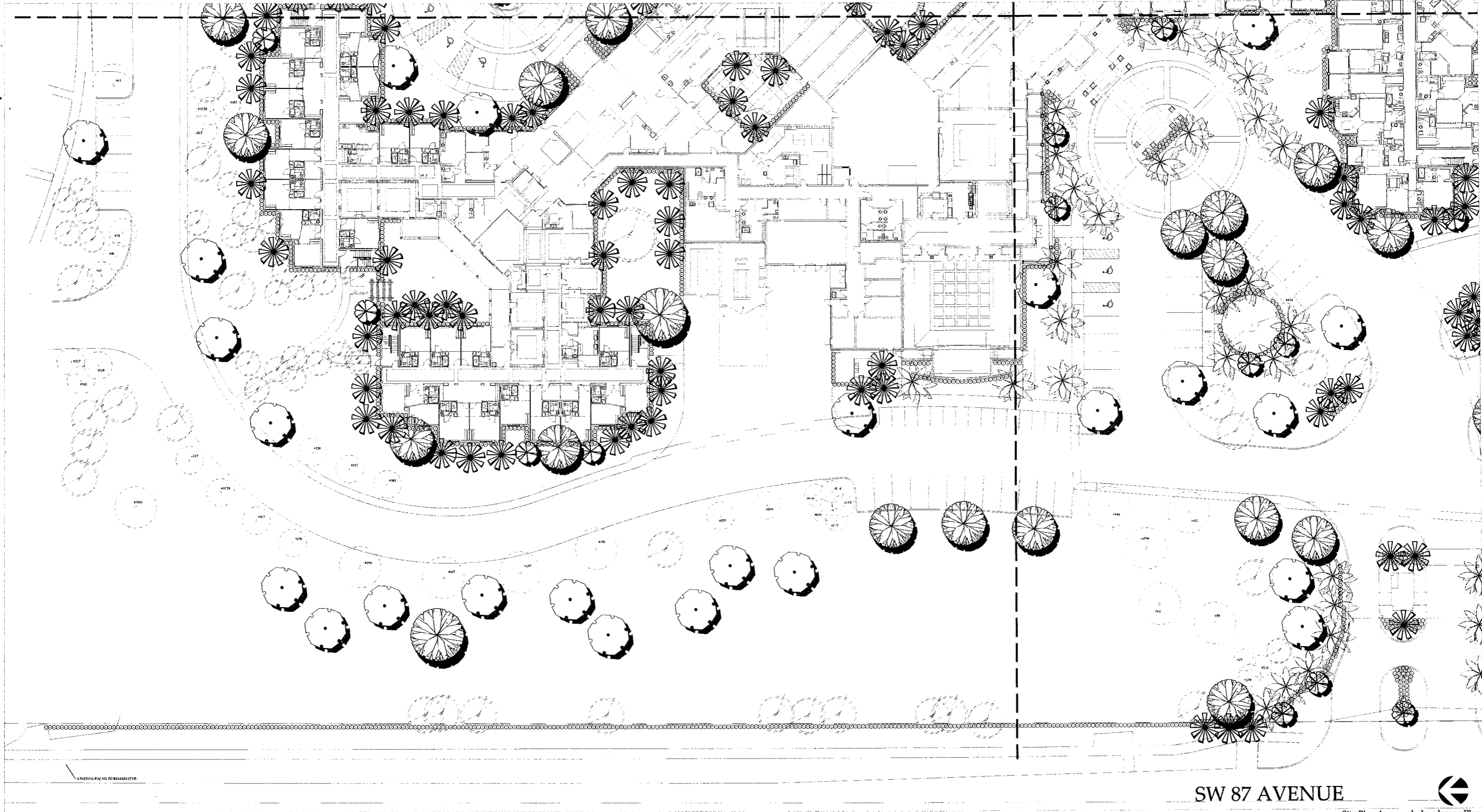
**East Ridge Retirement Village**  
Cutler Bay Florida

**ag Architecture**

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  - #2 REV. PER SHEET # CHANGE 05.06.09
  - #3 REV. PER REVISED SURVEY BY MILLER LEGG 5.28.09
  - #4 REV. PER REVISED SURVEY BY MILLER LEGG 8.18.09
  - #5 REV. PER DERM COMMENTS 6.30.09

DRAWN BY: Fp  
DATE: 25 MAR 09  
PROJECT: 080601  
SHEET NO.: L1

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SW 87 AVENUE



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Scale: 1" = 20' - 0"

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PROJECT  
080601  
SHEET NO.

L2

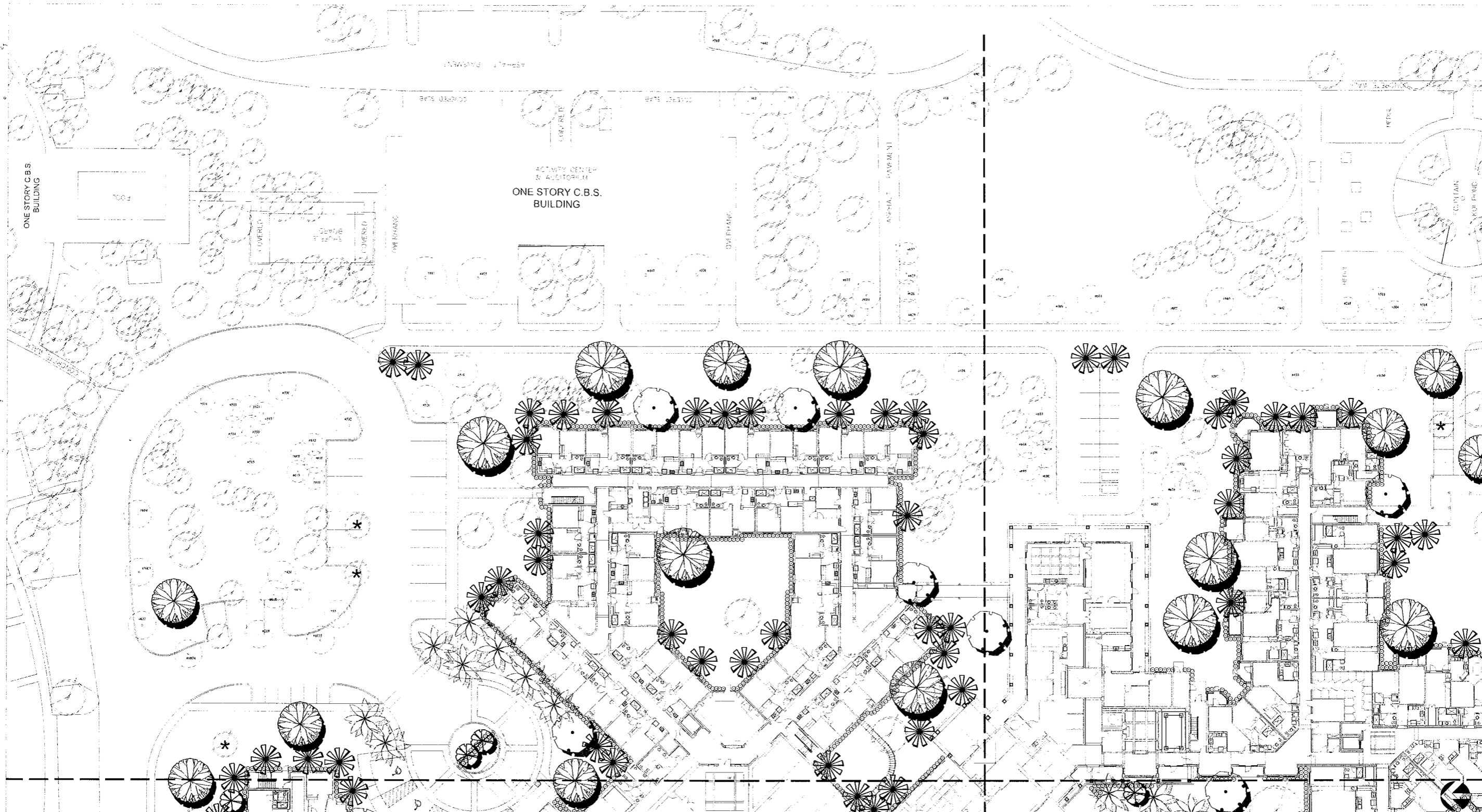
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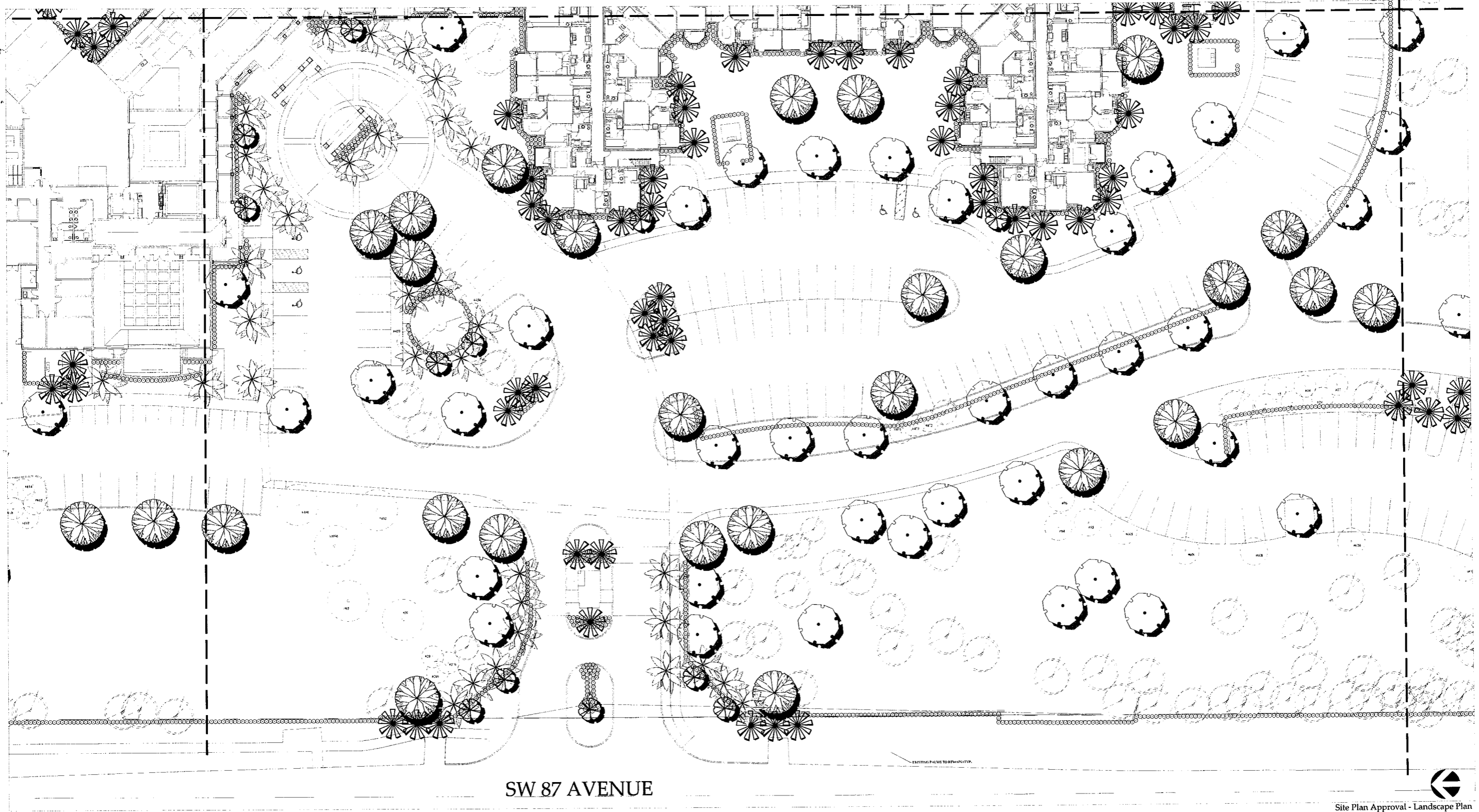
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PROJECT  
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L3



SW 87 AVENUE

See sheet L1 for Index / Plant List

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 #4 REV. PER REVISED SURVEY BY MILLER LEGG 8.18.09  
 #5 REV. PER DERM COMMENTS 8.30.09

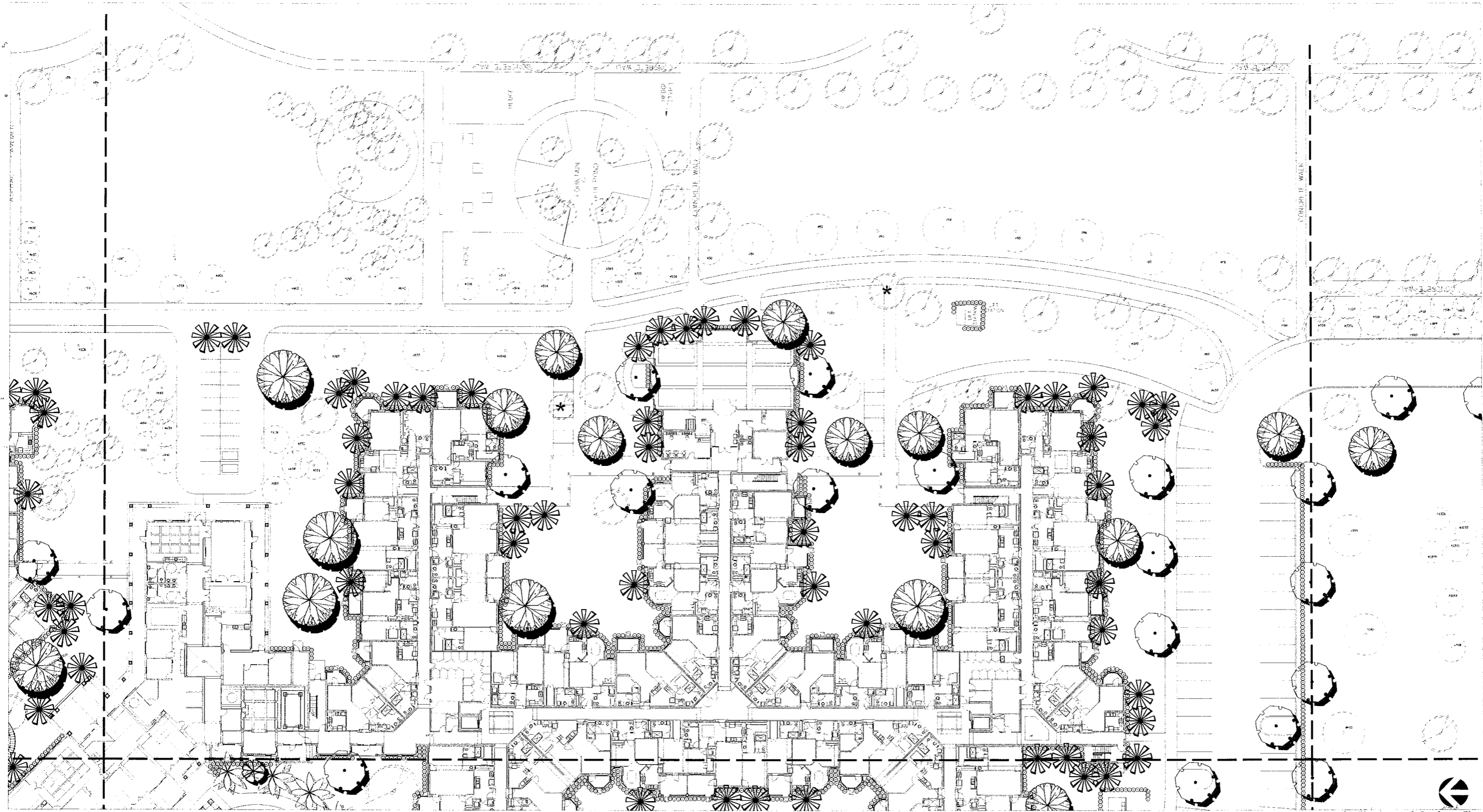
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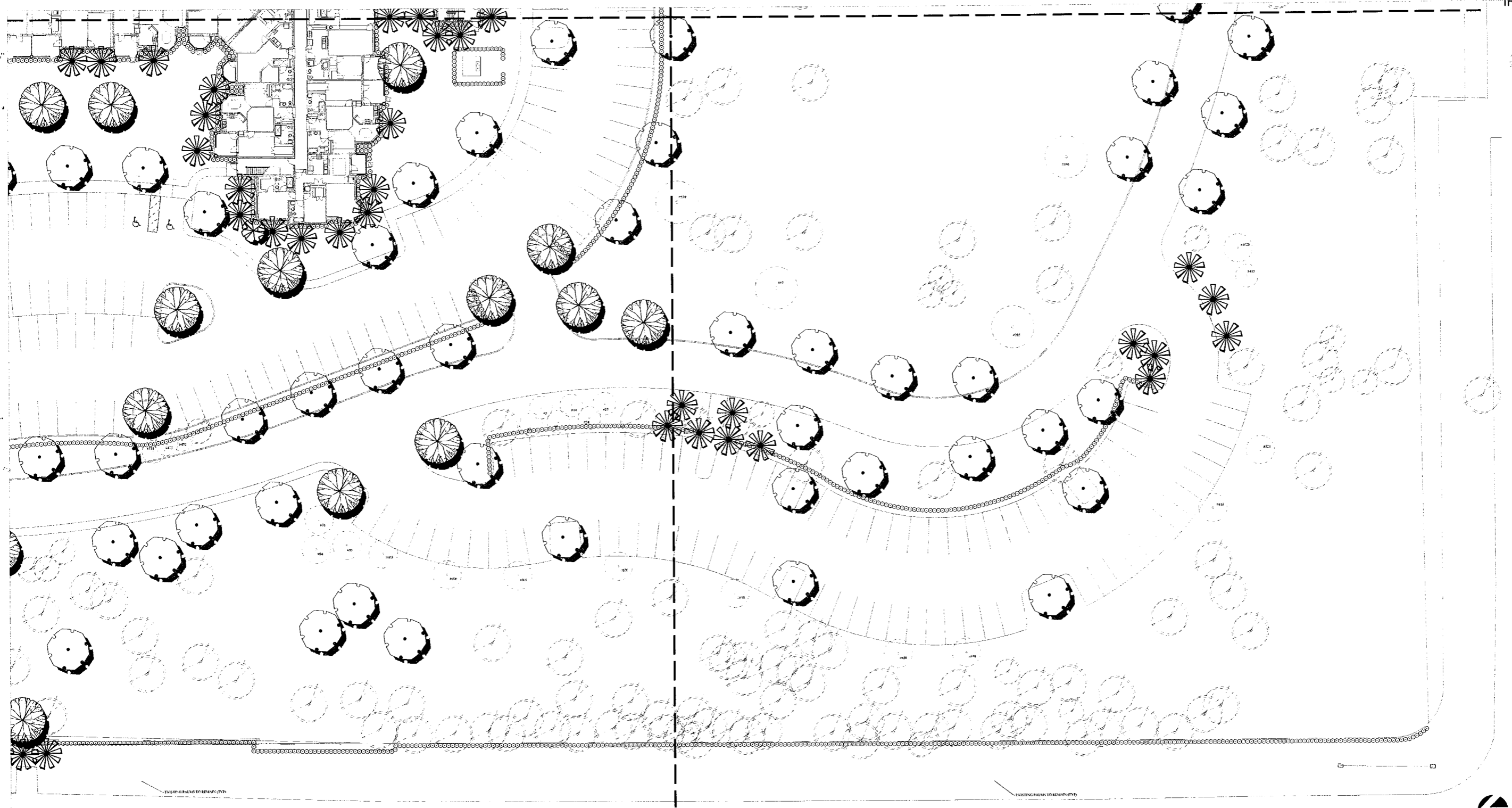


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East Ridge Retirement Village  
Cutler Bay Florida



SW 87 AVENUE

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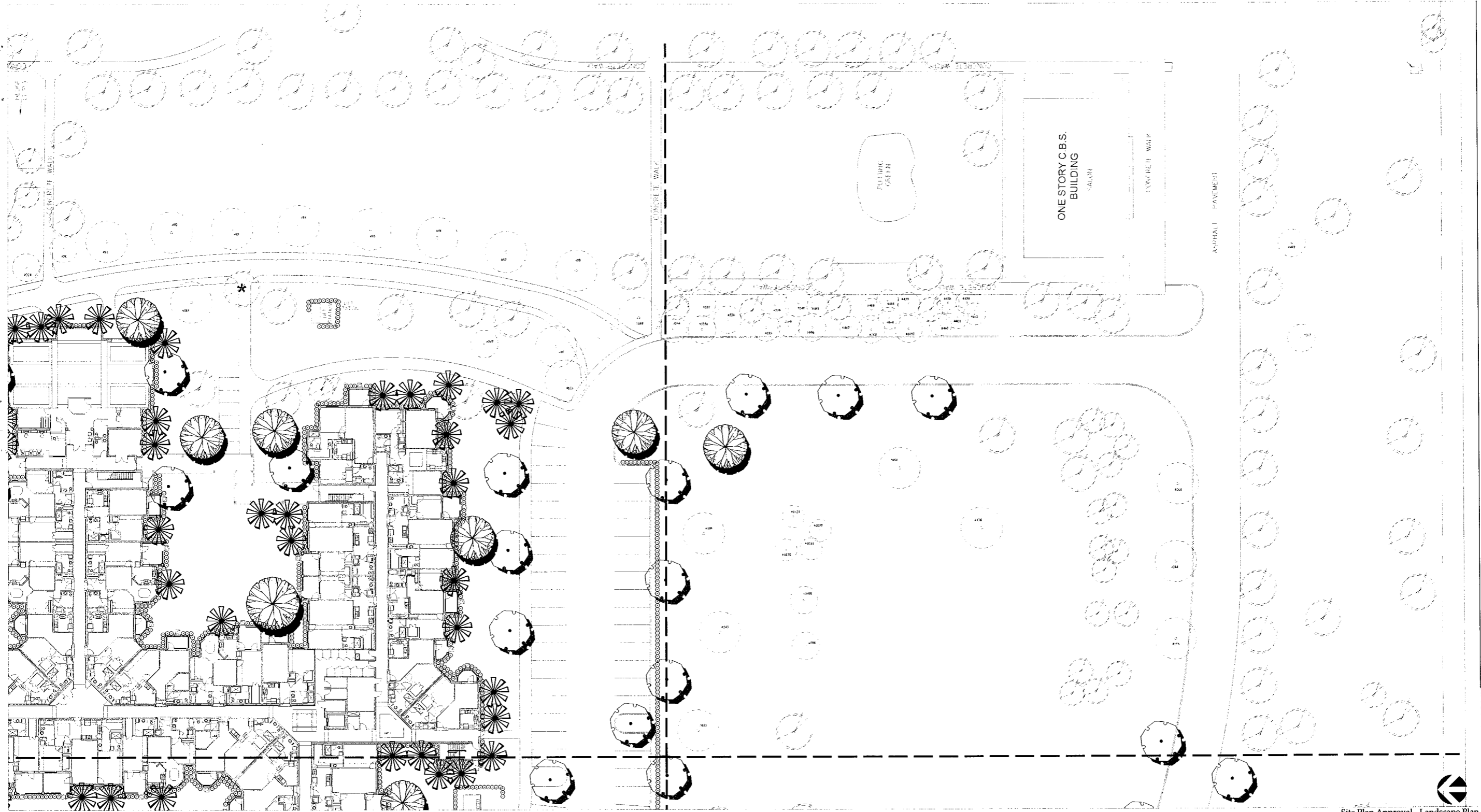


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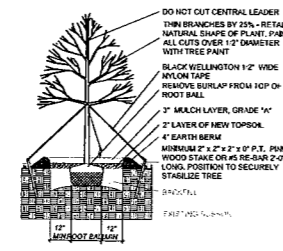
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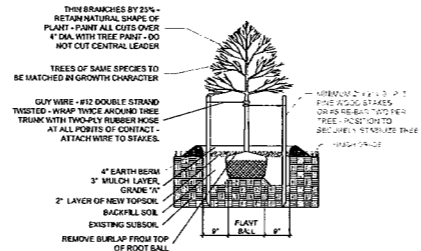
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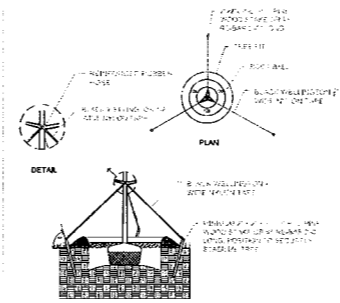
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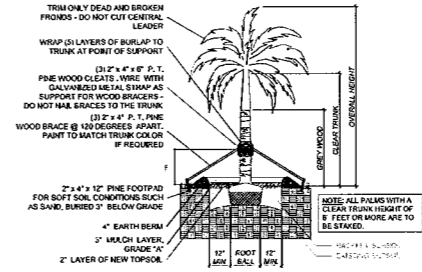
LARGE TREE PLANTING DETAIL



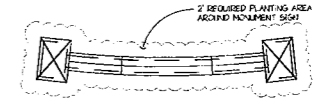
SMALL TREE PLANTING DETAIL



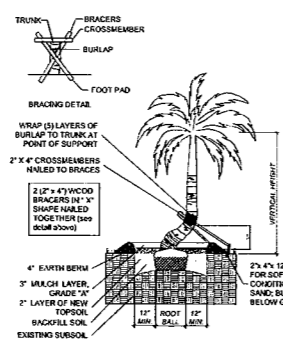
TYPICAL TREE GUYING DETAIL



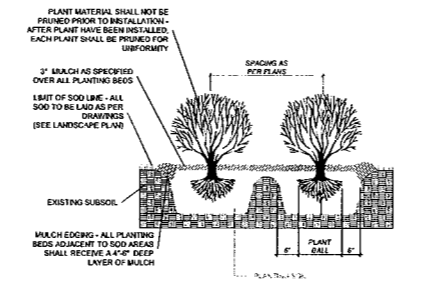
STRAIGHT TRUNK PALM PLANTING DETAIL



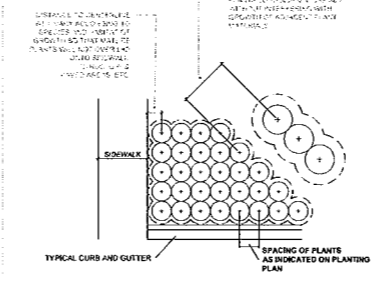
ENTRANCE SIGN PLANTING DETAIL



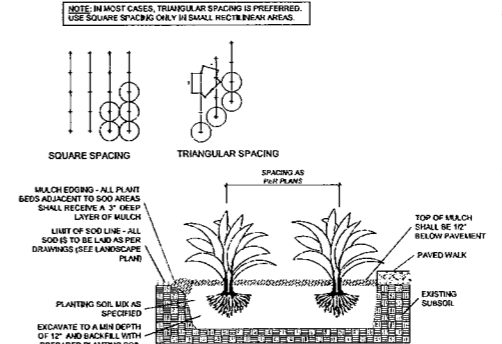
CURVED TRUNK PALM PLANTING DETAIL



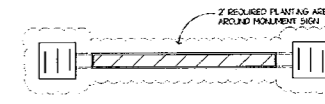
TYPICAL SHRUB PLANTING DETAIL



TYPICAL CONTAINER SPACING DETAIL



TYPICAL GROUNDCOVER PLANTING DETAIL



PROJECT SIGN PLANTING DETAIL

PLANTING NOTES: (See plant specification and details for additional standards)

- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- Sod is to be grade "A" weed free.
- All areas marked "LAWN" shall be solid sodded with St. Augustine 'Floritam' solid sod. See limit on plan. All areas marked 'Bahia Grass' shall be solid sodded with Paspalum. All sod is to be laid level, tight, and cut even along planting beds.
- All plants are to be top dressed with a minimum 3" layer of Metaleuca mulch, Eucalyptus mulch or equal.
- Planting plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and or deletions to the plant material must be approved by the project engineer.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verification for 100% sod coverage for all areas specified.
- All landscape areas are to be provided with automatic sprinkler system which provide 100% coverage, and 50% overlap.
- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.
- All lawn located in parking islands is to be set flush with top of curb. Provide adequate soil to within 3" of top of curb.

- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable.
- Planting soil for topsoil and backfill shall be 50/50 mix, nematode free by Morris Magic soil, Hiatah, Florida. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% salt free coarse sand and 25% Aerolite.
- Tree and shrub pits will be supplemented with "Agriform Pelis", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.

GENERAL NOTES

- The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).
- Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.
- All unattended and unplanted tree pits are to be properly barricaded and flagged during installation.
- All planting plans are issued as directives for site layout. Any deviations, site changes, etcetera are to be brought to the attention of the Landscape Architect for clarification prior to installation.
- Irrigation plan to be provided at time of permit.



1414 UNDERWOOD AVE.  
 MAUNALOHA, HI 96715  
 814.437.0101 FAX  
 814.437.0888 FAX  
 WWW.JGARCH.COM  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING

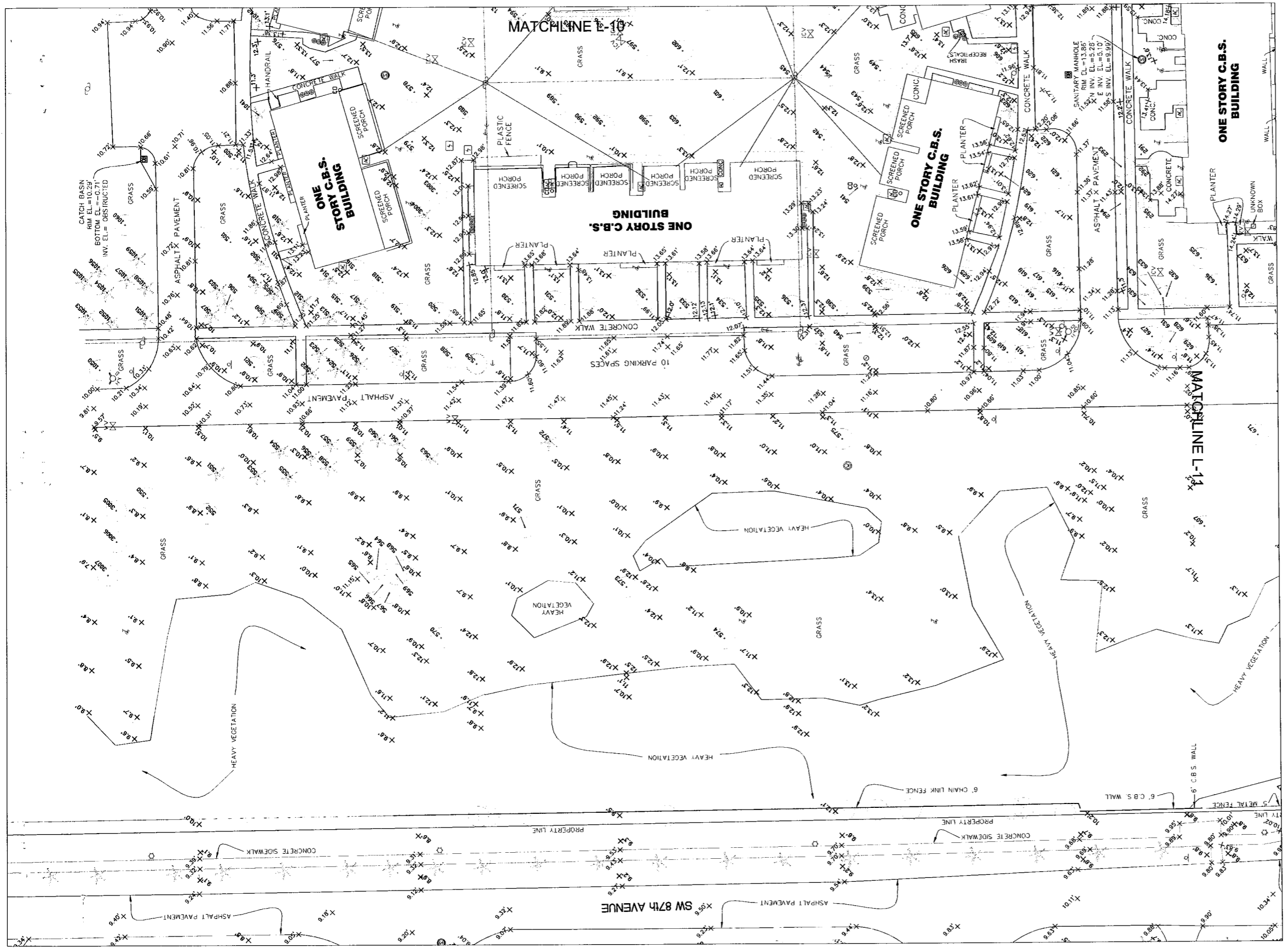
REVISIONS  
 #1 REV. PER SITE PLAN CHANGES 04.21.2009  
 #2 REV. PER SHEET # CHANGE 05.06.09  
 #3 REV. PER REVISED SURVEY BY MILLER LEGG 05.28.09  
 #4 REV. PER REVISED SURVEY BY MILLER LEGG 06.18.09  
 #5 REV. PER DERM COMMENTS 06.30.09

Site Plan Approval - Landscape Plan  
 Scale: 1" = 20' - 0"

W H D  
**WITKIN HULTS DESIGN GROUP**  
 307 SOUTH 21ST AVENUE HOLLYWOOD, FLORIDA  
 PHONE: 954.923.9661 FACSIMILE: 954.923.9669  
 WWW.WHDESIGN.COM

DRAWN BY  
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 DATE  
 25 MAR 09  
 PROJECT  
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 SHEET NO.  
**L8**

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ORIGINAL TREE SURVEY AND PLAN  
CONDUCTED BY MILLER LEGG &  
ASSOCIATES.

Site Plan Approval - Disposition Plan  
Scale: 1" = 20' - 0"

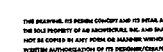
**W H**  
**D** **WITKIN HULTS**  
**DESIGN GROUP**  
303 South 21st Avenue, Jupiter, Florida  
phone: 561.923.9681 fax: 561.923.9682  
www.witkindesign.com

East Ridge  
Retirement Village  
Cutler Bay Florida



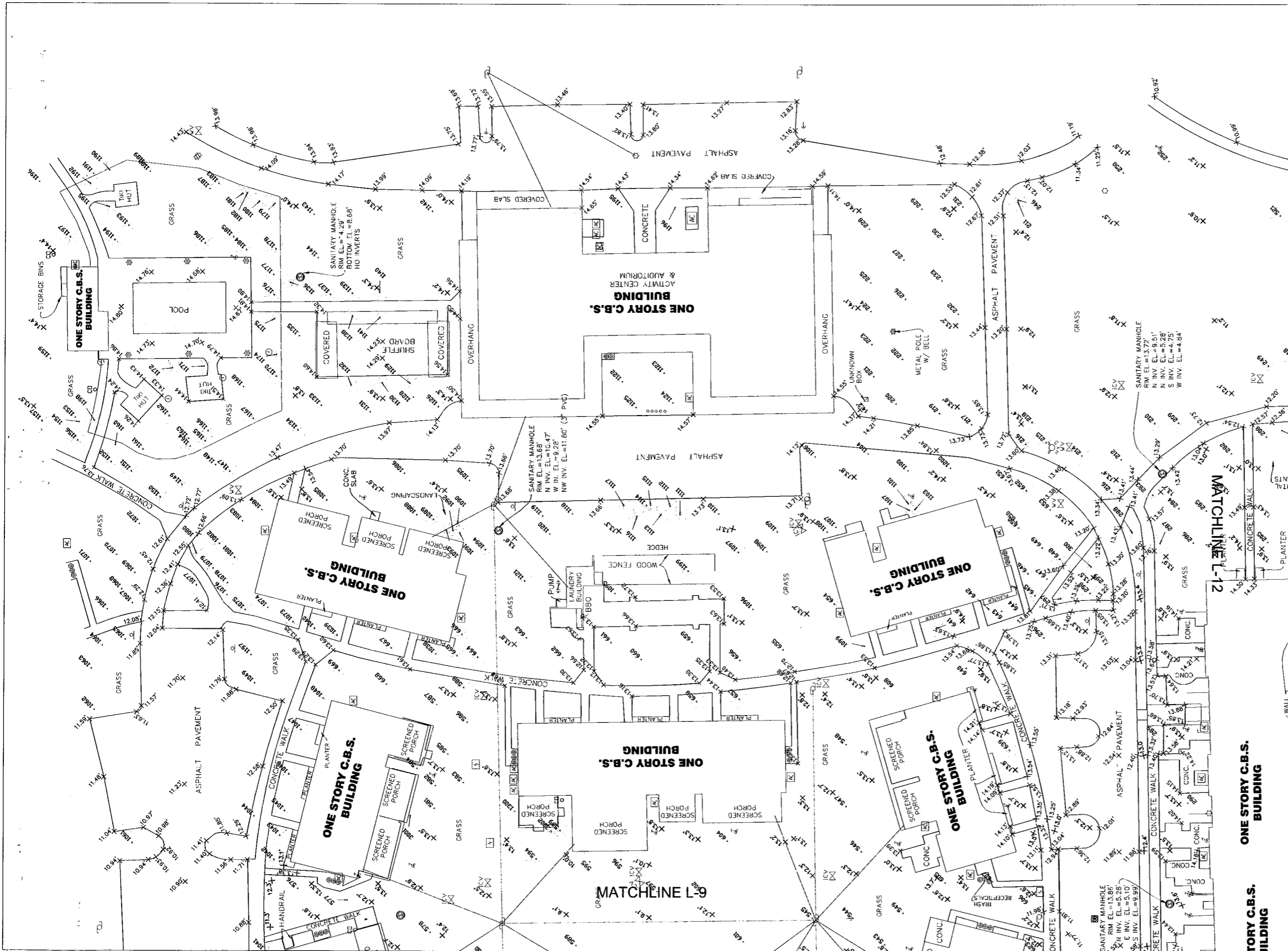
1414 UNDERWOOD AVE.  
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414.481.3181 TEL  
414.481.0882 FAX  
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  - #3 REV. PER REVISED SURVEY BY MILLER LEGG 6.23.09
  - #4 REV. PER REVISED SURVEY BY MILLER LEGG 6.18.09
  - #5 REV. PER DERM COMMENTS 6.30.09



PREPARED BY  
Ja  
DATE  
25 MAR 09  
PROJECT  
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SHEET NO.  
L9

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ORIGINAL TREE SURVEY AND PLAN  
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Site Plan Approval - Disposition Plan  
Scale: 1" = 20' - 0"

All lines, notes, and dimensions are represented by the owner and are not to be construed as a warranty of accuracy or a representation of the actual conditions of the site. The user of this plan shall be responsible for verifying the accuracy of the information shown hereon. The user of this plan shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of this plan shall be responsible for any and all costs associated with the use of this plan.

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**D** **WITKIN HULTS**  
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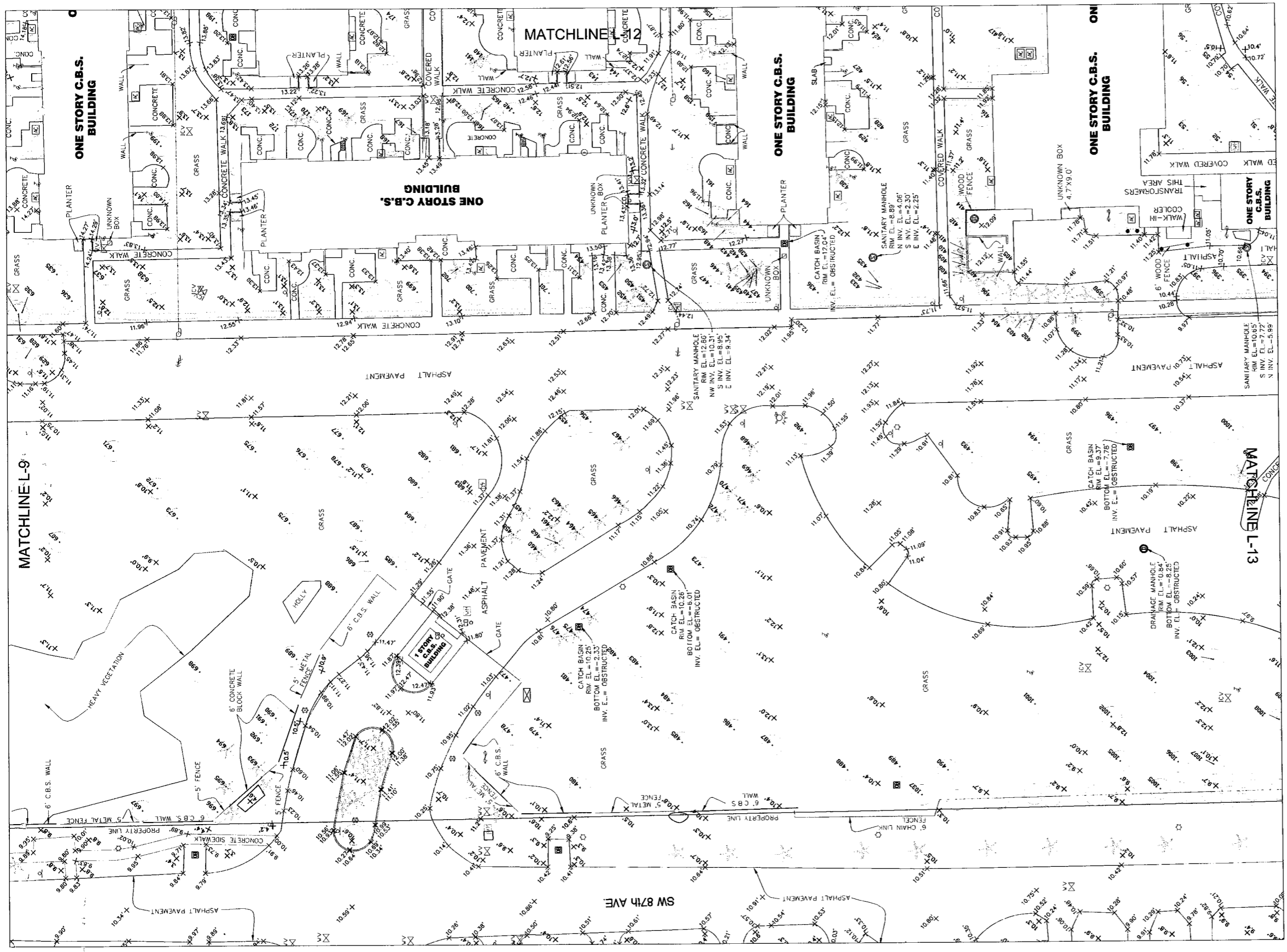
1414 WOODROW AVE.  
WALDEMAR, FL 33593  
407.482.1818 FAX  
407.482.1881 FAX  
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ORIGINAL TREE SURVEY AND PLAN  
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Site Plan Approval - Disposition Plan  
Scale: 1" = 20' - 0"



All Plans, designs, and specifications prepared by the Engineer shall be subject to the approval of the City of Hollywood, Florida, and the State of Florida, and the Engineer shall be responsible for the accuracy of the information provided to the City and State.

**W H**  
**WITKIN HULTS**  
**DESIGN GROUP**  
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East Ridge  
Retirement Village  
Cutler Bay Florida



1414 UNDERWOOD AVE.  
WADSWORTH, GA 30187  
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414.481.0851 FAX  
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Architectural  
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  - #4 REV. PER REVISED SURVEY BY MILLER LEGG 8.18.09
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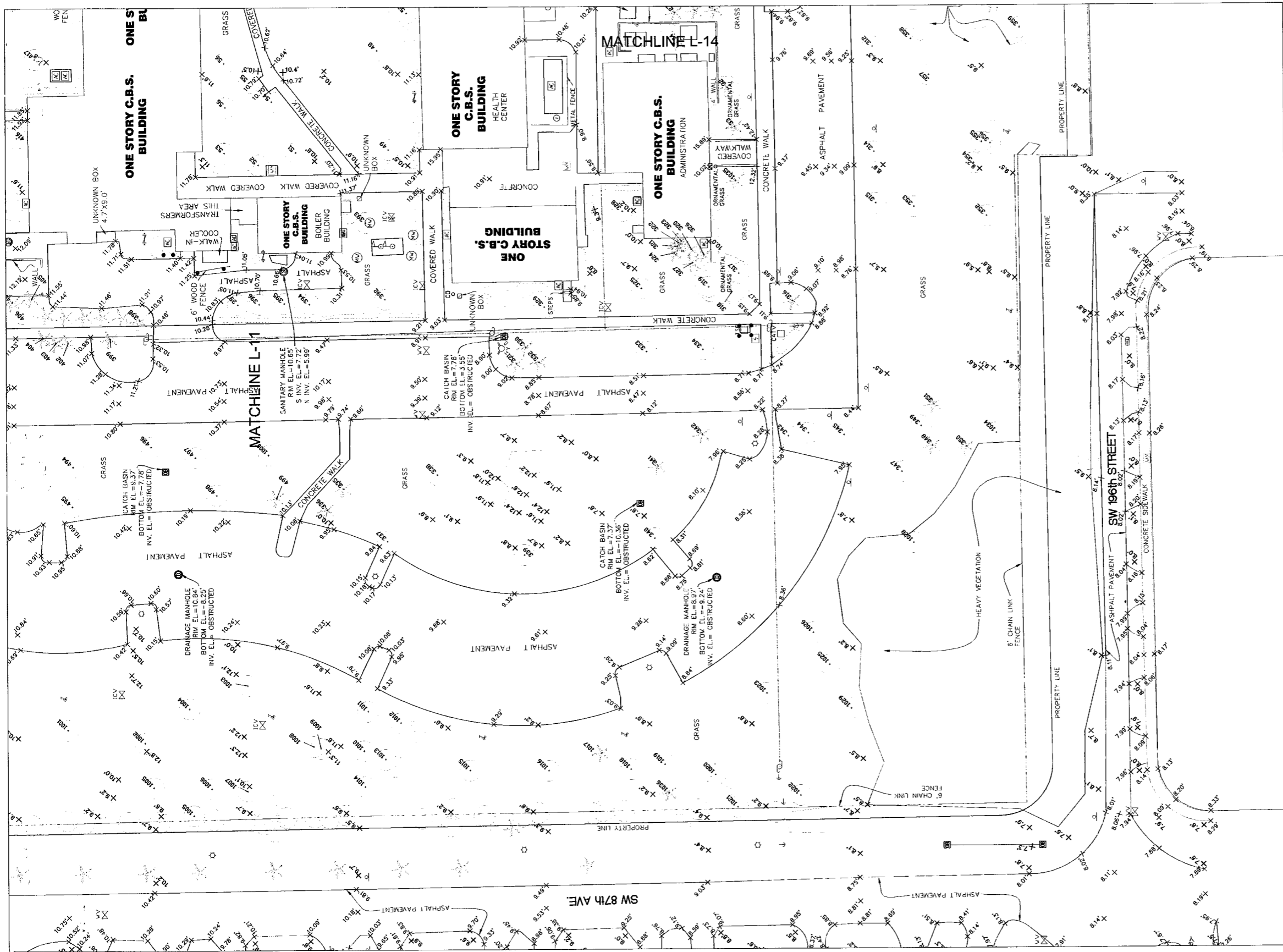
1614 UNDERWOOD AVE.  
WAUWATOSA, WI 53215  
414.481.3131 TEL  
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  - #3 REV. PER REVISED SURVEY BY MILLER LEGG 5.26.09
  - #4 REV. PER REVISED SURVEY BY MILLER LEGG 8.18.09
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SHEET NO.

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**East Ridge**  
Retirement Village  
Cutler Bay Florida

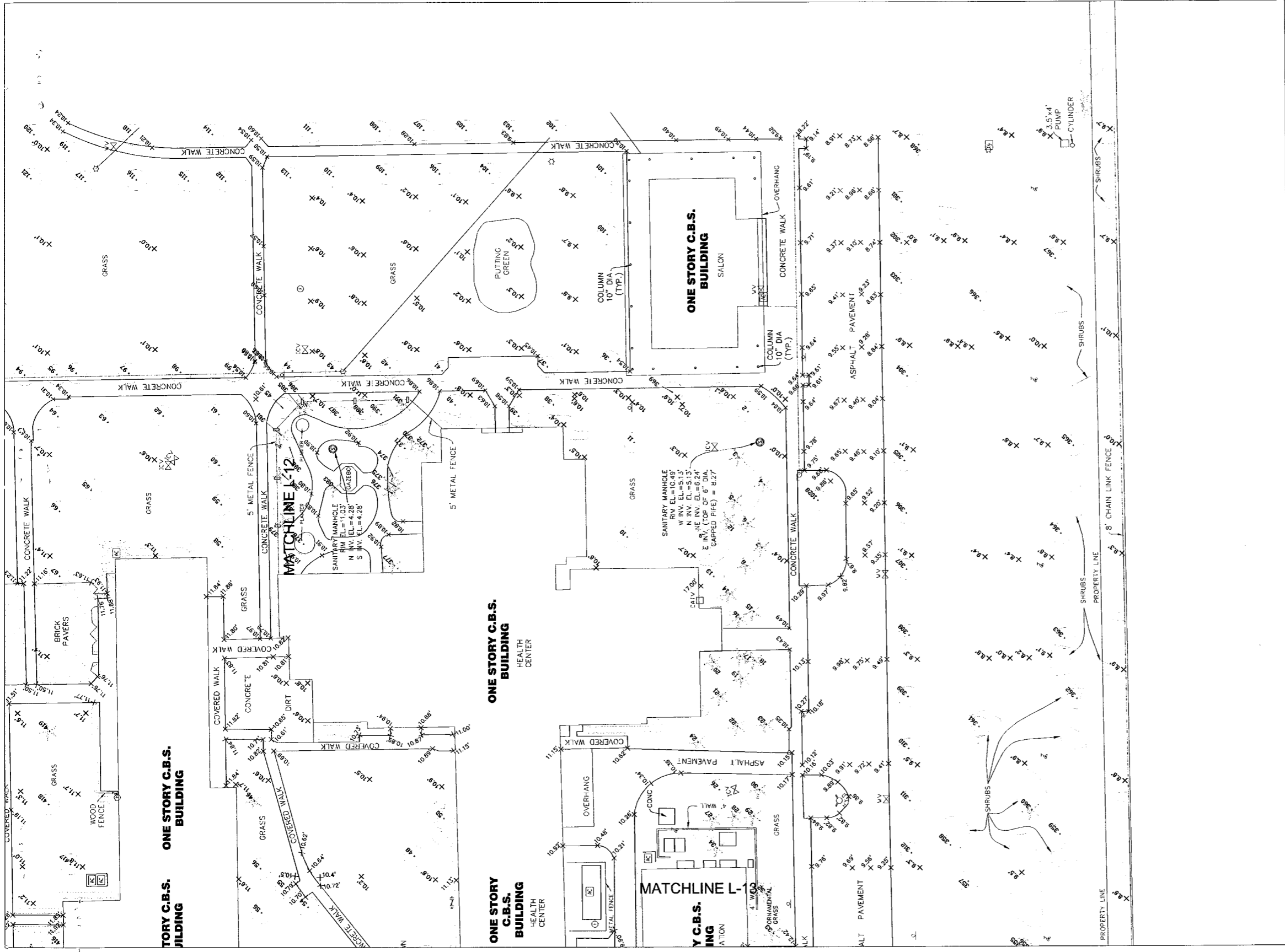


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  - #3 REV. PER REVISED SURVEY BY MILLER LEGG 5.28.09
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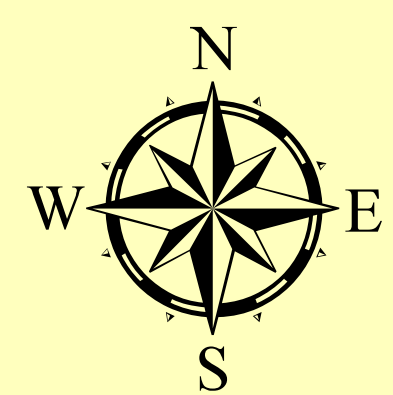
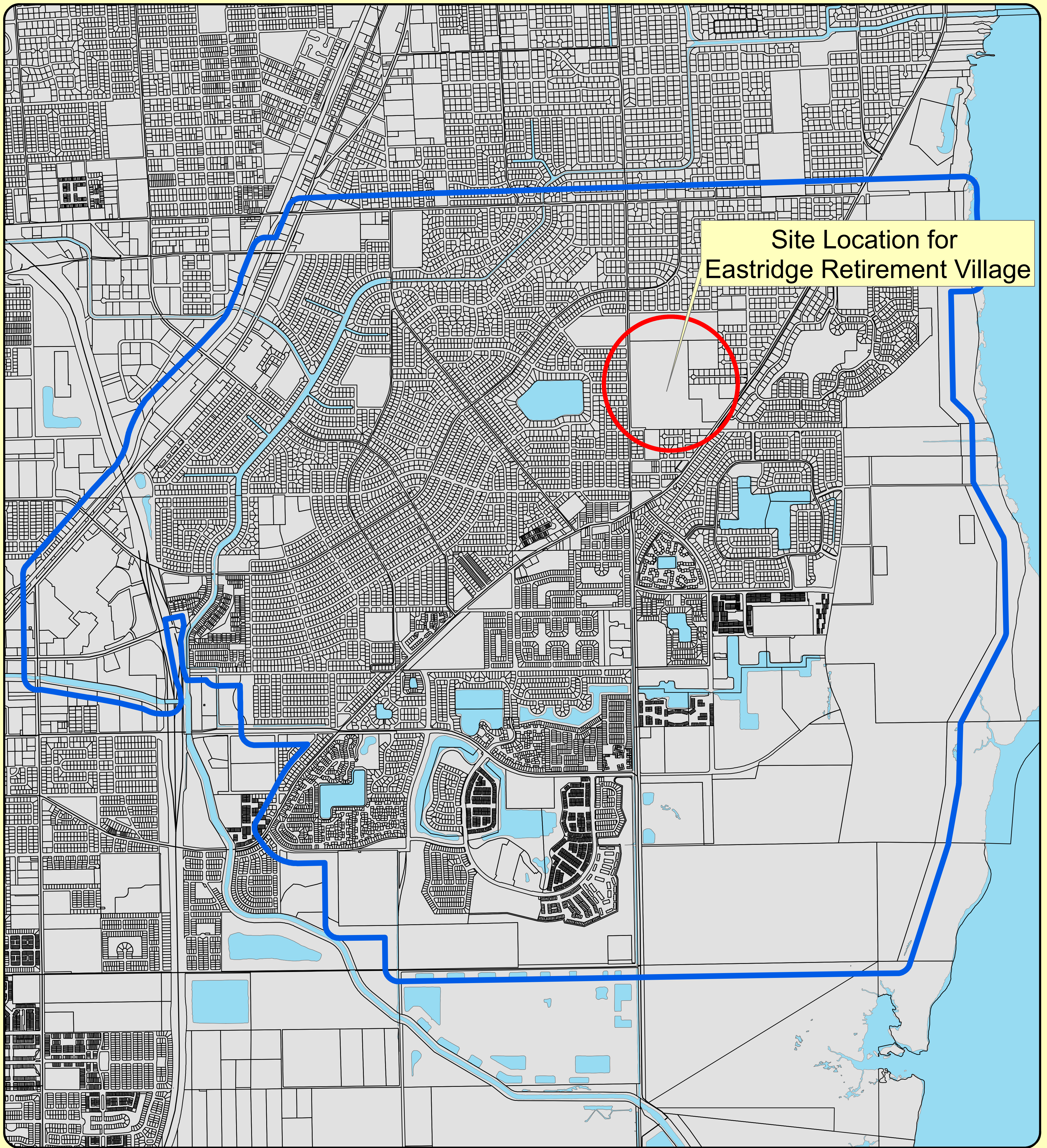
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Ja  
DATE  
25 MAR 09  
PROJECT  
080601  
SHEET NO.  
**L14**



# Town of Cutler Bay



August 03, 2009

**VIA HAND DELIVERY**

David Hennis  
Director of Community Development  
**Town of Cutler Bay**  
10720 Caribbean Boulevard  
Suite 110  
Cutler Bay, Florida 33189

**Third Amended Letter of Intent**

**Re: Application by East Ridge Retirement Village, Inc. , a Florida not-for-profit corporation, for Special Exception to modify an existing site plan and other non-use variances on property located at 19301 S.W. 87<sup>th</sup> Avenue, Cutler Bay, Florida.**

Dear Mr. Hennis:

Our office represents East Ridge Retirement Village, Inc., a Florida not-for-profit corporation (the "Applicant").

This Third Amended Letter of Intent is a part of that certain application submitted by Applicant, (the "Application"), on April 23, 2009, and subsequently supplemented by that certain First Amended Letter of Intent dated May 7, 2009 and Second Amended Letter of Intent dated July 6, 2009.

The purpose of this Third Amended Letter of Intent is to explain the justifications for the non-use variances requested in the Application and to amend all Application requests. The amendment to the prior Application requests is limited to properly reflecting the nature of the requests in accordance with the Cutler Bay Code of Ordinances (the "Code"). The intent of each request remains the same as reflected in the Application and prior Letters of Intent.

**A. Application Requests**

The Application requests the following:

- 1) A modification of a previously approved site plan;
- 2) A Non-Use Variance of Section 33-52 and Section 33-283 of the Code to permit a building with 3 stories (2 stories permitted);

- 3) A Non-Use Variance of Section 33-52 and Section 33-283 of the Code to permit a building with a maximum height of 43'-8" (35' permitted);
- 4) A Non-Use Variance of Section 33-100.1 of the Code to permit a detached sign (to be located at the entrance of the Property) containing 88 sq. ft. (24 sq. ft. permitted).
- 6) A Non-Use Variance of Section 33-111 of the Code to permit a directional sign (to be located approximately 154 feet east of the S.W. 87<sup>th</sup> Avenue right-of-way), containing 75 sq. ft. (9 sq. ft. permitted) with a height of 6 feet (4 feet permitted).

### **B. Cutler Bay Non-Use Variance Code Requirements**

Section 33-311 (A)(4)(b) of the Code, entitled *Use variances from other than airport regulations*, states as follows:

“(b) *Non-use variances from other than airport regulations.* Upon appeal or direct application in specific cases to hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations, the Board (following a public hearing) may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required. For the purpose of this subsection, the term "non-use variances" involves matters such as setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements and other variances which have no relation to change of use of the property in question.”

### **C. Building Height and Number-of-Story Non-Use Variance Requests**

The requested height and number-of-stories non-use variance is for the Independent Living and Skilled Nursing portions of the proposed new building. Approval of these variances will allow greater preservation of open green space, as well as permit a more efficient and “Senior-friendly” design of the proposed building by reducing corridor lengths and providing state of the art services under one roof. The proposed 3 stories will serve the unique physical needs of an aged population and are necessary to make this project viable. In short, approval of these variances will allow for preservation of more green open space, as well as promote the physical well-being of the residents.

### **D. Sign Non-Use Variance Requests**

The proposed detached sign at the entrance of the property, on S.W. 87<sup>th</sup> Avenue, will mark and identify the only Galloway Road entrance to the East Ridge facility. Because of the very large

exposure to S.W. 87<sup>th</sup> Avenue a larger sign than is normally permitted will allow residents and visitors to better locate the main entrance.

The requested directional sign will be located inside the property approximately 154 feet east of S.W. 87<sup>th</sup> Avenue and is intended to serve as an internal directional sign for residents and visitors. Based on the size of the Property and the numerous buildings located within the facility a larger directional sign will better serve our Senior population.

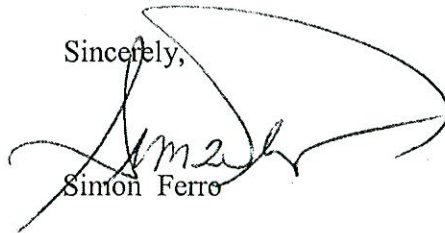
It should be noted that both signs are freestanding, self supporting (independent below grade footings and foundation), of solid construction (masonry), not attached to any building (see site plan), and have a concealed means of support (foundations are below grade with masonry above grade). Both signs will be externally lit only, with no internal or neon lighting.

All requested non-use variances meet the criteria reflected in Section 33-311(A0(4)(b), above. They maintain the basic intent and purpose of the zoning and land use regulations, protect the general welfare of the public, are compatible with the surrounding area and land uses and are not detrimental to the community.

Based on the above Applicant respectfully requests favorable consideration and approval of the Application.

If you have any questions, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Simon Ferro', is written over the typed name. The signature is stylized and somewhat cursive.

Simon Ferro

August 10, 2009

**VIA HAND DELIVERY**

David Hennis  
Director of Community Development  
**Town of Cutler Bay**  
10720 Caribbean Boulevard  
Suite 110  
Cutler Bay, Florida 33189

**Fourth Amended Letter of Intent**

**Re: Application by East Ridge Retirement Village, Inc. , a Florida not-for-profit corporation, for Special Exception to modify an existing site plan and other non-use variances on property located at 19301 S.W. 87<sup>th</sup> Avenue, Cutler Bay, Florida.**

Dear Mr. Hennis:

Our office represents East Ridge Retirement Village, Inc., a Florida not-for-profit corporation (the "Applicant").

This Fourth Amended Letter of Intent is a part of that certain application submitted by Applicant, (the "Application"), on April 23, 2009, and subsequently supplemented by that certain First Amended Letter of Intent dated May 7, 2009, Second Amended Letter of Intent dated July 6, 2009 and Third Amended Letter of Intent Dated August 3, 2009.

The purpose of this Fourth Amended Letter of Intent is to amend the height and directional sign variances previously requested.

Applicant had previously requested a Non-Use Variance of Section 33-52 and Section 33-283 of the Code to permit a building with a maximum height of 43'-8" (35' permitted). Applicant wishes to amend this request to read as follows:

A Non-Use Variance of Section 33-52 and Section 33-283 of the Code to permit a building with a maximum height of 37'-0" (35' permitted).

As stated in prior Letters of Intent, the requested height variance (together with the prior-requested non-use variance to permit a building with 3 stories (2 stories allowed) will as permit a more efficient and "Senior-friendly" design of the proposed building by



reducing corridor lengths and providing state of the art services under one roof. The proposed 3 stories will serve the unique physical needs of an aged population and are necessary to make this project viable. In short, approval of these variances will allow for preservation of more green open space, as well as promote the physical well-being of the residents.

Applicant had also requested a Non-Use Variance of Section 33-111 of the Code to permit a directional sign (to be located approximately 154 feet east of the S.W. 87<sup>th</sup> Avenue right-of-way), containing 75 sq. ft. (9 sq. ft. permitted) with a height of 6 feet (4 feet permitted). Applicant incorrectly reflected the permitted size of the sign as 9 sq. ft., when the correct permitted directional sign size is 3 sq. ft.

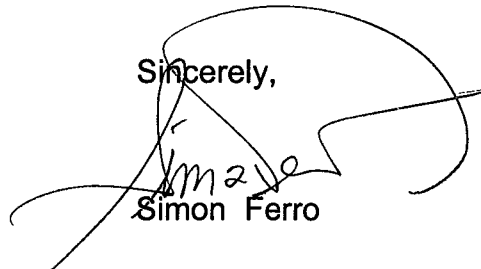
Therefore the correct Non-Use Variance request for the proposed directional sign should read:

A Non-Use Variance of Section 33-111 of the Code to permit a directional sign (to be located approximately 154 feet east of the S.W. 87<sup>th</sup> Avenue right-of-way), containing 75 sq. ft. (3 sq. ft. permitted) with a height of 6 feet (4 feet permitted).

As stated in prior Letters of Intent, the requested directional sign will be located inside the property approximately 154 feet east of S.W. 87<sup>th</sup> Avenue and is intended to serve as an internal directional sign for residents and visitors. Based on the size of the Property and the numerous buildings located within the facility a larger directional sign will better serve our Senior population.

Applicant hereby reaffirms all other requests and variances previously described in the original Application, as well as the First, Second and Third Amended Letters of Intent not modified by this letter.

Sincerely,



Simon Ferro

This instrument was prepared by:  
Name: Simon Ferro, Esq.  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
(305)579-0500

(Space reserved for Clerk)

---

**DECLARATION OF RESTRICTIONS FOR THE TOWN OF CUTLER BAY**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in the Town of Cutler Bay, Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*IN ORDER TO ASSURE* the Town of Cutler Bay (hereinafter called "Cutler Bay") that the representations made by the Owner during consideration of Public Hearing **Application SP-2009-001 and Application V-2009-001** (hereinafter collectively called the "Application") will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Setbacks.** East Ridge is committed to retaining a park-like campus with significant green space. Therefore, notwithstanding the minimum setbacks required by Cutler Bay, no structure with a height exceeding 35 feet and/or more than 2 stories shall setback closer than 125 feet (50 feet required plus 75 additional feet ) to the south 1,293 feet of the west boundary line of the Property and 100 feet (25 feet required plus 75 additional feet ) to the west 575 feet of the south boundary line of the Property.
- (2) **Public Roadway Improvements.** Upon completion of all improvements on the Property, as reflected in the proposed site plan approved at the public hearing referred to above and receipt of all certificates of occupancy for said improvements, Owner shall contribute \$20,000.00 towards the improvement of that portion of Southwest 87th Avenue abutting the Property, in manner to be determined by the Town of Cutler Bay.

**Cutler Bay Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Cutler Bay, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and

(Public Hearing)

## Declaration of Restrictions

### Page 2

limitation upon, all present and future owners of the real property and for the benefit of Cutler Bay and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the Cutler Bay.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Cutler Bay.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Cutler Bay Town Council, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Community Development Department, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration 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. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Cutler Bay to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, Cutler Bay is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by Cutler Bay, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, Cutler Bay shall be entitled to revoke any approval predicated upon the invalidated portion.

(Public Hearing)

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Community Development Department, or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the Cutler Bay in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Cutler Bay Town Council retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

**ACKNOWLEDGMENT  
CORPORATION**

Signed, witnessed, executed and acknowledged on this 3<sup>rd</sup> day of August, 2009.

IN WITNESS WHEREOF, East Ridge Retirement Village, Inc. a Florida not for profit corporation has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

Victoria L. Duvall  
Signature  
Victoria L. Duvall  
Print Name  
Daniel Navarro  
Signature  
Daniel Navarro  
Print Name

East Ridge Retirement Village, Inc.  
a Florida not for profit corporation.

By [Signature]

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

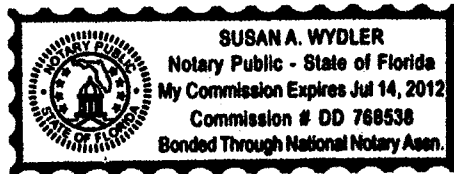
The foregoing instrument was acknowledged before me by GARY GREGORY the CHAIRMAN, BOARD of East Ridge Retirement Village, Inc. a Florida not for profit corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 3<sup>rd</sup> day of AUGUST, 2009, in the County and State aforesaid.

Susan A. Wydler

Notary Public-State of FLORIDA  
SUSAN A. WYDLER  
Print Name

My Commission Expires: 7/14/2012



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Parcel I:

Lots 13, 14 and 15, in the Northwest Quarter (NW ¼) of Section 3, Township 56 South, Range 40 East, and Lots 3, 4, 5 and 6 in the Southwest Quarter (SW ¼) of Section 3, Township 56 South, Range 40 East, in Miami-Dade County, Florida, PERRINE GRANT, according to the plat thereof recorded in Plat Book 4 at Page 10, of the Public Records of Miami-Dade County, Florida, less the West 35 feet of said Lots 4, 5 and 13 deeded to Miami-Dade County for highway purposes by Right-of-way Deeds dated June 6, 1958, and January 6, 1960, respectively, and recorded in Official Records Book 1685, Page 289, and Official Records Book 2085, Page 122, respectively.

AND

PARCEL II:

That portion lying northwesterly of the northwesterly right-of-way line of Ingraham Highway (Old Cutler Road) of the following described parcel, to wit:

Lots 7 and 8 in the Southwest Quarter (SW ¼) of Section 3, Township 56 South, Range 40 East, in Miami-Dade County, Florida, PERRINE GRANT, according to the plat thereof recorded in Plat Book 4, at Page 10, of the Public Records of Miami-Dade County, Florida, excepting therefrom the following described property:

Commence at the northwest corner of said Lot 7; thence run East along the north line of said Lot 7 for a distance of 280 feet to the Point of Beginning; thence run South along a line parallel to the West line of said Lot 7 for a distance of 516 feet, more or less, to a point 150 feet north of the south line of said Lot 7; thence run East along a line parallel with and 150 feet north of the South line of said Lot 7 for a distance of 358 feet, more or less, to the northwesterly right-of-way line of Ingraham Highway (Old Cutler Road); thence run northeasterly along the northwesterly right of way line of Ingraham Highway (Old Cutler Road) for a distance of 650.70 feet to a point on the north line of said Lot 8; thence run West along the north line of said Lots 8 and 7 for a distance of 751.37 feet to the point of beginning; and for identification is located at 19301 SW 87th Avenue, Miami, Florida.

AND

PARCEL III:

A parcel of land in the Southwest Quarter (SW ¼) of Section 3, Township 56 South, Range 40 East, in Miami-Dade County, Florida, more particularly described as follows:

Beginning at a point 35 feet easterly of the West Line of said Section 3, and 1320 feet north of the South Line of said Section; thence easterly parallel with the South line of said Section 3 to a point 1349.4 feet easterly of the West Line of said Section 3, thence southerly 13 feet to a point distance 1307 feet at right angle from the South Line of said Section 3; thence easterly parallel with the South Line of said Section 3 to the northwesterly right-of-way line of Ingraham Highway (Old Cutler Road); thence northeasterly along

**Declaration of Restrictions**

**Page 6**

the northwesterly right-of-way line of Ingraham Highway (Old Cutler Road) to the southerly boundary of Lot 7 in the Southwest Quarter (SW ¼) of said Section 3, PERRINE GRANT, according to the Plat thereof as recorded in Plat Book 4, at Page 10 of the Public Records of Miami-Dade County, Florida; thence westerly along the southerly boundary of said Lot 7, and continuing along the Southerly boundaries of Lots 6 and 5, in the Southwest Quarter (SW ¼) of said Section 3, PERRINE GRANT to a point 35 feet easterly of the West line of said Section 3; thence Southerly 11.75 feet, more or less to the point of beginning. Excepting therefrom the following property:

All that part of Parcel 3 described above that falls south of the South Line of said Lots 5 and 6 in the SW ¼ of Section 3 PERRINE GRANT and North of a line parallel to and 1320 feet North of the South Line of said Section 3, Township 56 South, Range 40 East.

**LESS AND EXCEPT TUE FOLLOWING DESCRIBED PARCELS:**

a) The East 5 feet of the West 40 feet of Lot 13, in the NW ¼ of Section 3, Township 56 South, Range 40 East, Miami-Dade County, Florida of PERRINE GRANT SUBDIVISION, according to the plat thereof recorded in Plat Book 4 at Page 10 of the Public Records of Miami-Dade County, Florida; and

b) The East 5 feet of the West 40 feet of Lots 4 and 5, in the SW ¼ of said Section 3, of PERRINE GRANT SUBDIVISION, according to the plat thereof recorded in Plat Book 4, at Page 10 of the Public Records of Miami-Dade County, Florida: and

c) That portion of the SW ¼ of said Section 3 lying South of the South line of said lot 5 and lying North of the North line of the South 1320 feet of the SW ¼ of said Section 3 and lying West of the East line of the West 355 feet of the SW ¼ of said Section 3; and

d) That portion of said Lot 5 lying South of the North line of the South 1345 feet of the SW ¼ of said Section 3 and lying West of the East line of the West 355 feet of the SW ¼ of said Section 3, Less the West 40 feet thereof, and

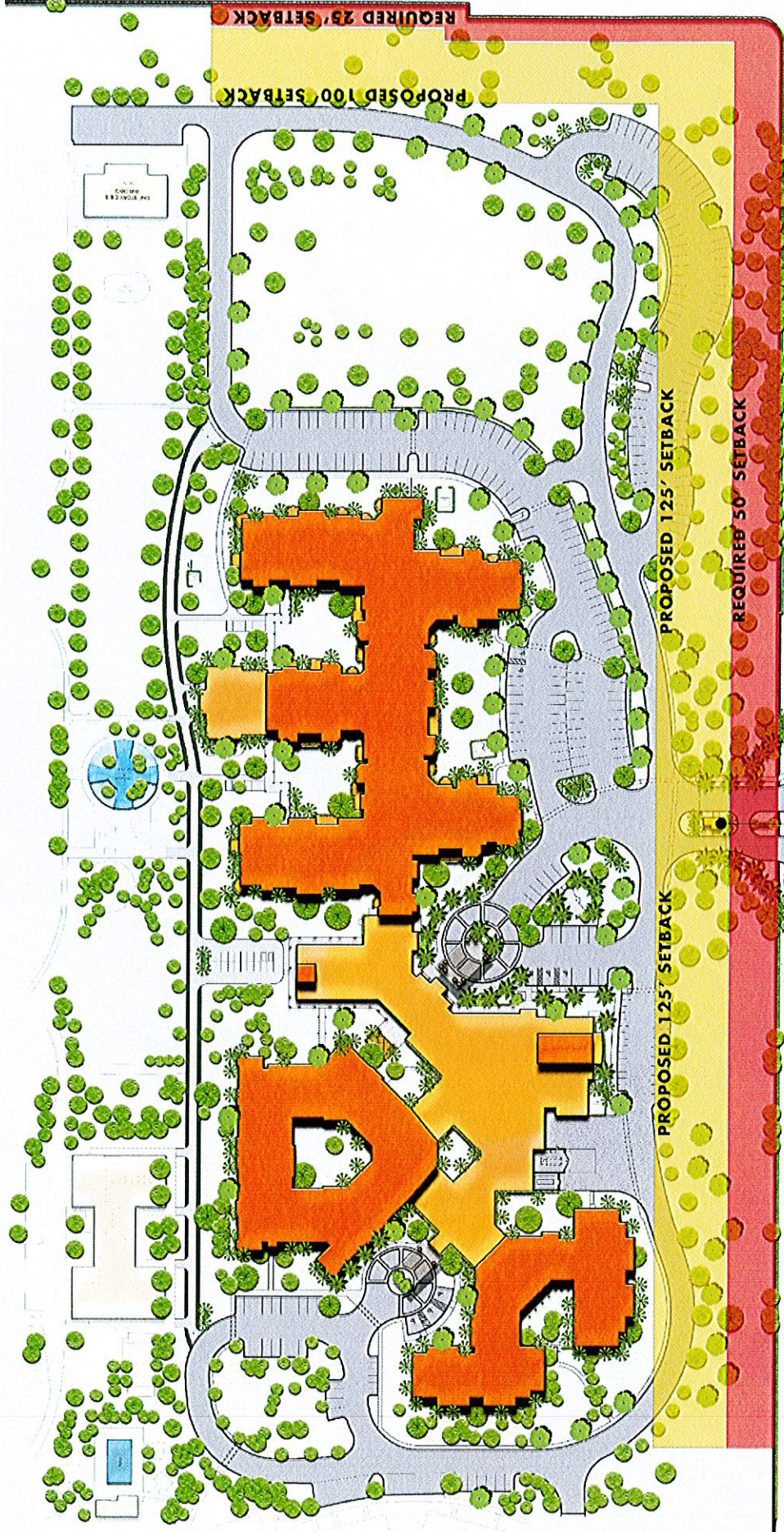
e) The area bounded by the East line of the West 40 feet of said Lot 5 and bounded by the North line of the South 1345 feet of the SW ¼ of said Section 3 and bounded by a 25 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines; and

f) That portion of Lot 7 in the SW ¼ of said Section 3, of said plat of PERRINE GRANT SUBDIVISION, lying South of the North line of the south 150 feet of said Lot 7 and lying Southeasterly of a line 50 feet Northwesterly of and parallel with the center line of Ingraham Highway (Old Cutler Road) as said center line is described in that certain Right of way Deed to Miami-Dade County, dated August 7, 1941 and recorded August 8, 1941 in Deed Book 2177 at Page 472 of the Public Records of Miami-Dade County, Florida, and lying Northwesterly of a line 35 feet Northwesterly of and parallel with said centerline of Ingraham Highway (Old Cutler Road) as described in said Deed Book 2177 at Page 472 of the Public Records of Dade County, Florida; and

g) That portion of the SW ¼ of said Section 3, lying South of the South line of said Lot 7 and lying North of the North line of the South 1307 feet of the SW ¼ of said Section 3 and lying Southeasterly of a line 50 feet Northwesterly of and parallel with said centerline of Ingraham Highway (Old Cutler Road) as described in said Deed Book 2177, at Page 742 of the Public Records of Miami-Dade County, Florida and lying Northwesterly of a line 35 feet Northwesterly of and parallel with said centerline of Ingraham Highway (Old Cutler Road) as described in said Deed Book 2177 at Page 472 of the Public Records of Dade County, Florida.

(Note: the above "Less and Except" parcels (a) though (g) being the same as conveyed to Dade County for right-of-way purposes by that certain Quit Claim Deed dated November 23, 1988 executed by East Ridge Retirement Village, Inc., and recorded March 29, 1989, in Official Records Book 14046, Page 3152, of the Public Records of Miami-Dade County, Florida).

**(Public Hearing)**



Scale 1"=40'  
 0 25 50 100  
 30 JUNE 2009



*East Ridge Retirement Village*  
 Continuing Care Retirement Community  
 Cutler Bay, Florida



SETBACK EXCEPTION  
 FOR GUARD HOUSE





**Site Plan Amendment Report  
East Ridge Retirement Village  
SP-2009-001**

**Date:** August 10, 2009

**Owner:** East Ridge Retirement Village, Inc  
19301 SW 87<sup>th</sup> Avenue  
Miami, FL 33157

**Agent:** Simon Ferro, Esq.  
Greenberg Traurig  
1221 Brickell Avenue  
Miami, Florida 33131

**BACKGROUND**

**Project Approval History:** East Ridge is a South Florida landmark development offering Independent Living, Assisted Living, and Skilled Nursing Services to seniors on a 77.86 acre campus. The Property's current development and layout is based on a site plan approved by Miami Dade County in 1986. The use and development rights acquired by East Ridge under these prior County site plan approvals are preserved pursuant to Adopted Future Land Use Policies FLU-5L and FLU-5M of the Growth Management Plan.

**Application Request:** The Site Plan reflects a redevelopment footprint on 20.56 acres of the 77.86 acre campus. The amended site plan indicates demolition of 30 independent living units [to be replaced with 125 for a total of 343]; demolition of 58 assisted living units [to be replaced with 60]; demolition of 60 special needs units [to be replaced with 48]; and the addition of 33 memory care units.

**Land Use Plan:** Institutional and Low Density Residential

**Zoning:** AU Agricultural / EU-2 Single Family / GU Interim

**Existing Use(s):** Adult Congregate Care Facility

**Proposed Use(s):** 333,877 SF addition inclusive of new independent living, assisted living, skilled nursing and memory care units

**Parcel Size:** 77.86 Gross Acres

**SURROUNDING PROPERTIES:**

Location	Future Land Use Plan Designation(s)	Zoning Designation	Existing Land Use(s)
North	Estate (2.5 units/acre)	EU-M	Single Family
East	Estate (2.5 units/acre) Institutional (1.75 FAR)	RU-1 / EU-M	Single Family
South	Low Density (2.5 to 5.0 units/acre)	RU-1 / EU-M	Single Family / Vacant / Communications
West	Low Density (2.5 to 5.0 units/acre)	RU-1 / EU-2 / EU-M	Single Family

**DEVELOPMENT STANDARDS:**

Item	Required/Permitted	Provided/Proposed
<i>Building Setbacks</i>		
(Front)	50	140+
(Interior Side)	15	40
(Rear)	25	NA
(Street Side)	25	25
<i>Building Height</i>	2 Stories and 35 Feet	3 Stories and 38 Feet
<i>Lot Coverage</i>	15%	14.99%
<i>Parking</i>	423 Spaces	605 Spaces
<i>Signage</i>		
Monument	1, 24 SF	1, 88 SF
Directional	1, 3 SF	1, 75 SF

**CODE AND CONCURRENCY REVIEW****Zoning**

Approximately 40 acres are zoned AU, Agricultural, 34 acres are zoned EU-2 (Single Family five acre estate District) and the remaining 2 acres are zoned GU. The proposed improvements will occur on the portion of the site zoned AU, Agricultural. The Zoning Code of Miami-Dade County allows retirement villages, nursing homes, convalescent homes and similar uses as "Unusual Uses" under AU, EU-2 and GU zoning classifications. The project requests 2 variances associated with building height/number of stories and sign area allowances for monument and directional signage.

**Lighting**

Complies with code.

**Landscaping**

Complies with code.

***Environmental***

Complies with code, however since 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 at time of permitting.

***Transportation***

Public Works has no objection to this application. The applicant will need final approval from Public Works of the proposed streets prior to issuing any building permit. Complies with Concurrency Requirements

***Parks/Recreation***

Concurrency is achieved through anticipated funded improvements in the first 3 years of our planning period.

***Engineering***

Complies with code.

***Education/Schools***

In accordance with the Review Criteria established by the Board, the School District would request that the applicant meet to mitigate the impacts of the proposed development. Complies with Concurrency Requirements

***Water/Sewer***

Public water and sanitary sewers can be made available to the subject property. Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

***Storm Water***

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. Site grading and development shall comply with the requirements of Chapter 11C of the Code.

TAB 13



## Community Development Department

---

David Hennis  
Director

### MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: August 10, 2009

Re: Technical Memorandum on the Methods Use to Establish Impact Fees for the Town of Cutler Bay

---

The attached Technical Memorandum establishes the legal basis for adopting an impact fee structure for roads, police, fire/rescue, parks, and public buildings. The Town retained the services of James C. Nicholas, PhD, to develop the methodology which will provide a source of committed funding for roadway improvements, police, fire/rescue, parks, and public buildings necessitated by future growth.

Impact fees are a total or partial payment of the additional infrastructure cost necessary as a result of new development. Impact fees are tailored to address the infrastructure needs of new growth at the local level. As a result, impact fee calculations generally vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources and interest in charging the full cost of the fees for an earmarked purpose.

In Florida, impact fees are an outgrowth of local governments home rule powers to provide certain services within their jurisdictions. Impact fee structures in Florida must flow from the establishment of a nexus between new development and the need to expand infrastructure. The resulting impact fees may be no more than a pro rata share of the reasonably anticipated cost of expanding the infrastructure.

The attached report draws upon information within the Growth Management Plan to indicate that additional infrastructure and public safety capital facilities are required to accommodate new development. The report, which is based upon the most recent and localized data, establishes a fair and reasonable methodology to calculate the impact fees to address the specific needs of new development in the Town. In the absence of a Statewide impact fee model, the methodology presented follows the most recent guidelines put forth by the State and the courts to draft an impact fee structure that will best serve the future infrastructure needs that future growth will demand within the Town.

The following chart represents the pro rata shares of reasonably anticipated costs of expansion to meet the needs of new development in Cutler Bay. Comparatively, the fee is 45% **lower** than

the County impact fee for a single family home; 83% **lower** than the County impact fee for a 75,000 SF office; and 64% **lower** than the County impact fee for a 75,000 SF retail store.

**TABLE VII-1**

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Residential per FT <sup>2</sup>	\$0.13	\$0.05	\$0.16	\$0.10	\$0.86	\$1.30
Non-Residential per FT <sup>2</sup>						
Commercial	\$0.42	\$0.05	\$0.16	\$0.10	\$0.00	\$0.73
Office	\$0.17	\$0.05	\$0.16	\$0.10	\$0.00	\$0.48
Industrial	\$0.09	\$0.05	\$0.16	\$0.10	\$0.00	\$0.40
Institutional	\$0.20	\$0.05	\$0.16	\$0.10	\$0.00	\$0.51
Governmental	\$0.17	\$0.05	\$0.16	\$0.10	\$0.00	\$0.48
Hotel/Motel	\$0.16	\$0.05	\$0.16	\$0.10	\$0.43	\$0.90

**TOWN STAFF RECOMMENDATION:**

Approval.



ORDINANCE NO. 09- \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING ROADS, POLICE, FIRE/RESCUE, PUBLIC BUILDINGS, AND PARKS IMPACT FEES; REPEALING CHAPTER 33H PARK IMPACT FEE ORDINANCE; REPEALING CHAPTER 33I POLICE SERVICES IMPACT FEE ORDINANCE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**Section 1. Adoption of Impact fees.** The Town Council of the Town of Cutler Bay hereby amends the Town Code of Ordinances as follows<sup>1</sup>:

**A. Findings.**

The Town Council makes the following findings in support of the creation of this Ordinance and the adoption and imposition of roads, police, fire/rescue, public buildings, and parks impact fees:

- (1) New development and growth in the Town can add to and help maintain the quality of life in the Town under a balanced growth management program.
- (2) Effective growth management is promoted when adequate public facilities are available to serve new growth coincident with the impacts of that growth.
- (3) The Town Council has caused an impact fee report, based upon the most recent and localized data, in support of the impact fee ordinance to be completed and submitted to the Town.
- (4) As set forth in the impact fee report:
  - a. New development should assume a fair share of the cost of providing adequate roads, police, fire/rescue, public buildings, and parks impact fees.
  - b. Impact fees are an equitable and appropriate means to help finance the capital costs of additional and expanded facilities needed to serve new development.

---

<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

(5) The implementation of roads, police, fire/rescue, public buildings, and parks impact fees, that requires new development to contribute its fair share of the cost of capital improvements necessitated by growth caused by such development, promotes the general welfare of all Town residents.

(6) The provision of roads, police, fire/rescue, public buildings, and parks facilities which are adequate for the needs of growth caused by new development promotes the general welfare of all Town residents and constitutes a public purpose.

(7) The imposition of roads, police, fire/rescue, public buildings, and parks impact fees, that requires new development to contribute its fair share of the cost of required capital improvements, serves as a regulatory tool that promotes the timing and management of growth in the Town.

(8) Ad valorem tax revenue and other revenues will not be sufficient to provide the additional capital improvements for the roads, police, fire/rescue, public buildings, and parks facilities which are necessary to accommodate new development.

(9) The impact fee report provides an adequate and lawful basis for the adoption and imposition of roads, police, fire/rescue, public buildings, and parks facilities impact fees in accordance with this Ordinance.

## **B. Established.**

As a condition of the issuance of a building permit for new development, the person, firm or corporation who or which has applied for the building permit shall pay to the Town, the roads, police, fire/rescue, public buildings, and parks impact fees as set forth in the provisions of this Ordinance.

## **C. Definitions.**

For the purpose of this Ordinance, certain terms and words are defined. Additionally, words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular:

*Building permit* shall mean a permit issued by the building official for the construction, enlargement, alteration, modification, repair, movement, demolition, or change in the occupancy of a building or structure.

*Capital improvements* shall mean physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale, high in cost, and have an estimated useful life in excess of one year. The cost of a capital improvement is generally nonrecurring and may require multiyear financing.



*Feepayer* shall mean any person, firm, or corporation intending to commence new development and, during the life of the development, applies for the issuance of a building permit.

*Impact fee report* shall mean the Technical Memorandum on the Methods Used to Establish Road, Public Safety, Park, and Public Buildings Impact fees for the Town of Cutler Bay prepared by James C. Nicholas, Ph.D., dated August 7, 2009, which establishes the basis for the fair share of capital facilities costs attributable to new development based upon standard and appropriate methodologies, and a copy of which is attached to and incorporated by reference into this Ordinance.

*New development* shall mean the carrying out of any building activity or the making of any material change in the use or appearance of any building or structure or land, which results in an additional impact or demand on roads, police, fire/rescue, public buildings, and parks facilities.

**D. Imposition of fees.**

There is assessed, charged, imposed, and enacted roads, police, fire/rescue, public buildings, and parks impact fees on all new development occurring within the Town. These fees will be assessed, charged, or imposed in accordance with the fee schedule provided below:

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Residential per FT <sup>2</sup>	\$0.13	\$0.05	\$0.16	\$0.10	\$0.86	\$1.30
Non-Residential per FT <sup>2</sup>						
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Institutional	\$0.20	\$0.05	\$0.16	\$0.10	\$0.00	\$0.51
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Hotel/Motel	\$0.16	\$0.05	\$0.16	\$0.10	\$0.43	\$0.90

**E. Payment.**

The impact fees shall be paid to the Town by the feepayer at the time the building permit is issued.

**F. Disposition of fees.**

All fees collected by virtue of this Ordinance and any interest earned on them shall be deposited in five (5) special and separate trust accounts to be designated, “roads impact fees account,” “police impact fees account,” “fire/rescue impact fees account,” “public buildings impact fees account,” and “parks impact fees account,” respectively. Funds from these accounts may be expended for land acquisition for the respective facilities. Funds from these accounts may also be expended for the construction of capital

improvements for the respective Town roads, police, fire/rescue, public buildings, and parks impact fees facilities, and the remodeling or enlargement of existing facilities and the equipping of same, all of which being necessitated by the impact of new construction and additional population. However, funds withdrawn from an account must be expended on the specific facilities for which the fees were collected.

In addition to the foregoing, funds from these accounts may be expended for retirement of loans and/or bonds that may be issued to finance the capital improvements herein contemplated. Furthermore, these funds may be expended for architectural, engineering, legal and other professional fees and expenses related to capital improvements. However, the Town shall not expend funds from any of these accounts for maintenance, repairs, salaries, or other noncapital or noncapital-related items. Each and every expenditure of funds from these accounts shall be authorized by the Town Manager.

#### **G. Reporting, Collections, and Audits.**

The Town's Finance Director shall keep an accurate accounting and reporting of impact fee collections and expenditures within the Town. The Town shall retain up to 3% of the impact fees collected to offset the costs of collecting the impact fees and administering the provisions of this Ordinance. Audits of the Town's financial statements which are performed by a certified public accountant pursuant to Section 218.39, F.S, as amended, that are submitted to the Auditor General must include an affidavit signed by the Finance Director stating that the Town has complied with Section 163.31801, F.S. as amended.

#### **H. Refunds.**

(1) Upon application of the property owner, the Town shall refund that portion of any impact fee which has been on deposit over six (6) years and which is unexpended and uncommitted, except as described in subsection (b) of this section. The refund shall be made to the then-current owner or owners of lots or units of the development project or projects.

(2) If fees in any impact fee account are unexpended or uncommitted during the sixth year, the fees are exempt from subsection (a) of this section if the Town Council makes the following findings:

(a) A need for the capital improvement still exists;

(b) The fees will be used for an identified purpose within two (2) years; and

(c) The purpose for which the fees will be used is substantially similar to the purpose for which the fees were collected.

(3) The Town may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner.

**Section 2. Repeal of Chapter 33H Park Impact Fee Ordinance.** The Town Council hereby repeals Chapter 33H Park Impact Fee Ordinance of the Town Code of Ordinances in its entirety.

**Section 3. Repeal of Chapter 33I Police Services Impact Fee Ordinance.** The Town Council hereby repeals Chapter 33I Police Services Impact Fee Ordinance in its entirety.

**Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7. Effective Date.** This Ordinance shall become effective 90 days from the date of the first advertisement of this Ordinance.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

---

WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.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 \_\_\_\_\_

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# **Technical Memorandum on the Methods Used to Establish Road, Public Safety, Park, and Public Buildings Impact fees for the Town of Cutler Bay**

Prepared by

James C. Nicholas, PhD  
Final Report  
August 7, 2009

# Table of Contents

I. INTRODUCTION .....	3
II. DEMOGRAPHICS .....	6
III. Road Impact Fees .....	8
A. Formula.....	8
B. Data and Parameters .....	8
C. Existing Conditions.....	11
D. Traffic Generation .....	12
1. Trip Generation.....	12
2. New Trips .....	13
3. Trip Lengths.....	14
4. Vehicular Miles of Travel or Traffic .....	16
E. Impact Cost.....	18
IV. PARKS.....	20
V. PUBLIC SAFETY.....	24
VI. PUBLIC BUILDINGS .....	26
VII. SUMMARY .....	28

## I. INTRODUCTION

Florida prohibits the taxation of personal incomes and exerts all efforts to keep the taxes that are imposed as low as possible. At the same time Florida has been very rapidly growing, adding an average of 300,000 new people each year up until the present recession. While being quite young as a municipality, Cutler Bay has been growing at an average of over 1,300 persons per year since the 2000 census.<sup>1</sup> Growth in population and economic activity also require growth in infrastructure investment. The dilemma here is that the money to pay for these investments, if it comes at all, comes in after the improvement is needed. This results in an ever increasing backlog, with its associated congestion, or ever increasing tax burdens. The impact fee was turned to in order to address this dilemma.

While there is impact fee legislation in Florida, there is no general enabling act that sets standards for impact fees. Rather, impact fees evolved through the courts, ultimately being recognized as being within a local government's home rule authority. This method of evolution was perhaps the only option since Florida cities and counties were exploring new issues of governance and government finance following the adoption of the new constitution in 1968. The body of law that came out of this evolutionary process clearly established that:

- Impact Fees are permissible;
- Impact fees cannot exceed a pro rata share of the reasonably anticipated cost of expanding facilities required to serve new development;
- Impact fees cannot be imposed or structured to benefit or provide a "windfall" to existing residents;
- Impact fees must satisfy the dual rational nexus between the need for facility improvements and new development; and
- Local governments are required to show that developments paying impact fees will receive benefit from the expenditure of those fees.

The courts, beginning with *Contractors and Builders Association of Pinellas County v City Of Dunedin*, 329 So. 2d 314 (Fla. 1976), dealt first with the conditions under which impact fees may be utilized and then with the amounts that may be charged as impact fees. In *Dunedin* the Florida Supreme Court wrote:

Raising expansion capital by setting connection charges, which do not exceed a pro rata share of reasonably anticipated costs of expansion, is permissible where expansion is reasonably required, if use of the money collected is limited to meeting the costs of expansion. Users who benefit especially, not from the maintenance of the system, but by the extension of the system . . . should bear the cost of that extension. (citations *omitted*)

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<sup>1</sup> Cutler Bay, Comprehensive Plan, Future Lane Use, page 16;

The *Dunedin* court also makes clear that such charges, impact fees, are not unlimited. Extending their rationale:

[t]he cost of new facilities should be borne by new users to the extent new use requires new facilities, but only to that extent. When new facilities must be built in any event, looking only to new users for necessary capital gives old users a windfall at the expense of new users.

New users can only be held responsible for the costs attributable to new use and not for other costs, especially any charge that would yield a “windfall” to the existing community.

*Dunedin* was a case involving a municipally owned water and sewer utility. It fell to *Hollywood Inc. v Broward County*, 431 So.2d 606 (Fla. 4<sup>th</sup> DCA 1983) to deal with the application of the *Dunedin* logic to parks, the facility that the cities of Gulf Breeze, Maitland and Hollywood unsuccessfully tried to fund with development charges. In *Hollywood Inc.* the court wrote:

[w]e discern the general legal principle that reasonable dedication or impact fee requirements are permissible so long as they offset needs sufficiently attributable to the subdivision and so long as the funds collected are sufficiently earmarked for the substantial benefit of the subdivision residents. In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.

The *Hollywood Inc.* Court provides the principles of the Dual Rational Nexus Test. Specifically, that:

- The local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth generated by the development being charged the impact fees, and
- The government must specifically earmark the funds collected for use in acquiring capital facilities to benefit the development charged the impact fees.

The paramount issue with respect to impact fees is nexus. The local government must demonstrate that there is a nexus between new development and the need to expand infrastructure. This is to be accomplished in the consultant’s report. The second crucial issue is the identification of a pro rata share of the cost of expanding that infrastructure. This too is to be accomplished in the consultant’s report.



During the 2006 session, an act was passed in Florida that dealt with impact fees.<sup>2</sup> The only portions of this act that deal with the calculation of impact fees are the requirements that amount of impact fees be based on the most recent and localized data.

Impact fees in Florida must flow from the establishment of a nexus between new development and the need to expand infrastructure. This nexus is drawn from a community's comprehensive plan. The resulting impact fees may be no more than a pro rata share of the reasonably anticipated cost of expanding that infrastructure. Additionally, the calculation of impact fees must use the most recent and localized data.

The impact fees for Cutler Bay are set out in the body of this report. This report draws upon Cutler Bay data and plans to show that public capital improvements are needed in order to accommodate new development. As such, all items are localized to Cutler Bay. This report presents the need for improvements to Cutler Bay public facilities and the costs of those facility improvements on a per unit basis. These facility needs and costs set out herein are based upon 2008 plans for Cutler Bay, thus these data are the most recent.

The formulas for impact fees and all of the data used are contained in this memorandum. Florida law requires a demonstration that costs imposed as impact fees not exceed a *pro rata* share of the cost of road improvements in Cutler Bay. This demonstration is set out in this memorandum.

The resulting net costs shown in this report are the *pro rata* share of reasonably anticipated costs of improving Cutler Bay's public facilities to accommodate new development. They can be adopted as impact fees. These are the maximum amounts that the Town Council could adopt fees as impact fees.

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<sup>2</sup> "The Florida Impact Fee Act," 163.31801, Florida Statutes.

## II. DEMOGRAPHICS

The Town of Cutler Bay was recently incorporated, so there is little demographic history. The Town has provided some historic demographic data for the unincorporated area that was to become Cutler Bay before it was incorporated, and projections for the town to 2020. These data are shown in Table II-1.

**Table II-1  
HOUSING AND POPULATION PROJECTIONS  
TOWN OF CUTLER BAY**

	<b>Housing Units</b>	<b>House Holds</b>	<b>Household Population</b>	<b>Total Population</b>
2000	10,718	10,350	29,706	30,300
2004	11,291	10,904	31,294	31,920
2006	13,155	12,563	36,056	36,777
2007	14,112	13,548	38,881	39,659
2008	14,535	13,959	40,061	41,579
2009	14,972	14,383	41,278	42,481
2010	15,421	14,819	42,531	43,382
2011	15,937	15,315	43,855	44,834
2015	17,932	17,232	49,457	50,446
2020	22,793	22,223	59,114	60,296

SOURCE: Cutler Bay, Comprehensive Plan, Future Land Use, page 16; and University of Florida, Bureau of Economic and Business Research, November 2008.

NOTE: Data for 2009 are interpolated.

Due to the current economic recession it is possible that the Town may not achieve the magnitudes shown at the dates projected. However, the history of Florida has shown that economic recessions result in postponement of growth and not cessation. The projections in Table II-1 are used only for the purpose of estimating the 2009 population of Cutler Bay.

Table II-2 shows the heated or air conditioned floor area by land use for Cutler Bay. The data for 2008 are from the Miami-Dade County tax rolls. The data for 2009 and 2020 were projected by increasing all floor areas in the same proportion that dwelling units are expected to increase, as shown in Table II-1.

**Table II-2  
LAND USE IN CUTLER BAY**

	<b>2008</b>	<b>2009</b>	<b>2020</b>
Population	41,579	42,481	60,296
Dwelling Units	14,535	14,972	22,793
	<b>Floor Area (FT )</b>		
Residential	25,160,112	25,915,152	39,453,388
Commercial	2,634,921	2,692,050	3,821,044
Office	321,259	328,224	465,875
Industrial	10,569	10,798	15,327
Institutional	1,054,332	1,077,192	1,528,945
Governmental	73,521	75,115	106,617
Hotel/Motel	121,214	123,842	175,779
Total	29,375,928	30,222,374	45,566,975

SOURCE: Town of Cutler Bay, from Miami-Dade County Property Appraiser, January 2009, and Table II-1.

### III. ROAD IMPACT FEES

#### *A. Formula*

The formula for calculating the proposed road impact fees is:

1.  $\text{Attributable VMT} = \text{Trip Generation} * \text{Length of Trips} * \% \text{ New} * \frac{1}{2} * \% \text{ in Cutler Bay}$
2.  $\text{Road Cost per VMT} = \text{Road Capacity Expansion costs} / \text{VMT in Cutler Bay}$
5.  $\text{Attributable Cost} = \text{Attributable VMT} * \text{Road Cost per VMT}$

(VMT is an acronym for Vehicular Mile of Travel.)

This report will explain this formula and show how the data entered are derived.

#### *B. Data and Parameters*

The data presented in Tables III-1, III-2, III-3 & III-4 are the data and parameters used in calculating traffic impact on the Cutler Bay road system. The sources are listed. The formula for calculation was set out above. This section discussed the data and calculations.

**VEHICULAR MILES OF TRAVEL – System.** The total travel on roadways within the Town is set out in the Town of Cutler Bay, Comprehensive Plan, page T-15. The system-wide vehicular miles of travel within Cutler Bay for 2007 is 137,665 and it is projected to be 153,040 per day by 2020. This volume is on all roads, not just those maintained by the Town.

**VEHICULAR MILES OF TRAVEL – Individual Land Use.** The relevant travel, measured as vehicular miles of travel per day (VMT) by land use type and residential unit, is calculated by multiplying the number of trip ends (representing a start-to-finish vehicular journey from point A to point B, each of these being an “end”) per 24-hour day (ADT) by the average trip length, and then multiplying this product by the percentage of new trips.

The product is then reduced by one-half to adjust the number of trip ends to the number of travel trips (a travel trip, say from home to work, would have two ends, one leaving home and one arriving at work). This reduction is to correct for over-counting. Such over-counting is due to the fact that impact fees would be charged to both attractors and generators of traffic (or both ends of the travel trip).

Another adjustment is needed to fit the data to Cutler Bay. Much of the vehicular travel that begins in Cutler Bay ends elsewhere and much of the travel ending in Cutler Bay began elsewhere. Therefore it is necessary to adjust travel to Cutler Bay conditions. This is done by dividing vehicular travel in Cutler Bay by the total residential and business travel beginning or ending in Cutler Bay. The result is travel per unit of development within Cutler Bay.

The individual factors in this formula and their sources are:

**TRIP GENERATION RATE.** The Average Daily Travel (ADT), in trip ends per day, is taken from *Trip Generation*, (7<sup>th</sup> Ed), 2003, published by the Institute of Transportation Engineers (ITE). Note should be taken of the fact that two different editions of the ITE's *Trip Generation* are used, the 6<sup>th</sup> and the 7<sup>th</sup>. These two editions are used because various editions address particular items of relevance to this study and some of these items addressed in the 6<sup>th</sup> Edition are not re-addressed in the 7<sup>th</sup> Edition. The trip generation rates are to be found in Table III-6.

**PERCENT NEW TRIPS.** Many land uses, while attracting traffic, generate little, if any, new traffic (other than attracting existing traffic to a particular location). There are several reasons for this situation. First, the multiple purpose trips will tend to attract traffic to particular locations while generating little if any additional travel. Second, the capturing of existing trips, such as stopping for a quart of milk on the way home from work will result in little if any additional travel. Third, diverting a trip that already existed, such as taking the long way home from work to shop, will place limited new travel on the road system. Take, for example, the convenience store and the service (gas) station. The typical visits to these establishments, especially during the peak hour, are made by individuals who are going elsewhere such as home or work. An example may help. Let there be an individual driving from work to home (which would be two trip ends), a distance of 8 miles. Assume that this individual stops at the day care center to pick up a child, a convenience store to get milk and a service station for gasoline. How many trips have been made? According to the standard methodology of transportation engineering, a total of 8 trips have been made:

- leaving work
- entering the day care center
- leaving the day care center
- entering the convenience store
- leaving the convenience store
- entering the service station
- leaving the service station
- arriving home.

If we were to apply an average trip length of 5 miles to these trips, the result would be 40 miles, a vast overstatement of actual travel. This overstatement is corrected in two ways. First, to deduct, by a percentage reduction factor (% NEW TRIPS), for trips to particular land uses that do not place additional travel on the roads and, second, to adjust the trip lengths for non-residential land uses which more accurately reflect the travel patterns of individuals visiting those sites. The first, % NEW TRIPS, is set out in Table III-6 and used in Table III-8. The second, adjusted trip lengths, are included in Table III-8. The % NEW TRIPS is, ultimately, a professional judgment. Such judgments, however, are based upon several articles in the "ITE Journal" and specifically upon the "pass by" analysis set out in the 6<sup>th</sup> edition of the ITE's *Trip Generation* and Chapter 5 of *Trip Generation Handbook*, 2001, published by the Institute of Transportation Engineers.

**AVERAGE TRIP LENGTHS.** The trip lengths shown in Table III-7 are derived from the National Household Transportation Survey.<sup>3</sup> These national studies are localized to Cutler Bay conditions, where it is expected that trip lengths will be shorter. The relative trip length, in Table III-7, will be used instead of the absolute trip length.

**TOTAL AND ADJUSTED VEHICULAR MILES OF TRAVEL.** Table III-10 calculates the total vehicular miles of travel for all developments in Cutler Bay. Table III-10 shows total travel within Cutler Bay and presents that travel in terms of the developments that were the source of the travel and also the travel per unit of development. Simple multiplication of trip rates by trip lengths tends to overestimate vehicular miles of travel. Therefore it is necessary to adjust VMT, which is shown in Table III-11. Table III-12 calculates adjusted VMT per unit of development.

**ROAD CAPACITY EXPANSION COST PER VEHICULAR MILE OF TRAVEL.** This is the road capacity expansion cost as set out in the Transportation Master Plan, pages 138-142. Cost per unit of travel is the total capacity expansion cost divided by the additional miles of travel (from Table III-1) to get road cost per unit of travel. This is found in Table III-4.

**ROAD COST PER UNIT OF DEVELOPMENT.** The cost per unit of development, which is the basis for any road impact fee, is the cost per unit of travel, Table III-4, times the Adjusted VMT per unit, Table III-12. This result is shown in Table III-13.

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<sup>3</sup> US Dept of Transportation, Bureau of Transportation Statistics, National Household Transportation Survey, 2001, [www.bts.gov/programs/national\\_household\\_travel\\_survey/](http://www.bts.gov/programs/national_household_travel_survey/).

### **C. Existing Conditions**

The Town currently has 46.84 lane-miles of roads within its boundaries. Table III-1 shows the usage of these roads for 2007, 2009, and 2015.

**Table III-1  
TRAFFIC VOLUMES  
TOWN OF CUTLER BAY**

Daily Traffic Volumes 2007	137,665
Daily Traffic Volumes 2009	141,893
Daily Traffic Volumes 2015	153,040

Town of Cutler Bay, Comprehensive Plan, page T-15.

NOTE: 2009 is interpolated.

The usage of these roadways per lane-mile is shown in Table III-2. As roadway usage increases there are needed improvements to the capacity of the roadway system. The Town has established Level of Service “D” as the adopted standard for Cutler Bay roadways.

**Table III-2  
ROAD USAGE PER LANE-MILE**

Lane-Miles of Roadway	46.84
Daily Traffic Volume	
2007	137,665
2009	141,893
2015	153,040
Traffic per Lane-Mile	
2007	2,939
2009	3,029
2015	3,267

SOURCE: Tables 1 and 2.

Table III-4 shows the capacity expansions to Town maintained roads that are established in the Town’s Transportation Master Plan, pages 138-142.

**Table III-4  
ROAD CAPACITY EXPANSIONS AND COSTS  
TOWN OF CUTLER BAY**

<b>Project Name</b>	<b>Planning</b>	<b>Design</b>	<b>Construction</b>	<b>Total</b>
Signal Progression Analysis	\$130,000	NA	NA	\$130,000
Cutler Ridge Drive / Franjo Intersection Operation Analysis	\$8,500	NA	NA	\$8,500
Intersection Realignment on Caribbean	\$15,000	NA	NA	\$15,000
Add turn lanes at intersections south of Franjo	\$30,000	\$50,000	\$420,000	\$500,000
<b>Total</b>				<b>\$653,500</b>
New Vehicular Miles of Travel				11,147
Cost per VMT				\$58.63

SOURCE: Town of Cutler Bay, Transportation Master Plan, page 138-142.

### ***D. Traffic Generation***

Traffic to and from a particular site is determined by the number of vehicular trips per unit of development, either per day or per hour, the Trip Generation Rate, multiplied by the magnitude of the development at the site. For example, residences generate 8.86 vehicular trips per day. A development with 100 residential units would then generate an estimated 886 vehicular trips per day. Most of this report will deal with a single unit of development, which will be 1,000 square feet of residential or non-residential floor area.

#### **1. Trip Generation**

Table III-5 shows the land uses within the Town and their magnitude in terms of square feet of heated or air conditioned floor area. The trip generation rates are from the Institute for Transportation Engineers (ITE). These rates are the total vehicular movements into or out of a site during a week-day 24-hour period. Because these trips are average daily trips, both entering and leaving a site, they will have to be reduced to 50% when total travel is being projected. The trip



**Table III-5  
LAND USE IN CUTLER BAY AND TRIP GENERATION**

	<b>Units</b>	<b>Trip Rate</b>
<b>Residential:</b>		
Dwelling Units	14,972	8.86
Residential Floor Area in Thousands of Square Feet	25,926	5.11
Floor Area per Unit	1.732	
<b>Non-Residential Floor Area in Thousands of Square Feet</b>		
Commercial	2,715	42.94
Office	331	11.01
Industrial	11	5.25
Institutional	1,086	17.57
Governmental	76	13.00
Hotel/Motel	125	6.90

SOURCES: Institute of Transportation Engineers (ITE), Trip Generation, 7th Edition, 2003; ITE, Trip Generation Handbook, 6th Edition, 1997, Chapter 5; Town of Cutler Bay, from Miami-Dade County Property Appraiser, January 2009.

..  
generation rate for residential per 1,000 square feet is the result of multiplying the average residential trip rate, 8.86, by the number of dwelling units, 14,972, and then dividing by the thousands of square feet of residential floor area, 25,926:

Residential Trip Rate	8.86
Residential Units	14,972
Residential Trips	132,612
Residential Floor Area	25,926
Residential Trips per 1,000 feet	5.11

## 2. New Trips

Many vehicles going to non-residential sites were already on the road and passing by. Many others were existing trips, but diverted in order to visit a particular site. Stopping off on the way home from work to shop, or bank are examples of this phenomena. This means that non-residential trip generation rates must be adjusted for these “pass-by” trips in order to have a fair representation of their impacts on the road system. Data from the ITE suggest that approximately one-half of the shopping trips are pass-by trips. Applying these data to all non-residential land uses yields the percentages of new trips shown in Table III-6.

**Table III-6  
PER CENT NEW TRIPS**

	<b>Trip Rate</b>	<b>% New Trips</b>
<b>Residential:</b>		
Per Dwelling Unit	8.86	100.0%
Per 1,000 FT <sup>2</sup> of Floor Area	5.11	100.0%
<b>Non-Residential Floor Area in Thousands of Square Feet</b>		
Commercial	42.94	50.0%
Office	11.01	60.0%
Industrial	5.25	70.0%
Institutional	17.57	50.0%
Governmental	13.00	50.0%
Hotel/Motel	6.90	85.0%

SOURCES: Table 5 and ITE, Trip Generation Handbook, 6th Edition, 1997, Chapter 5.

### 3. Trip Lengths

Absolute and relative vehicular trip lengths are shown in Table III-7. The relative trip length is the length by trip purpose divided by the average trip length. The base data for the lengths used in Cutler Bay are nationwide norms as reported by the US Department of Transportation. Because trip lengths will vary by location, the relative trip length will be used for Cutler Bay. National travel data have thusly been localized to Cutler Bay.

**Table III-7  
ABSOLUTE AND RELATIVE VEHICULAR TRIP LENGTHS  
BY TRIP PURPOSE**

<b>Trip Purpose</b>	<b>Trip Length (Miles)</b>	
	<b>Average</b>	<b>Relative</b>
All Purposes	9.87	1.00
To or From Work	12.08	1.22
Shopping	6.74	0.68
Other Fam. & Personal Business	7.45	0.75
Social and Recreational	11.91	1.21

SOURCE: P. Hu and T. Reuscher, 2001 National Household Travel Survey: Summary of Trends, Federal Highway Administration, December 2004, page 16.

**Table III-8  
TRIP LENGTHS BY LAND USE**

<b>Residential</b>	<b>Units</b>	<b>Trip Rate</b>	<b>% New Trips</b>	<b>Relative Trip Length</b>
Dwelling Units	14,972	8.86	100.0%	1.00
Floor Area in Thousands of Square Feet	25,915	5.12	100.0%	1.00
Floor Area per Unit	1.731			
<b>Non-Residential Floor Area in Thousands of Square Feet</b>				
Commercial	2,692	42.94	50.0%	0.75
Office	328	11.01	60.0%	0.99
Industrial	11	5.25	70.0%	0.99
Institutional	1,077	17.57	50.0%	0.87
Governmental	75	13.00	50.0%	0.99
Hotel/Motel	124	6.90	85.0%	1.03

SOURCES: Tables III-5, III-6, and III-7.

Table III-9 shows how the relative trip lengths by land uses were calculated.

**Table III-9  
RELATIVE TRIP FACTORS**

	<b>All</b>	<b>Work</b>	<b>Shopping</b>	<b>Other</b>
Residential	100%			
Commercial		10%	70%	20%
Office	33%	33%		33%
Industrial		50%		50%
Institutional		25%		75%
Governmental	33%	33%		33%
Hotel/Motel	50%	20%	15%	15%

#### 4. Vehicular Miles of Travel or Traffic

Multiplying the trip generation rate by the percent new trips, by the relative trip length and then dividing by 2<sup>4</sup> yields unadjusted vehicular miles of travel.

**Table III-10  
VEHICULAR MILES OF TRAVEL**

Residential	Units	Trip Rate	% New Trips	Relative Trip Length	VMT
Dwelling Units	14,972	8.86	100.0%	1.00	66,306
Floor Area in Thousands of Square Feet	25,915	5.12	100.0%	1.00	66,306
Floor Area per Unit	1.731				
Non-Residential Floor Area in Thousands of Square Feet					
Commercial	2,692	42.94	50.0%	0.75	21,714
Office	328	11.01	60.0%	0.99	1,076
Industrial	11	5.25	70.0%	0.99	20
Institutional	1,077	17.57	50.0%	0.87	4,126
Governmental	75	13.00	50.0%	0.99	242
Hotel/Motel	124	6.90	85.0%	1.03	374
<b>TOTALS</b>					<b>159,790</b>

The travel or traffic of concern is that occurring within the Town of Cutler Bay. The mathematical calculation in Table III-10 shows 159,790 miles of travel per day by all persons within Cutler Bay. Table III-1, above, showed an estimated 141,893 miles of travel on Cutler Bay arterial and collector roads. Therefore it is necessary to adjust the VMT in Table III-10 downward to fit with Cutler Bay conditions. This is done in Table III-11. The sum of the adjusted VMT by land use is equal to the total projected VMT in Cutler Bay.

<sup>4</sup> To correct for counting both entrances and exists in the trip generation rate.

**Table III-11  
ADJUSTED VEHICULAR MILES OF TRAVEL  
TOWN OF CUTLER BAY**

<b>Residential</b>	<b>Trip Rate</b>	<b>% New Trips</b>	<b>Relative Trip Length</b>	<b>VMT</b>	<b>VMT Adjusted</b>
Dwelling Units	14,972	8.86	100.0%	1.00	58,879
Floor Area in Thousands of Square Feet	25,915	5.12	100.0%	1.00	58,879
<b>Non-Residential Floor Area in Thousands of Square Feet</b>					
Commercial	2,692	42.94	50.0%	0.75	19,282
Office	328	11.01	60.0%	0.99	956
Industrial	11	5.25	70.0%	0.99	17
Institutional	1,077	17.57	50.0%	0.87	3,664
Governmental	75	13.00	50.0%	0.99	215
Hotel/Motel	124	6.90	85.0%	1.03	332
<b>TOTALS</b>					<b>141,893</b>

## E. Impact Cost

The Town of Cutler Bay received \$664,817 in motor fuel tax allocations.<sup>5</sup> These funds must be used for transportation purposes, including constructing and maintaining roadways within Cutler Bay. These funds are committed to the maintenance of existing roads and are not available to finance capacity expansions.

Traffic per unit is calculated by dividing the adjusted VMT by the number of units.

**Table III-12  
VEHICULAR MILES OF TRAVEL PER UNIT  
TOWN OF CUTLER BAY**

Residential	Trip Rate	% New Trips	Relative Trip Length	VMT	VMT Adjusted	VMT per Unit
Dwelling Units	8.86	100.0%	1.00	66,306	58,879	
Floor Area in 1k FT <sup>2</sup>	5.12	100.0%	1.00	66,306	58,879	2.27
Non-Residential Floor Area in Thousands of Square Feet						
Commercial	42.94	50.0%	0.75	21,714	19,282	7.16
Office	11.01	60.0%	0.99	1,076	956	2.91
Industrial	5.25	70.0%	0.99	20	17	1.61
Institutional	17.57	50.0%	0.87	4,126	3,664	3.40
Governmental	13.00	50.0%	0.99	242	215	2.86
Hotel/Motel	6.90	85.0%	1.03	374	332	2.68
TOTALS				159,790	141,893	

<sup>5</sup> Town of Cutler Bay, FY08-09 Adopted Budget, page 46. This is down from \$675,287 in the prior year.

Table III-13 applies the cost per unit of traffic shown in Table III-4 to the travel per unit of land use shown in Table III-12. This is the net cost of roads for development within Cutler Bay.

**Table III-13  
ROAD COST PER UNIT OF LAND USE  
TOWN OF CUTLER BAY**

<b>Residential</b>	<b>Trip Rate</b>	<b>% New Trips</b>	<b>Relative Trip Length</b>	<b>VMT</b>	<b>VMT Adjusted</b>	<b>VMT per Unit</b>	<b>Cost per FT<sup>2</sup></b>
Dwelling Units	8.86	100.0%	1.00	66,306	58,879		
Floor Area in 1k FT <sup>2</sup>	5.12	100.0%	1.00	66,306	58,879	2.27	\$0.13
<b>Non-Residential Floor Area in Thousands of Square Feet</b>							
Commercial	42.94	50.0%	0.75	21,714	19,282	7.16	\$0.42
Office	11.01	60.0%	0.99	1,076	956	2.91	\$0.17
Industrial	5.25	70.0%	0.99	20	17	1.61	\$0.09
Institutional	17.57	50.0%	0.87	4,126	3,664	3.40	\$0.20
Governmental	13.00	50.0%	0.99	242	215	2.86	\$0.17
Hotel/Motel	6.90	85.0%	1.03	374	332	2.68	\$0.16
<b>TOTALS</b>				<b>159,790</b>	<b>141,893</b>		

## IV. PARKS

Table IV-1 presents the inventory of Cutler Bay parks and recreation areas and calculates the existing level of service. The existing level of service is 0.79 acres of active park area per 1,000 population. The new park area to be added is the 8 acres of Lakes by the Bay Park, which are expected to be provided by Miami-Dade County at no cost to the Town.

**Table IV-1  
PARK LAND INVENTORY AND COSTS  
TOWN OF CUTLER BAY**

PARK OR RECREATIONAL FACILITY	Acres or Value	
	Acres	Value
<b>PARK LAND</b>		
Bel Aire Park Parcel	5.29	\$184,346
Cutler Ridge Park Parcel	10.88	\$1,458,000
Cutler Ridge Park Parcel		\$1,200,000
Cutler Ridge Park Parcel		\$607,138
Franjo Park Parcel	5.27	\$1,500,000
Franjo Park Parcel		\$185,236
Saga Bay Park Parcel	5.00	\$102,366
Saga Lake Park Parcel	5.00	\$100,000
Whispering Pines Park Parcel	1.37	\$524,005
Lincoln City Park	0.60	\$180,000
Lakes by the Bay Park	Not Included	Not Included
Misc Parcels (6)	Not Included	Not Included
Total Value		\$6,041,091
Total Area	33.41	Acres
Population Served	42,481	
Level of Service	0.79	per 1,000
Adopted Level of Service	1.20	per 1,000
Used for Impact Fees	0.79	per 1,000

SOURCE: Town of Cutler Bay, January 2009, and American Appraisal, September 30, 2008.



Table IV-2 shows the improvements and facilities provided in each park together with the value of those existing improvements or facilities. The total value of all existing parks as of 2009 is \$10,630,148.

**Table IV-2  
PARK INVENTORY AND COSTS  
TOWN OF CUTLER BAY**

<b>PARK IMPROVEMENTS</b>	<b>VALUE</b>
Bel Aire Park	\$183,107
Cutler Ridge Park	\$938,189
Franjo Park	\$343,717
Saga Bay Park	\$162,461
Saga Lake Park	\$25,761
Whispering Pines Park	\$98,459
Total Land Improvements	\$1,751,694
<b>PARK BUILDINGS</b>	
<b>Bel Aire Park:</b>	
Concession stand	\$214,000
<b>Cutler Ridge Park:</b>	
Recreation Center	\$1,483,000
Clubhouse	\$196,000
Pool Building	\$427,000
<b>Franjo Park:</b>	
Office/Concession	\$322,000
Storage	\$64,000
<b>Whispering Pines Park:</b>	
Picnic Pavilion	\$12,000
Total Park Buildings	\$2,718,000
<b>OTHER</b>	
Computers & Associated Equipment	\$16,676
Other Equipment	\$10,806
Building Improvements	\$71,027
Signage	\$20,854
Total Other	\$119,363
<b>LAND</b>	\$6,041,091
<b>GRAND TOTAL</b>	\$10,630,148

SOURCE: American Appraisal, April 7, 2009, and Table IV-1.

A park improvement program was adopted by the Town on February 18, 2009. The essence of this program is to add facilities and equipment to the existing parks and to develop Lincoln City Park, and Lakes by the Bay Park. The total cost of this adopted improvement program is \$16,227,226. These improvements will serve both the existing population and the population added by new development. Cutler Bay's total park system, after the improvement program, will be 41.41 acres with a total value/cost of \$28,303,949.

**Table IV-3  
PARKS IMPROVEMENTS**

<b>Existing Parks:</b>	
Acres	33.41
Land Value	\$6,041,091
Facilities & Equipment	\$4,589,057
Total	\$10,630,148
<b>To be Developed:</b>	
Acres	8.00
Land Cost*	0.00
Facilities & Equipment	\$16,227,266
<b>Total Park System:</b>	
Acres	41.41
Land Value	\$7,487,626
Facilities & Equipment	\$20,816,323
Total	\$28,303,949
<b>Town of Cutler Bay:</b>	
Existing Population	42,481 (70.5%)
Growth	17,816 (29.5%)
Future - 2020	60,296 (100%)
<b>PARK LEVEL OF SERVICE</b>	
Existing	0.79
Future - 2020	0.69
<b>Need for Parks by:</b>	
Existing Population	
Acres	29.17
Land Value	\$5,275,277
Facilities & Equipment	\$11,432,639
Total	\$16,707,915
New Development	
Acres	12.24
Land Value	\$2,212,349
Facilities & Equipment	\$9,383,685
Total	\$11,596,034
<b>Parks Provided by Existing Residents</b>	
Acres	41.41
Land Value	\$7,487,626
Facilities & Equipment	\$4,589,057
Total Existing	\$12,076,683
<b>Existing Deficiency</b>	<b>\$4,631,232</b>

SOURCE: Urban Resource Group, Master Park Plan, Town of Cutler Bay, adopted February 18, 2009.

\* Land from Miami-Dade County expected at no out of pocket cost to the Town.

The existing population of Cutler Bay is 70.5% of the projected 2020 population. It would follow that 70.5% of the 41.41 acres of parks (29.17 acres) would serve existing residents and 29.5% (12.24 acres) would serve new development. In assigning values of the parks serving existing and new residents, the land value, \$7,487,626, is divided 70.5% existing and 29.5% new. Likewise, the value of the future improvements is divided 70.5% to existing and 29.5% to new. The value of future parks serving existing residents amounts to \$16,707,915. The value of parks provided by existing residents amounts to \$12,076,683, leaving an existing deficiency of \$4,631,232. A recap of these numbers yields:

Value of Future Park System	\$28,303,949
Serving Existing Residents	\$16,707,915
Serving New Development	\$11,596,034

Total System	\$28,303,949
Incurred by Existing Population	\$12,076,683
Existing Deficiency	\$4,631,232
Cost of Growth	\$11,596,034

Table IV-4 shows the growth cost of parks and the residential development to be served by those parks. Here residential includes a portion of hotel/motel floor area. The result is a cost of \$.86 per square foot of residential floor area and \$.43 per square foot of hotel/motel floor area.

**Table IV-4  
PARK COSTS OF GROWTH**

<b>New Development Served</b>	
Residential	
Existing Sq Ft of Floor Area	25,915,152
Future - 2020 Sq Ft of Floor Area	39,453,388
Change	13,538,235
Hotel/Motel	
Existing Sq Ft of Floor Area	61,921
Future - 2020 Sq Ft of Floor Area	87,890
Change	25,968
<b>Total New Floor Area</b>	<b>13,564,204</b>
<b>Growth Cost for Parks</b>	<b>\$11,596,034</b>
<b>Cost per Foot of Floor Area</b>	<b>\$0.86</b>

NOTE: Hotel/Motel entered at 50% to account for "business travelers."

## V. PUBLIC SAFETY

Table V-1 shows the capital costs of police facilities. The same data for Fire and rescue are in Table V-2.

**Table V-1  
VALUE OF POLICE CAPITAL FACILITIES  
TOWN OF CUTLER BAY**

<b>Vehicles:</b>	<b>No.</b>	<b>Cost per</b>	<b>Total</b>
Marked Units	39	\$14,000	\$546,000
Unmarked Units	5	\$8,450	\$42,250
Rental Units	7	\$8,450	\$59,150
Motorcycles	3	\$10,000	\$30,000
PSA Units	2	14,000	\$28,000
Total:			\$705,400
<b>Equipment</b>			
Computers			\$13,901
Firearms			\$8,453
Office			\$106,018
Misc & Other			\$46,738
Communications			na
<b>TOTAL CAPITAL FACILITIES VALUE</b>			<b>\$1,585,908</b>
<b>Population Served</b>			<b>42,841</b>
<b>Cost per Capita</b>			<b>\$37.02</b>
<b>Floor Area Protected</b>			<b>29,375,928</b>
<b>Cost per Foot of Floor Area</b>			<b>\$0.05</b>

SOURCE: Town of Cutler Bay, January 2009.

The fire and rescue facilities are owned and operated by the Miami-Dade County Fire Department. Miami-Dade County has a Fire/Rescue impact fee that is not effective within the corporate limits of Cutler Bay. The calculations shown in Table V-2 would represent the gross and net costs to the Miami-Dade County Fire Department of development within Cutler Bay.

**Table V-2  
VALUE OF FIRE/RESCUE CAPITAL FACILITIES  
TOWN OF CUTLER BAY**

<b>Stations</b>	<b>Sq Ft</b>		<b>Extension</b>
Station 34	10,030		\$2,006,000
Station 55	6,400		\$1,280,000
<b>Land</b>			na
<b>Vehicles</b>	<b>No.</b>	<b>Cost per</b>	<b>Extension</b>
Aerials	1	\$750,000	\$750,000
Engine	1	\$550,000	\$550,000
Rescue	1	\$140,000	\$140,000
Communications			Not Available
Other Equipment			Not Available
<b>TOTAL CAPITAL FACILITIES VALUE</b>			\$4,726,000
<b>Population Served</b>			42,841
<b>Cost per Capita</b>			\$110.31
<b>Floor Area Protected</b>			30,270,724
<b>Cost per Foot</b>			\$0.16

SOURCE: Town of Cutler Bay, from Miami-Dade Fire Department, January 2009 and Miami-Dade County Fire Impact Fee Study, March 2005.

**Table V-3  
PUBLIC SAFETY COST PER SQUARE FOOT OF DEVELOPMENT  
TOWN OF CUTLER BAY**

Police Facility Costs	\$1,585,908
Floor Area Protected	30,270,724
Cost per Foot	\$0.05
Fire Facility Costs	\$4,726,000
Floor Area Protected	30,270,724
Cost per Foot	\$0.16
Total Public Safety Cost	\$6,311,908
Floor Area Protected	30,270,724
Cost per Square Foot of Floor Area	\$0.21

SOURCE: Tables V-1 and V-2.

## VI. PUBLIC BUILDINGS

Table VI-1 contains the inventory of Cutler Bay public buildings. Table VI-2 the ancillary costs associated with the Town's public buildings. Table VI-3 shows the level of service, 0.24 square feet per capita, and the per capita and per foot of floor area cost.

**Table VI-1  
PUBLIC BUILDINGS AREA AND VALUE  
TOWN OF CUTLER BAY**

Suite	Use	Area	Annual Lease	Value
105	General Government	4,304	\$81,475	\$1,018,438
110	Planning/Building	1,240	\$23,473	\$293,413
115	Planning/Building	461	\$8,727	\$109,088
120	Planning/Building	830	\$15,712	\$196,400
125	Police	3,390	\$64,173	\$802,163
	TOTALS	10,225	\$193,560	\$2,419,500

SOURCE: Town of Cutler Bay, January 29, 2009.

Cutler Bay is currently leasing these spaces. A long term lease is an alternative way of meeting this public's need for public buildings. The annual lease payments are capitalized at 8% to arrive at the capitalized cost of those public buildings.

**Table VI-2  
PUBLIC BUILDINGS EQUIPMENT, FURNISHINGS AND CONTENTS  
TOWN OF CUTLER BAY**

Item	Value
Computers & Associated Equipment:	
Workstations & Associated Equipment	\$81,399
Other computer equipment	\$63,897
Other software	\$167,033
Furniture	\$179,278
Equipment	\$183,976
Leasehold Improvements	\$73,435
Signage	\$54,047
Lee Equipment Assigned to Police	(\$250,176)
Total	\$552,888

SOURCE: American Appraisal, April 7, 2009.

The building and ancillary costs are aggregated in Table VI-3 and unit costs calculated. The result is a public building cost of \$10 per 1,000 square feet of heated or air conditioned floor area. This rate would apply equally to residential and non-residential floor space.

**Table VI-3  
PUBLIC BUILDINGS LEVEL OF SERVICE AND COST  
TOWN OF CUTLER BAY**

Building Area	10,231
Population Served	42,481
FT <sup>2</sup> per Capita	0.24
Building Value	\$2,419,500
Contents & Equipment	\$552,888
Total	\$2,972,388
Value per FT <sup>2</sup>	\$290.53
Outstanding Debt	\$0.00
Net Value	\$2,972,388
Population Served	42,481
Value per Capita	\$69.97
Floor Area Served	30,222,374
Building Value per Foot of Floor Area Served	\$0.10

## VII. SUMMARY

Table VII-1 summarizes the net costs determined above. These figures represent pro rata shares of reasonably anticipated costs of expansion to meet the needs of new development in Cutler Bay.

**TABLE VII-1  
FACILITY COSTS PER SQUARE FOOT OF FLOOR AREA  
TOWN ON CUTLER BAY**

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Residential per FT <sup>2</sup>	\$0.13	\$0.05	\$0.16	\$0.10	\$0.86	\$1.30
Non-Residential per FT <sup>2</sup>						
Commercial	\$0.42	\$0.05	\$0.16	\$0.10	\$0.00	\$0.73
Office	\$0.17	\$0.05	\$0.16	\$0.10	\$0.00	\$0.48
Industrial	\$0.09	\$0.05	\$0.16	\$0.10	\$0.00	\$0.40
Institutional	\$0.20	\$0.05	\$0.16	\$0.10	\$0.00	\$0.51
Governmental	\$0.17	\$0.05	\$0.16	\$0.10	\$0.00	\$0.48
Hotel/Motel	\$0.16	\$0.05	\$0.16	\$0.10	\$0.43	\$0.90

Tables VII-2 through VII-4 present some comparative impact fee data.

**TABLE VII-2  
COMPARATIVE IMPACT FEES FOR A SINGLE FAMILY HOME**

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Cutler Bay	\$260	\$100	\$320	\$200	\$1,720	\$2,600
Miami-Dade County	\$1,307	\$482	\$370	no fee	\$2,424	\$4,582
Florida Average	\$3,628	\$379	\$394	\$493	\$852	\$5,745
Miami	no fee	\$164	\$704	\$413	\$6,818	\$8,099
Homestead	no fee	\$940	no fee	\$200	\$4,340	\$5,480
North Miami	\$280	\$635	no fee	\$1,306	\$8,391	\$10,332

NOTE: The size of home used is 2,000 square feet of heated or air conditioned space.



**TABLE VII-3  
COMPARATIVE IMPACT FEES FOR A 75,000 FT<sup>2</sup> GENERAL OFFICE**

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Cutler Bay	\$12,750	\$3,750	\$12,000	\$7,500	\$0	\$36,000
Miami-Dade County	\$165,450	\$25,095	\$22,020	no fee	\$0	\$212,565
Florida Average	\$293,550	\$18,975	\$19,875	\$25,875	\$0	\$358,275
Miami	no fee	\$15,450	\$25,200	\$10,500	\$0	\$51,150
Homestead	no fee	\$28,500	no fee	\$7,500	\$0	\$36,000

**TABLE VII-4  
COMPARATIVE IMPACT FEES FOR A 75,000 FT<sup>2</sup> GENERAL RETAIL STORE**

	<b>Roads</b>	<b>Police</b>	<b>Fire/ Rescue</b>	<b>Public Buildings</b>	<b>Parks</b>	<b>Total</b>
Cutler Bay	\$31,500	\$3,750	\$12,000	\$7,500	\$0	\$54,750
Miami-Dade County	\$98,775	\$25,095	\$29,640	no fee	\$0	\$153,510
Florida Average	\$459,525	\$32,550	\$28,500	\$46,125	\$0	\$566,700
Miami	no fee	\$45,675	\$17,025	\$7,125	\$0	\$69,825
Homestead	no fee	\$28,500	no fee	\$7,500	\$0	\$36,000

TAB 14



## Community Development Department

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David Hennis, AICP  
Community Development Director

# MEMORANDUM

To: Steven J. Alexander, Town Manager  
From: David G. Hennis, Community Development Director  
Date: August 12, 2009  
Re: Green Land Development Regulations

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The attached Green Land Development Regulations establish a program and procedure addressing sustainable and ecologically friendly design limitations to minimize the negative environmental impacts of development. The regulations establish a base set of mandatory requirements which stop short of requiring LEED, since the town is unable to require LEED due to potential conflicts with the Florida Building Code.

The overall goal of the regulations is to provide leadership to both the public and private sectors in the area of green building practices to create a more sustainable and environmentally-conscious community. The regulations were crafted to address the requirements expressed within the green development moratoriums enacted in 2008.

The regulations include mandatory requirements for green development practices within LEED and FGBC program parameters. Following the regulations establish a base threshold from which projects may choose to pursue LEED certification since many aspects of LEED have been incorporated.

- Parking for alternatively-fueled vehicles
- Creating water-efficient Florida Friendly landscapes
- Utilizing recycling and environmentally sound solid waste practices
- Public buildings be constructed to meet LEED standards
- Bicycle parking and storage for all development
- Use of low emitting materials
- Lighting standards to limit glare and night sky illumination
- Heat island reduction strategies
- Density and height incentives for projects receiving LEED or alternate certification

### Recommendation

Adopt the ordinance and process for protecting, conserving, and enhancing the Town's resources and establishing community development standards for sustainable living practices.

**ORDINANCE NO. 09- \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) recently adopted its first Growth Management Plan, which provides the blueprint for long term growth within the Town; and

**WHEREAS**, the Town has engaged highly qualified planning consultants to draft the necessary Land Development Regulations to implement the Growth Management Plan in order to provide for efficient and well conceived growth; and

**WHEREAS**, the Town recognizes the importance of becoming a sustainable community and environmental stewardship in a variety of media, which include, but are not limited to, water, energy, air, and waste; and

**WHEREAS**, the Town finds that a policy of sustainability incorporates the fundamental philosophy that the needs of the present generation must not compromise the needs of future generations; and

**WHEREAS**, the Town wishes to become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability; and

**WHEREAS**, the Town finds that green building practices applied to the design, construction, and maintenance of buildings would achieve the following goals: (1) Encourage resource conservation; (2) Reduce the waste generated by construction projects; (3) Reduce water consumption; (4) Increase energy efficiency; and (5) Promote the health and productivity of residents, workers, and visitors to the Town; and

**WHEREAS**, the Town finds that this Ordinance is consistent with the Growth Management Plan and will promote the health, safety and welfare of the residents of the Town.

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

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

**Section 2. Adoption of Green Land Development Regulations.** The Town Council of the Town of Cutler Bay hereby creates the “Town of Cutler Bay Green Building Program” as follows<sup>1</sup>:

**A. Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning.

*Certification* means the final designation awarded by a nationally recognized third party certifying agency such as the USGBC GBCI or FGBC, or other third party certifying agency as approved by the Town Manager, evidencing compliance with the certification requirements under the applicable program.

*Cut-Off type lighting fixture* means a luminaire that allows a minimum amount of light directed at a horizontal plane (ninety (90) degrees). Light above the horizontal plane is limited to less than 2.5% of the total lamp lumens.

*Construction and demotion debris* or *C&D* means used or commonly discarded materials removed from premises of a project during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any pavement, house, residential building, non-residential building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, house, residential building, non-residential building, and other structures.

*Director* means the director of the Town’s Community Development Department

*FGBC* means the Florida Green Building Coalition, Inc. a Florida 501(c)(3) not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

*Florida Friendly Landscaping* means guiding principles of the Florida Yard and Neighborhood programs which principles include locating the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests, responsibly recycle, reduce storm water runoff, and protect the waterfront.

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<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

*Florida Yard And Neighborhoods* is a University of Florida Extension Service program that encourages homeowners and professionals to create and maintain Florida friendly landscapes that protect the natural environment for future generations.

*Fuel-Efficient Vehicles* include vehicles which have achieved a minimum green score of 40 according to the annual vehicle-rating guide of the American Council for an Energy Efficient Economy.

*Full cut-off fixture* means a luminaire, as installed, that is designed or shielded in such a manner that no light is present at or above a horizontal plane.

*Fully shielded* means a light fixture constructed in such a manner that all light emitted by the fixture, whether directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed. Fixture shall be mounted such that no light is emitted above the horizontal plane.

*Glare* means a light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

*Green building* is a structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner.

*Green Building Certification Institute (GBCI)* means the organization which administers and provides third-party project certification for commercial and institutional buildings and tenant spaces under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems™.

*Green Globes®* means the most recent version of the Green Globes® Rating System which includes Green Globes for New Construction and Green Globes for Continual Improvements of Existing Buildings.

*Hybrid Vehicles* are vehicles which use a gasoline engine to drive an electric generator and use the electric generator and/or storage batteries to power electric motors that drive the vehicle's wheels.

*LEED®* means the most recent version of the Leadership in Energy and Environmental Design® Rating System which is a third party certification system designed for rating various building types as developed by the U.S. Green Building Council.

*Light Pollution* means any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any man-made light that diminishes the ability to view the night sky.

*Light Trespass* means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

*Lumen* means a unit of luminous flux; used to measure the amount of light emitted by lamps.

*Major renovation/remodel* is any design and construction project that alters the structure or other site improvements of an existing building where the cost of construction is equal to or exceeds 50% of the building's replacement cost.

*Nadir*. The direction pointing vertically down from the lowest light emitting part of the luminaire.

*Program* means the Town of Cutler Bay Green Building Incentive Program.

*Solar Reflective Index (SRI)* means a measure of a material's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100.

*Uplighting* means fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

*USGBC* means the U.S. Green Building Council.

*Volatile Organic Compounds (VOCs)* mean carbon compounds that participate in atmosphere photochemical reactions (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates, and ammonium carbonate). The compounds vaporize at normal room temperatures.

## **B. Intent and Purpose.**

To establish goals, programs and procedures which reduce the use of natural resources, create a healthier and more sustainable living environment; minimizes the negative environmental impacts of development; reduces green house gas emissions; promotes economic and environmental health through sustainable and environmental friendly design parameters; provides leadership to both the private and public sectors in the area of green building practices; and to minimize the negative environmental impacts of development in the Town.

The goals of the Town of Cutler Bay Green Building Program are:

1. Promote a sustainable future that meets today's needs of a stable diverse and equitable economy without compromising the ability of future generations to meet their needs by:
  - a. Protecting the quality of the air water land and other natural Resources

- b. Conserving native vegetation fish wildlife habitat and other ecosystems
  - c. Minimizing human impacts on local and worldwide ecosystems; and
  - d. Reducing green house gas emissions;
2. Become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability;
  3. Create a sustainable municipality by delivering renewable energy and energy efficiency projects, alternatively-fueled vehicles, developing green buildings and water-efficient landscapes, resource education, and utilizing recycling and environmentally sound solid waste practices; and
  4. Establish a green building program to:
    - a. Improve the economic and environmental health of the jurisdiction through measurable objectives
    - b. Commit the jurisdiction to achieve green designations
    - c. Provide incentives for voluntary compliance and
    - d. Provide green building educational opportunities for the community.

### **C. Green Building Standards**

To assist in implementation of sustainable building practices and strategies that reduce green house gas emissions, a more efficient use of materials and a reduction in noxious chemicals, the following green building initiatives are required.

1. Public Facilities. Public facilities shall be constructed to meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Florida Department of Management Services.
2. Bicycle Parking/Storage. Non-residential development shall provide a minimum of **six (6)** secure bicycle parking/storage spaces for each 50,000 SF of floor area or part thereof. Townhouse and Multi-family development shall provide secure bicycle parking/storage spaces **at a ratio of one (1) parking space for each five (5) residential units or fraction thereof. for 20% of the residential units.** The location of the space shall be indicated on the site plan and located in a prominent location near the main entrance of the building or development.
3. Exchange of Off-Street Parking for Bicycle Parking. Non-residential and multi-family development may reduce the amount of required parking in exchange for additional bicycle parking/storage on a 1 parking space to 6 bicycle parking/storage space ratio. No more than 5% of required parking shall be eligible for exchange. The bicycle parking/storage shall be in addition to required bicycle parking/storage space.
4. Showers Facilities. Non-residential development shall provide one accessible and private indoor shower facility for each building, greater than 10,000 SF in area, to accommodate employees traveling on bicycles. **Such areas shall be excluded from floor area ratio**



calculation. In addition, for each one (1) square foot of shower area provided, the floor area for the proposed use shall be increased by one (1) square foot.

5. Storage and Collection of Recyclables. Every building shall dedicate an accessible area, serving the entire building, for the collection and storage of non-hazardous recycling materials; including paper, corrugated cardboard, glass, plastics and metals. Such areas shall be a minimum of 100 SF for structures less than 15,000 SF in area; a minimum of 200 SF for structures larger than 15,000 SF in area. Such areas shall be excluded from floor area ratio calculation.
6. Low Emission, Hybrid and/or Fuel-Efficient Vehicle Parking. Non-residential and/or Multi-family development requiring 20 or more parking spaces shall provide an area for parking low emission, hybrid and/or fuel-efficient vehicles, equal to 5% of the off-street parking required for the site. Such parking spaces shall be clearly marked and reserved for such vehicles.
7. Low Emitting Materials. Non-residential and/or Multi-family development shall incorporate low emitting materials and substances containing minimal or no levels of volatile organic compounds [low-VOC or no-VOC] for paints, coatings, adhesives, sealants, composite wood, and agri-fiber products. Alternate products and technologies shall be permitted upon written approval of the Director.
8. Exterior Lighting Standards / Light Pollution Reduction. Exterior lighting intensities shall be controlled to assure that excessive light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries. Exterior lighting shall be controlled to not adversely affect adjacent properties, neighboring areas, and motorists.
  - (a) Fixtures. Exterior lighting shall be architecturally integrated with the character of the building. Full cut-off type lighting fixtures shall be used to illuminate all site areas, including pedestrian, parking, and circulation.
  - (b) Type and Shielding Standards. Exterior lighting shall be fully-shielded to prevent glare. Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane beyond the levels noted above shall be considered non-compliant. The shield or hood must mask the direct horizontal surface of the light source. The light must be aimed to insure the illumination is only pointing downward onto the ground surface, with no upward escaping light permitted to contribute to sky glow.
  - (c) Height. Exterior lighting not attached to structures shall be designed, located and mounted at heights no greater than 25 feet above grade and located at least 10 feet from property lines.
  - (d) Illumination Levels. Maximum illumination at the property line shall not exceed 0.3 foot candles and 0.01 foot candles 10 feet beyond the property line. The intensity of illumination for exterior lighting across the site shall not exceed 6 foot candles measured at grade. Fixtures shall be placed to provide uniform distribution of light and to avoid excessive glare. Lighting fixtures in scale with

pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.

- (e) Existing Fixtures. Existing fixtures may be adapted to comply with this Ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward toward the ground surface.
- (f) Flood or Spot Lamps. Flood or spot lamps shall be aimed no higher than 45 degrees from nadir when the source is visible from any off-site residential property or public roadway. Depending upon the fixture selected, these flood or spot lamps shall be required to include a glare shield to prevent glare. Any lamp installed on a residential property must be fully shielded such that the lamp itself is not directly visible from any other residential property.
- (g) Security Lighting. Exterior lighting for non-residential areas shall be reduced to a maximum of 1 foot candle from dusk until dawn. This level may be reduced to .5 foot candle on non-business days.
- (h) Landscape and Accent Lighting. Uplighting may be utilized for landscape lighting so long as direct light emissions shall not be visible above the roofline or beyond the building edge. Accent lighting shall be directed downward onto the building or object and not toward the sky or onto adjacent properties.
- (i) Parking Lots, Pedestrian Areas, and Street Lights. Due to their high energy efficiency, long life and spectral characteristics, Pulse-Start Metal Halide or LED lamp sources shall be the illumination sources for outdoor lighting throughout the Town.
- (j) Prohibitions. The use of laser source light or any similar high intensity light for point of sale or entertainment and the operation of searchlights for advertising purposes are prohibited.
- (k) Exemptions. Outdoor lighting fixtures on, in or in connection with the following facilities and land use types are exempt from the standards of this section, but voluntary compliance with the intent and provisions is encouraged.
  - i. Land owned or operated by the government of the United States of America or the State of Florida.
  - ii. Lights used by police, firefighting, or medical personnel.
  - iii. Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from Thanksgiving thru January 15.
  - iv. Flag Poles.
  - v. Underwater lighting used for the illumination of swimming pools, fountains and other water features.
  - vi. Lighting of radio, communication and navigation towers; provided that the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Code.
  - vii. Sports field lighting.

9. Water Conservation. Residential and non-residential developments, as well as Major Renovations must meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time. The Town shall post a copy of the manual on the Town website and shall have a copy available in the Department.
  
10. Paving Materials. Non-residential, multi-family, and/or mixed-use development shall use paving materials for sidewalks, courtyards, and non-covered parking lots with a minimum Solar Reflective Index (SRI) of 29. As an alternate solution, open grid pervious pavement may be used if it is a minimum of 50% pervious and contains vegetation in the open cells.
  
11. Roof Finishes. Roof finishes for residential and non-residential developments shall have a minimum Solar Reflective Index (SRI) of 65 for slopes up to a 2:12 and 25 for slopes greater than 2:12. The minimum SRI shall apply to 75% of the roof surface.
  
12. Recycling and Diversion of Construction and Demolition Waste. 60% or more of waste tonnage from construction, demolition, and renovation projects shall be diverted from disposal in landfills. Diversion may be accomplished using new construction methods that reduce the amount of waste generated; through on-site reuse of the waste; delivery of the waste from the site to an approved recycling facility; donation of the material to a non-profit organization in need of such materials; and all other methods as may be approved by the Director through acceptance of a Construction, **Demolition** and Materials Management Plan (CDMMP).
  - (a) CDMMP. A CDMMP shall be prepared and submitted to the Director indicating the method and process for complying with the 60% diversion standard along with information:
    - i. Estimated volume or weight of project construction and debris materials to be generated by type.
    - ii. Estimated volume or weight of construction and debris materials feasible to divert; considering cost, energy consumption and delays; via reuse or recycling.
    - iii. The vendor and/or facility proposed to collect, divert, market, reuse and/or receive each material diverted.
    - iv. Estimated volume or weight of the residual materials to be landfilled.
    - v. Projects involving the removal of all or part of an existing structure shall indicate deconstruction methods; to the maximum extent feasible. Applicants will indicate the manner and method for making the materials generated available for salvage prior to being transported for disposal in a landfill or transformation facility. If deconstruction is not feasible, the applicant shall indicate the circumstances prohibiting such solution.

- (b) Compliance with the CDMMP. Prior to issuance of a Certificate of Occupancy, the applicant shall submit documentation indicating compliance with the diversion requirement thresholds specified in the CDMMP. The documentation shall include all of the following:
- i. Receipts and gate tickets from the vendor(s) or facility(s) that collected or received construction and demolition debris from the covered project showing the actual weight or volume of that material
  - ii. Any additional information the applicant believes is relevant in determining its efforts to comply with this article
  - iii. The Director shall review the information submitted and determine whether the applicant has complied with the requirements of this Ordinance for material diversion. If the Director determines that the documentation and certification provided by the applicant does not fully comply with the requirements of this article, the applicant will be found to be in violation and issued a citation equal to 3 times the diversion fee for the project.
  - iv. The Department may withhold issuance of the Certificate of Occupancy permit for any project until documentation has been received affirming compliance with this section.
  - v. Approval shall not be required where an emergency demolition is required to protect public health and safety.
  - vi. The Department shall only approve the documentation if it indicates at least 60% of all construction and demolition debris generated by the project has been diverted pursuant to this chapter; or has received a modification by the Department.
- (c) Weighing of Wastes. Applicants shall make reasonable efforts to ensure that all construction and demolition materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practical, all construction and demolition debris shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to size or other considerations, a volumetric measurement may be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the Town for this purpose. Documentation of the foregoing shall consist of photocopies of receipts, weight tickets, gate tickets, and other records from recycling facilities, deconstruction contractors, solid waste enterprises and disposal facilities.
- (d) Modification of the Diversion Requirement. An applicant may apply for a modification from the 60% diversion requirement if unique site circumstances make it unfeasible to comply. The applicant shall indicate the circumstances that make it unfeasible along with an estimated feasible diversion rate and the rate for each material. The Director shall review the application and determine the maximum feasible diversion rate for each material based on site circumstances.

This modified threshold rate will be used for comparison purposes in the issuance of a Certificate of Occupancy. If the Director determines that it is possible for the applicant to meet the 60% requirement, the Town shall so inform and provide the applicant with the rationale followed for such determination

- (e) Approved Recycling Facility. Only recycling facilities that are in full compliance with all federal, state, and local permits shall be allowed as an approved recycling facility within a CDMMP.
  - (f) CDMMP Application Fee. Each CDMMP application shall be subject to the diversion fee as adopted by resolution of the Town Council.
13. Erosion Control Site Plan. For all new construction, prior to the issuance of a building permit, the owner shall submit a plan for erosion and sedimentation control to be implemented before the site is cleared or graded including areas where topsoil will be removed and contours of slopes will be cleared. The plan should also include location and type of erosion control measures, stormwater and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The plan shall remain on-site for the duration of construction activity.
14. Additional Landscape Requirements. In addition to the requirements in the Town's landscape code, all developments for which a landscape plan is required shall comply with the Florida Friendly Landscaping guiding principles of the Florida Yard and Neighborhood programs. The applicant shall provide written evidence of compliance with each principle.

#### **D. Green Building Incentive Program**

Green Building Incentive Program/bonuses may be granted, after a public hearing, by the Town Council.

1. Incentive Program Procedures. As part of the site plan approval process the applicant shall do the following in order to be considered for the Green Building Incentive Program:
  - (a) The applicant must successfully register the project with the ~~United States Green Building Council's (USGBC)~~ Green Building Certification Institute or the Florida Green Building Coalition, or other third party certifying agency as approved by the Town Manager, and provide evidence of such registration.
  - (b) Applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team.

- (c) The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type.
  - (d) Prior to award of incentives and/or bonuses, the applicant shall be required to attend a pre-application meeting with the Director for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a development agreement or other agreement between the applicant and the Town that the minimum required by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. The applicant will provide a performance bond in conformance with the requirements set forth herein.
  - (e) Performance Bond. Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. In lieu of the bond required by this Section, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the Town. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the Green Building Certification InstituteUnited States Green Building Council (USGBC) or other nationally recognized certifying agency within one (1) year after receiving the Town's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may be granted at the sole discretion of the Town Council manager after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the Town's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town.
2. Available Incentives. In furtherance of environmental stewardship and creating a sustainable urban community, green building incentives are established for projects seeking and obtaining third party green building certification.
- (a) Increased Floor Area. Projects achieving a minimum LEED Silver or other equivalent third party certification, up to 10% increase in floor area; projects

achieving a minimum LEED Gold or other equivalent third party certification, up to 15% increase in floor area; projects achieving a minimum LEED Platinum or other equivalent third party certification, up to 20% increase in floor area. The bonus floor area shall not exceed the maximum floor area permitted by the underlying Growth Management Plan designation.

(b) Increased Height. Additional “bonus” height up to the maximum permitted by the underlying Growth Management Plan designation may be permitted within the Mixed Use, or Town Center or Medium Density Residential Land Use Designations on the adopted Future Land Use Map.

(c) Reduction in Parking. Reduction in overall parking of up to 10%. may be allowed for projects achieving third party certification. In no instance shall a combination of reductions in parking obtained either via a shared parking agreement or via other applicable sections of the land development regulations which allow reductions in parking exceed 20% of the required parking for each individual use on the site.

~~(d) Increase Density. Additional “bonus” density up to the maximum range permitted by the underlying Growth Management Plan designation may be permitted within the Mixed Use or Town Center Land Use Designations on the adopted Future Land Use Map.~~

(d) Expedited site and building plan review. The Director shall implement a program to expedite the review and approval of site plan and building permit applications for green buildings.

(e) Expedited building inspections. Building inspections for projects participating in the Green Building Incentive Program shall be given priority over non-program participants.

(f) Reduced Site Plan Review fee. The applicable site plan review fee shall be equal to 80% of the fee required for a non-program participant.

(g) Eligibility for Green Building Award granted by Town. For the purpose of publicly recognizing outstanding commitment to “green building,” the Town shall provide for an award called the “Town of Cutler Bay Green Building Award” to be awarded annually to a development(s) that participated within the program.

~~(h) Green Credit Checklist. The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type.~~

~~(i) Performance Bond. Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. In lieu of the bond required by this Section, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of~~

~~cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the Town. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the United States Green Building Council (USGBC) or other nationally recognized certifying agency within one (1) year after receiving the Town's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may go granted at the sole discretion of the Town manager after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the Town's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town.~~

#### **E. Establishment of Town Green Building Fund.**

Funds that become available to the Town from the forfeiture of any performance bond shall be deposited in a Green Building Fund established by the Town. The Town shall use the funds for any of the following: education and training of Town staff; education and outreach for the public; energy efficient improvements to municipally owned properties including weatherization, lighting upgrades, heating, ventilation and air conditioning upgrades; open space/green space improvements such as rights-of-way tree plantings; traffic calming, pollution mitigation, low impact drainage and sanitary sewer improvements; and any other additional improvements consistent with green building initiatives as deemed appropriate by the Town Council.

#### **F. ~~Permitted Acts. Exemptions.~~**

Nothing in these regulations shall prohibit the following:

1. Solar Equipment: Solar equipment may encroach into side and rear setbacks. In addition, solar equipment may exceed the maximum permitted building height up to 24 inches in order to accommodate better solar collection.
2. Rain Barrels: Rain barrels shall be permitted within side and rear setbacks.
3. Clotheslines: Clotheslines may be located within the rear yard, or in the case of a corner lot a side yard, and shall not be visible from the public right of way.

#### **G. ~~Program Review.~~**

- (a) Purpose. ~~The purpose of reviewing the program includes but is not limited to updating program standards and incentives, recommending program or marketing~~



~~changes, reviewing suggestions made by program participants, and annually awarding the green building award of the program.~~

~~(b) **Staff Review.** The Town shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.~~

~~(c) **Frequency.** The program shall be subject to review one (1) year after the effective date of this Ordinance and thereafter at a frequency of not less than once per year.~~

**Section 3. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attest:

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

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

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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 \_\_\_\_\_