

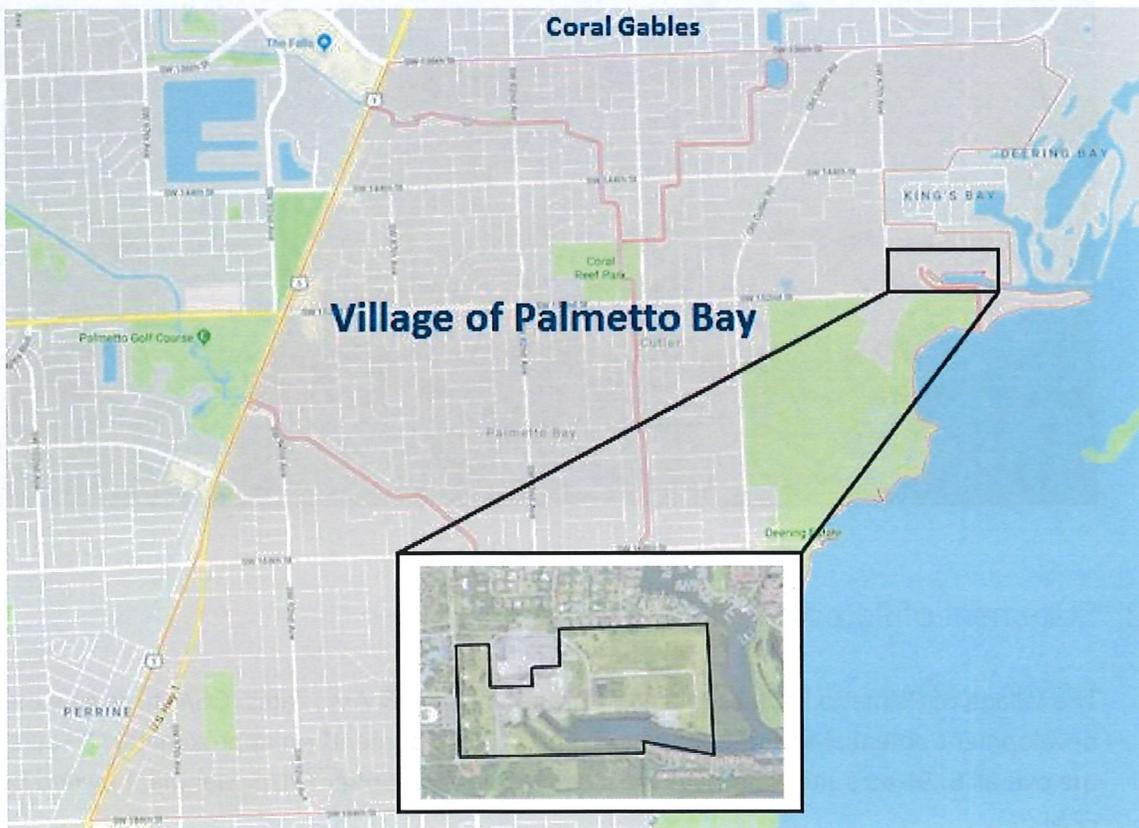
# Site Review/Trend of Development Report

SUBMITTED TO: Village of Palmetto Bay

DATE: March 21, 2018

## 1. Overview

The study site is the location of Florida Power & Light's (FP&L) former Cutler Power Plant, located at 6525 SW 152<sup>nd</sup> in the Village of Palmetto Bay. The FP&L property, identified in Miami-Dade County records under Folio 33-5024-000-0020, encompasses a total of 81.91 gross acres in the northeastern quadrant of the Village. The property has full frontage on Ludlam Road/SW 67<sup>th</sup> Avenue along its western boundary and partial frontage on SW 152<sup>nd</sup> Street along its southern boundary.



Since 2012, FP&L no longer generates electricity on this site. The company has no need to maintain such a large land area to support their residual functions and facilities, which consist of an existing power distribution substation. FP&L intends to retain approximately 13.4 acres of

the site to continue to operate the substation, while offering the remaining acreage for sale to allow for private development of residential uses.

In 2014, FP&L initiated a tentative plat process to separate the 13.4 acres of the substation from the overall acreage. The plat was authorized by the Village of Palmetto Bay via Resolution 2015-017 passed and adopted January 20, 2015 (see Appendix 1). The plat application was subsequently submitted to Miami Dade County. The plat process has yet to be finalized. The future of the remaining acreage has not been decided, other than to the extent that any future development will be residential.



## 2. Statement of Purpose

The Village of Palmetto Bay has retained Calvin, Giordano & Associates (CGA) to review the development potential and determine a "Trend of Development" on approximately 69 acres of the overall 81.91-acre site which was the former site of the Cutler FPL power plant owned by FP&L.

The goal of the Trend of Development analysis is to provide clarity regarding which uses predominate in order to create land use and development patterns on the site that are compatible with the surrounding area. The Trend of Development Analysis will show if

there is a need for a change of zoning. The determination is to be made pursuant to Section 30-50.22 of the Village of Palmetto Land Development Code.

### 3. Site History

The site subject to the Trend of Development study was settled by William C. Cutler in the 1910's and was used as a plantation estate for many years.

On September 15, 1947, the Dade County Board of County Commissioners (BOCC), via Resolution 2615, approved a request for a special permit to develop the site as a power plant facility.

On February 27, 1951, the Dade County BOCC, via Resolution 4177, approved a request for a special permit to allow the installation of an additional 75,000 kilowatt generating unit.

On June 24, 1952, the Dade County BOCC, via Resolution 5099, approved a request for a special permit to allow a recreation and meeting room for employees and their families and headquarters meeting room and lounge for plant visitors.

On March 24, 1953, the Dade County BOCC, via Resolution 5779, approved a request for a special permit to allow the installation of an additional 75,000 kilowatt generating unit.

On December 29, 1953, the Dade County BOCC, via Resolution 6582, approved an expansion of the uses at the location.

On December 18, 1963, the Dade County BOCC, via Resolution 2-ZAB-683-63, approved a permit to allow the expansion of the existing plant by the addition of two 425,000 kilowatt generating units and all accessory equipment and facilities.

On July 12, 1994, the Dade County BOCC, via Resolution 5-ZAB-248-94, approved a request for a special use permit to allow the installation of a monopole cell tower.

In November 2012, the property ceased its power generation activities and the power generating plant was demolished by FP&L on August 10, 2013. The site now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility.

On May 6, 2014, the Miami-Dade County BOCC issued Resolution No. R-439-14 determining that the Cutler Ridge Electric Power Generating Plant site was no longer in use, nor would it be used in the future, for an electrical generating facility of county-wide significance. Through this determination, and via the above referenced resolution, the County relinquished its prior regulatory authority over the site to the Village of Palmetto Bay.

Without the power generating plant, FP&L no longer needs to retain all 82 acres of the site. FP&L's plat application, filed on November 13, 2014, sought to separate approximately 13.4 acres from the site which they intend to retain for the purpose of operating the existing power distribution substation. The plat was initially authorized by the Village of Palmetto Bay Mayor

and Village Council in January of 2015 (via Resolution No. 2015-17). The plat application has been submitted to Miami-Dade County, which retains authority over the property as a facility of public interest, but the process has not been finalized.

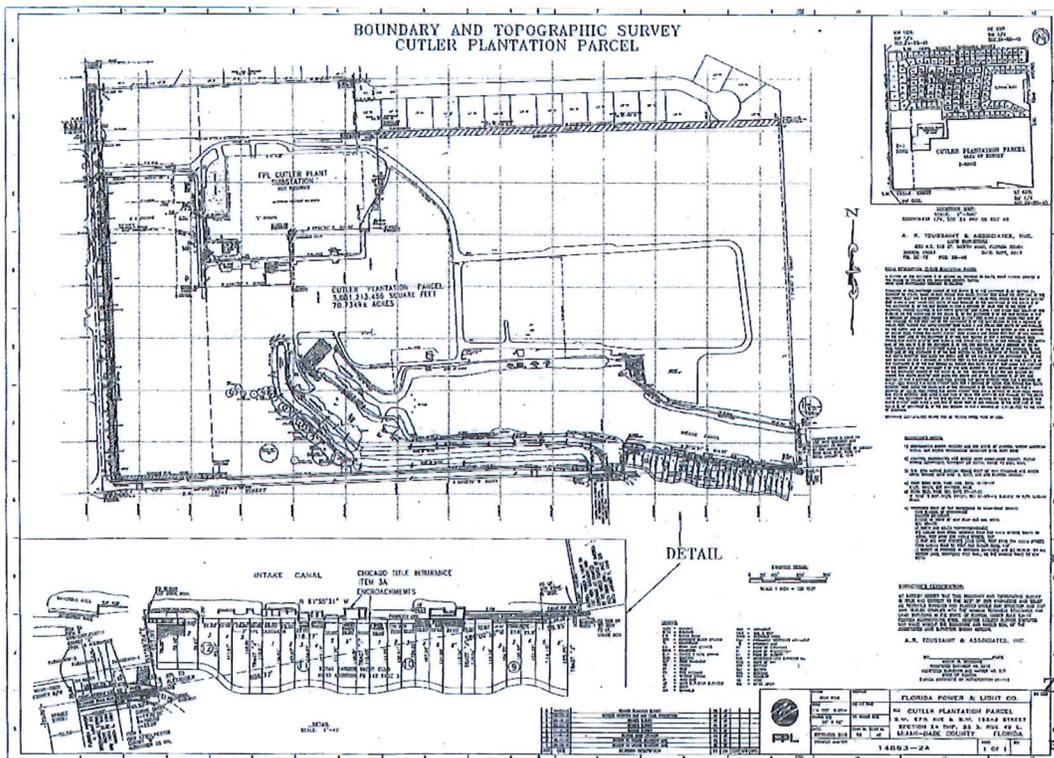
#### 4. Existing Conditions

##### 4.a Existing Land Uses

The FP&L site is 81.91 acres overall, of which 6.89 acres are submerged lands according to the Miami-Dade Property Appraiser records.

The existing land uses and structures on the property include an electrical power distribution substation and service yards, a dock, and paved parking.

The property includes three easements: one that runs along the northern boundary of the property; one that runs along the western property boundary parallel to Ludlam Road/SW 67<sup>th</sup> Avenue; and one that runs along a portion of the southern boundary, parallel with SW 152<sup>nd</sup> Street.



#### *4.b Environmental Factors*

The property offers access to Biscayne Bay via an intake canal. Approximately two-thirds of the site are located within the FEMA Special Flood Hazard Areas (Flood Map 12086C0468L, effective on 9/11/2009), classified as either Flood Zone AE 11, AE12 or AE13. Portions of the shoreline have mangroves.

Site contamination has also been found. Future property owners/developers will have to take these factors into consideration and meet applicable all pertinent environmental regulations and Base Flood Elevation (BFE) requirements.



Flood Map 12086C0468L, effective on 9/11/2009

# National Flood Hazard Layer FIRMette



**Legend**

SEE FIRM REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, B, AH
- With BFE or Depth
- Regulatory Floodway Zone AE, AH, VE, VC, AV

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levees, See Notes, Zone X
- Area with Flood Risk due to Levees Zone D

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMRa
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Features

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's base map accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL with surpluses provided by FEMA. This map was exported on 12/15/2008 at 09:00:49 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map creation date, accuracy identifier, FIRM panel number, and FIRM effective date. Map images for unmapped and unreviewed areas cannot be used for regulatory purposes.

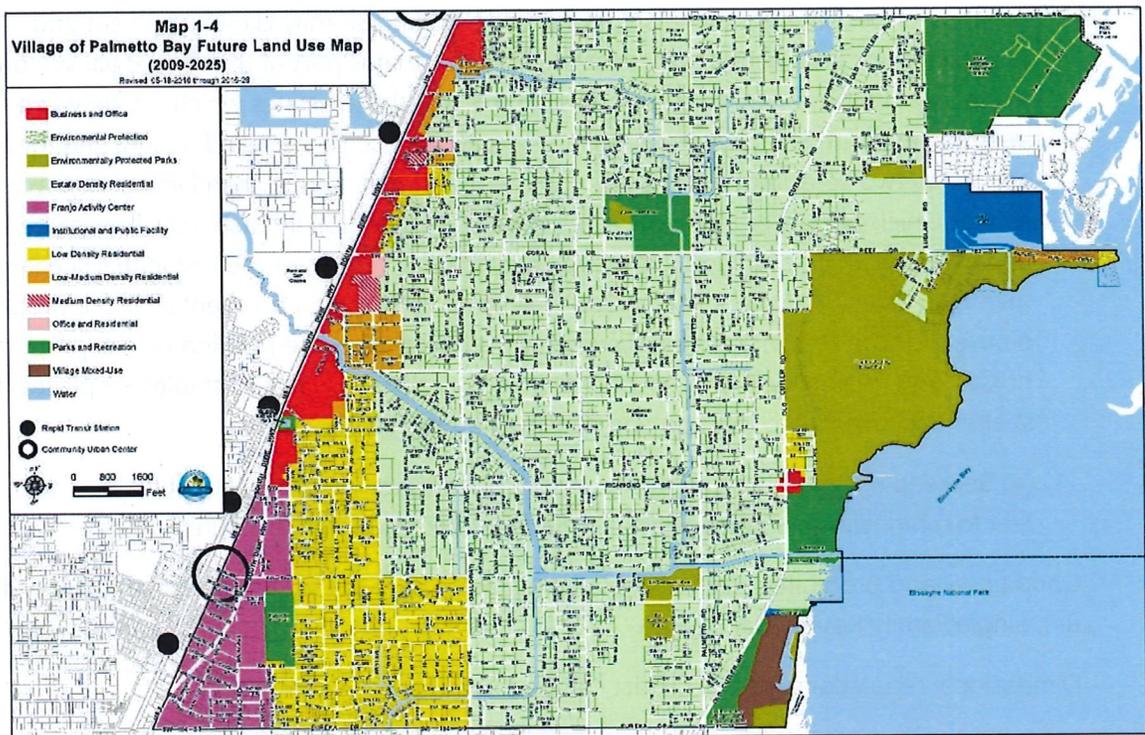
### 4.c Future Land Uses

The Village's Future Land Use Map 2005-2025 (FLUM) indicates that the majority of the property is designated as an Institutional and Public Facility. Policy 1.1.1 of the Comprehensive Plan describes the future land use categories; the Institutional Use category is described as follows:

"...hospitals, non-profit medical facilities, fire-rescue stations, cemeteries, libraries, solid waste transfer stations, private and public utility plants and facilities, government offices and facilities, and military installations. Offices are allowed in this category. Internally integrated business areas, up to 10 percent of the total IU development floor area, may also be approved in this category. Major utility facilities allowed in the IU should generally be located away from residential areas. The Business and Office land use category intensity requirements are applied to all development in this category." The Business and Office land use category intensity

requirements that apply include a floor area ratio (FAR) is 0.4 for the first story, plus 0.11 for each additional story up to six (6) stories.

The FLUM also indicates that a strip of land approximately 350 feet wide, running north/south along the western edge of the property and fronting Ludlam Road/SW 67<sup>th</sup> Avenue, is classified as Estate Density Residential (EDR), where the residential densities are limited to a maximum of 2.5 dwelling units per gross acre. According to the Comprehensive Plan, this density category is characterized solely by detached single family homes on relatively large lots.



#### 4.d Existing Zoning

Like the future land uses, the site's zoning is split in a corresponding manner. The area classified as EDR is zoned E-1, One Acre Estate Single Family District. Per Sec. 30-50.6 of the Land Development Code (LDC):

"(a) Uses permitted. No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in the E-1 District which shall be designed, arranged or intended to be used or occupied for any purpose other than the following, unless specifically provided herein:

(1) Single family residential dwellings, including accessory uses consistent with the character of existing homes and uses in the area including but not limited to private garages, servant's quarters or guest houses not over one story in height (incidental to the principal residential use).

(2) All permitted uses allowed in E-M District.

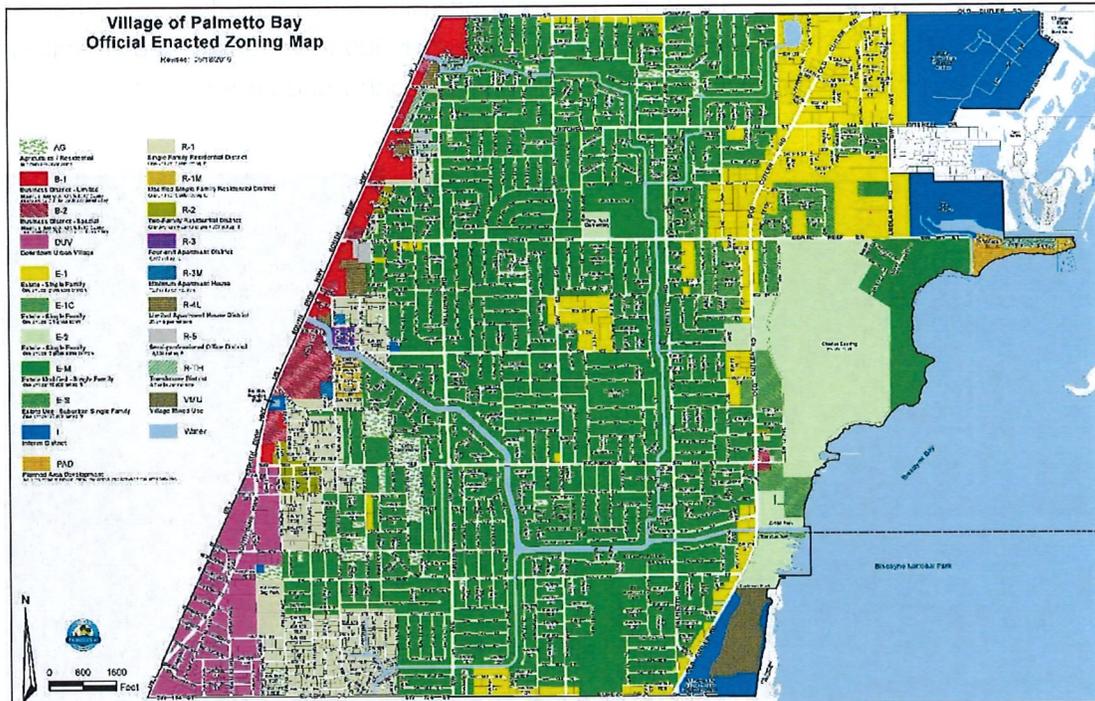
(3) It shall be permissible to keep and maintain more than two horses, provided (1) such use is incidental to an existing residential use, (2) the area used to keep and maintain the horses is part of the residential site, and (3) that the horses are fenced at least 50 feet from property under different ownership. One additional horse may likewise be kept and maintained for each acre in excess of the first acre that is part of the residential site on those estates which are five acres or less in size. On those estates which are between five and nine acres in size, one additional horse may likewise be kept and maintained for each additional two acres that forms part of the residential site larger than five acres. On those estates which are larger than nine acres in size, one additional horse may likewise be kept and maintained for each additional five acres that forms part of the residential site larger than nine acres. The total of all horses shall not exceed ten. In no event shall the property be used for the keeping of horses owned by others than those residing on the property. All horses kept, maintained, and housed in properly constructed stalls, stables, or places of shelter approved as to location and construction by the department.

(4) Beekeeping not to exceed five hives, provided the same are located no closer than 150 feet to a highway line nor closer than 150 feet to a residential structure."

Conditional and prohibited use for this land use district are the same as those that apply in the R-1, Single Family Residential District.

Dimensional regulations for this district can be found [here](#).

The remainder of the property is currently zoned Interim District (I). According to Sec. 30-50.22 of the Land Development Code, the boundary of Interim (I) District is "the entire unincorporated [sic] area of the village, excepting the area specifically covered by another district." Details of the standards that apply to the determination of zoning regulations that apply in this zoning district are provided in the Section 5 of this report.



#### 4.e Surrounding Uses

Different sections of the site are bound by:

- residential development of varying styles and densities to the north, southeast and southwest;
- the northern edge of the Deering Estate North Addition Preserve to the south;
- school facilities to the west; and
- water channels connecting to the Cutler Channel and Biscayne Bay.

The surrounding residential uses include:

- To the north, King's Bay Subdivision, an established 68-acre gated subdivision located within the boundaries of the City of Coral Gables. This subdivision contains 150 dwelling units (du's) at an average density of 2.5 du/acre. This neighborhood was annexed into the City of Coral Gables in 2003. Single-loaded homes lining the southern edge of the subdivision back onto the FP&L site.
- To the southwest, Royal Palm Estates, a subdivision of approximately 22 lots within the Village of Palmetto Bay, that is surrounded on three sides by the properties that constitute the Miami Dade County-owned Deering Estate. Some of the estates are large, but the average density in this subdivision is approximately 2.5 du/acre.

- To the southeast, Paradise Point, a gated subdivision within the Village of Palmetto Bay, consisting of 12 single family homes, approximately 100 townhouses, and amenities including a marina. The average density in this neighborhood is 9 du/acre.



#### *4.f Future Land Uses and Zoning of Land in the Surrounding Area*

Royal Palm Estates is classified as Estate Density Residential in the Village of Palmetto Bay's FLUM. This future land use category allows only single family dwellings, not to exceed 2.5 du/gross acre. The neighborhood is zoned Estate Modified – Single Family. Pursuant to Sec. 30-50.4 of the Village's LDC, uses permitted in this zoning district include single family residential dwellings, including accessory uses consistent with the character of existing homes and uses in the area, including but not limited to private garages, servant's quarters or guest houses not over one story in height (incidental to the principal residential use), and uses permitted as of right, or as conditional uses in the R-1 District.

The Village's FLUM designates Paradise Point Subdivision as a Low-Medium Density Residential (LMDR) Land Use. This category allows a range in density from a minimum of 5.0 to a maximum of 13.0 dwelling units per gross acre. The types of housing typically found in areas designated LMDR include single-family homes, townhouses, and low-rise condominiums /apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.



otherwise approved through the public hearing process for a specific use, shall be subject to the following trend determination process:

"If a neighborhood in the Interim District is predominantly one classification of usage, the director shall be governed by the regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties within the Interim District which because of their geographic proximity to the subject parcel make for a compatible use. The director shall be guided in determining what constitutes a neighborhood by limiting the evaluation to separate geographic areas, which may be designated by natural boundaries (rivers, canals, etc.) and/or manmade boundaries (roads, full-and half-section lines, etc.). The director's decision shall be subject to appeal pursuant to the provisions of Division 30-30 of the Code. If no trend of development has been established in the Interim neighborhood, minimum standards of the E-2 District shall be applied. All lots subject to compliance with the standards of the E-2 District shall contain a minimum land area of five acres gross, unless a larger minimum lot size is required by the Code. Notwithstanding the foregoing, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the E-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the E-1 District."

The FP&L property has not been previously trended, but the predominant uses in the surrounding area are residential, developed at densities ranging between 2.5 and 9 du's per acre. Therefore, the very low density of 1 du per 5 gross acres of the E-2 Zoning District—which Sec. 30-50.22 of the LDC applies in cases of Interim District property not previously trended—is not compatible with the denser development character of the surrounding residential neighborhoods (i.e., "the use or uses which predominate in adjoining properties within the Interim District which because of their geographic proximity to the subject parcel make for a compatible use"), specifically:

As described in the previous section, the property adjoins the existing King's Bay Subdivision to the north. This is a mature, developed residential subdivision, similar in size to the potential FP&L residential site (68 acres), with lots that are approximately 15,000 square feet in land area, resulting in an approximate density of 2.5 du's/gross acre.

The density and character of this subdivision, while jurisdictionally located within the City of Coral Gables, is comparable to the character and density allowed in the Village's Estate Density Residential Future Land Use District (maximum of 2.5 du/gross acre) and E-M, Estate Modified Single Family Zoning District.

The other nearest residential neighborhood is Royal Palm Estates, an estate subdivision are separated from the FP&L property by SW 152<sup>nd</sup> Street and surrounded on three sides by the Deering Estate and Deering Estate North Addition Preserve. This neighborhood is zoned Estate

Modified - Single Family Estate, which requires a minimum land area of 15,000 square feet per lot.

Paradise Point is segregated from the FP&L property by a body of water, but it is visible from the property across the water. This existing development is significantly denser than the other two, at an average of 9 du's per acre, and includes both townhouses and single-family homes.



In summary, low and medium density residential uses are the predominant, most compatible uses among nearby properties. An appropriate future land use classification for the site could be Low Density Residential (LDR), which allows detached single family homes or fee-simple townhomes (or a mix of both), at densities ranging between 2.5 and 6.0 du's per gross acre.

## 6. Recommendations

In order to determine potential Trend of Development pursuant to Sec. 30-50.22 of the Village Code of Ordinances a thorough review of historical documentation provided by the Village of Palmetto Bay was conducted. Both the Village Comprehensive Plan and Land Development Code were reviewed. In addition, the Comprehensive Plan and Zoning Code of the City of Coral Gables, which adjoins the site, were both reviewed.

Development surrounding the site was also studied. Potential development trending towards educational facilities (west), Natural Preserve (south) and PUD (east) were not considered to be logical courses for development.

Based on the Trend of Development analysis, CGA recommends that a density and development character comparable to and compatible with the single-family residential development known as King's Bay be maintained on the FP&L site. King's Bay contains approximately 68 acres and 150 residences to the north of the FP&L site. The site was platted in the 1950's. A majority of those residences were built between 1960 and 1990. This development is completely built-out at a density of approximately 2.5 dwelling units per acre.

To ensure compatible future development on the FP&L site, the Village should amend the Future Land Use Map re-designating the property as Low Density Residential (LDR), ranging from 2.5 and 6.0 du's per gross acre, combined with a rezoning to E-M Estate Modified Single-family district that requires lots be a minimum area of 15,000 square feet.

Below is a conceptual site diagram representing single family dwelling development inland, with waterfront and natural areas accessible to the public. At the recommended Future Land Use and Zoning classifications, between 140 and 200 single-family dwelling units could be developed on this site.



END OF REPORT