



Contemporary at Cutler Bay Mixed-Use Development Modified Covenant



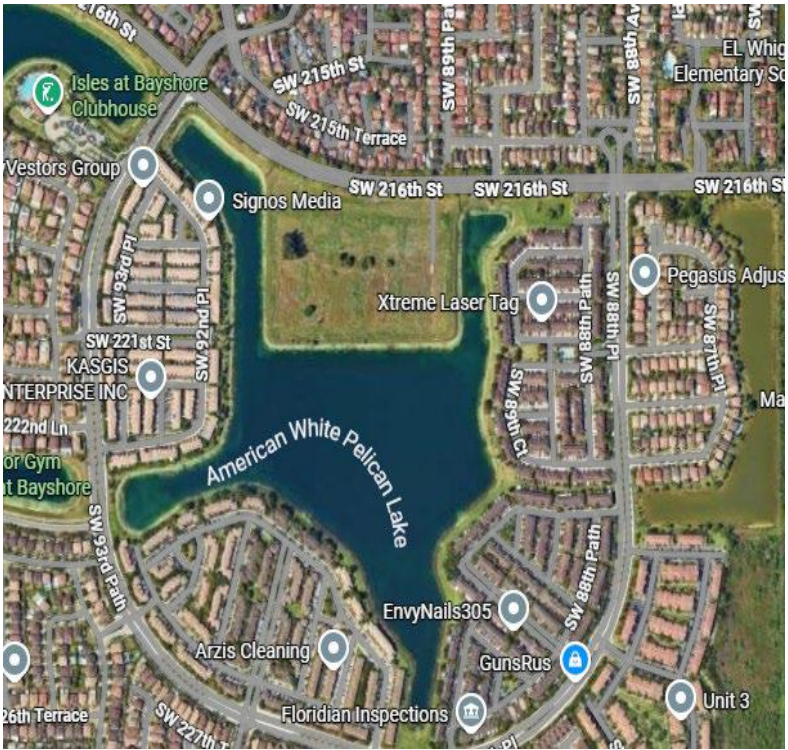
Town Staff Report

- Introduction
- Project Location/Future Land Use Category/ Zoning District
- Project Information
- Evaluation Standard Review
- Community Benefits
- Questions and Answers

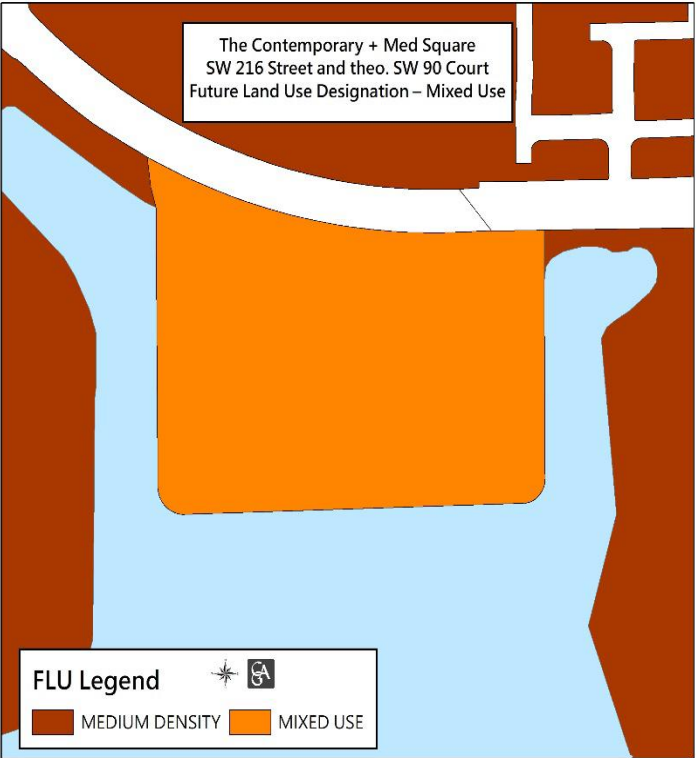
Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant : Introduction

- An amendment to the existing declaration of restrictive covenant for property generally located on SW 216 street between SW 88 place and SW 93 path; to integrate a multi-generational residential use to complement the previously approved senior living, commercial and public open space uses originally approved in 2022 and later further amended in 2024, respectively.
- Public Hearing Advertisement-Miami Herald, Sunday, **June 7, 2026**. (Neighbors Section)
- Courtesy Notices – Mailed, Friday, **June 12, 2026** (1,156 and 2 international)
- Property Posted – Thursday, **June 11, 2026**

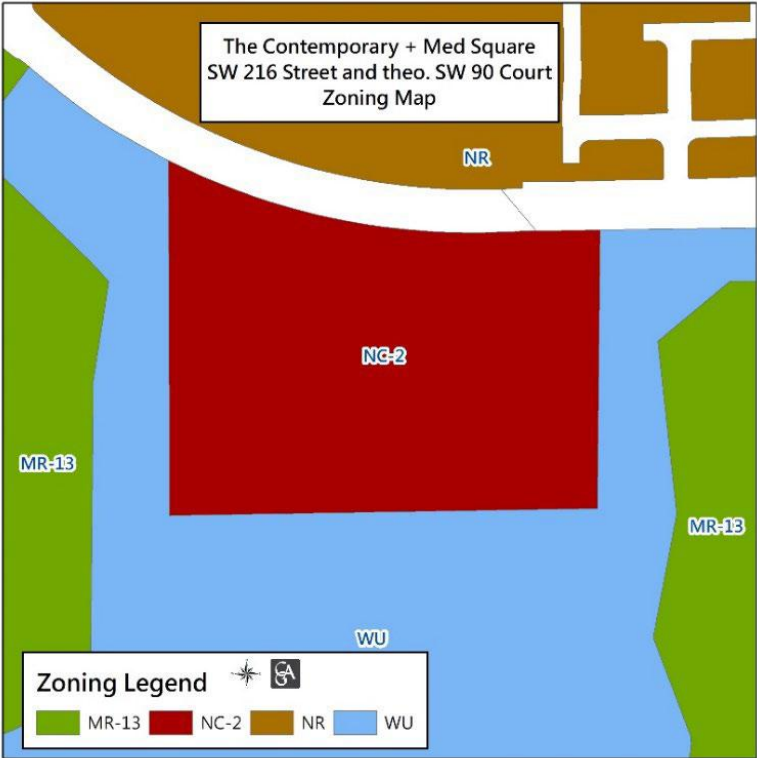
Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Project Location/Future Land Use Category/ Zoning District



Location Map



Future Land Use Category



Zoning District

NC-2 – Maximum density is 11 units per acre. Maximum Floor Area Ratio 0.4.

Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Property Information

- **October 28, 1970** - Agreement Governing Land Development executed by Saga Bay Development Corporation. The parcel was designated for: business uses (office uses, restaurants, bars, drug stores, coffee shops, beauty shops, and barber shops and other comparable business service uses). Saga Bay Development is now known as Lakes by the Bay.
- **May 28, 1982** - Cadillac Fairview South Dade Declaration of Restrictive Covenants was approved (Official Records Book 11485, Page 537). No residential units shall be permitted on parcels N through X and AA, except that senior residential housing (55 years and older) and ancillary support services shall be permitted on and restricted to Parcel “P” (**Contemporary Parcel**).

Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Property Information

- **In 1982**, the parcel that is the subject of this application was zoned BU-2 (Special Business District) and remained so until the Town implemented its Growth Management Plan and Land Development Regulations, 2008 and 2012, respectively. The Future Land Use was changed to “Mixed-Use” (Lake by the Bay), while the zoning was changed to Neighborhood Center -2 (NC-2). Neither designation permitted residential.
- **October 19, 2022** - Lakes by the Bay “Mixed-Use” land use designation and NC-2 sub-district zoning text was amended to allow senior housing residential. The existing “Declaration of Restrictive Covenant”, at the time, limit the subject parcel to non-residential uses. The 2022 approval included 196 senior housing units (age 55+), 42,250 SF of medical office space, 7,100 SF office use, 14,100 SF restaurant, and 9,307 SF of retail use. (Resolution Nos. 22-94 and 22-85, respectively).
- **October 19, 2022** - As part of the site plan and the FLUM and Zoning text amendments, the developer proffered a restrictive covenant to provide landscape improvements within the linear park, senior programming, and incorporate a designated pick-up and drop-off location for the Town Circulator.

Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Property Information

- **November 15, 2024** - the developer revised the development program originally approved by the Town Council on October 19, 2022 (Resolution No. 22-85). The modified plan was filed as a Live Local Act (Section 166.04151, Florida Statutes) mixed-use residential development project. The Live Local Act residential development application and Green Building Program Designation was administrative approve by the Town Administration pursuant to Section 166.04151, Florida Statutes requirements. This approval retained the same mixed-use horizontal residential development program, except for an increase in the number units from 196 to 322 senior housing units.
- It is important to note, that pursuant to Section 3-30(10)(b) of the Town Code, the 2024 site plan has been extended through July 19th 2028. consistent with the tolling time-period requirements set forth in Section 252.363, Florida Statutes.

Contemporary at Cutler Bay Mixed-Use Residential Development – Modified Covenant: Property Information

- **On February 24, 2026**, the Developer submitted a land use application seeking to modify the existing Declaration of Restrictive Covenant to, among other things, implementing the proposed multi-generational component into the mixed-use project (120 Age-Restricted Units 55 Years and Older; 202 Non-Aged Restrictive Units for a total of 322 units), including the workforce housing, and associated rental preference program.

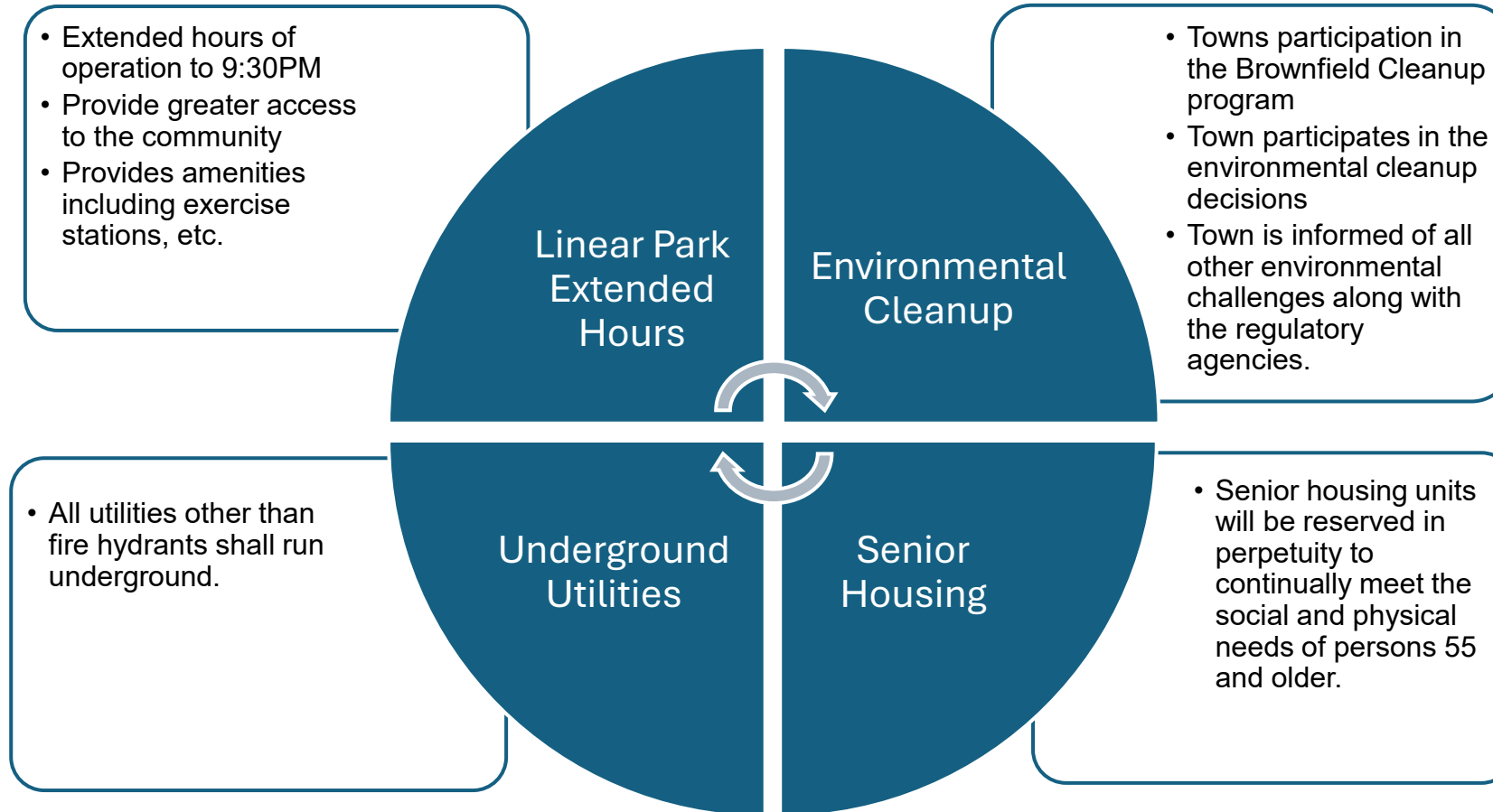
Contemporary at Cutler Bay Mixed-Use Residential Development – Modified Covenant: Growth Management Plan Consistency Review

No.	Goal	Objectives	Policies	Discription
1			FLU-1C	The Town's Land Development Regulations shall conform to, and implement, the use intensity and density standards prescribed for the land use districts provided on the Future Land Use Map, and detailed in Table FLU-1.
2			FLU-3A	Areas designated mixed use may contain commercial, office, community, institutional, recreation and open space, residential, or similar uses integrated vertically or horizontally, in accordance with Policy FLU-1C.
3		FLU-4		The Town shall protect, maintain and improve its residential districts, as designated on the Future Land Use Map.
4			FLU-4C	Development and redevelopment in the residential districts shall be regulated to ensure compatibility with the existing neighborhood, implement the recommendations of neighborhood improvement plans or initiatives that may be adopted and prevent the encroachment of incompatible uses.
5		FLU-5		The Town shall foster compatible and high quality development and redevelopment in accordance with the principals and concepts of this Comprehensive Plan and Land Development Regulations.
6			FLU-5I	Although there are currently no military installations within or proximate to Cutler Bay, the Town shall adhere to State statutory requirements to ensure compatibility of new development and redevelopment with military operations if a military installation is located within the Town or within one-half mile of its boundaries in the future.
7			FLU-13C	The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center and Mixed-Use land use districts, in accordance with this Plan.
8			C-12D	The Town encourages mixed-use development and infill redevelopment.

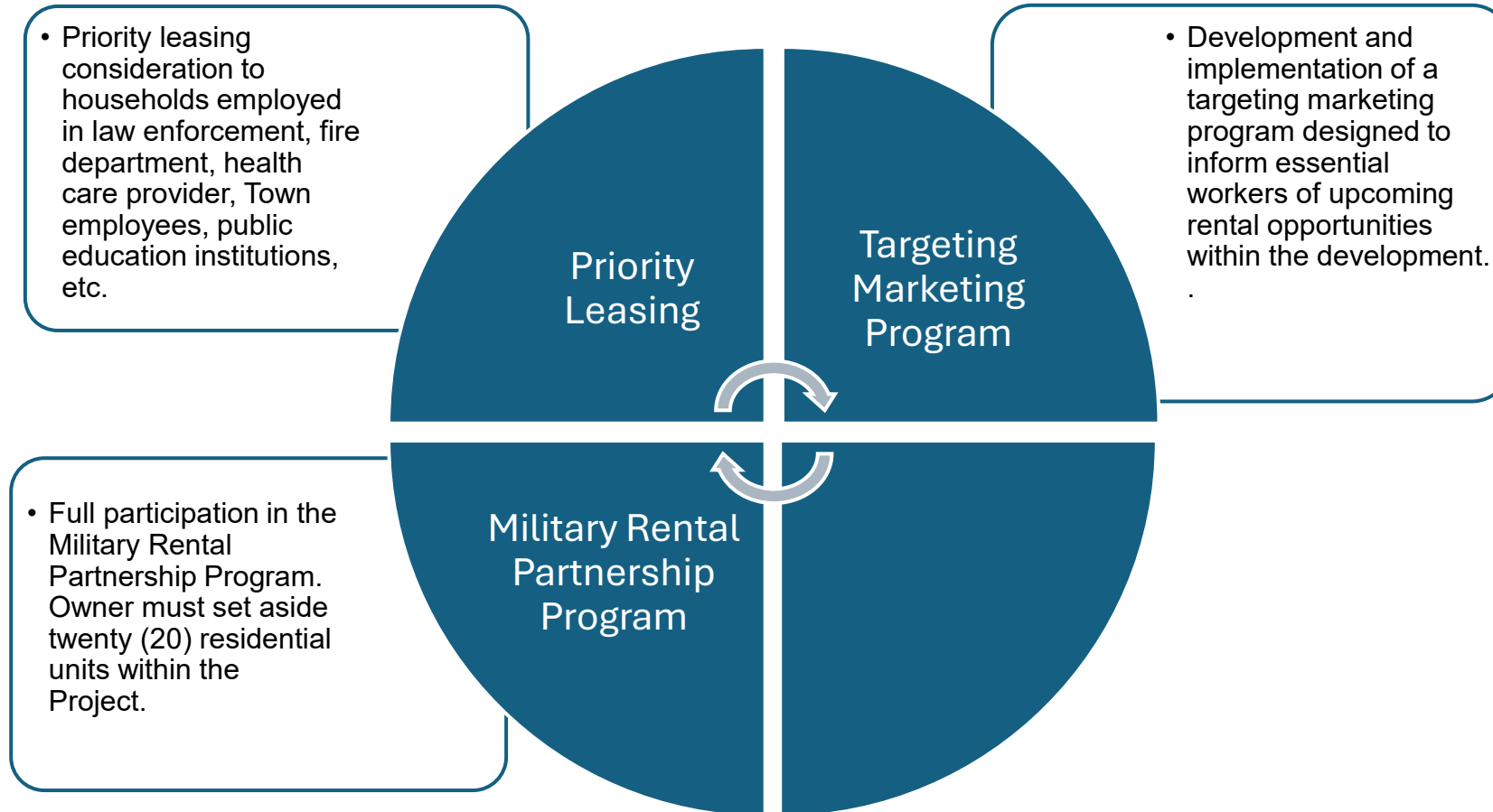
Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Standard Evaluation Review

No.	Standards	Compliance
1	Compliance with the Town’s Growth Management Plan	X
2	Consistent with the “character and purpose” of the zoning district	X
3	The size, shape and character of the property are suited for the proposed use.	X
4	Is compatible with the existing uses near the property.	X
5	Will not adversely affect the development of the general neighborhood or district.	X
6	Will not generate vehicular traffic or create vehicular circulation problems or parking demands that have an unfavorable impact on surrounding properties when compared with uses permitted by right in the same district.	X
7	Potential for fire and/or other equally or greater dangerous hazards.	X
8	Create an unfavorable environmental impact on surrounding uses (e.g. noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance).	X
9	Is consistent with existing and planned pedestrian and vehicular circulations adjacent to and near the property.	X
10	Site is adequately served by essential public services and facilities not requiring additional public expense in infrastructure improvements.	X
11	Will not adversely affect any site or feature of historical, cultural, natural, or scenic importance	X
12	Will not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicitly findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare.	X

Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Community Benefits



Contemporary at Cutler Bay Mixed-Use Development – Modified Covenant: Community Benefits





Questions and Answers