

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to the Board of County Commissioners**

PH: Z11-037 (12-1-CZ8-2)

May 17, 2012

Item No. 1

Recommendation Summary	
Commission District	2
Applicant	King Metal Recycling, LLC.
Summary of Requests	The applicant is seeking to allow a zone change to IU-3 and to permit a recycling center spaced less than required from residences. The applicant also seeks to permit the recycling plant with variances to the setback, parking and drives and other zoning regulations.
Location	8600 NW 36 Avenue, Miami-Dade County, Florida.
Property Size	2 gross acres
Existing Zoning	GU
Existing Land Use	Recycling plant
2015-2025 CDMP Land Use Designation	Industrial and Office (<i>see attached Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards (<i>see attached Zoning Recommendation Addendum</i>)
Recommendation	Approval, subject to the acceptance of the proffered covenant

On February 12, 2012, the Community Zoning Appeals Board (CZAB) #8, denied without prejudice the entire application by a vote of 3 to 2, pursuant to Resolution #CZAB8-3-12. Subsequently, on February 27, 2012, the applicant appealed the CZAB-8's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application was, void of the data and scientific values presented by the applicant and contrary to the recommendation of the Permitting, Environment and Regulatory Affairs Department or its successor Department.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from GU to IU-3.
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line and setback a minimum of 12' 10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a one-way drive with a minimum width of 12' 10" (14' required).

- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall to not exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets.

PROJECT DESCRIPTION:

The submitted plans depict the recycling center facility with the existing office additions encroaching into the front (east) setback area. The plans also depict the proposed wall along the front (east) property line.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	GU; recycling plant	Industrial and Office
North	GU; vacant land	Industrial and Office
South	GU; cannery	Terminals
East	RU-1: single-family residences	Low Density Residential (2.5 to 6 du)
West	GU; rail yard	Terminals

NEIGHBORHOOD COMPATIBILITY:

The 2-acre subject parcel contains an existing metal recycling facility that was previously approved as a steel fabrication plant in 1955. On the west side of NW 36th Avenue from NW 83 Street to NW 96th Street are industrial uses, the type of uses include railroad and sand yards to the south and west of the subject property; and to the north of the subject property, a liquid petroleum storage facility, auto wholesale distributor and warehouse carrier storage, a steel products rolling and manufacturing operation, lumberyard and rebar steel works mill, commercial vehicle storage and towing yard. On the east side of NW 36 Avenue, across the street from the subject property, there is a block of single family residences that face east, away from the subject property. The single family residences that are north of this block all face west and front directly onto the existing industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the property to IU-3 industrial uses which could be an economic benefit to the County by maintaining the availability of such jobs in this area. Although the proposed IU-3 zoning is in close proximity to residences and could have a negative visual and noise impact on same, there have been approved industrial uses on the west side of NW 36 Avenue since the 1950's.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Industrial and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses*. The proposed zoning district and the proposed use are **consistent** with the industrial uses permitted under the Industrial and Office land use category. Additionally, **Objective LU-4** requires that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community*. Staff notes that the subject property and the abutting properties to the north, which are all located to the east of and abutting NW 36 Avenue, are designated Industrial and Office on the LUP map of the CDMP. Further, staff notes that the uses on these properties are industrial. The properties located to the south and west are designated Terminals on the LUP map of the CDMP. The CDMP Land Use Element interpretative text, Terminal land use category, allows rail yards and industrial uses and similar uses that are customary and incidental to the primary railroad use. As such, staff opines that the rezoning of the subject property to IU-3 would bring the property into conformity with the Industrial and Office designation of the property on the CDMP LUP map as well as the industrial uses that currently exist or are planned on the properties designated for Terminal use to the south and west.

However, staff also notes that the properties located to the east of NW 36 Avenue, are primarily developed with residences. **Policy LU-4D** requires that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements*. The submitted plans indicate that the recycling facility is developed with the operational and more intensive uses located away from the residences and the offices are located close to NW 36 Avenue, abutting the residences. Further, the applicant is requesting approval of an existing 16' high wall along the front (east) property line, which in staff's opinion, will mitigate any negative visual or noise impacts on the residences to the east. As such, staff opines that approval of the requests to rezone the property for an industrial use would be **compatible** with the surrounding area and **consistent** with CDMP Land Use Element **Objective LU-4** and **Policy LU-4D** and the CDMP LUP map designation for the entire subject property.

ZONING ANALYSIS:

When the applicant's request to rezone the 2-acre parcel to IU-3, Unlimited Industrial Manufacturing District (request #1), is analyzed under Section 33-311, District Boundary Change, and request #2, to allow the metal recycling facility spaced less than the required 500' from any residential district is analyzed under Section 33-311(A)(3), Special Exception, Unusual and New Uses, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. With conditions, staff notes that the approval of the applicant's request to rezone the property and to allow the continued use as a recycling facility will be **consistent** with the Industrial and Office designation of the property on the LUP map of the CDMP. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in memoranda from the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department, and the Public Works and Waste Management Department. Additionally, staff notes that the subject property abuts a rail yard facility to the west which, in staff's opinion, could enhance the transportation efficiencies of the facility in the future.

Staff notes that pursuant to Resolutions #3662 and #3667, adopted by the Board of County Commissioners (BCC) in April 1950, the subject property was a part of a larger tract of land that was rezoned to GU, Interim District, and granted the Dade County Planning, Zoning and Building and its Director, the authority "to issue any and all permits for all types of industrial and commercial uses..." The parcel that was the subject of the rezoning extended from approximately NW 83 Street to NW 97 Street, west of NW 36 Avenue, which includes the subject parcel which is located at 8600 NW 36 Avenue. In April 1955, pursuant to Resolution #8165, the subject property was approved to allow a steel fabrication plant. Subsequently in April 1961, said plant was expanded pursuant to Resolution #ZAB-35-61, to permit the plant within 64' of residential properties, where a 500' spacing is required from residential properties. As such, staff opines that the rezoning of the property to IU-3 is consistent with County Commission Resolutions #3662 and #3667.

Staff opines that the requested special exception (request #2), is similar to and compatible with the previously approved steel fabrication plant that was approved in 1961, which was spaced less than allowed from residential properties. As such, staff opines that approval of this request will not result in a change in the character of the neighborhood and would not result in excessive noise or traffic. However, due to the proximity to the residential properties, staff recommends as a condition for approval, that operations be restricted to days and hours that would not have a negative impact on the quality of life of the residents located to the east. Therefore, staff opines that approval of the district boundary change to allow the continued use of the property as a recycling facility will be **compatible** with the surrounding area. However, staff notes that the proposed IU-3 zoning would allow other uses that could have a negative visual and noise impact on the residences in the area. Consequently, the applicant has proffered a covenant restricting the use of the property to the recycling facility only and restricting the days and hours of operation for the facility. **Staff therefore, recommends approval of the request #1 under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant and approval with conditions of request #2 under Section 33-311(A)(3), Special Exception, Unusual Uses and New Uses.**

When requests #3 through #8 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests will maintain

the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff's analysis of the applicant's request for variances to the setback regulations (request #3) indicated that the subject site was previously approved to allow the facility to setback 14' from the front (east) property line and that the applicant is now requesting an additional 10' encroachment. The submitted plans indicate that the encroachment is the result of a previous expansion of the office building into the front (east) setback area. Said plans indicate that the building will be approximately 19' in height, and that the wall along the front (east) property line will be 16' high, both of which will provide an adequate visual and noise buffer for the industrial operations both within and outside the buildings on the 2-acre subject parcel. Further, staff notes that the 2'-2" encroachment into the interior side (north) setback area is minimal and will not have a negative visual or noise impact on the adjacent property to the north which is also designated Industrial and Office on the CDMP LUP map and which would allow uses that are similar to and more intensive than being requested on the subject property.

Staff is supportive of the applicant's request, with conditions, to allow the wall to exceed the maximum height allowed by 8' (request #7) and to allow said wall within 10' of the edge of driveway leading to a public right-of-way (request #8). In staff's opinion, the increased wall height in conjunction with the layout of the site which indicates the two-story office building located to the front (east) of the property with the operational and storage areas located to the west of and behind them, will mitigate the noise and visual impacts of the industrial uses on the residential properties located to the east. In staff's opinion, approval of the aforementioned requests is integral to the approval of request #6, which would allow the applicant to conduct recycling activities outside of a building or behind enclosed walls on the site.

Further, staff opines that approval of requests #4 and #5, would not have a negative impact on the surrounding area, or result in the spillage of parking onto the abutting roadways and negatively affect traffic on same. The submitted plans indicate a traffic circulation pattern on the site which includes the one-way drive that is the subject of request #5, which staff opines will provide adequate stacking for the pickup and delivery of inventory thus mitigating the need for customer parking spaces. Further, staff opines that approval with conditions of the applicant's request to provide less parking spaces than required will not have a negative impact on the surrounding area. However, staff recommends as a condition of approval, that no parking for employees or customers be allowed on the abutting right-of-way, NW 36 Avenue.

Based on the aforementioned, staff opines that the approval with conditions of requests #3 through #8 will not have a negative visual or noise impact on the surrounding area and would be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #3 through #8, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate two (2) ingress points along NW 36 Avenue, the larger of which on the south allows both ingress and egress to the property. Additionally, the applicant has provided a one-way drive along the north property line circling to the rear (west) of the property, to provide for the drop off and pick up of inventory inside of the recycling facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #8.

CONDITIONS FOR APPROVAL (For requests #2 through #8 only):

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That no parking be allowed offsite or along NW 36 Avenue and that the property owner create and maintain a traffic operations plan to keep vehicles off said right-of-way.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Permitting, Environment and Regulatory Affairs Department or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the use be permitted to operate only between the hours of 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturdays and that the facility shall not operate on Sundays.
7. That the applicant comply with all conditions from the Environmental Quality Control Board of the Permitting, Environment and Regulatory Affairs Department or its successor Department.
8. That the applicant comply with all applicable conditions and requirements of the Department of Public Works and Waste Management.

ES:MW:GR:NN:JC:CH



NDN
GMR

Eric Silva, AICP, Assistant Director
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Miami-Dade County Sustainability,
Planning and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

- ZONING RECOMMENDATION ADDENDUM
- HISTORY
- MOTION SLIPS*
- DEPARTMENT MEMORANDA
- DISCLOSURE OF INTEREST*
- HEARING PLANS*
- MAPS
- *If applicable