

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z11-064 (15-7-CZ10-1)

July 15, 2015

Item No. 1

Recommendation Summary	
Commission District	10
Applicant	Southwest Community Church, Inc.
Summary of Requests	The approval of this application will allow the applicant to modify the previously approved plans for the religious and educational facility, as well as conditions that pertain to the number of grades, students and signage for the uses on the subject property. Additionally, approval of the application would allow the facility with ancillary non-use variances for parking back-out and drives and playground area among others.
Location	8951 SW 44 Street, Miami-Dade County, Florida.
Property Size	5.15-acres
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Religious and educational facility
2020-2030 CDMP Land Use Designation	Low Density Residential, 2.5 – 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards Section 33-311(A)(7), Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified approval with conditions of requests #1 and #2, to permit only one (1) 24 sq. ft. detached sign, approval with conditions of requests #3, #4, #7 and #8, and denial without prejudice of requests #5 and #6.

REQUESTS:

1. MODIFICATION of plans approved pursuant to Resolution #4-ZAB-27-76, last amended by Resolution #4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "Plans being entitled, "Proposed Addition and Alterations for Southwest Community Church", as prepared by Jackson & Nunn, Architects, dated 6/27/77."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Addition for Southwest Community Church", prepared by Peicons, Inc., Professional Engineering, sheets S-1 and LS dated stamped received April 2, 2015, and all other sheets dated stamped received February 4, 2015, for a total of 5 sheets."

2. MODIFICATION of conditions numbers 5, 6, 11 and 12, of Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That the use be approved for and be restricted to a maximum of 200 children."

- TO: "5. That the use be approved for and be restricted to a maximum of 297 children."
- FROM: "6. That the number of grades will be from K-2 to Grade 6."
- TO: "6. That the number of grades will be from K-2 to Grade 9."
- FROM: "11. That there be no sign permitted in connection with the use."
- TO: "11. That there be four (4) signs permitted in connection with the use."
- FROM: "12. That the transportation to be furnished in connection with the use will consist of none vehicles and shall be of none type said vehicle to be stored on the premises."
- TO: "12. That the transportation the transportation to be furnished in connection with the use will consist of two (2) buses and four (4) vans on the premises."

The purpose of requests #1 & #2 is to allow the applicant to submit a revised site plans and to show an increase in the number of children, grade levels and signage for the previously approved private school use.

3. NON-USE VARIANCE to permit a back-out space of 17'-6" (22' required).
4. NON-USE VARIANCE to permit a one-way driveway with a width varying from 13' to 13'-7" (14' minimum required).
5. NON-USE VARIANCE to permit four (4) signs associated with the school, two (2) 80 sq. ft. signs and two (2) 24 sq. ft. signs one (1) 24 sq. ft. sign permitted).
6. NON-USE VARIANCE to permit two (2) detached signs setback 10' (15' required) from the property lines abutting SW 89 Avenue and SW 44 Street.
7. NON-USE VARIANCE to permit a recreational playground space with an area of 81,165 sq. ft. (89,288 sq. ft. required).
8. NON-USE VARIANCE to permit the existing chain link fence within the safe-sight distance triangle (not permitted).

PROJECT DESCRIPTION AND PROJECT HISTORY:

The existing religious facility was approved pursuant to Resolution #4-ZAB-515-72. Subsequently, pursuant to Resolutions # #4-ZAB-27-76, and Resolution #4-ZAB-418-77, the uses on the subject property were expanded to include a kindergarten and day nursery together with a private school, grades 1 through 6.

The applicant now seeks to modify the plans approved pursuant to a prior resolution for the existing religious and educational facility. In addition, the applicant seeks to modify conditions of

the prior resolution in order to increase the number of students, grade levels and signage allowed on the subject property for the existing facility. With the aforementioned, the applicant also seeks non-use variances to permit the facility with reduced back-out and driveway widths, playground area, and variances of the safe-sight distance triangle and the signage requirements of the Code. The submitted plans depict the existing religious and educational facility consisting of two 2-story buildings as well as the existing parsonage on the approximately 5.15-acre site. In addition, the plans also indicate a proposed two-story classroom addition.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; religious facility, school and daycare	Low Density Residential (2.5 to 6 dua)
North	RU-1; private school and single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua))
East	RU-1: single-family residences	Low Density Residential (2.5 to 6 dua)
West	RU-1; park, religious facility	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property abuts a similar educational use to the north, as well as single-family residences to the east and south, and an existing park and religious facility to the west.

SUMMARY OF THE IMPACTS:

The approval of this application is not likely to create a negative visual impact on the surrounding residential and institutional uses. Although the increase in the number of students could result in additional traffic impacts on the surrounding roadways, subject to the conditions outlined in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, approval with conditions will not have a negative impact on said roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is currently zoned RU-1, Single-Family Residential District and contains an existing religious and educational facility. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Low Density Residential** use, *within the Residential Communities*. The CDMP Land Use Element Interpretative text for the Residential Communities designation also permits *neighborhood and community services* such as the existing school and religious facility, *only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood*. Approval of this application will not change the existing uses.

Staff opines that approval with conditions of the applicant’s requests to modify the plans and the prior conditions pertaining to the number of students and grades, along with ancillary non-use variances for the existing religious and educational facility will not result in an intensification of

the development of the site beyond the architectural and character of the surrounding residential and institutional uses. Therefore, for the reasons that will be further explained below in the zoning analysis, staff opines that approval with conditions of the requests would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, based on the foregoing analysis, staff opines that the approval of the application is **consistent** with the uses allowed under the CDMP Land Use Element interpretative text for **Residential Communities** and the CDMP Land Use Plan map **Low Density Residential** designation for the subject property.

ZONING ANALYSIS:

The applicant seeks to modify the plans approved to a prior resolution for the existing religious and educational facility, as well as to modify conditions of said resolution that pertain to the number of students and grades in the private school, the number of detached signs and the school transportation vehicles that are parked on the subject property (requests #1 and #2). With the exception of the number of signs, staff opines that approval of the aforementioned requests under the under the Generalized Modification Standards, Section 33-311(A)(7), would be **compatible** with the surrounding area. Based on the memoranda from the departments reviewing the application, and specifically the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), staff opines that the approval of the increase in grades and students, will not create a negative impact on traffic on the abutting roadways, create a fire or equally dangerous hazard or tend to provoke a nuisance.

Staff notes that approval of the requested modifications will allow the applicant to expand the existing private school. Staff opines that the additional two-story school building is similar in height and scale to the existing school and sanctuary buildings on the site. Further, the submitted plans indicate that the new building will be connected to the existing buildings and oriented to the south, abutting the parking lot. As such, staff opines that the building will not have a negative visual impact on the surrounding residences to the south and east. Additionally, staff notes that the site plan indicates that there are 18 more parking spaces on site than required. Staff opines that the 5.15-acre subject property is large enough to accommodate the parking of the six (6) transportation vehicles on-site without creating a negative visual impact on the surrounding residential uses. Therefore, as a condition for approval, staff recommends that the school transportation vehicles shall not be parked within 150' of the abutting roadways to the south and east on nights or weekends. Additionally, staff notes that the increase in students and buildings on the site results in ancillary non-use variances of the driveway width, parking back-out and the playground area (requests #3, #4 and #7). For reasons that will be expanded upon later in the zoning analysis, staff is supportive of these variances.

However, staff is not supportive of the additional signage within the residential district. The plans show two (2) existing 80 sq. ft. wall signs and two (2) proposed detached signs, which are the subject of requests #5 and #6. Staff's analysis of these requests will show that they are out of character with the surrounding residential neighborhood and, therefore, incompatible with same. As such, staff opines that a modified approval of requests #1 and #2 to show the removal of the additional signage beyond what is permitted by the Code, will maintain the character of the residential zoning district, and as such, will be **compatible** with the surrounding residential and institutional uses in this area.

Based on the foregoing analysis, staff recommends a modified approval with conditions of requests #1 and #2, to show the removal of the existing wall sign and one of the detached signs under the Generalized Modification Standards, Section 33-311(A)(7).

When requests #3, #4, #7 and #8 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that the approval with conditions would not have a negative visual impact on the surrounding residential uses, will not negatively impact traffic on the abutting roadways, SW 89 Avenue and SW 44 Street and would be **compatible** with the surrounding area. Staff opines that the approval of the requests to permit reduced back-out space (request #3) and the reduced driveway width (request #4), are located on a relatively small portion of the site and will not have a major impact on traffic flow within the facility. Additionally, although the fences abutting the driveways are located within the safe sight distance triangle (request #8), pictures submitted by the applicant indicates that these fences and gates are chain link material, which, in staff's opinion, do not visually impede pedestrian and vehicular traffic entering and leaving the facility. Further, staff notes that the Platting and Traffic Review Section's memorandum has only requested that no trees be located within the safe-sight distance triangle at all driveways. Therefore, subject to the conditions outlined in said memorandum dated, June 2, 2015, staff opines that approval of this request would not be detrimental to the surrounding area and would be **compatible** with same.

The applicant seeks to permit the expanded private school use with only 91% of the required 89,288 sq. ft. playground area in order to accommodate the additional students and grades (request #7). Staff opines that the requested reduction in playground area is minimal, and will not negatively impact the educational services on site, or create any new aural or visual impacts on the surrounding residential and institutional uses. **Based on the foregoing analysis, staff recommends approval with conditions of requests #3, #4, #7 and #8 under Section 33-311(A)(4)(b) Non-Use Variances (NUV) from Other Than Airport Regulations.**

However, when requests #5 and #6 are similarly analyzed under the aforementioned NUV standards, staff opines that approval of same would contribute to a proliferation of signs within the residential neighborhood, which would be visually intrusive and out of character with the RU-1 zoning district regulations. The Code permits only one (1) 24 sq. ft. for the church and school use in the RU-1 zoning district. The applicant seeks to permit the two (2) existing, unpermitted 80 sq. ft. wall signs along the south and east building elevations, as well as two (2) detached 24 sq. ft. signs along the property lines abutting SW 89 Avenue and SW 44 Street. In staff's opinion, approval of this request (request #5), to permit two (2) signs that are almost four (4) times the size of signage in this zoning district, along with request #6, to permit the detached signs within the setback area is excessive, would have a negative visual impact on the residential uses to the south and east, and would be **incompatible** with the area. **Therefore, staff recommends denial without prejudice of requests #5 and #6 under Section 33-311(A)(4)(b) Non-Use Variances (NUV) from Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has an ingress/egress drives SW 44 Street only. Further, staff notes that the plans also show a total of 120 parking spaces, which is 24 more spaces than required for the religious and educational facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

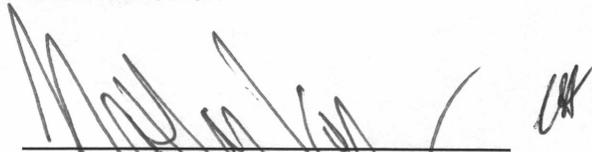
OTHER: Not applicable.

RECOMMENDATION: Modified approval with conditions of requests #1 and #2, to show only one (1) 24 sq. ft. detached sign, approval with conditions of requests #3, #4, #7 and #8, and denial without prejudice of requests #5 and #6.

CONDITIONS FOR APPROVAL: (For requests numbers 1 through 4, and requests #7 and #8 only.)

1. That all the conditions of Resolution #4-ZAB-418-77, remain in full force and effect except as herein modified.
2. That the school transportation buses shall not be parked within 150' of the property lines abutting SW 44 Street and SW 89 Avenue on nights and weekends.
3. That the proposed sign abutting SW 44 Street be relocated to meet the setback requirements prior to permit approval.
4. That the existing 80 sq. ft. wall sign and the detached sign abutting SW 89 Avenue be removed prior to final approval.
5. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section indicated in its memorandum dated June 2, 2015.

NK:MW:NN:JV:CH



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Southwest Community Church
Z11-064

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection*</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>Objects</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Low-Density Residential <i>(Pg. I-31)</i>	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities <i>(Pg. I-26)</i>	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses and their relationships.</i>
Policy LU-4A <i>(Page I-11)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and 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.</i>