

**Miami-Dade County Department of Regulatory And Economic Resources
Staff Report to Community Council No. 11**

PH: Z13-104(14-3-CZ11-1)

**April 8, 2014
Item No. A**

Recommendation Summary	
Commission District	11
Applicant	Aries Investments and Financial Services, Inc.
Summary of Requests	The applicant is seeking to modify a condition of a previously approved resolution to allow the extension of the operating hours for the previously approve recreational facility.
Location	14275 SW 139 Court, Miami-Dade County, Florida.
Property Size	0.93-acre
Existing Zoning	IU-C, Conditional Industrial District
Existing Land Use	Recreational facility
2015-2025 CDMP Land Use Designation	Industrial and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice.

This item was deferred from the March 11, 2014 Community Zoning Appeals Board (CZAB) #11 meeting to allow the applicant time to provide additional information to staff.

REQUEST:

Modification of Condition #5 of Resolution #CZAB11-19-09 passed and adopted by Community Zoning Appeals Board #11, and reading as follows:

From: "5. That lights be permitted up to and no later than 11:00 PM with the proper shielding."

To: "5. That lights be permitted up to and no later than 2:00 AM with the proper shielding"

The purpose of the request is to extend the hours for the use of the lights for a previously approved mini soccer facility.

PROJECT DESCRIPTION AND HISTORY:

The subject site is an existing .93-acre parcel that was approved with conditions, pursuant to Resolution #CZAB11-19-09, to permit recreational facility consisting of three (3) mini soccer fields and a concession stand.

The applicant now seeks to modify one of the approved conditions in order to extend the hours of operation of the previously approved recreational facility.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-C; recreational facility	Industrial and Office
North	IU-C; warehouses	Industrial and Office
South	IU-C; warehouses	Industrial and Office
East	RU-3M; vacant	Industrial and Office
West	IU-C; warehouses	Industrial and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 14275 SW 139 Court. A vacant parcel lies to the east of the subject property that was recently approved to allow a multi-family residential development and warehouse buildings surround the subject property to the north, south and west.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to extend the hours of operation for an existing recreational facility consisting of two (2) mini soccer fields and a concession stand. However, same could have a negative visual impact on the surrounding area and could create additional aural impact on any future residential development on the abutting parcel to the east.

CDMP ANALYSIS:

The subject property is designated for **Industrial and Office** use on the Adopted 2020-2030 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. This category accommodates uncommon commercial uses such as amusement uses, and others with unusual sitting requirements may also be considered at appropriate locations. Since the applicant is not requesting to add any additional uses to the existing IU-C zoning and the existing previously approved recreational facility use, approval of the application is **consistent** with the CDMP LUP Map designation.

ZONING ANALYSIS:

When the requested modification is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of this request would be **incompatible** with the surrounding area. Staff notes that pursuant to Resolution #CZAB11-19-09, the subject property was approved with a condition to allow the lights to be on up to and no later than 11:00 PM with the proper shielding. At the CZAB hearing in 2009, staff recommended that the use of the mini soccer fields to be limited to day light hours only in order to diminish the aural impact on the surrounding area, more specifically on the adjacent property lying to the east of the subject property which is presently vacant but could be developed with residential use in the future. However, the Board did not include that condition in its resolution and allowed for lights to be permitted up to and no later than 11:00 PM with the proper shielding.

Staff also notes that the property to the east was recently approved for a residential development, pursuant to Resolution #CZAB11-7-13. Staff opines that extending the time allowed for lighting for the existing facility will have negative visual and aural impacts on the proposed residential development on the adjacent property to the east, which will detrimentally impact the way of life for future residents. Additionally, approval of this application will intensify

the uses on the subject parcel by extending the hours of use for the recreational facility, which staff does not support due to the reasons outlined above.

Therefore, staff opines that the approval of the applicant's requests to modify the condition of the prior resolution would have a negative aural and visual impact on the surrounding area and would be **incompatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **As such, staff recommends denial without prejudice of this application under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:JV



Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

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ZONING RECOMMENDATION ADDENDUM

Aries Investments and Financial Services, Inc.
Z13-104

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p>Industrial and Office (Page I-39)</p>	<p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><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.</i></p>
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