

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

PH: Z14-087 (15-2-CZ11-1)

March 17, 2015

Item No. B

Recommendation Summary	
Commission District	9
Applicant	AB at Hidden Lakes, LTD (LLLP)
Summary of Requests	The applicant is seeking to allow a district boundary change from IU-C to RU-3M.
Location	Lying west of SW 127 Avenue and north of SW 132 Street, Miami-Dade County, Florida.
Property Size	4.2 acres
Existing Zoning	IU-C, Conditional Industrial District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Medium Density Residential, 13 to 25, dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval, subject to the Boards acceptance of the covenant.

This item was deferred from the February 10, 2015 meeting of Community Zoning Appeals Board (CZAB) #11, at the applicant's request.

REQUEST:

DISTRICT BOUNDARY CHANGE from IU-C to RU-3M

PROJECT DESCRIPTION:

The applicant seeks to rezone the 4.2-acre parcel from IU-C, Conditional Industrial District to RU-3M, Minimum Apartment House District.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-C; vacant	Medium Density Residential (13 to 25, dua)
North	IU-C: vacant land, lake	Medium Density Residential (13 to 25, dua), Water
South	RU-3M: townhomes	Industrial and Office
East	GU: utility easement	Industrial and Office
West	IU-C: vacant land, lake	Industrial and Office

NEIGHBORHOOD COMPATIBILITY:

The properties to the north and west are zoned IU-C, and are currently made up of vacant parcels and an existing lake. The property to the south is zoned RU-3M and is developed with townhome residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, although the proposed rezoning could have an impact on traffic on the abutting roadways, the increase does not exceed the Levels of Service for the surrounding roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Medium Density Residential**. *This category allows a range in density ranging from 13 to 25 dwelling units per gross acre. The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* This would allow the applicant to develop the 4.3 gross-acre parcel with a minimum of 55 and a maximum 107 residential units. The applicant is seeking a district boundary change from IU-C to RU-3M. The RU-3M zoning district allows development at a maximum of 12.9 units per net acre, which would allow the development of the parcel with a maximum of 54 residential units.

The applicant has indicated the intent to develop the property with 42, townhouse type units under the RU-3M zoning district regulations. The proposed RU-3M development with 42 residential units would be below the minimum density threshold recommended by the Comprehensive Development Master Plan (CDMP), Land Use Element interpretative text for properties designated on CDMP Land Use Plan (LUP) map for Medium-Density Residential use.

The CDMP Land Use Element interpretative text states that *in order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category.* However, said text states that *exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources.* The subject property, located at the intersection of SW 127 Avenue and SW 132 Street, is not within, or within proximity to any transportation or transit corridors designated on the CDMP LUP map. Further, staff notes that the subject property abuts properties to the south that are developed under the RU-3M zoning district regulations, which for the reasons that will be expanded upon in the zoning analysis, is similar to, and more compatible with the proposed townhouse development. As such, staff opines that the subject property qualifies for an exception to the minimum density requirement.

The Medium Density designation of the property was approved in the October 2012, CDMP Amendment Cycle, at which time the applicant proffered a declaration of restrictions, which among other things, required prospective purchasers to be notified that the property was located within one mile of the Kendall-Tamiami Executive Airport and adjacent to Environmentally Endangered Lands (EEL); the property is subject to Florida Fish and Wildlife Commission's

Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas; and that no Certificate of Occupancy be issued within eighteen (18) months of the land use amendment. The applicant has proffered a declaration of restrictions with the current zoning application, which reiterates the aforementioned restrictions. Therefore, subject to the Board's acceptance of the proffered declaration of restrictions, staff opines that approval of the applicant's request to rezone the property to RU-3M is **consistent** the CDMP Land Use Element interpretative text under Gross Residential Density, the restrictions contained in the CDMP Covenant, and the Medium-High Density Residential designation of the subject property on the LUP map.

ZONING ANALYSIS:

When the applicant's request to rezone the 4.2-acre parcel to RU-3M, is analyzed under Section 33-311, District Boundary Change, 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. Staff notes that the approval of the applicant's request to rezone the property will be **consistent** with the Medium Density Residential designation of the parcel on the CDMP Land Use Plan map. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application meets the traffic concurrency criteria for an Initial Development Order and will generate 34 PM daily peak hour trips, which is below the acceptable Levels of Service for the surrounding roadways. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management (DERM) of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. Further, staff notes that the Miami-Dade County Public School has not objected to the application.

Staff notes that the memorandum from the Miami-Dade Aviation Department (MDAD) indicates that the subject property is either partially or fully impacted by the two of the restrictive zones as outlined in the Code of Miami-Dade County, that pertain to the Kendall-Tamiami Executive (TMB) Airport Zoning. Specifically, the proposed residential development is impacted by Outer District (OLZ) regulations, which among other things require residential construction to incorporate at least a 25 decibel (db) Noise Level Reduction into the design/construction of residential structures. The applicant has indicated the intent to proffer a covenant that states that a 25 decibel noise level reduction will be incorporated into the design/construction of the structure.

The subject property abuts SW 127 Avenue, which is a section line roadway to the east and SW 132 Street to the south and approximately one mile east of the Kendall-Tamiami Executive Airport. The property to the south of the subject parcel is developed with a townhouse residences and is zoned RU-3M, which was approved pursuant to Resolution #CZAB11-14-03. As such, staff opines that the proposed 2-story townhouse development is similar in scale and intensity, and therefore, is **compatible** to the existing RU-3M parcels to the south. **Staff therefore, recommends approval, subject to the Board's acceptance of the proffered declarations of restrictions, under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

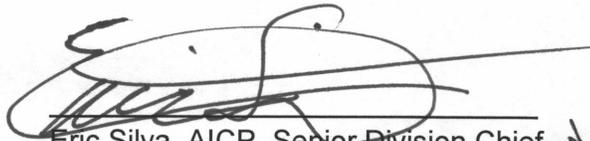
OTHER: Not applicable.

RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered declaration of restrictions.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:EJ:CH



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

MMW

ZONING RECOMMENDATION ADDENDUM

AB at Hidden Lakes, LTD (LLLP)
Z14-087

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental and Regulatory Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Miami-Dade Aviation Department	No objection*
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Medium Density Residential (Pg. I-30)	<i>This category allows a range in density ranging from 13 to 25 dwelling units per gross acre. The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.</i>
Gross Residential Density (Pg. I-29)	<i>In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.</i>
Policy LU-4A (Page I-9)	<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 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p>
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ZONING RECOMMENDATION ADDENDUM

*AB at Hidden Lakes, LTD (LLLP)
Z14-087*

	<ul style="list-style-type: none">(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
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