

**Miami-Dade County Department of Regulatory And Economic Resources
Staff Report to Community Council No. 12**

PH: Z15-045(15-11-CZ12-2)

November 3, 2015

Item No. 1

Recommendation Summary	
Commission District	10
Applicant	WRC Properties, Inc.
Summary of Requests	The applicant is seeking approval of a Special Exception request and a request to modify a condition of a previously approved resolution in order to submit plans showing the expansion of the existing alcoholic beverage establishment into an adjoining bay in an existing shopping plaza and spaced less than required from other alcoholic beverage establishments.
Location	8525 Mills Drive, Miami-Dade County, Florida.
Property Size	27.49 acres
Existing Zoning	BU-2
Existing Land Use	Shopping Center
2020-2030 CDMP Land Use Designation	Business 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)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- 1) SPECIAL EXCEPTION to permit the expansion of an existing alcoholic beverage establishment to be spaced less than the required 1500' from another legally established alcohol use.
- 2) MODIFICATION of plans of Condition #2 to Resolution #CZAB12-4-12, reading as follows:

FROM: That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "The Palms at Town & Country Center" as prepared by Robin Bosco Architects and Planners, Inc., consisting of 3 sheets, all sheet dated stamped received 5/16/12 and a specific purpose survey prepared by Schwebke-Shiskin and Associates, Inc., consisting of 1 sheet, dated stamped received 11/17/11 for a total of 5 sheets.

TO: That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Substantial Compliance Submittal Site Plan" as prepared by Robin Bosco Architects and Planners, Inc., consisting of 1 sheet, dated stamped received 05/18/15 and a floor plan entitled "World of Beer" dated stamped received 06/22/15, Specific Purpose Survey prepared by Schwebke-Shiskin and Associates, Inc., consisting of 1 sheet, dated stamped received 05/18/15 for a total of 3 sheets.

The purpose of the request is to allow the applicant to submit plans showing the expansion of the existing bar into an adjoining bay in an existing shopping plaza.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

The subject site is an existing 27.49-acre, multi-tenant shopping center with buildings flanking plazas, parking areas and a lake. Staff notes that the subject property has received prior approvals for variances to the spacing requirements for liquor package store uses at various stages of development of the shopping center.

The applicant now seeks to modify the previously approved plans in order to expand the floor area for an existing alcoholic beverage use within the shopping center.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; shopping center	Business and Office
North	RU-3M; townhouses and condos	Low-Medium Density Residential (6 to 13 dua)
South	BU-1A; commercial	Business and Office
East	BU-1A; gas station, townhouses and office buildings	Business and Office (2.5 to 6 dua)
West	Florida Turnpike Homestead Extension	Transportation

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing shopping center located at the northwest corner of SW 88 Street and SW 117 Avenue. The surrounding area is characterized by commercial and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will the applicant to provide additional and convenient alcohol sale to patrons of the existing shopping center.

CDMP ANALYSIS:

The subject property is designated as **Business and Office** on the Adopted 2015-2025 Land Use Plan (LUP) map. This Business and Office category accommodates the full range of sales and service activities, including retail. Additionally, the shopping center is located within a designated **Metropolitan Urban Center**. The CDMP Land Use Element interpretative text states that **Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors.** As previously noted the subject property has also obtained approvals for similar liquor package store uses and spacing variances within the shopping center. The approval of the requests sought in this application will permit the applicant to expand an existing bar into an adjoining bay in an existing shopping plaza, and the expansion would be spaced less than required from other lawfully established alcoholic beverage establishment. The proposed bar expansion is **consistent** with the retail uses permitted in areas

designated Business and Office and Metropolitan Urban Center on the Comprehensive Development Master Plan (CDMP) LUP map.

ZONING ANALYSIS:

When analyzing request #1, to permit the expansion of an existing bar to be spaced less than the required 1500' from another legally established alcohol use, under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff opines that approval of the request would be **compatible** with the surrounding area and the commercial, retail and entertainment uses already existing within the shopping center for the reasons stated herein. 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 will not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. Said memorandum also indicates that this application meets traffic concurrency criteria for an Initial Development Order. Further, based on memoranda from the departments reviewing the application, among which are, the Division of Environmental Resource Management (DERM) of the Department of Regulatory and Economic Resources (RER), the Miami-Dade Fire Rescue and Miami-Dade Police Departments along with the Public Works and Waste Management Department, staff opines that approval of this request would not result in excessive noise, or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development.

Staff notes that pursuant to Resolution #CZAB12-18-11, and Resolution #CZAB12-12-13, other alcoholic beverage establishments were approved within this shopping center spaced less than required from other lawfully established alcoholic beverage establishments. Staff further notes that the liquor survey submitted by the applicant indicates that including the aforementioned alcoholic beverage establishments, there are twelve (12) lawfully established alcoholic beverage establishments located within the subject shopping center. In staff's opinion, the proposed encroachment into the 1,500' spacing requirement is **compatible** with the surrounding commercial uses within the existing shopping center and those along SW 88 Street, a major transportation corridor and will not negatively impact the surrounding area. **Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses And New Uses.**

When request #2, to permit the modification of a condition of a previously approved Resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of this request would be **compatible** with the surrounding area. Additionally, staff opines that approval of this request is germane to request #1. Staff notes that the existing building footprint and elevations are proposed to remain the same. Staff further notes that the applicant is proposing to expand its existing 3,140 sq. ft. facility into the immediately adjoining bay (approximately 1,880 sq. ft.) to provide additional food and table service. Staff opines that the proposed expansion is internal to the building and the shopping center. As such, staff further opines that approval of same would not create any new visual impacts on the surrounding properties or on passersby along the abutting area roadways, and would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts an existing outdoor shopping center with one (1) ingress/egress point along SW 88 Street and two (2) ingress/egress points along SW 117 Avenue. The existing buildings are oriented facing the parking areas and plazas. The subject property is pedestrian oriented so that patrons can park and access desired locations within the subject property by a short walk.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

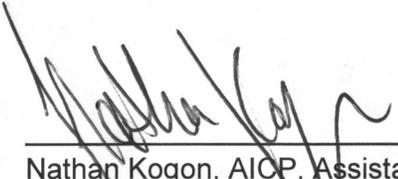
OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #CZAB12-4-12 remain in full force and effect, except as herein modified.
2. That the applicant obtain a Certificate of Use for the proposed bar expansion from and promptly renew same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

NK:MW:NN:CH:JV



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

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ZONING RECOMMENDATION ADDENDUM

WRC Properties, Inc.
Z15-045

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

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

<p>Business and Office (Pg. I-40)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i></p>
<p>Policies for Development of Urban Centers (Pg. I-46)</p>	<p>Uses and Activities. <i>Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.</i></p>

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, 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</i></p>
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ZONING RECOMMENDATION ADDENDUM

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	<p><i>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></p>
<p>33-311(A)(3) Special exceptions, unusual and new uses</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i></p>