

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

**PH: Z15-107 (16-2-CZ12-1)**

**February 2, 2016**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	7
<b>Applicant</b>	Earl's Restaurant (Dadeland) Inc.
<b>Summary of Requests</b>	The applicant seeks approval to permit the sale of alcoholic beverages two hours earlier on Sundays and one hour later on weekdays and weekends.
<b>Location</b>	7535 North Kendall Drive, Unit #2510, Miami-Dade County, Florida.
<b>Property Size</b>	71.2-acres
<b>Existing Zoning</b>	DKUC, Downtown Kendall Urban Center District
<b>Existing Land Use</b>	Shopping Center
<b>2020-2030 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions of request #1 and #2.</b>

**REQUESTS:**

1. NON USE VARIANCE to permit an existing restaurant to have sales of alcoholic beverages on Sunday between the hours of 11 a.m. to 2 a.m. the following day (1 p.m. to 1 a.m. the following day permitted).
2. NON USE VARIANCE to permit the existing restaurant to have sales of alcoholic beverages Monday through Saturday between the hours of 8 a.m. to 2 a.m. the following day (8 a.m. to 1 a.m. the following day permitted).

**PROJECT DESCRIPTION:**

This application would allow the sale of alcoholic beverages two (2) hours earlier (11 a.m.) on Sundays and one (1) hour later (2 a.m.) on weekdays and weekends.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	DKUC; shopping center	Community Urban Center
<b>North</b>	DKUC; condominiums	Community Urban Center
<b>South</b>	DKUC; US-1 (roadway)/ condominiums, shopping center and bank	Community Urban Center
<b>East</b>	DKUC; Metrorail station	Community Urban Center
<b>West</b>	DKUC; State Road 826	Community Urban Center

### **NEIGHBORHOOD COMPATIBILITY:**

The subject property located at 7535 North Kendall Drive, in a large shopping center on a 71.2 acre parcel, which is surrounded by commercial to the south, residential to the north and south, a Metrorail station to the east and State Road 826 to the west.

### **SUMMARY OF THE IMPACTS:**

Approval of this application will allow the restaurant to sell alcohol beverages two hours earlier and an hour later on Sundays, and one hour later Monday through Saturday. Since the restaurant is an existing use on the subject property, staff opines that approval of the request would not create a negative impact on the surrounding area.

### **CDMP ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **DKUC**, Downtown Kendall Urban Center District. *Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions such as residential uses integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components have been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages.*

The subject property is currently zoned DKUC and is located at 7535 North Kendall Drive. Staff opines that approval of the requests to permit the sale of alcoholic beverages two hours earlier on Sundays and one hour later on weekdays and weekends would **consistent** with the uses allowed under the CDMP Land Use Element Community Urban Center interpretative text, and with the subject parcel's Community Urban Center LUP map designation.

### **ZONING ANALYSIS:**

When requests #1, to permit an existing restaurant to have sales of alcoholic beverages between the hours of 11 a.m. to 2 a.m. on Sundays (1 p.m. to 1 a.m. the following day permitted), and request #2, to permit the existing restaurant to have sales of alcoholic beverages between the hours of 8 a.m. to 2 a.m. Mondays through Saturdays (8 a.m. to 1 a.m. the following day permitted) are analyzed under the Non-Use Variance Standards, Section 33-311(A)(4)(b), staff opines that the approval of the application would be **compatible** with the surrounding area.

The existing restaurant is located inside a large shopping center with the front of the restaurant located along North Kendall Drive, which is a well-traveled section line roadway. The shopping center is surrounded by commercial to the south, residential to the north and south, a Metrorail station to the east and State Road 826 to the west. Staff has no objection to the requests. Staff opines that the requests would not create any negative aural impacts to State Road 826 to the west and the Metrorail station to the east, which staff opines are more intensive uses than the existing restaurant use with sales of alcoholic beverages. In regards to the condominium apartments to the north and south of the subject property, staff opines that requested hours for

the sale of alcoholic beverages would not create any negative aural impacts to the neighboring residences north and south of the subject property.

Staff notes from the Geographic Information System (GIS) that the restaurant is separated from the condominiums to the south by the shopping center's parking lot and north Kendall Drive, and spaced approximately 288' from said neighboring condominiums to the south. The GIS system also shows that the restaurant is separated from the condominiums to the north by the shopping center, SW 85 Street and a canal, and spaced approximately 1,018' from said condominium apartments to the north. As such, staff opines that the requested hours for the sale of alcoholic beverages (requests #1 and #2) would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and that approval of the requests would be compatible with the surrounding commercial, residential and transportation uses in the area. **Therefore, staff recommends approval with a condition of requests #1 and #2 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

**ACCESS, CIRCULATION AND PARKING: N/A**

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

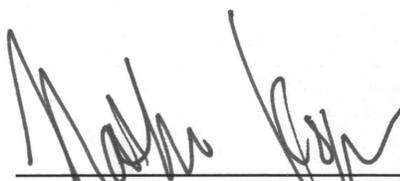
**OTHER:** N/A

**RECOMMENDATION:** Approval with a condition.

**CONDITION FOR APPROVAL:**

That the sale of alcoholic beverages for the restaurant be limited to 11:00 a.m. to 2:00 a.m. on Sundays, and from 8:00 a.m. to 2:00 a.m. Monday through Saturday.

NK:MW:NN:JV:EJ

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

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# ZONING RECOMMENDATION ADDENDUM

*Earl's Restaurant (Dadeland), Inc.*  
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<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division of Environmental Resource Management (RER)	No objection
<i>Platting and Traffic Review Section (RER)</i>	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><b>Urban Centers</b> (Pg. I-46-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and <b>Community Centers</b> which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the <b>Community Centers</b> shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center</i></p>
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# ZONING RECOMMENDATION ADDENDUM

*Earl's Restaurant (Dadeland), Inc.  
Z15-107*

	<p><i>policies established below.</i></p> <p><i>Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.</i></p> <p><b>Uses and Activities.</b> <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 <b>Community-scale Urban Centers</b> 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> <p><b>Buildings.</b> <i>Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></p>	<p><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></p>
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