

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

PH: Z15-135 (16-4-CZ12-3)

April 5, 2016  
Item No. 3

| <b>Recommendation Summary</b>              |   |
|--|---|
| <b>Commission District</b>                 | 7   |
| <b>Applicant</b>                           | RTG FURNITURE CORP.   |
| <b>Summary of Requests</b>                 | The applicant seeks to permit more signage per tenant on a street frontage and to allow larger cantilever projecting signs to encroach into the right-of-ways than permitted. |
| <b>Location</b>                            | 7360 N. Kendall Drive, Miami-Dade County, Florida   |
| <b>Property Size</b>                       | 2.6 acres   |
| <b>Existing Zoning</b>                     | DKUC (Downtown Kendall Urban Center)  |
| <b>Existing Land Use</b>                   | Retail  |
| <b>2020-2030 CDMP Land Use Designation</b> | Metropolitan Urban Center<br><i>(see attached Zoning Recommendation Addendum)</i>   |
| <b>Comprehensive Plan Consistency</b>      | Consistent with the LUP map, and the interpretative text and policies of the CDMP   |
| <b>Applicable Zoning Code Section(s)</b>   | Section 33-311(A)(4)(b), Non-Use Variance Standards,<br><i>(see attached Zoning Recommendation Addendum)</i>  |
| <b>Recommendation</b>                      | <b>Approval with conditions.</b>  |

**REQUESTS:**

1. NON-USE VARIANCE to waive the zoning regulations requiring one (1) of each sign type, up to a total of three signs per street frontage per tenant; to waive same to permit four (4) of the same sign type (projecting) for the tenant and to permit each sign with an area of 55.75 sq. ft. each (8 sq. ft. maximum permitted per sign).
2. NON-USE VARIANCE to permit the proposed projecting signs to encroach into the right-of-ways (not permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resource entitled "Rooms To Go" as prepared by Integrated Sign Engineering & Design, consisting of 2 sheets, dated stamped received 12/22/15. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

Staff notes that in 1995 the subject property was approved through the zoning hearings process for a district boundary change, special exceptions and variances from the zoning regulations. Significantly, in September 1995, the subject property was approved to allow a two (2) detached Class B Point of Sale signs, pursuant to Resolution #5-ZAB-367-95. Subsequently, in 1999, the subject property was part of an area wide district boundary change that rezoned multiple properties to the Downtown Kendall Urban Center District (DKUCD), pursuant to Ordinance No. 99-166.

| <b><u>NEIGHBORHOOD CHARACTERISTICS</u></b> |                                |                             |
|--|--------------------------------|-----------------------------|
|  | <b>Zoning and Existing Use</b> | <b>Land Use Designation</b> |
| <b>Subject Property</b>                    | DKUC; Retail                   | Metropolitan Urban Center   |
| <b>North</b>                               | DKUC; Shopping Mall            | Metropolitan Urban Center   |
| <b>South</b>                               | DKUC; Retail and Residential   | Metropolitan Urban Center   |
| <b>East</b>                                | DKUC; Office/parking lot       | Metropolitan Urban Center   |
| <b>West</b>                                | DKUC; Retail                   | Metropolitan Urban Center   |

**NEIGHBORHOOD COMPATIBILITY:**

The 2.6-acre parcel is located at 7360 N. Kendall Drive. The surrounding area is characterized by commercial and residential uses.

**SUMMARY OF THE IMPACTS:**

The applicant is seeking to permit more signage per tenant and cantilever signs on a street frontage than allowed by the Downtown Kendall Urban Center (DKUC) zoning regulations and to allow larger cantilever projecting signs to encroach into the right-of way than permitted.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN 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 7360 North Kendall Drive. Staff opines that the approval of the application to permit more signage on the street frontage and to allow larger signs to encroach in the right-of-way would not change the existing retail uses on the entire subject property, which is a permitted use in the DKUC. Therefore, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text for properties designated Downtown Kendall Urban Center District on the CDMP LUP map.

**ZONING ANALYSIS:**

The subject property is located south of S.W. 88 Street, between S.W. 73 Court and S.W. 73 Place, in an area which is currently being developed as a compact, mixed-use community. The subject property, which was previously zoned BU-2, Special Business District, was a part of a section of land that was rezoned from multiple zones to DKUC (Downtown Kendall Urban Center) District.

The approval of this application will permit more signage per tenant than allowed, larger cantilever signs on a street frontage than allowed, and cantilever projecting signs to encroach into the right-of-way, which is not permitted by the zoning regulations of the DKUC District. The subject property lies within the **Downtown Kendall Urban Center** (DKUC) District as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). All of the parcels within the boundaries of the approved Downtown Kendall Urban Center District Ordinance, are regulated by plans and descriptive standards described in Ordinance #99-166. Among other things, said Ordinance contains varied restrictions on signage types, size, numbers and locations within the Urban Center.

The subject property lies within the Core Sub-District of the DKUCD and is comprised of a mixed use retail and residential development. The existing retail and residential development was built in accordance with the Core Sub-District regulations of the DKUCD, which among other things require a minimum two (2) story high colonnade frontage at the build-to line and a front- 0' build-to line for structures located along an "A" street, along with a minimum frontage length of 80% for buildings. The applicant seeks to waive the zoning regulations permitting only one of each sign type, up to a total of three (3) signs per street frontage, per tenant: to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.58 sq. ft., where only 8 sq. ft. is permitted (request #1); to permit cantilever projecting signs to encroach into the right-of-way, which is not permitted in the DKUC(request #2). Staff opines that the proposed signage will attract both vehicular and pedestrian traffic into the complex. Staff also opines that the proposed signs will help to identify the various types of facilities located inside the complex from the main vehicular access streets abutting the property, SW 88 Street (North Kendall Drive) and SW 73<sup>rd</sup> Ct. Staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. However, staff opines that approval of this application would not have a negative impact on the future development of the area and would maintain the basic intent and purpose of the DKUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Kendall in Miami-Dade County. Staff notes that there is a similar approval on a property located to the east of the subject property that approved the same number of signs as this application pursuant to Resolution Z-14-11. Therefore, staff opines that the proposed development of the site is **compatible** with the future development of the area and is **consistent** with the DKUC designation on the LUP map of the CDMP.

When requests #1 and #2 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area and would not be detrimental or have a negative effect on the appearance of the community. Staff opines that the visibility of these establishments is minimal from the abutting streets, North Kendall Drive and SW 73<sup>rd</sup> Place. Further, staff opines, that approval of the applicant's request for additional signage, larger than permitted cantilever signage and cantilever signage projecting into the right-of-way, will provide the public with better access to the businesses located within the parcel and facilitate a smoother flow of traffic in the area. In addition, staff opines that the proposed signage will allow passersby to locate and arrive at their destination within this complex faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Staff opines that the proposed signage is not excessive given the location of the subject property, which abuts multiple commercial and retail facilities to the north, east and west. Further, staff opines that the placement of the signs internally on the site would be compatible with the surrounding area and in keeping with the large retail and office component of the DKUCD. As such, staff recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

Based on the aforementioned, staff recommends approval with conditions of requests #1 and #2, under 33-311 (A)(4)(b) (NUV). **Therefore, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations standards.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

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

**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Rooms To Go" as prepared by Integrated Sign Engineering & Design, consisting of 2 sheets, dated stamped received 12/22/15.
3. That the use be established and maintained in accordance with the approved plan.

NR:MW:NN:CH:DAH

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

# ZONING RECOMMENDATION ADDENDUM

RTG FURNITURE CORP.  
Z15-135

| NEIGHBORHOOD SERVICES PROVIDER COMMENTS*            |              |
|---|--------------|
| Division of Environmental Resource Management (RER) | No objection |
| Platting and Traffic Review Section (RER)           | 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

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|---|--|
| <p><b>Urban Centers</b><br/>(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

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|  | <p>policies established below.</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> |
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

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