Memorandum

MIAMI-DADE COUNTY

(Public Hearing 11-17-15)

Date: September 16, 2015

Agenda Item No. 5(B)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Amending the North Central Urban Area Zoning District as Requested by Liberty NW 79th Street, LLC

Attached please find the material related to a zoning application filed in accordance with Section 33-284.89.3 of the County Code (Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan). The material consists of a proposed ordinance containing the applicant's proposed revisions to the North Central Urban Area District regulating plans and related text as well as the Department of Regulatory and Economic Resources' staff report. This item is quasi-judicial.

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Jack Osterholt, Deputy Mayor

Z15-032

Recommendation Summary for North Central Urban Area District (NCUAD)	
Commission District	2
Applicant	Liberty NW 79th Street, LLC
Summary of Requests	This application is to update the land use regulating plan of the NCUAD in order to change the designation of the subject parcel from Mixed-Use Corridor to Mixed-Use Special.
Location	2160 NW 79 Street, Miami-Dade County, Florida
Property Size	±1.15-acres
Existing Zoning	North Central Urban Area District
Existing Land Use	Vacant
2020 - 2030 CDMP Land Use Designation	Urban Center
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-284.89.3 Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan
Recommendation	**Approval**

REQUEST:
MODIFICATION of the land use regulating plan of the North Central Urban Area District in order to change the designation of the subject parcel from Mixed-Use Corridor to Mixed-Use Special.

PROPERTY HISTORY & DESCRIPTION:
The property that is the subject of this application is located at 2160 NW 79 Street. Pursuant to Resolution No. 5-ZAB-236-97, prior to the adoption of the North Central Urban Area District (NCUAD), the property was the subject of a public hearing that included the approval of a use variance to permit a used car sales lot with mechanical repairs in the BU-2, Special Business District as would be permitted in the BU-3, Liberal Business District, along with additional approvals of a 5' wide landscape buffer where 7' is required and spacing less than the required 500' from a residential district. On August 2, 2011, the Board of County Commissioners (BCC) adopted Ordinance No. 11-65 establishing the **North Central Urban Area District** (NCUAD). The properties within NCUAD boundaries were rezoned to NCUAD on July 19, 2012 pursuant to Resolution No. Z-14-12. At the time of the rezoning, the land use regulating plan classified the subject property as MC, Mixed-Use Corridor, which did not permit automotive uses as of right; the automotive use was permitted to continue as a non-conforming use. The approval of this application would permit the modification of the land use regulating plan to change the designation of the subject property from MC, Mixed-Use Corridor to MCS, Mixed-Use Corridor Special, which permits automotive-related and other commercial uses not permitted under the MC designation.

RECOMMENDATION:
In staff's opinion, the modification of the NCUAD land use regulating plan for the subject property would provide uses similar to those permitted on the properties to the north and west, which are designated as MCS on the NCUAD land use regulating plan. Staff notes that the existing MC designation does not permit automotive related uses nor certain BU-3 uses unless they are explicitly listed in the Standard Urban Center Land Use Group table under MC. Uses that are permitted in the MCS category include residential, civic, office and commercial, including automotive-related. Staff notes that the proposed MCS category also permits automotive uses, as was previously permitted on the property prior to the rezoning to NCUAD.

The location of the property along NW 79 Street, a well-travelled 6-lane major roadway, is appropriate for the type of uses permitted in the MCS category. Staff opines that those uses permitted in the MCS category are **compatible** with existing uses in the area, and the intensification of uses will be in harmony with the surrounding area.

The proposed amendment to this ordinance would permit the redevelopment of the subject property with uses which are **compatible** with those found in the area and **consistent** with the intensification policies provided by the CDMP urban center text. Therefore, staff recommends approval of the modification to the land use regulating plan of the NCUAD.

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

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

✓ **Statement of fiscal impact required**

✓ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
11-17-15

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; REVISING LAND USE PLAN MAP FOR THE NORTH CENTRAL URBAN AREA DISTRICT AS REQUESTED BY LIBERTY NW 79TH STREET, LLC; FOR REAL PROPERTY LOCATED AT 2160 NW 79TH STREET; AMENDING SECTION 33-284.99.51, CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 13-119, this Board created a procedure to amend Urban Center District regulating plans codified in Chapter 33 of the Code of Miami-Dade County; and

WHEREAS, 'Liberty NW 79th Street, LLC' has applied to change the land use category of a parcel located at 2160 NW 79 Street from Mixed-Use Corridor to Mixed-Use Corridor Special, which requires amending one of the regulating plans codified in the NCUAD regulations,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sec. 33-284.99.51 of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

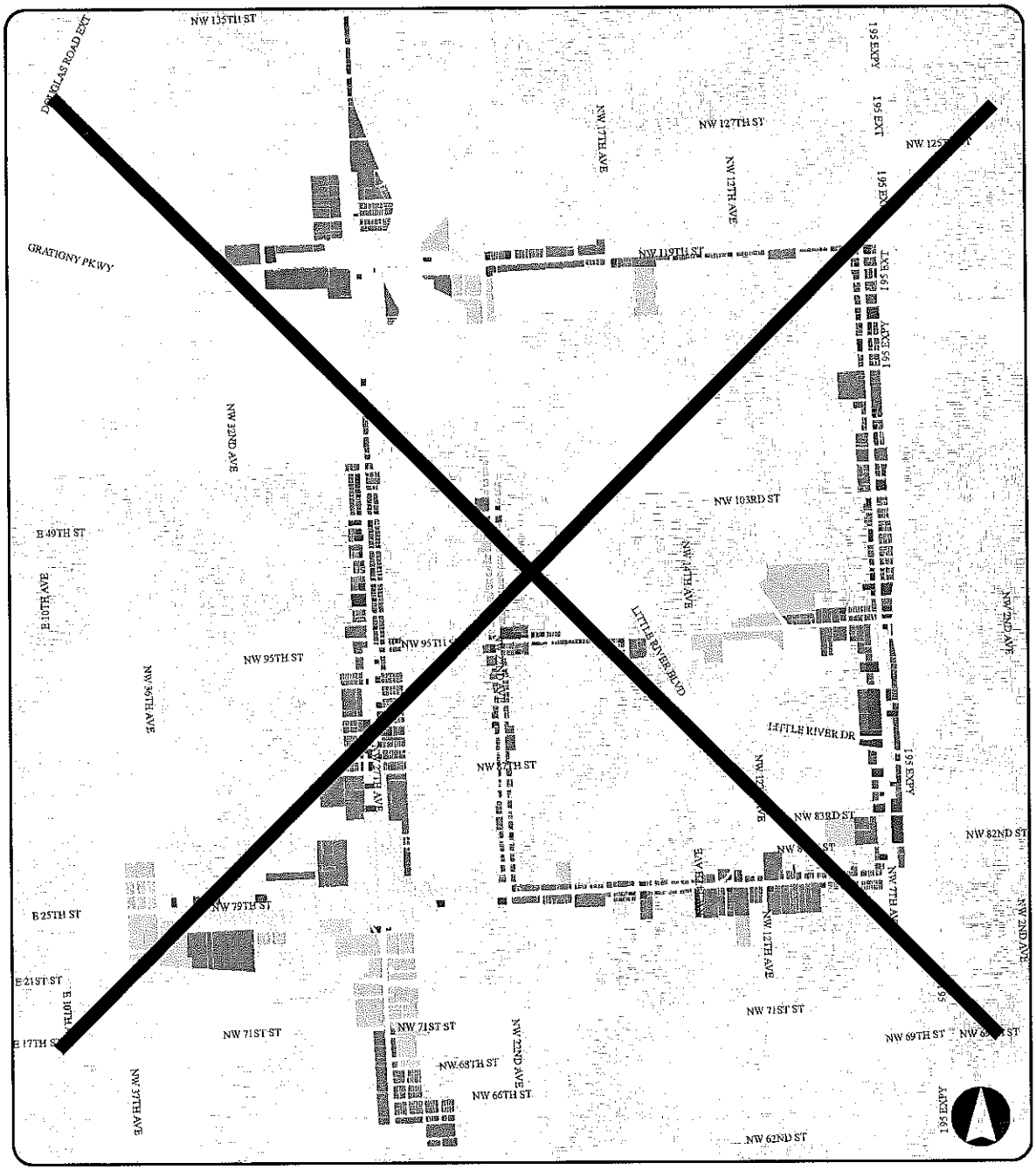
Sec. 33-284.99.51. Regulating Plans.
The Regulating Plans shall consist of the following controlling plans as defined and graphically depicted in this section:

* * *

A. Land Use Plan

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

[[



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Land Use

- MM: Mixed Use Main Street
- MCS: Mixed-Use Corridor Special
- MC: Mixed-Use Corridor
- RM: Residential Modified
- R: Residential
- ID: Industrial District
- I: Institutional

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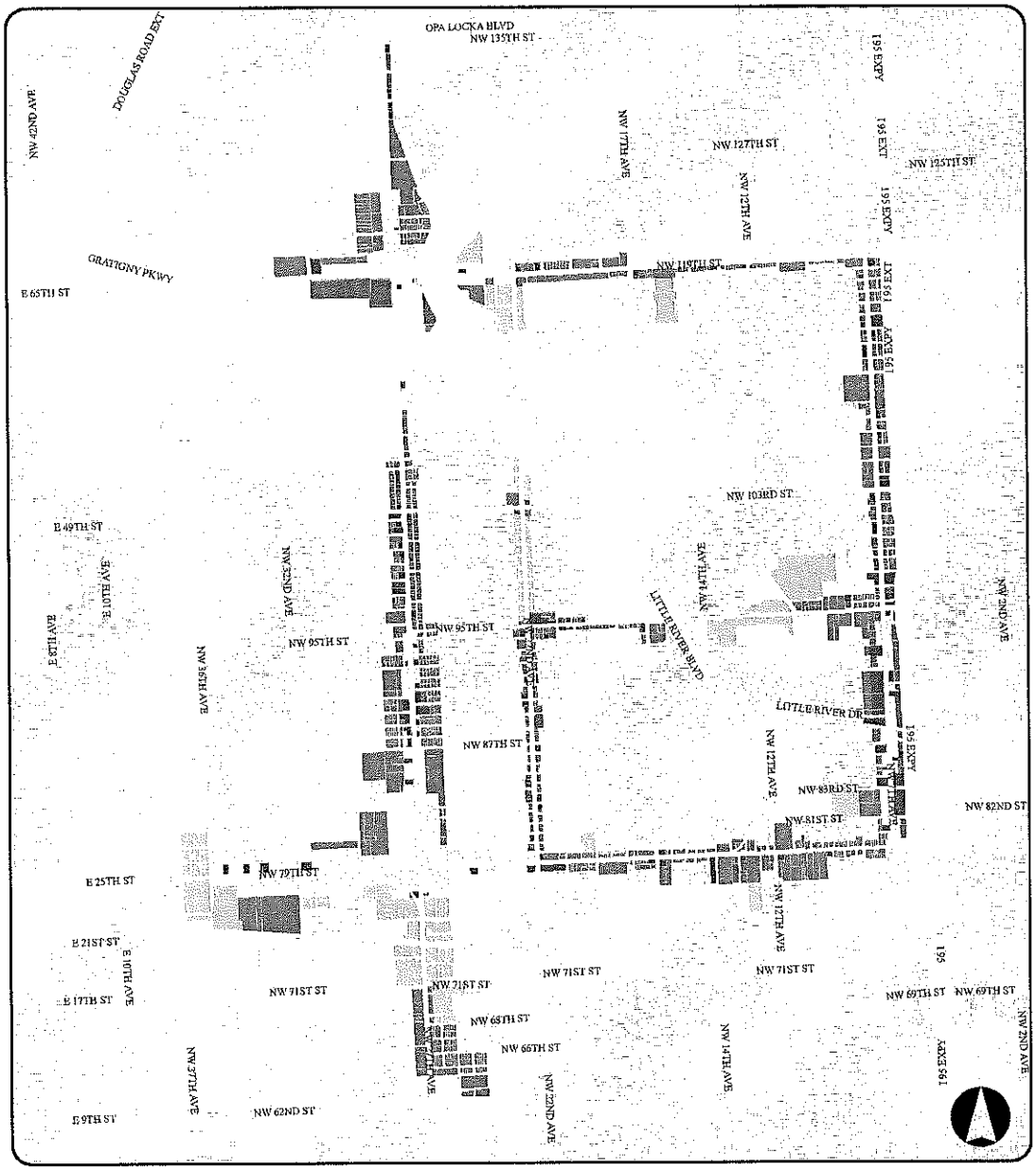

Land Use

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MIAMI-DADE COUNTY

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Section 2. If any section, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel