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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Public Hearing 12-1-15)

Date: November 3, 2015

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

Agenda Item No. 5(E)

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Amending the Ojus Urban Area Zoning District - Zoning Hearing Application No. Z15-018

Ordinance No. 15-145

Attached please find material related to a zoning application filed in accordance with Section 33-284.89.3 of the Code of Miami-Dade County (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 Ojus 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 is not anticipated to have a fiscal impact on Miami-Dade County as described by Ordinance No. 15-59 and would not result in additional staffing needs or future operational costs for County administration. The ordinance is required as part of the quasi-judicial process associated with these types of zoning-related applications. Activities related to this application are absorbed by the administering department through fees assessed to the applicant.

The accompanying recommendation of the Director, which was prepared in accordance with Section 33-284.89.3 of the Code of Miami-Dade County, includes, among other things, a compatibility analysis and conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to this item.

Jack Osterholt, Deputy Mayor

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH 15-018

Recommendation Summary for Ojus Urban Area District (OUAD)	
Commission District	4
Applicant	TH Aventura, LLC
Summary of Requests	This application is to update the land use and density regulating plans of the Ojus Urban Area District (OUAD) to change the designation of the subject property from R, Residential, to RM, Residential Modified, and the density from a density range of 6 to 13 units/acre net to a density range of 12 to 36 units/acre net.
Location	18700 & 18790 NE 25 Avenue, Miami-Dade County, Florida.
Property Size	±0.9-acres (39,730 square feet)
Existing Zoning	Ojus Urban Area District (OUAD)
Existing Land Use	Four-plex and vacant
2015-2025 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:

This application is to update the land use and density regulating plans of the **Ojus Urban Area District (OUAD)** to change the designation of the subject property from R, Residential, to RM, Residential Modified, and the density from a density range of 6 to 13 units/acre net to a density range of 12 to 36 units/acre net.

PROPERTY HISTORY & DESCRIPTION:

The subject property consists of two parcels located, on the west side of NE 25th Avenue between NE 187th and NE 188th Streets. The parcels respective folios are 30-2204-000-0650 and 30-2204-042-0080. The subject property is located within the Ojus Urban Area District, one of the County's Urban Center Districts.

On June 6, 2006 the Board of County Commissioners adopted Ordinance No. 06-86 establishing the **Ojus Urban Area District Regulations (OUAD)**. The OUAD provides the regulatory framework for all development within the Ojus area of northeastern Miami-Dade County. The properties within OUAD boundaries were rezoned to OUAD on March 8, 2007 pursuant to Resolution No. Z-3-07. The OUAD regulations have subsequently been amended in 2007, 2014 and 2015. OUAD as well as most of the other Urban Center Districts rely on the Standard Urban Center District Regulations for the common, basic regulatory framework.

The subject parcel is currently designated R, Residential, on the OUAD's land use regulating plan and assigned a density range of 6 to 13 units/acre net. Approval of the applicant's request would permit the modification of the land use regulating plan to change the designation on the subject property to RM and the modification of the density plan to increase the density range to 12 to 36 units/acre net.

RECOMMENDATION:

In staff's opinion, the modification of the OUAD land use and density regulating plans for the subject property would provide uses and density similar to those permitted on properties located to the east and south, which are currently designated as RM, Residential Modified, on the OUAD land use regulating plan and assigned a density range of 12 to 36 units/acre net on the OUAD density regulating plan.

The subject property is located in a small pocket of residential properties that were designated R, Residential, at the time of the OUAD rezoning. Approximately half of the properties within the pocket consists of four-unit apartment buildings while the other half consists of single-family residences or vacant properties. This small pocket, which is generally located a block away from Miami Gardens Drive, is also surrounded by institutional uses, including Ojus Elementary and the Michael-Ann Russel Jewish Community Center, and, as previously mentioned, residential properties that are designated RM and are currently in transition to higher density uses.

Staff notes that the magnitude of the institutional uses that surround the subject property and the residential pocket where it is located, the proximity to Miami Gardens Drive, and the redevelopment of business properties along Miami Gardens Drive are quickly changing the residential character of the properties located south of the Jewish Community Center (NE 188th Street) and west of Ojus Elementary (NE 25th Place). Specifically, staff notes that land uses in the portion of the Ojus area where the subject property is located (north of Miami Gardens Drive, west of NE 25th Avenue, east of the Oleta River and south of NE 192nd Street) are dominated by two large institutional uses, the previously mentioned Jewish Community Center and the abutting Scheck Hillel Community School, and that both of those institutions are undergoing significant expansion. Staff further notes the ongoing efforts to consolidate the property along the Miami Gardens Drive corridor and the redevelopment of such properties as commercial or mixed–use development. The subject property's close proximity to institutional, commercial, and mixed-use developments make it ideal for higher density due to the transitional nature of the area.

Staff opines that the proposed change of designation and intensification of the subject property is **compatible** with the changing conditions of the surrounding properties 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 OUAD.

Nathan Kogon, 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: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(E)

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(E)
12-1-15

ORDINANCE NO. 15-145

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; UPDATING THE OJUS URBAN AREA DISTRICT REGULATIONS AS REQUESTED BY TH AVENTURA, LLC, FOR REAL PROPERTY LOCATED AT 18700 AND 18790 NE 25 AVENUE; AMENDING SECTION 33-284.99.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 13-119, adopted on December 3, 2013, the Board of County Commissioners created a procedure to amend Urban Center District regulating plans; and

WHEREAS, 'TH Aventura, LLC' has applied for an amendment to the Ojus Urban Area District (OUAD) District Land Use Regulating Plan: to change the land use designation of a parcel located at 18700 and 18790 NE 25 Avenue from Residential to Residential Modified; and to change the Density Plan from a density range of 6 to 13 units/acre net to a density range of 12 to 36 units/acre net; and

WHEREAS, it is necessary to amend the OUA District Regulating Plans to effectuate the requested amendments,

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

Section 1. Section 33-284.99.18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-284.99.18. The Regulating Plans.

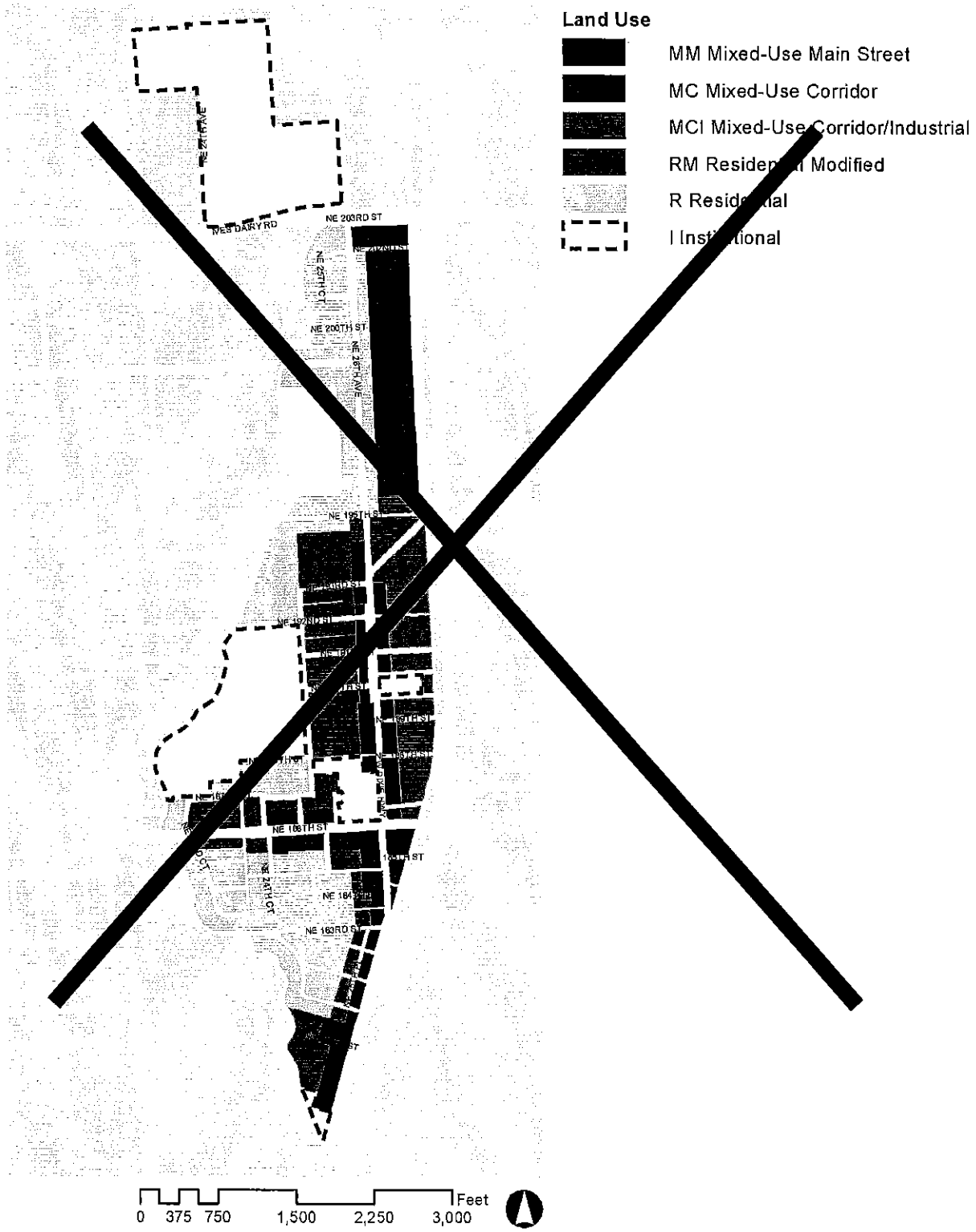
[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

The Regulating Plans shall consist of the following controlling plans, as defined and graphically depicted in this section.

* * *

C. Land Use Plan

[[



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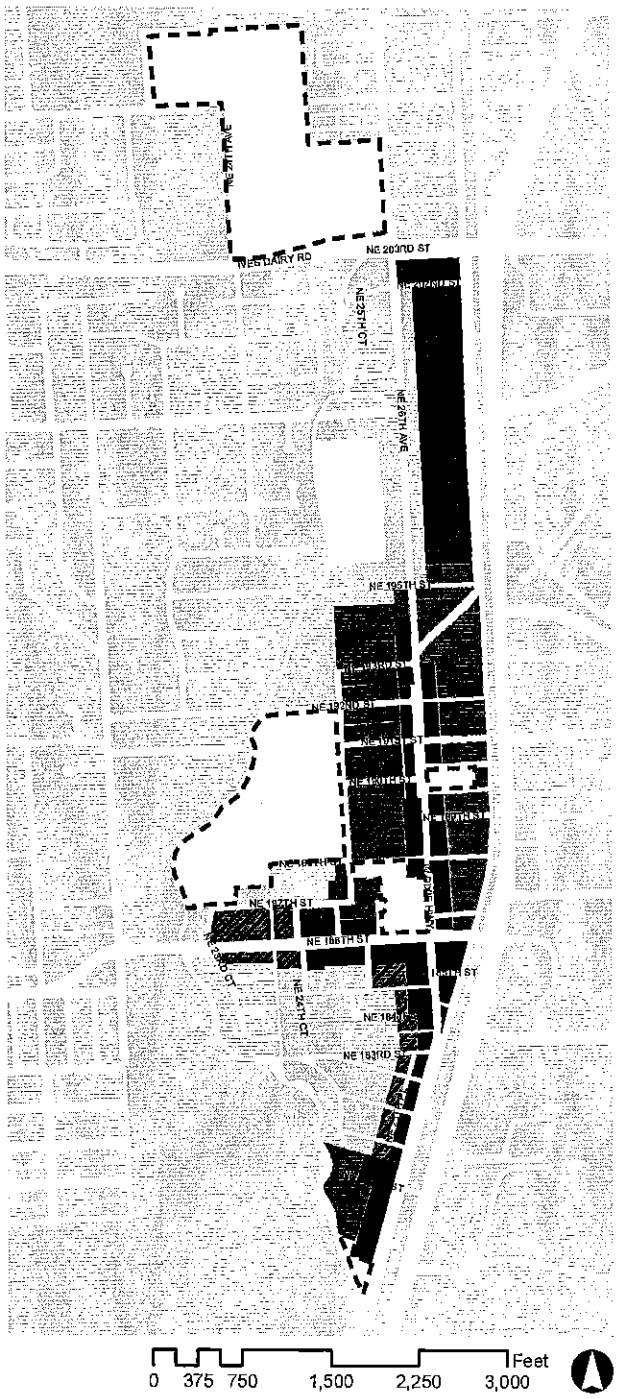

Land Use

- MM Mixed-Use Main Street
- MC Mixed-Use Corridor
- MCI Mixed-Use Corridor/Industrial
- RM Residential Modified
- RML Residential Modified-Live/Work
- R Residential
- I Institutional

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D. Density Plan

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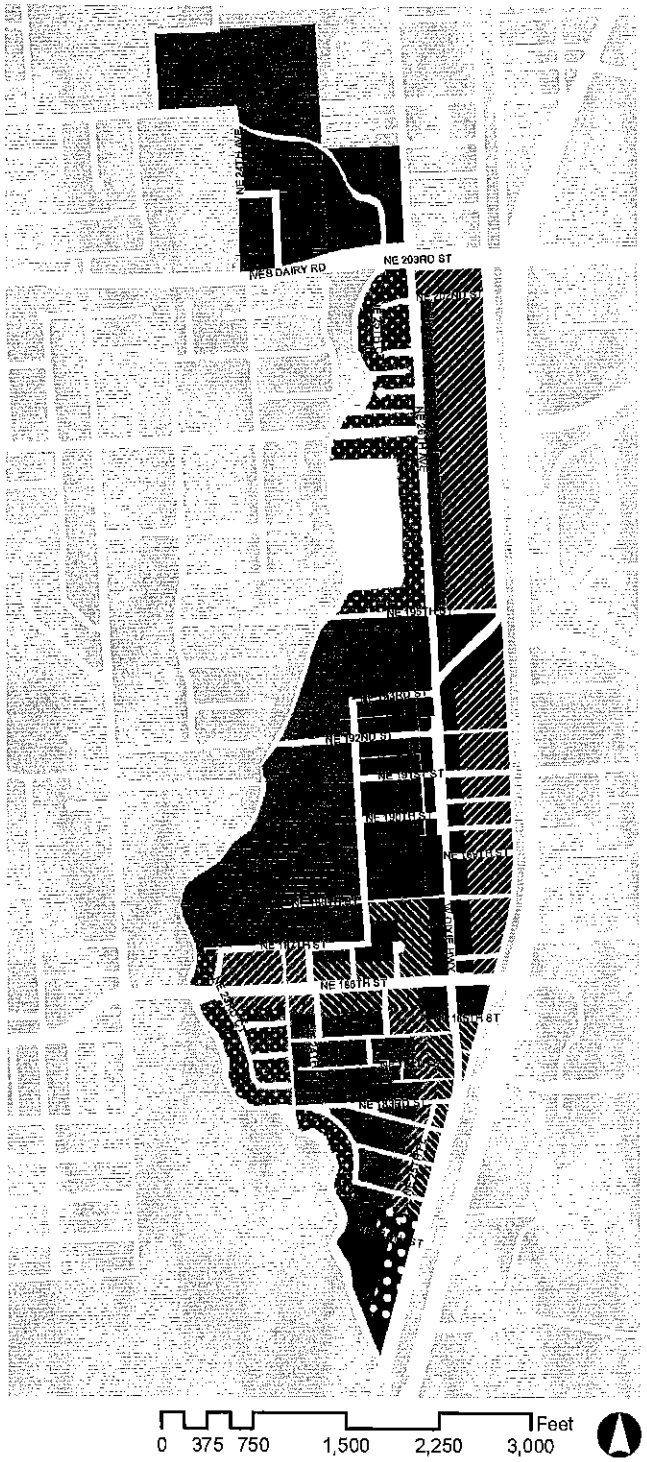

Density

- Max 82 Units/acre net
- Max 52 units/acre net
- Min 12- Max 52 units/acre net
- Max 36 units/acre net
- Min 12 - Max 36 Units/acre net
- Min 6-Max 18 Units/acre net
- Min 6-Max 13 Units/acre net
- Max 6 Units/acre net

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* * *

Section 2. If any section, subsection, 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: December 1, 2015

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel