

# **Application No. 3**

## **Commission District 10    Community Council 11**

### **APPLICATION SUMMARY**

Applicant/Representative:	Baptist Hospital of Miami, Inc./Joseph G. Goldstein, Esq., Tracy R. Slavens, Esq. Holland and Knight, LLP. 701 Brickell Avenue, Suite 3000 Miami, FL 33131
Location:	Northeast Corner of SW 137 Avenue and SW 96 Street
Total Acreage:	19.55 Gross Acres, 16.02 Net Acres
Current Land Use Plan Map Designation:	Office/Residential
Requested Land Use Plan Map Designation:	Business and Office
Amendment Type:	Standard
Existing Zoning/Site Condition:	GU, RU-TH, RU-3, RU-3M, and RU-5A / most of the application site is fallow land; northern parcel is developed with a church

### **RECOMMENDATIONS**

Initial Staff Recommendation:	<b>ADOPT AND TRANSMIT</b> (August 25, 2009)
West Kendall Community Council (11):	<b>ADOPT AND TRANSMIT</b> (September 22, 2009)
Planning Advisory Board (PAB) Acting as Local Planning Agency:	<b>ADOPT AND TRANSMIT With Acceptance of Proffered Covenant</b> (October 5, 2009)
Board of County Commissioners:	<b>ADOPT AND TRANSMIT With Acceptance of Proffered Covenant</b> (November 4, 2009)
Revised Staff Recommendation	<b>ADOPT as Transmitted</b> (March 15, 2010)
Final Action of Planning Advisory Board Acting as Local Planning Agency:	<b>TO BE DETERMINED</b> (March 22, 2010)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (April 7, 2010)

## **Revised Staff Recommendation (March 15, 2010)**

Based on the reasoning in the Initial Recommendation, staff recommends **ADOPTION as Transmitted** for the proposed Land Use Plan Map amendment to redesignate the subject property from “Office/Residential” to “Business and Office” on the adopted 2015-2025 Land Use Plan (LUP) map of the CDMP based on the following:

1. The reasons stated in the initial recommendations for adoption of the application are still valid. The proposed LUP map amendment would be compatible with adjacent retail uses located immediately north and west of the application site. The Lindgren Canal, which flows along the south and eastern border of the application site, would serve as a buffer to residential areas located immediately south of the subject property, across SW 96 Street, and residential areas located east of the application site adjacent to Calusa Elementary School. Redesignating the subject property from “Office/Residential” to “Business and Office” would not impact the supply of commercial land in Minor Statistical Area (MSA) 6.2 since both office and business uses are considered in the calculation of the supply of commercial land. Furthermore, the proposed CDMP land use change to “Business and Office” would neither enhance nor diminish the depletion rate or residential supply in MSA 6.2 if developed residentially as allowed. Maximum development on the application site under the proposed “Business and Office” CDMP land use category would not cause level of services for solid waste, potable water supply, sanitary sewer service, and parks to be violated or exceeded.

## **New Information**

Since the BCC transmittal public hearing on November 4, 2009, the Department of Planning and Zoning has received additional information regarding Application No. 3. The additional information is the Florida Department of Community Affairs (DCA) “Objections, Recommendations, and Comments Report,” (ORC), issued on March 5, 2010. In the ORC report, DCA did not object to Application No. 3.

## **Initial Staff Recommendations (August 25, 2009)**

In the Initial Staff Recommendations Report published on August 25, 2009, the staff recommended: **ADOPTION AND TRANSMITTAL** of the proposed standard Land Use Plan map amendment to redesignate the subject property from “Office/Residential” to “Business and Office” based on the following considerations:

## **Principal Reasons for Recommendations**

1. Policy LU-8E of the Land Use Element of the Comprehensive Development Master Plan (CDMP) requires amendments to the Adopted 2015 Land Use Plan (LUP) map to be evaluated according to factors such as, the proposed development’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, impacts to County services, compatibility with abutting and nearby land uses, impacts to environmental and historical resources, and the extent to which the proposed CDMP land use would promote transit ridership and pedestrianism.

Redesignating the subject property from “Office/Residential” to “Business and Office” would not impact the supply of commercial land in Minor Statistical Area (MSA) 6.2 since

both office and business uses are considered in the calculation of the supply of commercial land. Furthermore, the proposed CDMP land use change to "Business and Office" would neither enhance nor diminish the depletion rate or residential supply in MSA 6.2 if developed residentially as allowed. The subject property's current "Office/Residential" land use category and the proposed "Business and Office" land use category allow an equal amount of residential development on the subject property.

Maximum development on the application site under the proposed "Business and Office" CDMP land use category would not cause level of services for solid waste, potable water supply, sanitary sewer service, and parks to be violated or exceeded. In addition, if developed with residential use only, Miami-Dade County Public Schools has determined that schools serving the application site would operate below capacity with or without approval of the proposed CDMP amendment (See "Staff Analysis" section below). Furthermore, according to Miami-Dade Fire Rescue (MDFR), the proposed CDMP amendment would result in a "severe" impact to existing fire rescue services. However, this "severe" condition would apply to maximum development under the application site's current "Office/Residential" CDMP land use category, thus, a change to "Business and Office" on the subject property would neither improve nor diminish this "severe" condition.

The proposed LUP map amendment would be compatible with adjacent retail uses located immediately north and west of the application site. Commercial establishments west of the application site, across SW 137 Avenue, include the "Shops of Westberry" shopping center, which contain a variety of retail and service activities. In addition, immediately north of the application site is the Lowe's Home Center and the Carter Square Shopping Center with Staples and Walgreen's as anchors.

Policy LU-4C states, "Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic." The Lindgren Canal, which flows along the south and eastern border of the application site, would serve as a buffer to residential areas located immediately south of the subject property, across SW 96 Street, and residential areas located east of the application site adjacent to Calusa Elementary School (See Appendix A: Map Series).

The application site does not contain any historical, archaeological, or environmental resources. However, DERM analysis indicates that specimen-sized trees (trunk diameter 18 inches or greater) may be on the application site. Section 24-49 of the Miami-Dade County Code (Code) provides for the preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees (See "Environmental Conditions" section on pg. 3-8 below).

In addition, the application site is located within the West Wellfield Protection Area, and as such, the property is subject to stringent wellfield protection measures that restrict development and regulates land uses within the wellfield protection area as specified in Section 24-43 (4), (4)(c), (5), and (10) of the Miami-Dade County Code. Land uses, including certain business uses, that do not comply with the aforementioned Code Section require variances from the Miami-Dade County Environmental Quality Control Board (EQCB).

Policy LU-8E(v) states that for proposed land uses, "If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, *or standard or express bus stop served by peak period headways of 20 or fewer minutes*, would be a use that promotes transit ridership and pedestrianism." The application site is located within ¼ mile of a standard bus stop served by Route 137/West Dade Connection. However, peak period (AM/PM) headways for this bus route is 30 minutes.

2. The subject property is adjacent to an existing business node of over 102 acres located at the intersection of two major roadways, Kendall Drive and SW 137 Avenue. This node is the core of a designated Community Urban Center on the adopted LUP map. 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. 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 Community Centers shall contain primarily moderate and smaller sized businesses, which serve, and draw from, the nearby community. The proposed redesignation to "Business and Office," which allows a wide variety of uses, can be consistent with the existing Community Urban Center designation.
3. In July 2009, the Public Works Department (PWD) conducted an evaluation of peak-period traffic concurrency conditions in the vicinity of the application site, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's 2010 Transportation Improvement Program (TIP), and the Application's impact. The analysis predicts that the roadways adjacent to the application site, SW 137 Ave./SR 825, between SW 88 and SW 104 Streets and from SW 104 to SW 128 Streets, will operate at LOS C or better, above their adopted level of service (LOS) D standard, with the proposed amendment's traffic impacts (for details see the "Traffic Impact Analysis" Table on pg. 3-18). The 2025 traffic condition analysis indicates that a number of roadway segments within the study area and in the vicinity of the application site are projected to operate below their adopted LOS standards, with and without the application's traffic impact. However, the proposed CDMP Application would not significantly impact the roadway segments analyzed.