



Application No.: REZONING-2015-016

Attachment "A"

**Town Consultant's Calvin, Giordano &
Associates, Inc. Report**

(May 18, 2016)

Arc/Treo, LLC

Amending the Town's Zoning Map from NC-2
Neighborhood Center 2 to MR-13 Multifamily
Residential.



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Memorandum

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Date: May 18, 2016

To: Honorable Mayor and Town Council

From: Sarah Sinatra Gould, AICP, Planning Consultant

Subject: Vista Del Lago Rezoning

Project: Application No. ZC-2015-016

CC: Rafael G. Casals, CFM, Town Manger
Kathryn Lyon, AICP, CFM, Planning and Zoning Director

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE ZONING MAP TO PERMIT A REZONING FROM NC-2 (NEIGHBORHOOD CENTER 2) TO MR-13 (MULTIFAMILY RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED SOUTH OF SW 216TH STREET BETWEEN SW 93RD PATH AND SW 88TH PLACE (FOLIO NUMBER 36-6016-000-0027), AS LEGALLY DESCRIBED IN APPENDIX "B", CONSISTING OF APPROXIMATELY +/-18.57 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICATION SUMMARY

Staff Coordinator: Kathryn Lyon, AICP, CFM
Planning and Zoning Director

Applicant/Representative: Hugo P. Arza, Esq.
Holland & Knight, LLP
701 Brickell Avenue Suite 3300
Miami, FL 33131
305-789-7783

Owner: Arc/Treo 216, LLC



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Site Location: South of SW 216th Street between SW 92nd Avenue and SW 89th Place

Total Acreage: +/-18.57 Net Acres

Future Land Use
Map Designation: Mixed Use

Existing Zoning/ Site
Condition: NC-2 (Neighborhood Center) / Vacant

Proposed Zoning/Site
Condition: MR-13 (Multifamily Residential) / 180 Townhouse units

Folio Number: 36-6016-000-0027

Legal Description: A portion of the N ½ of Section 16, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Begin at the Southeast corner of the plat of LAKES BY THE BAY SECTION EIGHT, according to the plat thereof recorded in Plat Book 139, at Page 50, of the Public Records of Miami-Dade County, Florida, said point also being the Southwest corner of the plat of LAKES BY THE BAY SECTION NINE, according to the plat thereof recorded in Plat Book 141, at Page 2, of the Public Records of Miami-Dade County, Florida, said point lying on the South Right-of-Way line of S.W. 216th Street, as said Street was dedicated and shown on the said plats of LAKES BY THE BAY SECTION EIGHT and LAKES BY THE BAY SECTION NINE; thence N 89°09'53" E along the South line of said LAKES BY THE BAY SECTION NINE and along the said South Right-of-Way of S.W. 216th Street, for 195.88 feet; thence S 00°31'55" E for 698.00 feet ; thence S 89°03'14" W for 1090.15 feet; thence N 00°28'59" W for 886.77 feet to a point on a circular curve concave to the Northeast, said point bearing S 27°31'35" W from the center of said curve, said point lying on the Southerly line of the said LAKES BY THE BAY SECTION EIGHT, said point also lying on the Southerly Right-of-Way line of said S.W. 216th Street; thence run the following courses and distances along the said Southerly line of the LAKES BY THE BAY SECTION EIGHT, and along the said Southerly Right-of-Way line of S.W. 2166 Street: Southeasterly, Easterly and Northeasterly, along said curve to the left, having for its elements a radius of 1,555.00 feet and a central angle of 28°21'42" for an arc distance of 769.73 feet to the point of tangency; thence N 89°09'53" E for 153.83 feet to the Point of Beginning.



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STAFF ANALYSIS

The applicant has requested to rezone the parcel from a NC-2 (Neighborhood Center) category to a MR-13 (Multifamily Residential) category, in order to accommodate 180 townhouse units.

The site is generally located south of SW 216th Street between SW 92nd Avenue and SW 89th Place and consists of +/-18.57 acres as shown in the sketch and legal description (APPENDIX B).

The site is currently vacant and is bounded by properties zoned Neighborhood Residential to the north and Multifamily Residential units to the east and west. The southern boundary abuts a lake as shown on the location map (APPENDIX C).

The current zoning for the site under the NC-2 zoning district is intended to provide for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood [or grouping of neighborhoods] and within walking distance of dwellings. The Neighborhood Center District is intended to be developed on an interconnected pattern of streets and typically limited to approximately ¼ mile in radius. Uses in the District will have a primary market area of three (3) miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes. Multifamily Residential and townhouse development is permitted, but only as part of a mixed use development. The proposed zoning category of MR-13 no longer provides for the mixed use, pedestrian oriented development originally programmed for this property. The proposed modification will result in 180 townhouse units. The base density of this category is 10 units per acre with a maximum height of 45 feet.

There is a recorded restrictive covenant as well that limits this parcel to non-residential uses.

A copy of the traffic impact statement entitled *Vista Del Lago* by Langan Engineering and Environmental Services was provided to the Town. Traffic from the site will meet the minimum Level of Service standards as outlined in the Town's Growth Management Plan once the project has been constructed and occupied.

The application to rezone will be reviewed pursuant to the requirements of *Sec. 3-38 Rezoning, Sub-section (D) - Approval Criteria*.



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Site and Surrounding Area Data

<u>Area Boundaries:</u>	North of SW 227th Street South of SW 216th Street East of SW 92nd Place West of SW 89th Court
<u>Size of Area:</u>	18.57 +/- gross acres 808,909 square feet
<u>Existing Site Conditions:</u>	Vacant
<u>Existing Conditions Surrounding Site:</u>	North – Single-Family Cluster Homes South – Condos East – Townhouses West – Townhouses
<u>Adjacent Future Land Use:</u>	North – Medium Density South – Medium Density East – Medium Density West – Medium Density
<u>Adjacent Zoning District:</u>	North – Neighborhood Residential (NR) South – Multi-Family Residential (MR-13) East – Multi-Family Residential (MR-13) West – Multi-Family Residential (MR-13)



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Current vs. Proposed Analysis

The existing Neighborhood Center zoning district (NC-2) is designed to provide for mixed-use multi-family and townhouse development within neighborhood commercial areas. Code section 3-56 states that the proposed use of MR, Multi-Family Residential District is coded to permit the completion and/or annexation of conventional multi-family residential development within the district. The district is intended to be townhouse, two-family to multi-family residential. The district is not intended to be expanded beyond the boundaries of existing MR areas. The proposed rezoning is a violation of this code section due to the expansion of the MR boundary.

As shown in the table below, rezoning to MR13 to NC-2 would no longer permit mixed use and instead would stand alone residential uses.

	CURRENT	PROPOSED
FUTURE LAND USE	Mixed-Use (Lakes-by-the-Bay) (0.5 floor area ratio for commercial, office and community facilities)	Medium Density (5 to 13 units per acre / 4.0 floor area ratio for public schools and religious institutions)
ZONING	Neighborhood Center (NC-2)	Multi-Family Residential (MR-13)
PERMITTED USES	<ul style="list-style-type: none"> ▪ Commercial and Retail (not exceeding 25,000 SF as a single use) ▪ Office (requiring less than 50 parking spaces) ▪ Restaurant ▪ Multi-Family (within a vertical mixed use development) ▪ Townhouse (within a horizontal mixed use development) ▪ Medical ▪ Civic (Excluding Educational Facility/School) 	<ul style="list-style-type: none"> • Multi-Family Dwelling • Townhouse Dwelling • Two-Family Dwelling • Religious Institutions



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	<ul style="list-style-type: none"> ▪ Park and Open Space ▪ Place of Public Assembly (with a minimum distance of 1,000 feet ▪ between another place of public assembly) ▪ Outdoor Dining (see supplemental standards for further regulations) 	
	CURRENT	PROPOSED
CONDITIONAL USES	<ul style="list-style-type: none"> ▪ Multi-family in vertical mixed use ▪ Townhouse in horizontal mixed use ▪ Health/fitness studio ▪ School/educational facility ▪ Office requiring 50 or more parking spaces ▪ Commercial and retail between 25,000 SF – 55,000 SF as a single use ▪ Veterinarian office ▪ Neighborhood convenience store ▪ Bar and nightclub ▪ Drive-thru 	<ul style="list-style-type: none"> ▪ N/A
DEVELOPMENT STANDARDS	<p>Max Height 48 feet / 4 stories Max Density 30 units per acre Min Lot Area N/A Min Unit Size N/A Min Lot Width 25 ft Min Lot Depth N/A Max Impervious 70%</p>	<p>Max Height 45 feet/3 stories or 4 with green bonus Max Density 10 units per acre or 13 with green bonus Min Lot Area 1,500 sf Min Unit Size 500 sf Min Lot Width 25 ft Min Lot Depth N/A Max Impervious 65%</p>



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PRINCIPAL STRUCTURE SETBACKS (ft)	Front 20 Side Street 15 Interior Side 0 Rear 20	Front 50 Side Street 15 Interior Side 15 Rear 20	
BUILD OUT			180 Townhouse units
	<i>Proposed build out is based on application and does not represent maximum density or maximum development potential.</i>		

SECTION 3-38 REZONING

Pursuant to the requirements of *Sec. 3-38 Rezoning, Sub-section (D) - Approval Criteria*, the Town Council shall use the following three (3) criteria in their decision to approve or disapprove a rezoning application.

1. The proposed rezone is consistent with the goals, objective and policies of the Town’s Growth Management Plan.

- **Table FLU-1: Lakes-by-the-Bay Mixed-Use Site.** *Commercial, office, community facilities, and recreation open space uses that serve the surrounding residential communities. Floor Area Ratio of .5, maximum building height of two stories, 35 feet. Architectural features can exceed maximum height limitations.*

Staff Comment: The location for the proposed land use amendment is comprised of the entire Lakes-by-the-Bay mixed use site. The intention of this district is to be a support district for the neighboring residential communities. The proposed modification to medium density for the purpose of 180 townhomes is not consistent with this district.

- **Objective FLU-3: Mixed Use Districts.** *The areas designated “Mixed Use” on the Future Land Use Map shall be developed or redeveloped through the Land Development Regulations as design unified horizontal and vertical mixed use areas in accordance with adopted plans and studies that reflect the community’s vision.*



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Staff Comment: According to the Data, Inventory and Analysis found within the Town’s Growth Management Plan, the vision for the community in establishing its mixed use districts was to transform the suburban character of the Town into a compact, pedestrian scale civic district/town center for two specific geographic areas. The proposed land use amendment is a departure from mixed use and the original objective of the Growth Management Plan. It continues the suburban character of the Town and does not contribute to the goals of creating mixed use environments at the Town’s desired locations.

- **Policy FLU-5E:** *The Town shall discourage urban sprawl by directing new development and redevelopment in accordance with the Future Land Use Map, which provides for mixed-use development in areas currently served by urban infrastructure and services, and by designating environmentally sensitive areas as “Conservation”.*

Staff Comment: The Future Land Use Map designates this property a mixed-use district. Modifying this district from mixed-use to Medium Density does not discourage urban sprawl.

- **Policy FLU-5I:** *The Town shall ensure that any applications to amend the Growth Management Plan and/or Future Land Use Map are reflective of the community’s vision as expressed in the Growth Management Plan or special neighborhood plans, and will not result in increased sprawl.*

Staff Comment: This location was targeted for mixed use development. Therefore, the proposed amendment from mixed use to medium density to develop 180 townhomes is not reflective of the community’s vision as expressed in the Growth Management Plan. The plan to provide additional housing rather than mixed use results in an increase in sprawl.

- **Policy FLU-13C:** *The Town shall support the location of employment centers, offices, and retail uses proximate to residential areas through the implementation of the Town Center and Mixed Use land use districts, in accordance with this Plan.*

Staff Comment: This site has a mixed use designation for the purpose of supporting the neighboring residential districts with a variety of non-residential uses. The amendment to Medium Density residential for this property will result in the inability to meet this policy of the Growth Management Plan.



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2. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

Staff Comment: The proposed MR-13 zoning designation, while consistent with neighboring residentially zoned properties, represents a departure from the vision and goals of the Town for this property. The intention was to create a mixed use environmental, central to the neighboring communities. This property was slated for that mixed use, neighborhood centric, development. The addition of residential properties will not meet the intentions of the Town's zoning code.

3. The subject property is physically suitable for the uses permitted in the proposed district.

Staff Comment: The site meets the minimum criteria to support a Multifamily Residential (MR 13) zoning district, however, code section 3-56 states that the MR, Multi-Family Residential District is not intended to be expanded beyond the boundaries of existing MR areas. The proposed rezoning is a violation of this code section due to the expansion of the MR boundary.

RECOMMENDATION

Staff recommends **denial** of the proposed rezoning for the parcel that is the subject of this application with a total +/-18.57 acres **from Neighborhood Center (NC-1) to Multifamily Residential (MR 13).**

APPENDICES

Appendix "A" - Letter of Intent and Application for Zoning Change

Appendix "B" - Sketch and Legal Description

Appendix "C" - Location Map

Appendix "D" - Zoning Maps (Existing and Proposed)

Appendix "E" - Advertisement/Courtesy Notices/ Posting