



Application No.: FLUM-2018-034

Attachment "A"

Consultant's Report

CENTRO EVANGELISTICO LA ROCA, INC.

FUTURE LAND USE MAP



Memorandum

☐ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: September 11, 2019

To: Rafael Casals, Town Manager

From: Alex A. David, AICP, Consultant Planner

Subject: Centro Evangelistico La Roca, Inc. (Application No. FLUM-2018-034)

Project: Amendment to the Future Land Use Map
18-1291

CC: Sarah Sinatra Gould, AICP, Consultant Planner

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160) FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Centro Evangelistico La Roca, Inc. (Applicant) is seeking approval of a request to re-designate a parcel of land from Low Density Residential to Institutional on the Town's Future Land Use Map. The parcel is located at 20851 SW 97 Avenue and is 4.2 acres (gross) in size. The uses proposed for the parcel include a 54,000 square foot 800 student PK-8 Charter School and a 6,200 square foot religious institution to replace the existing one located in the center of the site.

The request is to amend the Town Growth Management Plan Future Land Use Map as follows:

From:
Low Density Residential

Residential units, public schools and religious institutions

2.5 to 5 units per gross acre, maximum Floor Area Ratio of 4.0 for public schools and religious institutions

* * *

Institutional

Maximum Floor Area Ratio of 1.75. Maximum height of, 38 feet. Architectural features can exceed maximum height limitations.

Although the Applicant is proposing a charter school and religious institution at this time the re-designation of the site to Institutional would also allow more intense uses such as governmental facilities, communications facilities, hospitals, congregate care and nursing homes. Therefore, any analysis must take this into account.

The aerial photograph depicts the location of the property and surrounding uses.





Memorandum

APPLICANT

Centro Evangelistico La Roca, Inc.

Applicant/Representative: Juan Mayol, Esq.
Alejandro J. Arias, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131
305-789-7787
Juan.Mayol@hklaw.com

Staff Coordinator: Alex A. David, AICP
Interim Community Development Director

PROPERTY INFORMATION

Location: 20851 SW 97 Avenue
Approximately 135 feet south of Montego Bay Drive, north of theoretical SW 210 Street and east of SW 97 Avenue

Folio Numbers: 36-6009-000-0160

Size: ± 4.2 gross acres
± 4.008 net (174,718 sq. ft.)

Legal Description: A portion of the SW ¼ of Section 9, Township 56 South, Range 40 E., Dade County, Florida, being more particularly described as follows:
Begin at the NW corner of the SW ¼ of the said Section 9 and run North 89 degrees 37 minutes 14 seconds E along the North line of said SW ¼ for 361.79 feet; thence run South 0 degree 38 minutes 56 seconds East along a line parallel to the West line of the SW ¼ of Section 9 for 463.65 feet; thence run S 47 degrees 59 minutes 56 seconds W., along a line parallel to and 390.0 feet Northwesterly of the Northwesterly right-of-way line of OLD CUTLER ROAD, as recorded in Deed Book 1616 at Page 483 of the Public Records of Dade County, Florida, for 304.50 feet; thence run South 89 degrees 37 minutes 14 seconds West along a line parallel to the North line of said Southwest 1/4 ; thence run North 0 degrees 38 minutes 56 seconds West along the West line of the said Southwest ¼ for 665.96 feet to the Point of Beginning.



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BACKGROUND AND ANALYSIS

In 1966, subject to resolution 3-ZAB-427-66, an application approved the following for the property: (a) a Special Exception to permit a church and Sunday School, summer bible school, and an elementary school and (b) Unusual Use to permit a kindergarten. In 2006, the property was rezoned from AU, Agricultural District to RU-1M(a), Modified Single-Family Residential District and had a Land Use Designation of Low Density Residential. At that time, the Town still utilized both the Miami-Dade County Comprehensive Development Master Plan and Zoning Code as the Town's Growth Management Plan and Land Development Regulations because the Town had not adopted either of its own. In 2008, the Town adopted its Growth Management Plan and accompanying Future Land Use Plan Map which then designated the property Low Density. In 2012, the Town adopted its Land Development Regulations and accompanying Zoning Map which zoned the property SR (Single-Family Residential).

The site is currently occupied by a single-story church building, but under the current zoning approximately 20 single-family homes would also be permitted, and which was envisioned by the Town Council and residents at the prior hearing for the site.

The subject property is located on SW 97th Avenue approximately 400 feet north of Old Cutler Road and 135 feet south of Montego Bay Drive. SW 97th Avenue splits and becomes SW 97th Court at the southern tip of this irregularly shaped lot, where SW 97th Avenue is currently missing a segment before it intersects with Old Cutler Road. As part of any future development of this property, the missing segment of SW 97th Avenue will be required to be constructed to complete the connection to Old Cutler Road.

The neighborhood in this area is characterized by single family residential except to the west where Gulfstream Elementary School is located. The existing school has been a fixture of the community for many years with construction beginning in 1959.

Proposed Development Project

For informational purposes only and as stated by the Applicant, the proposed project consists of an 800 student PK-8 Charter School and new religious institution. The school would be in a new two-story structure, 54,000 square feet in size. The religious institution would be 6,200 square feet. Additionally, the proposed site plan shows two playground areas totaling 49,002 square feet, a drop-off/pickup area and parking. As part of this project the applicant will be required to construct the final portion of SW 97 Avenue, connecting it to Old Cutler Road. Again, the re-designation of the parcel would allow, with other necessary approvals, governmental facilities, communications facilities, hospitals, and congregate care and nursing homes. At this time, no documentation has been submitted by the Applicant restricted the parcel to school and religious institution uses.



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FUTURE LAND USE MAP DESIGNATION	USES	DENSITY AND INTENSITY
Low Density Residential	Residential units, public schools and religious institutions	2.5 to 5 units per gross acre, maximum Floor Area Ratio of 4.0 for public schools and religious institutions. * * *
Institutional	Governmental facilities, educational facilities, communications facilities, religious institutions, fraternal organizations, hospitals, and congregate care and nursing homes	Maximum Floor Area Ratio of 1.75. Maximum height of 38 feet. Architectural features can exceed

The following Table provides an overview of the land use designations and zoning districts for this and surrounding properties.

FUTURE LAND USE MAP DESIGNATION	EXISTING ZONING DISTRICT
Subject Property:	Subject Property:
Low Density	SR, Single-Family Residential
Surrounding Properties:	Surrounding Properties:
North Low Density	North SR, Single-Family Residential
South Low Density	Southwest SR, Single-Family Residential
East Low Density	East/Southeast NR, Neighborhood Residential
West Institutional	West Institutional

The following Table provides an overview of the existing conditions surrounding the site.



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EXISTING CONDITIONS
Subject Property:
Church and surface parking
Surrounding Properties:
North
Single Family
East/Southeast
Single Family
Southwest
Single Family
West
Gulfstream Elementary

Sec. 3-40. - Growth management plan amendments.

Growth management plan amendments may be considered two times a year, unless otherwise exempted by state statutes, in accordance with the following procedural calendar and regulations:

- (1) *Initiation of application.* Amendments to the town's growth management plan may be initiated by the majority vote of the town council, motion of the majority vote of the LPA, town administration, petition of the property owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.
- (2) *Application filing.* Amendment applications shall be filed with the department of community development. The required application form must be completed and signed by the owner or owner's agent, or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.
- (3) *Submittal requirements.* All amendment applications shall be accompanied by the following items:
 - a. An application, on a form provided by the town, completed and signed by the applicant, the owner or owner's agent, or contract purchaser with the owner's written consent.
 - b. When the proposal is an amendment to the growth management plan text or map series the applicant shall submit data in support of the request. A text amendment shall be submitted in a strikethrough and underline format.
 - c. A disclosure statement by the parties with at least five percent interest in the project signed by the applicant and notarized. The applicant shall keep this information current at all times during the processing of the application.
 - d. A survey, signed and sealed by a certified surveyor and mapper, completed not longer than six months in advance of the date of the application, that contains the following information:



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1. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed land use classifications.
2. Total area of the property and of each existing and proposed district classification presented in square feet and acres. Scale and north arrow, with north, to the extent feasible, oriented to the top of the survey.
3. Location of all existing buildings and structures.
4. Names of all boundary roads or streets, and the width of existing rights-of-way.

(4) *Procedure.*

- a. Applications shall be received by the town in a form set by the town and made available to the applicants.
- b. The department shall review all submitted applications for growth management plan amendments and shall prepare a comprehensive written recommendation.
- c. The LPA shall hold a public hearing to consider applications for amendments to the growth management plan and shall, upon conclusion of the public hearing, make a recommendation to the town council with respect to each application.
- d. The town council shall hold public hearing(s) to consider the recommendations of the LPA with respect to applications for amendments to the growth management plan and shall, upon conclusion of the public hearing(s), adopt an ordinance expressing an intent to adopt those proposed amendments to the growth management plan.

Application Compliance with the Growth Management Plan

The Future Land Use Map designation is Low Density. This land use category permits Residential units, public schools and religious institutions.

Although, the public charter school and religious institution would seem to be generally consistent prima facie with the property's proposed Future Land Use Designation of Institutional, other factors render the application inconsistent with the following Goal, Objectives and Policies found in the Town's Growth Management Plan:

Future Land Use Element

Goal 1

PROTECT AND IMPROVE THE TOWN'S BUILT AND NATURAL ENVIRONMENT THROUGH THE USE OF LAND IN A MANNER THAT ENHANCES EXISTING NEIGHBORHOODS, CONSERVES RESOURCES, ENSURES THE AVAILABILITY OF PUBLIC FACILITIES AND SERVICES, AND REALIZES THE COMMUNITY'S VISION FOR ITS FUTURE.



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Staff Response: The vision for the parcel, as approved, is for single-family residential. Uses such as governmental facilities, communications facilities, hospitals, and congregate care and nursing homes would not enhance the existing neighborhood.

Objective FLU-4: Residential Districts

The Town shall protect, maintain and improve its residential districts, as designated on the Future Land Use Map.

Staff Response: Re-designation of the parcel would not maintain the Town's residential districts.

Policy FLU-4C: Development and redevelopment in the residential districts shall be regulated to ensure compatibility with the existing neighborhood, implement the recommendations of neighborhood improvement plans or initiatives that may be adopted, and prevent the encroachment of incompatible uses. When considering redevelopment proposals, maintaining consistency with existing densities and intensities shall be a major factor. Please see Objective LU-5 and its implementing policies for information regarding development compatibility criteria.

Staff Response: Higher intensity uses that would be allowed under the Institutional land use designation including governmental facilities, communications facilities, hospitals, and congregate care and nursing homes would be considered an encroachment of incompatible uses and would maintain with the surrounding existing densities and intensities.

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 this Plan or special neighborhood plans and will not result in increased sprawl.

Staff Response: The vision for the parcel, as approved, is for single-family residential which would not increase sprawl. Re-designation to Institutional would not be reflective of the community's vision.

Policy FLU-7A: All development orders shall be contingent upon the provision of services at or above the Level of Service standards specified in the Capital Improvements Element.

Staff Response: As stated previously, uses such as governmental facilities, communications facilities, hospitals, and congregate care and nursing homes would also be permitted under the Institutional Land Use designation and which could not be analyzed as no information was provided.

Policy H1-2C: The Town, through its Land Development Regulations, shall prohibit out-of-scale development, redevelopment, additions, and/or improvements in residential neighborhoods.

Staff Response: As the proposed use has not been formally proffered uses such as governmental facilities, communications facilities, hospitals, and congregate care and nursing homes may potentially be out-of-scale with the surrounding residential neighborhood.



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

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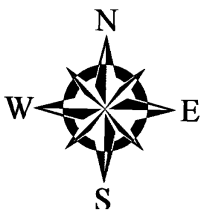
RECOMMENDATION

Town Staff recommends **Denial** of the proposed Town Growth Management Plan Future Land Use Map re-designation of the property as it is inconsistent with the overall intent of Goals, Objectives and Policies of the Plan.

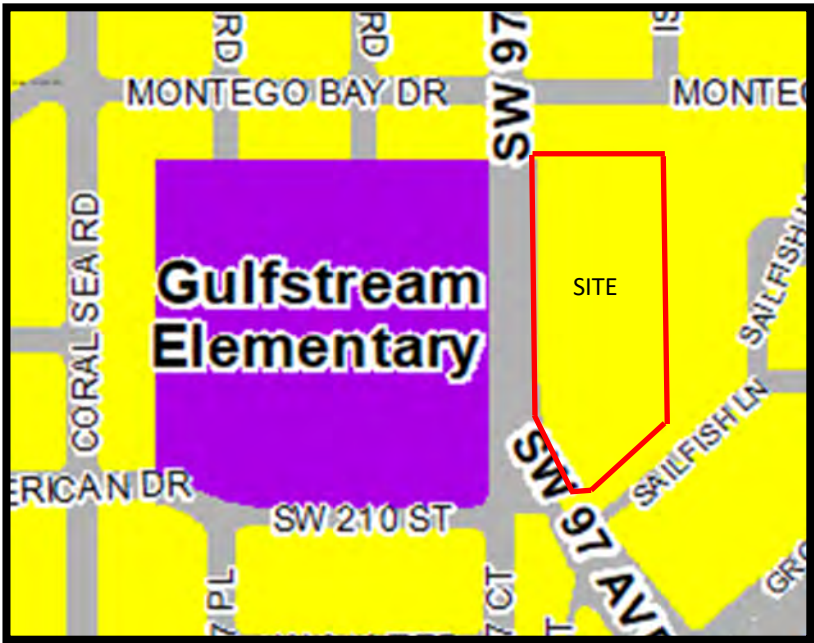


Town of Cutler Bay
Future Land Use Map Small Scale Amendment

EXISTING



- Residential - Conservation
- 2020 Future Land Use**
- Estate Density
- Low Density
- Medium Density
- Mixed Use
- Town Center
- Institutional
- Parks and Recreation
- Conservation
- Roadway
- Transportation
- Water



PROPOSED

