



***Application No.: -#***

**Attachment "A"**

**Consultant's Report**

CENTRO EVANGELISTICO LA ROCA, INC.

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☒ **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. ZC-2018-033)  
Project: Amendment to the Zoning 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, APPROVING THE REQUEST OF CENTRO EVANGELISTICO LA ROCA, INC. TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO INT (INSTITUTIONAL DISTRICT) ON PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.2 ACRES; 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 SR, Single-Family Residential District to Institutional on the Town's Zoning 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 (rezone) the Town Zoning Map as follows:

From:  
SR, Single-Family Density Residential

- (1) *Permitted uses.*
- a. Detached single-family dwelling.
  - b. Group home limited to six resident clients on the premises. (See supplemental regulations for additional requirements.)
  - c. Family day care home.
  - d. Single-family zero lot line if based on a site plan approved prior to the adoption of this code.

To:

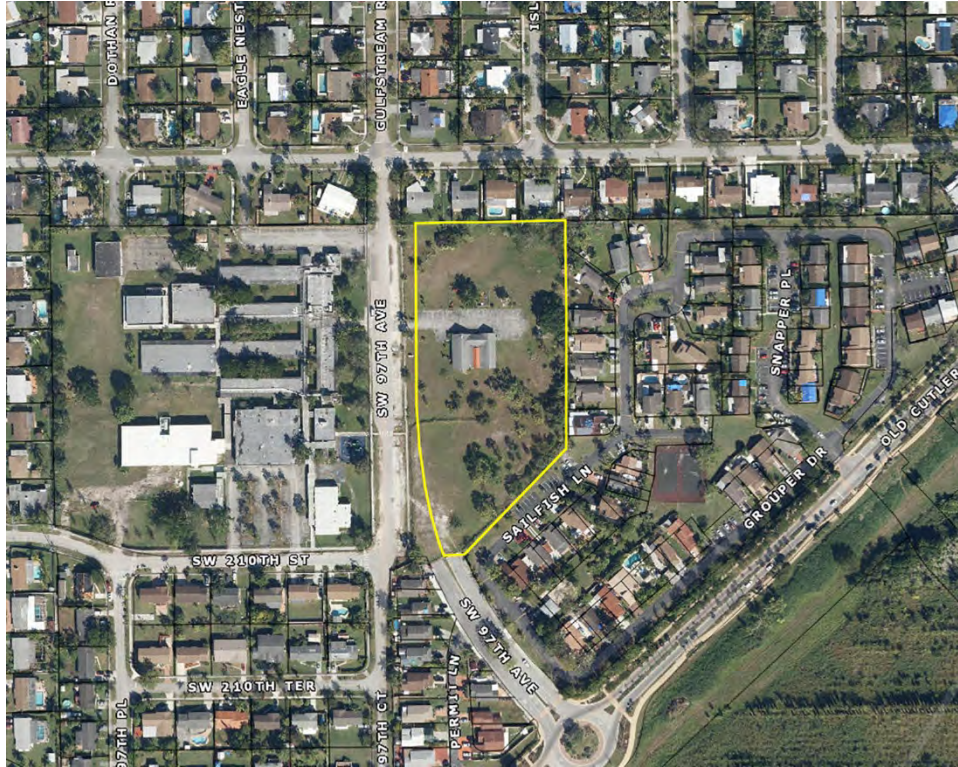
Institutional

- (1) *Permitted uses.*
  - a. Government facility.
  - b. Religious facility.
  - c. Hospital.
  - d. Congregate care and nursing home.
  - e. Personal services when limited to the use of the residences within a senior age restricted community.
- (2) *Conditional uses.*
  - a. Educational facility/school with no residential component.
  - b. Telecommunication tower and associated equipment.
  - c. Fraternal organization.

Council approval of this amendment is needed in order to facilitate the referenced project. A copy of the Zoning Change application for the Map amendment package (Letter of Intent and Application) is provided as Attachment "B". In addition to this request, the Applicant will also be seeking a Future Land Use Map amendment. In the future, applications for Site Plan approval and a Conditional Use permit will be submitted.

Although the Applicant is proposing a charter school and religious institution at this time the re-zoning of the site to Institutional would also allow more intense uses such as listed above. Therefore, any analysis must take this into account.

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



### **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](mailto: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:  $\pm$  4.2 gross acres  
 $\pm$  4.008 net (174,718 sq. ft.)

Legal Description: A portion of the SW  $\frac{1}{4}$  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  $\frac{1}{4}$  of the said Section 9 and run North 89 degrees 37 minutes 14 seconds E along the North line of said SW  $\frac{1}{4}$  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  $\frac{1}{4}$  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  $\frac{1}{4}$ ; thence run North 0 degrees 38 minutes 56 seconds West along the West line of the said Southwest  $\frac{1}{4}$  for 665.96 feet to the Point of Beginning.

### **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 97<sup>th</sup> Avenue approximately 400 feet north of Old Cutler Road and 135 feet south of Montego Bay Drive. SW 97<sup>th</sup> Avenue splits and becomes SW 97<sup>th</sup> Court at the southern tip of this irregularly shaped lot, where SW 97<sup>th</sup> 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 97<sup>th</sup> 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 rezone 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.

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.

<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>EXISTING ZONING DISTRICT</b>
<b>Subject Property:</b>	<b>Subject Property:</b>
Low Density	SR, Single-Family Residential
<b>Surrounding Properties:</b>	<b>Surrounding Properties:</b>
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.

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



**Sec 3-38. Rezoning**

The town council may rezone property, in conformity with the provisions of this section. Rezones may be initiated by the town, petition of the owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of the proposed map amendment.

(1) *Application filing.* All rezoning applications shall be filed with the department of community development. The required application form must be completed and signed by the applicant and owner(s) of the property or their designated agent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

(2) *Submittal requirements.* All rezoning applications shall be accompanied by the following items:

a. An application, on a form provided by the town, completed and signed by the applicant and owner(s) of the property or their designated agent.

b. 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.

c. An as-built 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:

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.
3. Scale and north arrow, with north, to the extent feasible, oriented to the top of the survey.
4. Location of all existing buildings and structures.
5. Names of all boundary roads or streets, and the width of existing rights-of-way.

(3) *Public hearing.* The town council shall hold public hearing(s), as required by law.

(4) *Approval criteria.* The town council shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

a. The proposed rezone is consistent with goals, objectives and policies of the town's growth management plan.

**Staff Response:** The proposed rezone is inconsistent with Future Land Use Element Goal 1, Objective FLU-4 and Policies FLU-4C, FLU-5I, FLU-5H, FLU-7A and Housing Element Policy HI-2C.

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

**Staff Response:** Several of the uses permitted, or as conditional uses may not be compatible with the neighboring single-family neighborhood and elementary school. These include: Government facility, Hospital, Congregate care and nursing home. Conditional uses which may be approved but incompatible include Educational facility/school with no residential component, Telecommunication tower and associated equipment, Fraternal organization.



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

**Staff Response:** The property is not physically suited for all uses permitted in the zoning district.

**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, and potentially other uses, render the application inconsistent with certain Goal, Objectives and Policies found in the Town's Growth Management Plan:

**RECOMMENDATION**

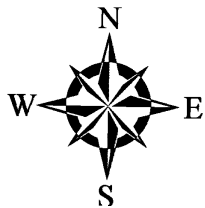
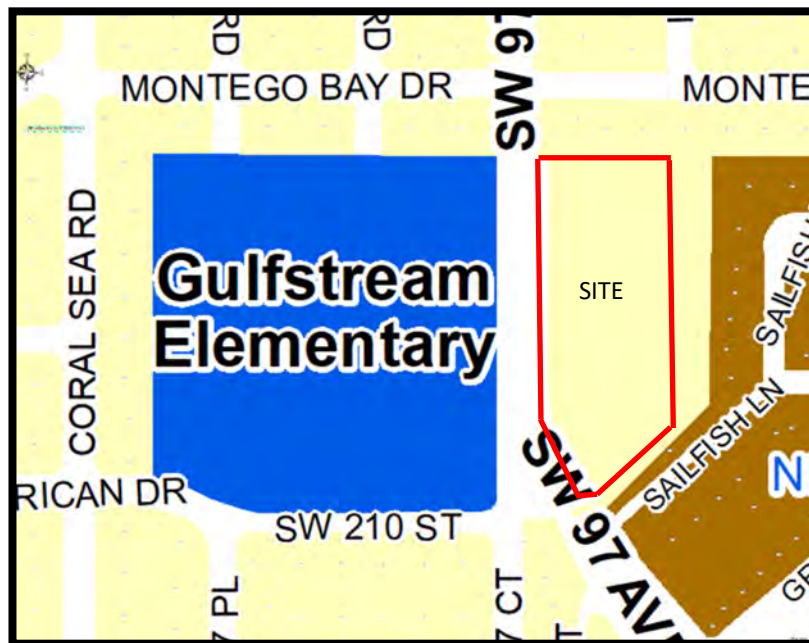
Town Staff recommends **Denial** of the proposed change to the Zoning Map for the property as it is inconsistent with the Town's Growth Management Plan and does not meet the zoning criteria for approval.



## Town of Cutler Bay

### Zoning Request

#### EXISTING



ER Estate Residential 1 Dwelling Unit/15,000 sq. ft.	CON Conservation
SR Single-Family Residential 1 Dwelling Unit/7,500 sq. ft.	WU Water Use
MR 9 Multi-Family Residential 9 Dwelling Units/1st Acre	TRC Transit Corridor
MR 13 Multi-Family Residential 13 Dwelling Units/1st Acre	TC Town Center
NR Neighborhood Residential 5 Dwelling Units/1st Acre	NC 1 Neighborhood Center 1
INT Institutional	NC 2 Neighborhood Center 2
PK Parks	
Town Center Sub-Districts	
Center Sub-District	
Core Sub-District	
Edge Sub-District	

#### PROPOSED

