



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Honorable Mayor and Town Council

From: Darby P. Delsalle, AICP, Planning Director

Subject: Developer Information Sessions

Date: July 7, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s) REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Mingo, Cid, Collazo, Daubert, Lama, Mestre & Rodriguez)

A. BACKGROUND

On February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore and return to a workshop with recommendations regarding information sessions conducted by an applicant/developer that has made a zoning application subject to public hearing before the Town Council. The idea was to create an informal setting where the public could learn about a proposed project in advance of its presentation at a Town Council hearing. There currently are no provisions within the LDC's that provide for such informational sessions.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach regarding "Developer Information Sessions." After some discussion, consensus was reached requiring such sessions to be conducted in an informal format, at a site preferably at, or as near as possible to, the project site; for all projects subject to Town Council consideration that involve projects that are equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. The proposed ordinance is reflective of that consensus.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending notification requirements for zoning applications.

C. ANALYSIS

The Land Development Code (LDC) provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: Although the Comprehensive Plan does not specifically address public hearing requirements, Objective 1.2 provides underlying intent to ensure the LDC's appropriately regulate the use of land reflective of the community's desires. This is achieved by providing an informational session to the residents of Miami Lakes so that they may be more aware of developments to which they may have a particular interest.

Objective 1.2: LAND DEVELOPMENT CODE

Maintain an effective and efficient Land Development Code (LDC), which implements the community vision underlying the goals, objectives and policies of adopted Comprehensive Plan, regulates the quality, scope and impacts of new development and redevelopment, coordinates future land uses with topography and soil conditions, and incorporates innovative land development techniques.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: The proposed ordinance conforms with the Town's LDC's. A review of the LDC's found no conflicts.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis: See Section "A", Background, of this report. The Town has recently experienced a volume of development application requests that are not typical to its past experiences since incorporation in the year 2000. This increase in activity has brought attention of the Town's residents regarding such zoning application requests and their desire to have more

information. In response, the Town Council directed the Town Manager to prepare recommendations on providing for developer information sessions, conducted in an informal setting, to increase resident awareness of pending projects. Those recommendations were presented at a Town Council Workshop on June 27, 2017. The attached proposed ordinance is reflective of those discussions.

Finding: Complies.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

Analysis: The proposed ordinance does not change the permitted use of land.

Finding: Complies.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Section "A", Background, of this report. The proposed ordinance provides for a developer information session in advance of any Town Council hearing that may result in a final order for a project equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. Such sessions should prove to better serve the general welfare by facilitating greater awareness of the project and potentially increase public participation in the development review process.

Finding: Complies.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Section “A”, Background, and Criterion 7 of this report. The proposed ordinance may result in some additional cost to the applicant/developer making a zoning request as a result of advertising in the Miami Laker Community Paper, as well as those potential costs associated with hosting a session. However, it is believed the sessions may have the potential of increasing public awareness and participation in the development review process. Staff believes this increased participation outweighs the impact of the additional costs.

Finding: Complies.

9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.

Analysis: See Section “A”, Background, and Criterion 7 and 8, of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides a venue to increase the public’s awareness of pending zoning applications in an informal setting.

Finding: Complies.

10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed ordinance is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.