



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Mayor and Members of the Town Council

From: Alex Rey, Town Manager

Subject: **HEARING NUMBER:** COND2017-0001
APPLICANT: Elevate Church, Inc
FOLIO: 32-2024-008-1300
LOCATION: 6260 Miami Lakes Drive East
Miami Lakes, Florida 33014
ZONING DISTRICT: GU, Interim District
FUTURE LAND USE: Low Density Residential

Date: April 18, 2017

A. REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Elevate Church (the “Applicant”) is requesting the following approval:

1. A Conditional Use request to allow the expansion of an existing religious institution in a Government Use Zoning District.
2. Site Plan approval to construct a new 16,813 square foot building for a new 813 seat sanctuary adjacent and separated from the existing 11,299 square foot building.

B. SUMMARY

The Applicant is requesting conditional use and site plan approval on the 4.21 acre subject site for the construction of a new one-story, 16,813 square foot sanctuary adjacent to the existing 11,299 square foot building, reconfiguration of the existing 61 space parking lot, construction of an additional 185 space parking lot, relocation of existing basketball court, addition of a new entrance and egress driveway, removal of 15 trees (one mahogany, two black olive, seven live oaks, and five assorted palms), preservation of 41 existing trees and installation of 78 trees and installation of 1,710 shrubs.

The building is designed to accommodate approximately 813 non-fixed seating within the main assembly area, with the remainder dedicated to back-of-house spaces, such as restrooms, storage rooms and meeting rooms. The existing basketball court is proposed to be shifted to allow for the new parking area to the South East of the property. Additionally, a new entrance driveway from Miami Lakeway South is proposed, as well as a driveway connecting the existing and the new parking lots at the rear of the property.

Elevate Church, as it is known today, changed its name in 2014 from Miami Lakes Baptist Church, when the current pastor took over. They currently offer three services on Sundays, small bible groups at 7:00 pm on weeknights, and a Friday night youth service.

The Applicant is also requesting site plan approval, including the construction of a 16,813 square foot building, a 185 vehicle space parking lot, landscaping and other associated improvements.

The Applicant proposes that usage of the site will remain similar to the current use, with three services on Sundays, small bible groups at 7:00 pm on weeknights, and a Friday night youth service. They propose that, during Sunday Services, the adults will attend at the new larger sanctuary, and the existing sanctuary will be used for Children's Church.

C. STAFF RECOMMENDATION

Based on the information provided above, the Analysis provided below, and other factors contained in this report, Staff recommends ***approval with modifications, subject to conditions*** of the Conditional Use and Site Plan request for the expansion of an existing religious institution in a Government Use Zoning District.

MODIFICATIONS

1. Modify the current proposal to increase the width of the existing 5' sidewalks around the property to 10' via a 5' easement.
2. Modify the proposal to use structural soil and sod instead of asphalt at the rear driveway and overflow parking area, and add removable traffic blocking devices to discourage use of the driveway at non-peak times.

CONDITIONS

1. All open building permits and code violations and shall be satisfied and all liens shall be cured prior to issuance of an approval on this application.
2. Contribute \$37,136.16 towards a mobility fee as provided by Division 2 of the Code in order to mitigate any traffic impacts, or file with the Administrative Official an alternative trip generation study, as provided under Section 13-2005 (b) (3).
3. Install traffic calming features along Egan Lane, to discourage cut-through traffic, as may be determined by the process available through the Town's Public Works Department.
4. Site Plan approval herein is for those plans shown in Exhibit A.
5. Any special events shall require the Special Event Permit from the Town.

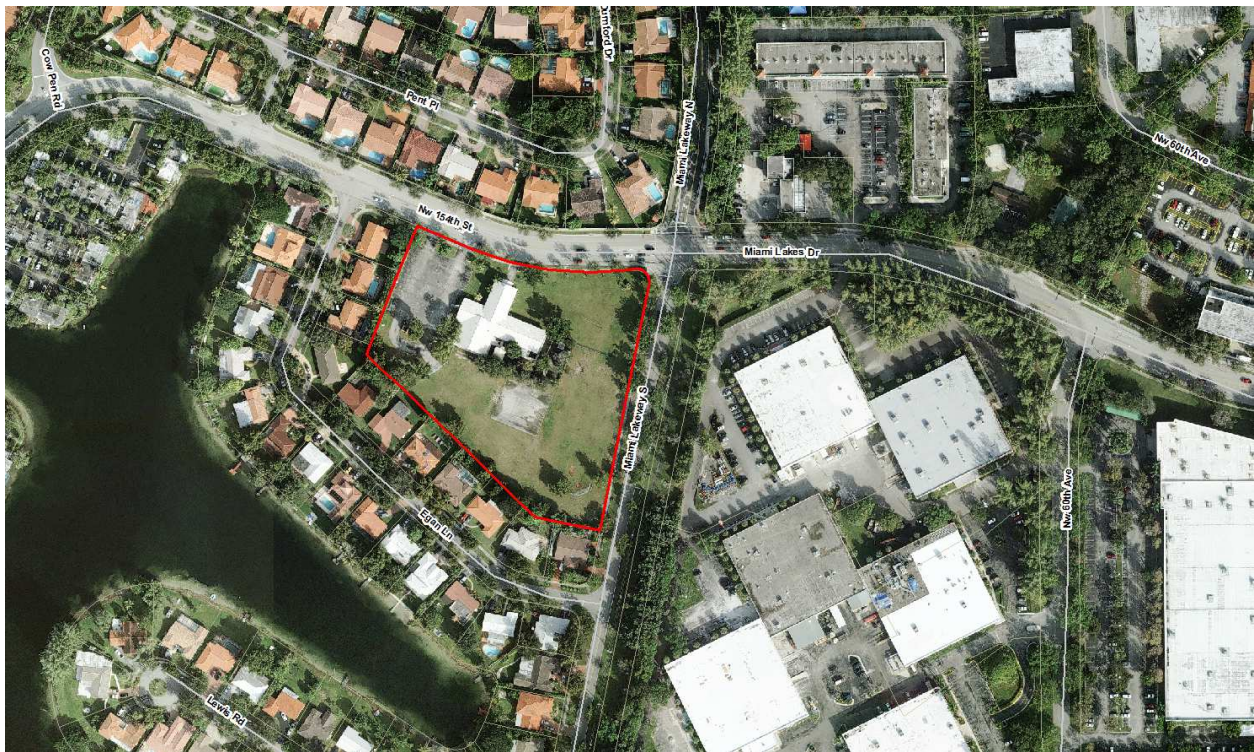
6. The Applicant shall obtain all required building permits and a CU for all request(s) approved herein, within one (1) year of the date of this approval. If all required building permits and a CU are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.

D. Background

Subject Property:

The subject site is a 4.21 Acre parcel, located on the South West corner of the intersection of Miami Lakes Drive and Miami Lakeway South. It is currently improved with an 11,299 square foot Religious Institution which includes a parking lot with 61 spaces, a basketball court, office and meeting space, as well as 185-seat sanctuary.

Location Map:

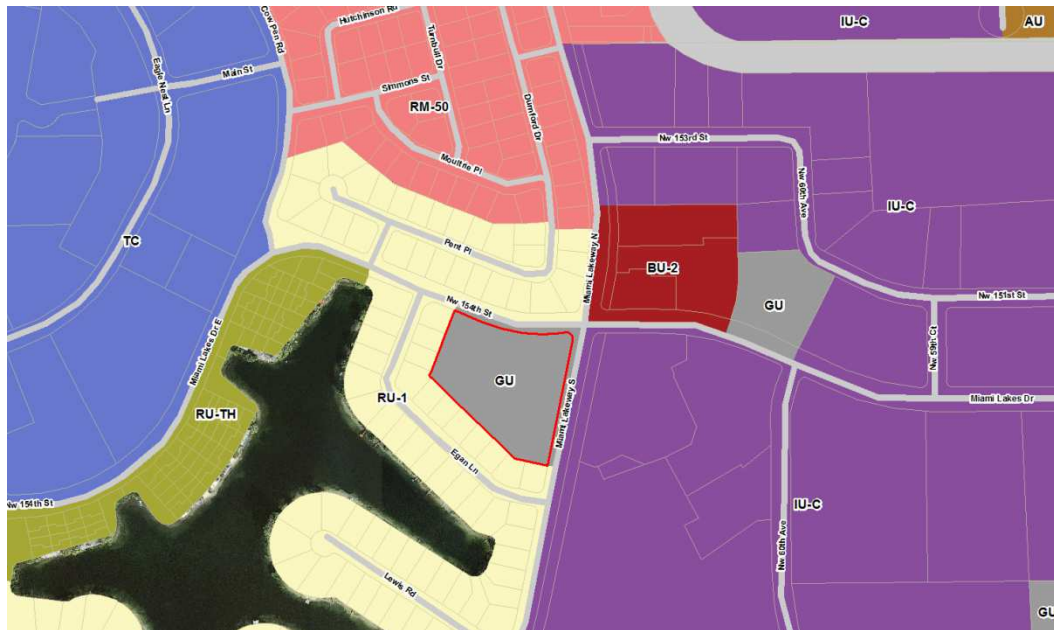


not to scale

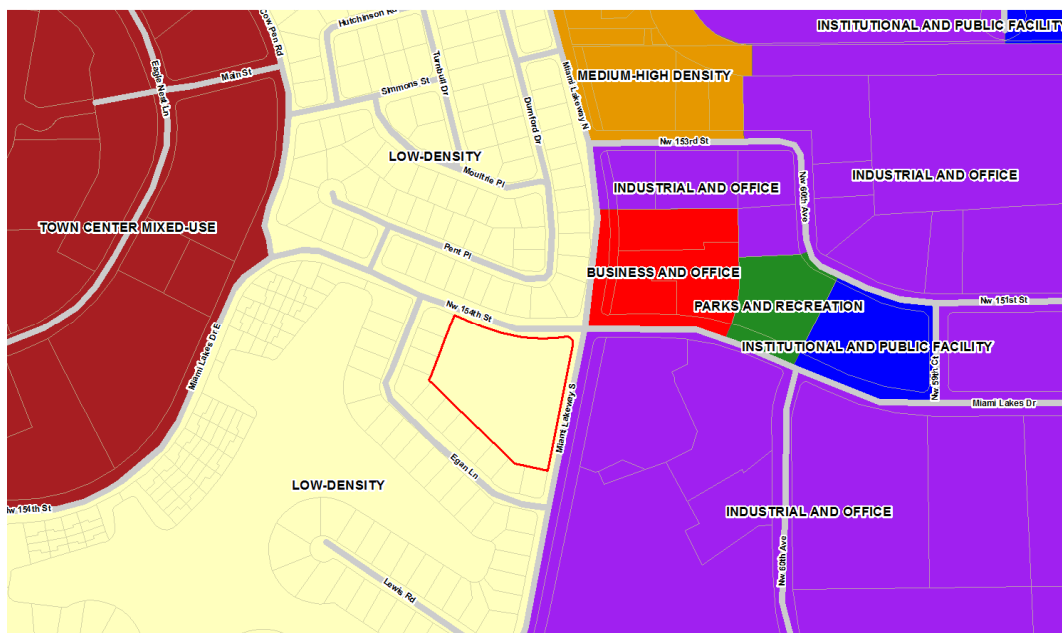
Zoning District of Property: GU, Interim District
Future Land Use Designation: Low Density Residential

	Land Use Designation	Zoning District
North:	Low Density Residential	RU-1
South:	Low Density Residential	RU-1
East:	Industrial and Office	IU-C
West:	Low Density Residential	RU-1

Zoning Map



Land Use Map



E. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES

There are several open building permits associated with this property. A Special Event permit is currently in review for the Annual Easter Egg Hunt traditionally held at the property. A plumbing permit for a toilet replacement has been issued, and a building permit for the addition contemplated in the application is in “denied” status awaiting resolution of this matter. Also, building permit number NES2015-0063 for the installation of a sign is in “expired” status. Comments from zoning staff indicate that the proposed sign exceeds the maximum 25 sf allowed. A zoning citation and subsequent lien, case number C2016-0417, has been issued for installing the sign without permits. In order for this lien to be satisfied, the applicant first must either obtain a building permit for the sign or remove it, and then must pay off the lien. As of the date of this report, the amount owed to satisfy this lien is \$11,457.65; this amount accrues daily at a rate of 12% per annum. This matter must be resolved prior to the issuance of any building permits should this request be approved.

F. ZONING HISTORY

On **October 28, 1963**, the Miami-Dade County Zoning Appeals Board adopted **Resolution No 2-ZAB-512-63** establishing a place of worship and Sunday school at the Property

On **September 11, 2003**, the Town of Miami Lakes Council adopted **Resolution 03-171-Z** approving legalization of an existing 225 student private k-12 school in addition to the existing church. The approval with conditions required a landscape buffer and wood fence to separate the property from the adjoining single family lots. The fence was built and the permit was finalized on March 23, 2006. The school operations have since ceased but the conditional use runs with the land, therefore it is not considered abandoned by the applicant. The church has since changed leadership and is now pursuing enlarging their religious services and has not expressed any interest in reopening the school. Should they choose to do so in the future, no further public hearing would be required.

On **February 9th, 2017** the applicant held a presentation at the site, attended by several neighbors and Planning Department staff. Concerns were voiced about traffic management, traffic cutting through Egan Lane, and noise from both the existing basketball court and the driveway proposed for the South-West corner of the property. These concerns are addressed within the Analysis section of this report with conditions where applicable.

G. ANALYSIS

The Code provides that all proposed Conditional Uses larger than 4,000 square feet be considered at a public hearing before the Town Council and be accompanied by a companion site plan application. The order of this analysis is first for the Conditional Use request pursuant to Section 13-303(b)(3), followed by the Site Plan request pursuant to Section 13-304(h). All portions of this report are incorporated into all portions of this analysis.

Conditional Use Criteria

The following is an analysis of the conditional use request based on the criteria pursuant to Section 13-303(b)(3) of the Code.

a. Land Use Compatibility. The conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. Compatibility shall be measured based on the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

1. Permitted uses, structures and activities allowed within the land use category.
2. Building location, dimensions, height, and floor area ratio.
3. Location and extent of parking, access drives and service areas.
4. Traffic generation, hours of operation, noise levels and outdoor lighting.
5. Alteration of light and air.
6. Setbacks and buffers such as fences, walls, landscaping and open space treatment.

Analysis:

The new sanctuary is proposed on a corner lot of two town collector roads: Miami Lakes Drive and Miami Lakeway South. The property is adjacent to a single family neighborhood and across the street from an Industrial Use-Conditional district that is buffered by a greenway. The west and south property lines are contiguous with single family homes that front Egan Lane, a local street running in a quarter-circle from Miami Lakes Drive to Miami Lakeway South.

The facility's primary operational hours, principally Sunday mornings, and occasional weekday evenings, occurs during off-peak traffic hours (non-weekday rush hour commuting times) when traffic is typically lighter. The proposed plan offers two access sites to mitigate access to and from the site.

The new 185 parking spaces, drives, and ingress/egress as proposed are in compliance with the Land Development Code. The proposed building is pushed to the northeast corner of the property, thus providing for maximized separation of the building from the adjacent single family homes. Additionally, a proposed landscape buffer at the rear of the property serves to further buffer the adjacent homes and provide a barrier between uses.

The basketball court is being moved further from the residential homes. Its new proposed location is not anticipated to create any greater an impact than may already exist.

Finding: Complies

- b. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use.** The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Analysis:

The subject site is of sufficient size and appropriate configuration to accommodate all proposed improvements (building, parking area, landscaping, etc.), and complies with the Land Development Code without the need for variances.

The applicant is required to contribute \$37,136.16 towards a mobility fee as provided by Division 2 of the Land Development Code to mitigate any potential traffic impacts. This fee was calculated using the maximum potential capacity scenario number of trips for week day daily trips, as provided by the Applicant's own Traffic Impact Analysis. In the event that the applicant reasonably believes that the daily trip generation pursuant to Subsection 13-2005 (b)(1) does not reasonably approximate the likely actual trip generation of the proposed development, then the applicant may, prior to issuance of a building permit for such development project, file with the Administrative Official an alternative trip generation study as provided by Subsection 13-2005(b)(3).

As to other infrastructure requirements, The Town, along with other agencies as appropriate, have sufficient controls to ensure that the facility cannot open and operate unless and until there is proof that other level of service (LOS) standards, such as water and sewer service and solid waste, will be met.

Finding: Conditionally complies upon payment of the mobility fee as required by Division 2 or maybe administratively modified upon a showing to the satisfaction of the Town's Administrative Official.

- c. **Compliance with the Comprehensive Plan and Land Development Code.** The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this chapter, and shall be consistent with the Comprehensive Plan.

Analysis:

The following is a review of the relevant Goals, Objectives and Policies of the Town's Comprehensive Master Development Plan (Comp Plan). It is followed by a review of the Land Development Code provisions.

Policy 1.1.3 The establishment of non-residential uses in the four (4) residential land use designations defined in this Element is not allowed except under limited circumstances and conditions as follows:

* * *

- f. Congregate living facilities, group homes, foster homes, nursing homes, day care facilities, home occupations, hospitals, religious institutions, and small scale public facilities and utilities may be approved in residential land use categories subject to restrictions and conditions contained in other policies within this Element.

Policy 1.1.4 Code enforcement and other available regulatory measures shall be used to prevent incompatible land uses from locating adjacent to or near otherwise stable and viable uses, especially residential neighborhoods. The rezoning process shall be used to discourage residential development in close proximity to industrial zoned areas and areas with unacceptable noise and/or odor levels. Incompatible non-residential land uses within established residential neighborhoods may be given incentives to adaptively reuse or replace structures to uses that are compatible with the residential area. Where it is physically not feasible to separate incompatible land uses such as residential and nonresidential, buffering shall be required to promote a smooth land use transition. Buffering used may include the following: a. Physical barriers, including berms, hedges or other landscaping, as well as walls or fences aesthetically designed for screening purposes. Physical barriers may also include densely vegetated open space; and/or b. The development of a transitional use between the incompatible uses. For example, a low intensity office development could be used to buffer a retail commercial center and a residential area.

Policy 1.1.9 Religious institutions are allowed in all land use categories on the FLUM; however, if located in or near residential neighborhoods, adverse impacts to the tranquility of the residents around the religious institution and in the surrounding residential neighborhood must be minimized to the maximum extent feasible.

Analysis:

The following addresses Policies 1.1.4 and 1.1.9. Religious Institutions are a permitted use (LDC requires a Conditional Use Permit) under the Comprehensive Plan within residential districts. The existing religious use and facilities at the site were established in January of

1963 pursuant to Miami-Dade County Zoning Appeals Board Resolution No 2-ZAB-512-63. This application only applies to proposed new construction.

The Comprehensive Plan requires religious facilities located adjacent to residential neighborhoods to minimize any adverse impact to the tranquility of the neighbors to the maximum extent possible utilizing physical barriers, including fences and landscaping as needed. The proposed site plan provides landscape buffering and locates parking nearest to the residential areas, thus maximizing separation of the sanctuary building to the homes. The proposed parking and landscaping configuration improves upon the existing condition in that it increases the parking setbacks, and associated landscape buffer, from the existing 6 feet to 10 feet. This condition provides for larger and healthier trees and landscaping at the south and western perimeter of the property. A row of 12' gumbo-limbos is proposed for that greenbelt buffer within that area. Moreover, the proposed building is sited further away from the residential lots at the south and west side of the property. The existing building is, at its closest point, 135' away from its nearest residential neighbor. The proposed building is further at 214', likely minimizing any noise emanating from events occurring within the proposed building to its neighbors. Photo metric plans will be provided at time of permitting and be required to comply with Miami-Dade County light provisions at Chapter 8.

The project as proposed complies with all sections of the Land Development Code regarding setbacks, parking requirements and design, landscape requirements and design, building height, volume, and square footage and appropriate siting and circulation.

Finding: Complies.

- d. Proper Use of Mitigative Techniques.** The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

Analysis:

Subsection 13-303(b)(3)d further clarifies the meaning of “proper use of mitigative techniques” as follows:

The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

As noted in other portions of this Analysis, the proposed project is designed to provide appropriate landscaping and aesthetic improvements to appropriately fit into its setting.

The project is subject to the Town's mobility fee. The mobility fee due to upon approval of the proposed expansion has been calculated to be \$37,136.16; this amount accounts for 153 trips with a Mean Auto Occupancy factor of 1.517, and is charged at \$160.00 per trip as per Town of Miami Lakes Resolution No 16-1386. The number of trips used in this calculation represents the number as supplied by the Traffic Statement prepared by Traf Tech Engineering, signed and sealed by Principal Joaquin E. Vargas, P.E., submitted by the applicant and peer-reviewed by Marlin Engineering (see attachment B) on behalf of the Town.

The previously mentioned Traffic Statement recommends installation of traffic calming features along Egan Lane to discourage cut-through traffic. Staff recommends the utilization of a traffic calming device(s) as may be supported by the Town's Public Works Department procedures regarding evaluation, communication with the impacted residents and possible installation of such measures.

Additionally, staff is recommending the following modifications of the current proposal:

1. Increase the width of the existing 5' sidewalks around the property to 10' via a 5' easement. Widening the sidewalks ties into an existing Safe-Routes-To-Schools project currently in development by the Town of Miami Lakes, and would help children residing in and around Lake Katherine and Egan Lane reach the enhanced pedestrian crossing proposed for the intersection of Miami Lakes Drive and Miami Lakeway South.
2. Use structural soil and sod instead of asphalt at the rear driveway and overflow parking area, and add removable traffic blocking devices to discourage use of the driveway at non-peak times.

Therefore, subject to the recommended site plan modification, and subject to the recommended conditions as discussed above, the proposed conditional use meets this criterion.

Finding: Conditionally complies as follows:

1. Install traffic calming features along Egan Lane, to discourage cut-through traffic, as may be determined by the process available through the Town's Public Works Department;
 2. Increasing the side walk from five (5) feet to ten (10) feet via a five (5) foot easement.
 3. Replacing the asphalt proposed for rear driveway and overflow parking area with structural soil and sod, and adding removable traffic blocking devices to discourage use of the driveway at non-peak times.
- 5. Hazardous Waste.** No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Town unless the specific location is consistent with the Comprehensive Plan and Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Town Council, designated Town Board or Administrative Official, as applicable, approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The mitigation plan and conditions imposed by the Town Council, designated Town Board or Administrative Official, as applicable, shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices as required by the appropriate permitting agencies.

Analysis: No hazardous waste issues are associated with this use.

Finding: Complies.

Site Plan Criteria

The following is an analysis of the site plan request bases on the criteria pursuant to Section 13-304(h)) of the Town's Code

(1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by the Town Council that include recommendations applicable to the design of the site under review.

Analysis:

See Criteria "c" and "d" of the Conditional Use Analysis above.

The project, as proposed complies with all sections of the Land Development Code regarding setbacks, parking requirements and design, landscape requirements and design, building height, volume, and square footage and appropriate siting and circulation as long as mitigation measures are adopted to lessen the potential negative impacts to the surrounding neighborhood. Staff recommends the following mitigation measures:

1. Modify the current proposal to increase the width of the existing 5' sidewalks around the property to 10' via a 5' easement.
2. Modify the proposal to use structural soil and sod instead of asphalt at the rear driveway and overflow parking area, and add removable traffic blocking devices to discourage use of the driveway at non-peak times.
3. Contribute \$37,136.16 towards a mobility fee as provided by Division 2 of the Land Development Code in order to mitigate any traffic impacts.

Finding: Conditionally complies, as provided in the Findings of Criteria "c" and "d" of the Conditional Use Analysis, and with the following:

1. Modify the proposal to use structural soil and sod instead of asphalt at the rear driveway and overflow parking area, and add removable traffic blocking devices to discourage use of the driveway at non-peak times.
2. A contribution of \$37,136.16 towards a mobility fee as provided by Division 2 of the Land Development Code shall be paid prior to issuance of any building permits.

(2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Analysis:

See Criteria "c" of the Conditional Use Analysis above. Staff has reviewed the proposed site plan, and finds that it meets all applicable zoning district regulations.

Finding: Complies.

(3) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.

Analysis:

The proposed site plan application does not include nor require the construction of streets. However, Staff is recommending a modification of the current proposal to increase the width of the existing 5' sidewalks around the property to 10' via a 5' easement. Widening the sidewalks ties into an existing Safe-Routes-To-Schools project currently in development by the Town of Miami Lakes, and would help children residing in and around Lake Katherine and Egan Lane to reach the enhanced pedestrian crossing proposed for the intersection of Miami Lakes Drive and Miami Lakeway South.

Any on-site potable and waste water utilities to be constructed, or utilities that may be modified in the public right-of-way, shall comply with Miami-Dade County's Water and Sewer Department.

Finding: Complies

(4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

- a. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
- b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.
- c. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
- d. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
- e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
- f. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.
- h. Design of the site shall ensure adequate access for emergency vehicles and personnel.

- i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

Analysis:

The proposed site plan is consistent with good design standards. The proposed building provides for a clean and modern design, and is appropriate in both scale and massing to the site and the neighborhood. The proposed siting of the new sanctuary makes better use of the site by way of a vertical corner feature that provides emphasis to the crossing of two Town of Miami Lakes collector roads, thus creating an identifiable landmark at that intersection. The new site plan provides landscape buffering and parking in the areas nearest to the residential neighborhoods, and Staff is recommending that the existing wood fence currently separating the church grounds from its neighbors be replaced with a decorative masonry fence. The proposed parking and landscaping configuration improves on the existing condition in that it increases the parking setbacks and associated landscape buffer from the existing six (6) feet to ten (10) feet, thus allowing for larger and healthier trees and landscaping all around the south and western ends of the property, particularly in the areas closer to the rear yards of residential homes. A row of 12' gumbo-limbo is proposed for that greenbelt buffer area. Moreover, the proposed building is to be sited further away from the residential lots at the south and west sides of the property. The existing building is, at its closest point, 135' away from its nearest residential neighbor. The proposed building is further at 214', likely minimizing any noise emanate from events occurring within the proposed building to its neighbors. Photo metric plans will be provided at time of permitting and be required to comply with Miami-Dade County light provisions at Chapter 8.

The proposal also improves pedestrian connections within the site, connecting both the existing and proposed buildings to the public sidewalk, which at 5' of existing width should be expanded to 10' to accommodate families, neighborhood children, and church members access the enhanced pedestrian crossing proposed for the intersection of Miami Lakes Drive and Miami Lakeway South, so they can reach the Lake Katherine Shopping center on the other side.

Finding: Complies.

- (5) **In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.**

Analysis:

The application complies with the Town's requirements concerning sufficiency of ownership.

Finding: Complies.