



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

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**To:** Honorable Mayor and Members of the Town Council

**From:** Alex Rey, Town Manager

**Subject:** **HEARING NUMBER:** PLAT2016-0007  
**APPLICANT:** TGC BPW South, LLC  
**FOLIO:** 32-2022-001-0520  
**LOCATION:** North of Commerce Way and the intersection of NW 82 Avenue  
**ZONING DISTRICT:** BU-2 Special District  
**FUTURE LAND USE:** Business and Office (BO)

**Date:** December 6, 2016

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### REQUEST

In accordance with Subsection 13-308(f)(2) of the Town of Miami Lakes Land Development Code (the "LDC"), TGC BPW South, LLC (the "Applicant") is requesting preliminary plat approval for the subject property located on the North side of Commerce Way and the intersection of NW 82 Ave in order to replat portions of existing tracts and create a new plat with one tract of land.

### RECOMMENDATION

It is recommended that the Town Council approve the application for Preliminary Plat approval, subject to the following conditions:

1. The approval of the preliminary plat shall be in accordance with the copy of the "Tentative Plat of "TGC Lakeside II" as submitted for approval to the Town Council and prepared by Schwebke-Shiskin and Associates, Inc. consisting of two (2) sheets and stamped as received by the Town on 11-22-2016.
2. The applicant shall either amend the proposed warehouse use to comply with uses approved by BU-2 zoning, or submit an application for rezoning to either IU-1 or IU-C, to be heard and evaluated by Town Council.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
4. The final plat shall include a drainage easement in favor of the Town of Miami Lakes, of a width and in a location acceptable to the Administrative Official.
5. All design and engineering documents, including any required studies, required for public improvements, or Private Street, utility and infrastructure improvements required to meet the standards for public facilities per the LDC, shall be submitted concurrently with the final

plat application. All required improvements shall be completed and approved by the Town, per the procedures of the LDC, prior to recording of the final plat.

6. No building permit which is dependent upon this plat shall be issued until the final plat is recorded, except as may be allowed by the LDC.
7. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval, unless an extension is granted by the Town Council in accordance with the provisions of Subsection 13-308(f)(5). If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

### **Background**

**Zoning District of Property:**      **IU-C industrial district conditional**

**Future Land Use Designation:**      **INDUSTRIAL AND OFFICE (IO)**

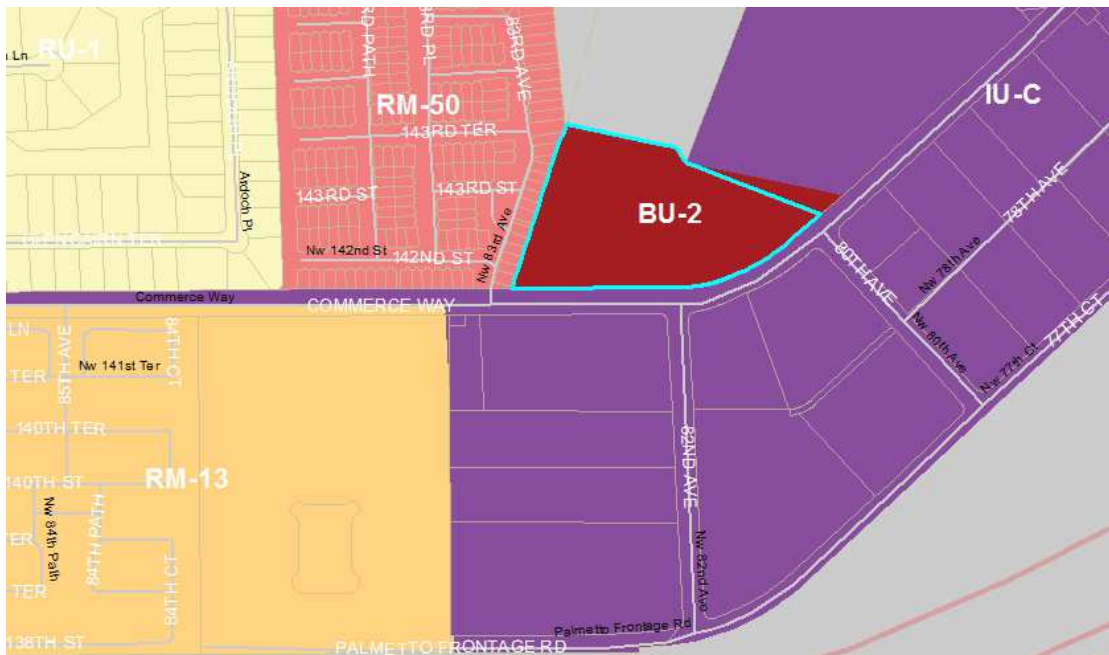
### **Subject Property:**

The subject property is located on the North side of Commerce Way and the intersection of NW 82 Avenue. Except for an existing 20' right-of-way dedication for NW 82<sup>nd</sup> Avenue (a half section line road), the property is 7.834 Acres of vacant land and used as agricultural. The existing property is 7.834 Acres of vacant land. It is currently zoned BU-2, and the future land use is Business and Office.

### **Surrounding Property:**

	<b>Land Use Designation</b>	<b>Zoning District</b>
<b>North:</b>	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
<b>South:</b>	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
<b>East:</b>	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
<b>Southeast:</b>	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
<b>West:</b>	Low-Medium Density (LMD)	RM-50 High Density Residential District

**Subject Property Location Map:**



## **SUMMARY OF PROPOSAL AND STAFF ANALYSIS**

### **Summary**

The Applicant is requesting preliminary plat approval in order to replat portions of existing tracts and create a new plat with one tract of land. An existing 20' Right of Way for NW 82<sup>nd</sup> Avenue, a half section line road, is recorded on P.B. 2, PG. 68 is proposed to be vacated as well. In addition, 73,125 sf of warehouse space and 10,000 sf of office space are indicated as future development on the resulting plat.

### **Preliminary Plat Approval Criteria**

Subsection 13-308(f)(2)c.2 provides that

The Town Council may consider [1] the physical characteristics of the property, [2] the availability of community services, [3] traffic impact, [4] economic impacts, [5] appropriateness of the type and intensity of the proposed development, [6] existing and future development, [7] existing and future development patterns, [8] land development regulations, [9] relationship of the project to the capital improvements program, or [10] other such factors as may relate to the Comprehensive Plan or elements thereof.

#### **1. Physical characteristics of the property.**

The subject property is appropriate for any development consistent with BU-2 zoning, such as office or commercial, that would be facilitated by this preliminary plat application, as it meets all requirements of the LDC for BU-2, and has the appropriate Comprehensive Plan designation and is zoned appropriately for the commercial use. However, this application lists warehouse space as the desired future development which would require rezoning of the property to either IU-1 or IU-C. Appropriateness of the subject site for IU-1 or IU-C zoning would be made as part of review of a rezoning application and, in this case, a Future Land Use Map (FLUM) amendment application.

#### **2. The availability of community services.**

The Applicant has satisfied all concurrency and public facility availability requirements for preliminary plat stage of development review. Sufficient controls are in place to ensure that development may not proceed without demonstrating availability of all services or guaranteeing such availability.

#### **3. Traffic impact.**

The subject property has existing concurrency vesting, which reflects the infrastructure investments previously made by the applicant, sufficient to allow for the proposed development program. These vested rights include consideration of traffic impact.

#### **4. Economic impacts.**

The proposed plat will have substantial economic impacts, such as economic activity generated by construction of a new building, increased value of the subject site and thus greater tax revenue and economic activity generated by additional commercial space.

## **5. Appropriateness of the type and intensity of the proposed development.**

The proposed tract of land is appropriate for BU-2 zoning and for uses and improvements consistent with BU-2 zoning, such as commercial and office development, which would be consistent with similar buildings and properties in the immediately surrounding neighborhood. However, the proposed warehouse use would require rezoning of the property to either IU-1 or IU-C. It should be noted that IU-1 and IU-C zoned properties and uses are the predominant development pattern to the north, south and east of the subject property.

The adjacent properties to the North and East have uses and improvements as follows:

- 7801 NW 78<sup>th</sup> Ave 1-story office building with surface parking
- 14304 Commerce Way 1-story office building with surface parking
- Anchorage subdivision single family home subdivision
- Commerce Way & 82<sup>nd</sup> Ave. (West) vacant land
- Commerce Way & 82<sup>nd</sup> Ave. (East) vacant land

## **6. Existing and future development.**

Impacts of the proposed development in the area will be considered as part of the site plan review process, and staff will determine that all requirements be met. Any proposed development should be consistent with and similar to the existing surrounding neighborhood. As proposed, the warehouse use would require rezoning of the property to either IU-1 or IU-C.

## **7. Existing and future development patterns.**

The proposed subdivision of land will allow being consistent with the land's future land use and zoning designations. The adjacent IU-C designated land is the most likely to be impacted by the development pattern established via this plat. No negative impact to existing or future development patterns are anticipated as a result of the proposed replatting, or the vacation of the 20 foot wide right-of-way (ROW) dedication for NW 82<sup>nd</sup> Avenue. Although NW 82<sup>nd</sup> Avenue is a half section line road that typically would require preservation, immediately to the north of the subject property is Graham Dairy Lake, which blocks connection with the portion of NW 82<sup>nd</sup> Avenue to the north, such that there is no public benefit or purpose to retaining this 20 foot ROW. Additional analysis of the proposed ROW vacation is below.

## **8. Land development regulations.**

The proposed preliminary plat meets all of the platting regulations in the LDC, and all requirements of its BU-2 Zoning District. Compliance with additional LDC requirements will be ensured through the site plan review, final plat and permitting processes, as applicable.

## **9. Relationship of the project to the capital improvements program.**

All capital improvements necessary to serve the proposed development are already available, or will be constructed/provided by the property owner/developer.

**10. Other such factors as may relate to the Comprehensive Plan or elements thereof.**

The development that will be facilitated by the requested plat approval is consistent with the Business and office (BO) future land use designation assigned this site by the Town's Comprehensive Plan, with the exception of the warehouse space, which requires rezoning of the property to either IU-1 or IU-C. With that exception, the application is not contrary to any goal, objective or policy in any element of the Town's Comprehensive Plan.

**Criteria for Right-of-Way Vacation**

The proposed preliminary plat proposes that a 20-foot wide ROW reservation recorded on P.B. 2, PG. 68 be vacated as part of the plat. Subsection 13-1609(c) of the Town LDC includes criteria to be considered by the Town Council for the vacation of right-of-way. Following are those criteria and staff's evaluation of each.

**1. Whether the public benefits from the use of the subject right-of-way or easement as part of the Town's roadway system;**

The public derives no benefit from the subject right-of-way reservation for NW 82<sup>nd</sup> Avenue, due to the fact that a large artificial lake (Graham Dairy Lake) has been created in its path, and any theoretical street or other public way through the right-of-way proposed to be vacated would only travel a short distance into the Applicant's property and does not provide further access.

**2. Whether the subject right-of-way or easement is necessary for future needs of the Town;**

There are no identified future needs of the Town that would be served by the existing right-of-way reservation, and the theoretical street does not appear on the Town's transportation maps in the Comprehensive Plan. While the Town has identified the possibility of the need to utilize the subject property to convey stormwater to Graham Dairy Lake, Staff has proposed a condition to include a drainage easement for this purpose on the final plat, which would likely occur in a location that would both serve the Town's possible future needs while not being less disruptive to the property owner's use of the site than the location of the right-of-way reservation.

**3. Whether the proposed action is consistent with the Town's Comprehensive Plan;**

The theoretical street in the location of the right-of-way reservation does not appear on the Town's transportation maps in the Comprehensive Plan, nor does the Comprehensive Plan provide any other indication of the need for right-of-way in this location.

**4. The impacts of the proposed action on traffic circulation including the results of any applicable traffic study;**

For the reasons stated above, the vacation of the right-of-way reservation as proposed would not impact traffic circulation in the Town.

**5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;**

The proposed vacation of right-of-way will not impact the safety of pedestrians and vehicular traffic.

**6. The effect of the proposed action upon the provision of municipal services, including, but not limited to police, fire-rescue, and solid waste services;**

The proposed vacation of the right-of-way reservation will not impact the provision of municipal services. While the Town has identified the possibility of the need to utilize the subject property to convey stormwater to Graham Dairy Lake, Staff has proposed a condition to include a drainage easement for this purpose on the final plat, which would likely occur in a location that would both serve the Town's possible future needs while not being less disruptive to the property owner's use of the site than the location of the right-of-way reservation.

**7. The estimated immediate and future cost to the Town, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts; and**

There is no anticipated cost to the Town of the proposed right-of-way vacation.

**8. The reason identified by the applicant for the proposed vacation.**

The reason identified by the Applicant for the proposed vacation is to remove the encumbrance of the right-of-way reservation in order to allow for the unified development of the property. Given the lack of public need for the right-of-way as demonstrated herein, this is a reasonable and justified request.



## **RECOMMENDATION**

Therefore, based on the above analysis and other factors contained in this report, Staff recommends ***approval, subject to conditions***.

## **CONDITIONS**

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