



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](http://www.miamilakes-fl.gov)

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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:** PLAT2016-0008 / PHSP2016-0004  
**APPLICANT:** TGC BPW South, LLC  
**FOLIO:** 32-2022-001-0530  
**LOCATION:** Southwest corner of Commerce Way and NW 82<sup>nd</sup> Avenue  
**ZONING DISTRICT:** IU-C Industrial District Conditional  
**FUTURE LAND USE:** Industrial and Office (IO)

**Date:** December 6, 2016

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### REQUEST

TGC BPW, LLC (the "Applicant") is requesting the following:

1. In accordance with Subsection 13-308(f)(2) of the Land Development Code (LDC), preliminary plat approval in order to re-plat existing portions of tracts to create a new plat with one tract of land.
2. In accordance with Section 13-204 of the LDC, Site Plan Approval to construct a one-story, 36,720 square foot warehouse/office building, a one-story, 38,700 square foot warehouse/office building and associated improvements.

### RECOMMENDATION

**Request #1:** 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 Building 64 and 65" 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 11-1-2016.
2. 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.
3. 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.

4. 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.
5. 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.

**Request #2:** It is recommended that the Town Council approve the application for Site Plan approval, subject to the following conditions:

1. The Applicant shall obtain a Certificate of Use (CU), and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
2. Site Plan approval herein is for those plans shown in Exhibit B.
3. Prior to the issuance of any and all CUs for businesses within the proposed office building, a transportation demand management (TDM) plan particular to said business shall be submitted to and approved by the Administrative Official. In evaluating said TDM plans, the Administrative Official shall be guided by the findings and recommendations of the Commute Trip Reduction Plan (CTRP) and any subsequent updates to the CTRP undertaken by the Town.
4. Prior to the issuance of a building permit authorizing construction of the parking lot, the Applicant shall show on building plans the proposed location of preferred carpool parking in appropriate locations and of an appropriate number considering the size of the building. The Administrative Official may deny issuance of the building permit until these plans are deemed acceptable. No final zoning inspection shall be approved until the designation of these areas on the site is verified.
5. Vested rights previously granted for "Parcel 18" by Miami-Dade County Developmental Impact Committee (DIC) Order No. MVR-2-00 are hereby reduced by 75,420 square feet, upon the issuance of building permit(s) for construction of the office building as authorized by this site plan approval.
6. No trees shall be removed except in conformance with a tree removal permit issued by the Town.
7. All signs require a separate sign permit.
8. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted within the prescribed time limit, 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)**

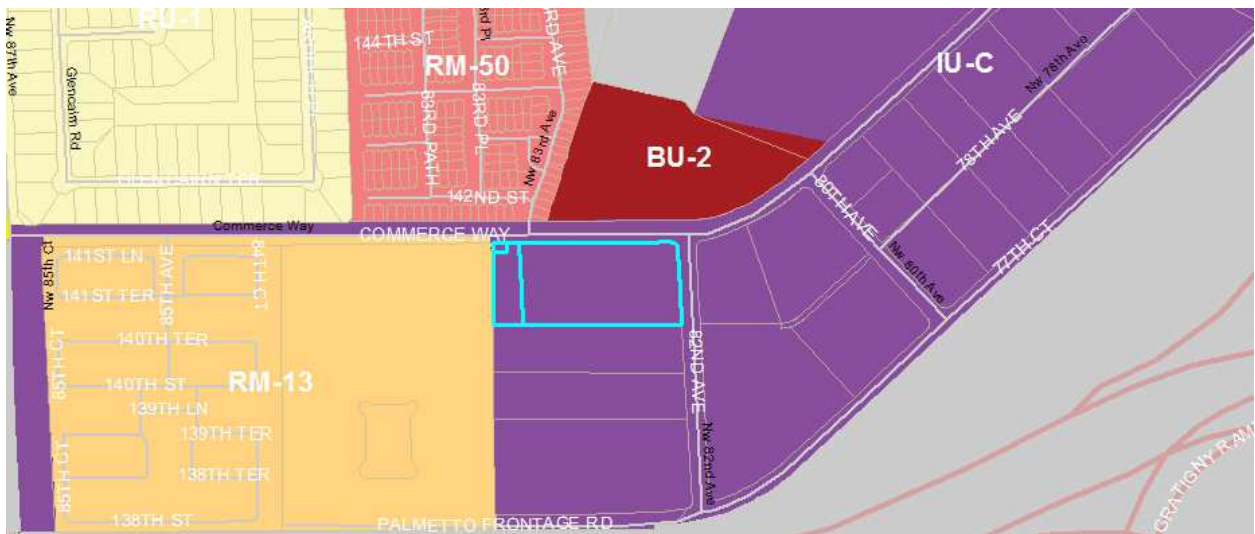
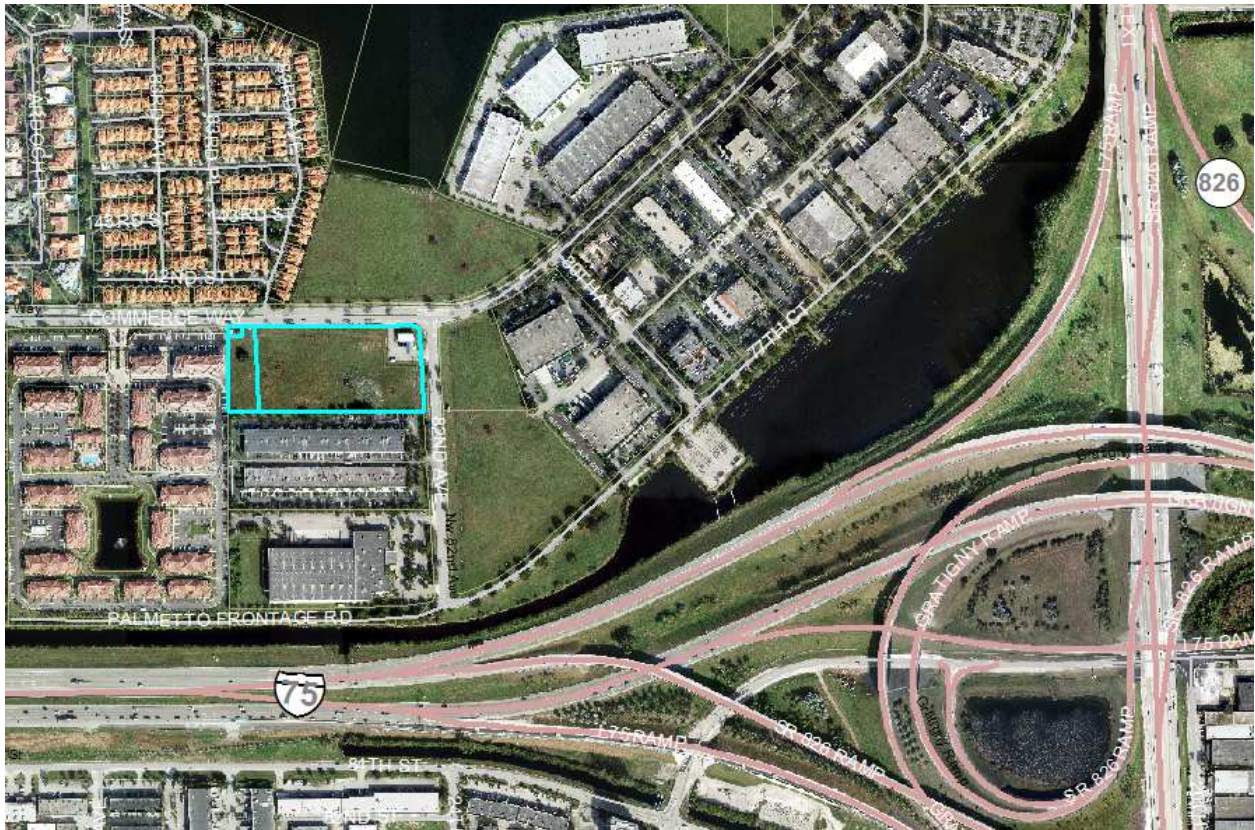
### **Subject Property:**

The subject property is a portion of a larger parcel located on the West side of Commerce Way and South side of Governor's Blvd, which is currently vacant and used as agricultural. The existing property is 14.62 Acres of vacant land with 1.23 Acres of submerged land. It is currently zoned IU-C, and the future land use is Industrial 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>	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional

**Subject Property Location Map:**



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

### **Summary**

The Applicant is requesting preliminary plat approval in order create a plat with one tract of land. As proposed, the resulting plat is 5.308 acres, with a frontage of 645.09 feet on Commerce Way and approximately 295.6 feet on NW 82<sup>nd</sup> Avenue (See proposed Preliminary Plat in Exhibit A).

The Applicant has also requested a site plan approval to construct a two one-story warehouse/office buildings, one of which would include 31,720 square feet of warehouse and 5,000 square feet of office (36,720 square feet total) and the other of which would include 33,700 square feet of warehouse and 5,000 square feet of office (38,700 square feet total), 164 off-street parking spaces and associated improvements on a three 5.3 acre site to be created by the preliminary plat discussed above. (See proposed Site Plan in Exhibit B).

### **Preliminary Plat Analysis**

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 physical characteristics of the property are appropriate for the office building development proposed and which is facilitated by this preliminary plat application. The proposed use would be of the same nature as nearby properties with similar or substantially the same uses, on land with substantially the same physical characteristics.

#### **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 office building, increased value of the subject site and thus greater tax revenue and economic activity generated by additional warehouse and office space.



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

The proposed tract of land for two new warehouse/office buildings is appropriate for the use, the existing IU-C zoning, and the proposed use on this tract of land, and is consistent with similar buildings and properties in the immediately surrounding neighborhood. Similar uses exist immediately to the south of the subject property, which are also zoned IU-C.

**6. Existing and future development.**

Impacts of the proposed development in the area were considered as part of the site plan review process, and staff has determined that all requirements would be met. The proposed development will be consistent with and similar to the existing surrounding neighborhood, as described in the staff report for Public Hearing Site Plan PHSP2016-0017, proposed for this site.

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

The proposed subdivision of land will allow consistency with the land's future land use and zoning designations. The adjacent commercially designated land is the most likely to be impacted by the development pattern established via this plat, which is itself driven for approval by the administrative site plan review.

**8. Land development regulations.**

The proposed preliminary plat meets all of the platting regulations in the LDC, and all requirements of its IU-C Zoning District and other applicable portions of the LDC. Though at first glance it appears that the application does not meet the requirements of Section 13-726, which states that "No application for zoning of a tract of land for IU-C or for the platting thereof shall be permitted unless such tract consist of at least ten acres of land ..." and provides a minimum frontage and depth for a "Tract" at 330 feet for each, Staff has determined that this is not the applicable requirement, for the following reasons: at Section 13-738 (which, like Section 13-726, is part of the IU-C zoning district) the Code states that "Multiple industrial uses, and platting into lots in the form of industrial park development, or waiver of plat to subdivide into lots where such tract has been platted, shall be permitted on the minimum tract described herein, subject to compliance with all applicable requirements of this chapter, and except that such lots shall have a minimum frontage of 125 feet, and a minimum depth of 150 feet." This suggests that the 10 acre minimum size and 330 feet minimum dimensions applies only to applications for new IU-C zoning or for the original platting of land for IU-C uses, and that the 125 foot minimum frontage and 150 foot minimum depth applies where a new lot configuration is requested within a larger IU-C area, particularly in the case of a replat as opposed to an original plat, both of which are the case with this application. Further support for this position is given by the approval of several plats creating smaller lot sizes than the subject application since the Town's incorporation and where IU-C zoning was in place at the time (and the same requirements were in effect), including instances where Miami-Dade County staff was serving as Town zoning staff in the years immediately after incorporation. One such plat is the Storsafe at Miami Lakes plat (PB 162, PG 14), where tract sizes of 1.46 acres and 1.00 acres were created, and where the 125 foot minimum frontage and 150 foot minimum depth per Section 13-738 were met, but the larger dimensional requirements of Section 13-726 were not. Compliance with additional LDC requirements will be ensured through the site plan review, final plat and permitting processes, as applicable. In short, the dimensional requirements of Section 13-738 are the applicable requirement, and those requirements have been met.

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

All capital improvements for which the Town is responsible necessary to serve the proposed development are already available, or will be constructed/provided by the property owner/developer. The County's tentative plat approval process (which follows preliminary plat approval by the Town) will include evaluation as to whether additional improvements may be necessary to those facilities for which the county is responsible.

**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 industrial and office (IO) future land use designation assigned this site by the Town's Comprehensive Plan. The application is not contrary to any goal, objective or policy in any element of the Town's Comprehensive Plan.

**Site Plan Analysis**

Subsection 13-304(h) provides specific criteria for review of a site plan. These criteria are listed below, with Staff Comments for each:

- (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.

**Staff Comment:** This proposal is consistent with Comprehensive Plan Future Land Use Element Policy 1.1.2, and the Industrial and Office (IO) future land use designation described in said policy.

Section 13-719 of the Town LDC states the following "Purpose and intent" of the Industrial Use-Conditional (IU-C) zoning district:

The IU-C District shall be applied only to those lands that appropriately may be used and utilized for the development, construction and operation of large industrial projects and industrial park development of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the Town. It is intended that this district shall be utilized to provide an adequate reservoir of lands suited for the needs and requirements of large industries, and industrial park developments, to the end that desirable industrial concerns may be attracted to this area. It is intended, however, that this district shall not be used indiscriminately, so as to permit any industrial use which might be offensive or obnoxious by reason of the emanation of odors, gases, dust, noise or vibration, pollution of air or water, or otherwise detrimental to the general welfare of this community; but that it shall be restricted and confined to only those large industrial uses and industrial park type developments which produce a net gain to the community. It is recognized that the rapid development of new and different industrial uses and

operations makes it impossible and impractical to accurately enumerate those which would be beneficial or detrimental to the welfare of this community. Therefore, the intent and purpose for the establishment of this district is expressly set forth, and standards set forth for the use of lands embraced within this district.

Much of this purpose and intent speaks to the application of the IU-C district, in other words the rezoning of land to the district, whereas in this case the subject property is currently zoned IU-C, and the Applicant seeks development consistent with the IU-C district's requirements. While multifamily residential uses exist immediately to the east of the subject site, these uses were developed with the existing IO Comprehensive Plan designation and existing IU-C zoning district of the subject property already in place (and in fact the residential property was rezoned from IU-C in order to develop the residential uses). Further, a significant landscaped buffer on both properties will minimize negative impacts to the residential property, as will the design of the subject site, which will face the truck staging area for warehouse uses inward toward the middle of the site and away from the residential. The closest uses on the subject property to the residential (aside from landscaping) will be off-street vehicular parking for cars (i.e. not for large trucks). Additionally, as noted, the proposed use is similar to existing light industrial uses to the south, which also directly border the multifamily residential property.

There are no design or planning studies with direct applicability to the design of the subject site. The Greenways and Trails Master Plan identifies the adjacent Commerce Way/Oak Lane as being a "future on-road facility" (i.e. bike lanes or similar), which does not impact the design of the subject site itself. While the Commute Trip Reduction Plan (CTRP) has not been adopted by the Council, its conclusions and recommendations are a useful tool, and Staff has recommended appropriate conditions to mitigate the proposed development's peak hour traffic impact.

- (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.

**Staff Comment:** The proposed site plan meets all requirements of the IU-C zoning district, including building setbacks, permitted uses, intensity, building heights, building size, minimum landscaped open space and other landscaping requirements. The proposed site plan additionally meets all other requirements of the LDC, including parking requirements, landscaping requirements per Chapter 18-A, etc.



- (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.

**Staff Comment:** As addressed in the portion of this staff report regarding the requested preliminary plat approval, the any additional utility facilities will be identified and provided for through the platting process. No streets are to be constructed within the area covered this site plan application.

- (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.

**Staff Comment:** The proposed site design is consistent and compatible with adjoining areas and conforms to the existing predominant development pattern in the area of IU-C-zoned properties. There are two proposed vehicular access points on Commerce Way and two on NW 82<sup>nd</sup> Avenue. On NW 82<sup>nd</sup> Avenue, the

southernmost access point has been aligned to the maximum extent possible with a private street (ingress-egress easement) to the east. The property directly to the north (across Commerce Way) is undeveloped, and thus there are no driveway to which to align. The site plan also includes pedestrian walks connecting the proposed warehouse/office buildings with the existing sidewalks on the south side of Commerce Way and on the west side of NW 82<sup>nd</sup> Avenue.

No opportunity exists for direct connections to the properties to the west and south, as there is an existing multifamily residential development to the west (Lake House Apartments) and there is exiting light industrial uses directly to the south.

- (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.

**Staff Comment:** The application conforms with the Town's requirements concerning sufficiency of ownership. The entirety of the property will be retained under one ownership and maintenance of the property will be the responsibility of the property owner, and may be enforced through the provisions of the Town Code.

## **RECOMMENDATION**

Therefore, based on the above analysis and other factors contained in this report, Staff recommends:

### **Request #1: 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 Building 64 and 65" 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 11-1-2016.
2. 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.
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5. 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.

### **Request #2: Approval, subject to the following conditions:**

1. The Applicant shall obtain a Certificate of Use (CU), and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
2. Site Plan approval herein is for those plans shown in Exhibit B.
3. Prior to the issuance of any and all CUs for businesses within the proposed office building, a transportation demand management (TDM) plan particular to said business shall be submitted to and approved by the Administrative Official. In evaluating said TDM plans, the Administrative Official shall be guided by the findings and recommendations of the Commute Trip Reduction Plan (CTRP) and any subsequent updates to the CTRP undertaken by the Town.
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6. No trees shall be removed except in conformance with a tree removal permit issued by the Town.
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8. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.