



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Maria Puente Mitchell

**Vice Mayor Jacky Bravo
Councilman Walter Fajet, Ph. D.**

**Councilman Jorge Santin
Councilman Victor Vazquez, Ph.D.**

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."

LOCAL PLANNING AGENCY MEETING AGENDA
(City Council sits as Local Planning Agency)
Monday, October 9, 2023 – 6:30 p.m.
City Hall, Council Chambers, 201 Westward Drive
(In-person and virtually. See additional pages for information)

1. Call to Order/Roll Call

2. Approval of Minutes: September 11, 2023

3. Public Hearing Items:

A) An Ordinance Of The City Of Miami Springs, Florida, Approving A Small-Scale Amendment To The City's Comprehensive Plan, Changing The Future Land Use Map Designation From "Religious Institution" To "Single Family Residential" Of A Certain ± 0.22 Acre Parcel Of Land Located At The Intersection Of Esplanade Drive And Hibiscus Drive At Hypothetical 425 Esplanade Drive (Folio No. 05-3119-020-0015); Providing For Authorization; Providing For Transmittal; And Providing For An Effective Date

B) An Ordinance Of The City Of Miami Springs, Florida, Approving A Rezoning From P-2 Church Use To R-1b Single Family Residential Of A Certain ± 0.22 Acre Parcel Of Land Located At The Intersection Of Esplanade Drive And Hibiscus Drive At Hypothetical 425 Esplanade Drive (Folio No. 05-3119-020-0015); Providing For Authorization; And Providing For An Effective Date

4. Adjourn

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW

**CITY OF MIAMI SPRINGS
PUBLIC MEETING NOTICE**

The City of Miami Springs will hold a Local Planning Agency meeting on:
**Monday, October 9, 2023 at 6:30 p.m. at
Council Chambers, 201 Westward Drive, 2nd Floor, Miami Springs, Florida
(Physical Meeting Location)**

The meeting agenda is available online at: <https://www.miamisprings-fl.gov/meetings>

Elected officials and City staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION

The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The City highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.

WATCH AND/OR PARTICIPATE IN THE MEETING

- **ZOOM:** Meeting ID 863-9512-4146
- **YouTube:** <https://www.youtube.com/channel/UC2at9KNnqUxZRSw1UkhdHLQ/featured>
- **From your computer/mobile device:** <https://www.miamisprings-fl.gov/meetings>

CALL IN TO THE PUBLIC MEETING

Dial 305-805-5151 or 305-805-5152

*(Alternatively, you may also dial the phone numbers below to join the meeting:
1 (646) 558 8656, 1 (301) 715 8592, 1 (312) 626 6799, 1 (669) 900 9128, 1 (253) 215 8782,
1 (346) 248 7799)* then input the Meeting ID: **863-9512-4146, followed by #.**

There is no participant ID. Press # again.

Any person requiring special accommodations to access this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk at cityclerk@miamisprings-fl.gov

PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

EMAILED COMMENTS: Members of the public may email their public comments to the City in advance of the meeting. Please email the City at cityclerk@miamisprings-fl.gov by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: *Public comments will also be accepted during the meeting using the virtual meeting platform as follows:*

By telephone: To ask to speak during the meeting, call in to the meeting using the instructions above. Please press *9 from your telephone and you will be called on to speak during public comments and identified by the last 4-digits of your telephone number.

During the meeting, when your name or the last 4-digits of your telephone number is called, you will be unmuted

and you may deliver your comments.

Please be sure to be in a quiet area to avoid unnecessary noise. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment.

Your cooperation is appreciated in observing the time limit.

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments when addressing the Council during public comments.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk's Office at 305-805-5006.

LOBBYING ACTIVITIES

In accordance with Section 33-01 of the City Code, adopting Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities. Specifically, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk and online at: <https://www.miamisprings-fl.gov/cityclerk/lobbyist-registration-form-0>.

Have questions or need additional information?

Write: cityclerk@miamisprings-fl.gov

Call: 305-805-5006

Mail: 201 Westward Drive, Miami Springs, FL 33166



City of Miami Springs, Florida

The Miami Springs **City Council** met in regular session on Monday, September 11, 2023 and during the meeting sat as the **Local Planning Agency**. The meetings were held in the Council Chambers at City Hall, beginning at 6:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Maria Puente Mitchell (Absent)
Vice Mayor Jorge Santin
Councilwoman Jacky Bravo
Councilman Walter Fajet, Ph.D.
Councilman Victor Vazquez, Ph.D.

Also Present:

City Manager JC Jimenez
Finance Director Chris Chiocca
Assistant City Manager Tammy Romero
City Clerk Erika Gonzalez-Santamaria
City Attorney Haydee Sera
City Attorney Roger Pou
City Attorney Alejandro Uribe (via Zoom)

2. Public Hearing Item:

A) An Ordinance of The City Of Miami Springs, Florida, Amending Section 150-070.1, "Miami Springs Gateway Overlay District" Within Article VII, "Business District" Of Chapter 150, "Zoning Code," Of The City's Code Of Ordinances To Amend The List Of Uses Permitted On First Floor Levels Along Road Rights-Of-Way; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing For An Effective Date

City Attorney Haydee Sera read the Ordinance by title and explained the purpose of the proposed Ordinance. She further explained the procedure of the Local Planning Agency meeting and stated that once the LPA has adjourned, the City Council meeting will convene and hear the item on first reading. City Attorney Roger Pou explained the ordinance in further detail and answered the City Council's questions. The Applicant's Attorney, Nicolas Rodriguez, and the applicant Dr. Michel Gutierrez was present to answer any questions.

Vice Mayor Santin opened the public hearing, there were no speakers at this time.

Councilman Fajet made a motion to approve the recommendation to the City. Councilman Vazquez seconded the motion which was carried 3-1 on roll call vote. The vote was as follows: Vice Mayor Santin, Councilman Fajet and Councilman Vazquez voting Yes; Councilwoman Bravo voting No.

3. Adjourn.

There being no further business to be discussed the Local Planning Agency meeting was adjourned at 6:58 p.m. and convened to the Regular Council meeting.

Maria Puente Mitchell
Mayor

ATTEST:

Erika Gonzalez-Santamaria, MMC
City Clerk

Approved: October 9, 2023



City of Miami Springs

201 Westward Drive Miami Springs, FL 33166

Phone: (305) 805-5034 Fax: (305) 805-5036 Website: www.miamisprings-fl.gov

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT

STAFF REPORT

TO Zoning and Planning Board

FROM Alex David, Director of Miami-Dade Office
Calvin, Giordano & Associates, Inc.
Planning Consultant

CC: Silvia Vargas; Antonio Augello
Calvin, Giordano & Associates, Inc.

DATE October 2, 2023

SUBJECT Future Land Use Map amendment – 425 Esplanade Drive

Case No.	01-ZP-21 (FLUM)
Applicant(s)	R & J Portfolio LLC ("Applicant")
Address	425 Esplanade Drive ("Property")
Folio Number(s)	05-3119-020-0015
Zoning District	P-2

Property

The Property consists of an asphalt paved parking lot located at the SE corner of S. Esplanade Drive and Hibiscus Drive. The parcel is roughly square in shape and 9,746 square feet in size. The full legal description is the following:

Tract "A" of "MIAMI Springs Baptist Church", a subdivision according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida; Less and Except the Southwesterly 91.00 feet of said Tract "A" as conveyed in Warranty Deed recorded in Official records Book 32884, Page 3726.



Proposal

The Applicant is proposing a FLUM amendment from Religious Institutional to Single Family Residential. The Applicant is also requesting a Rezoning – from P-2 (“Church Use”) to R-1B (“Single Family Residential”) – and a Replat to ultimately permit the construction of a single-family dwelling unit.

The current Land Use Category allows the following:

Religious Institutional Category: This category of land use allows facilities for religious and similar institutions, including, but not limited to, houses of worship and related schools. Public parks and public utilities necessary to serve the uses within this category are also permitted. Buildings within this category shall be limited to a floor area ratio of 0.5.

As designated on the City Future Land Use Map and defined above a standalone parking lot would not be an allowed use.

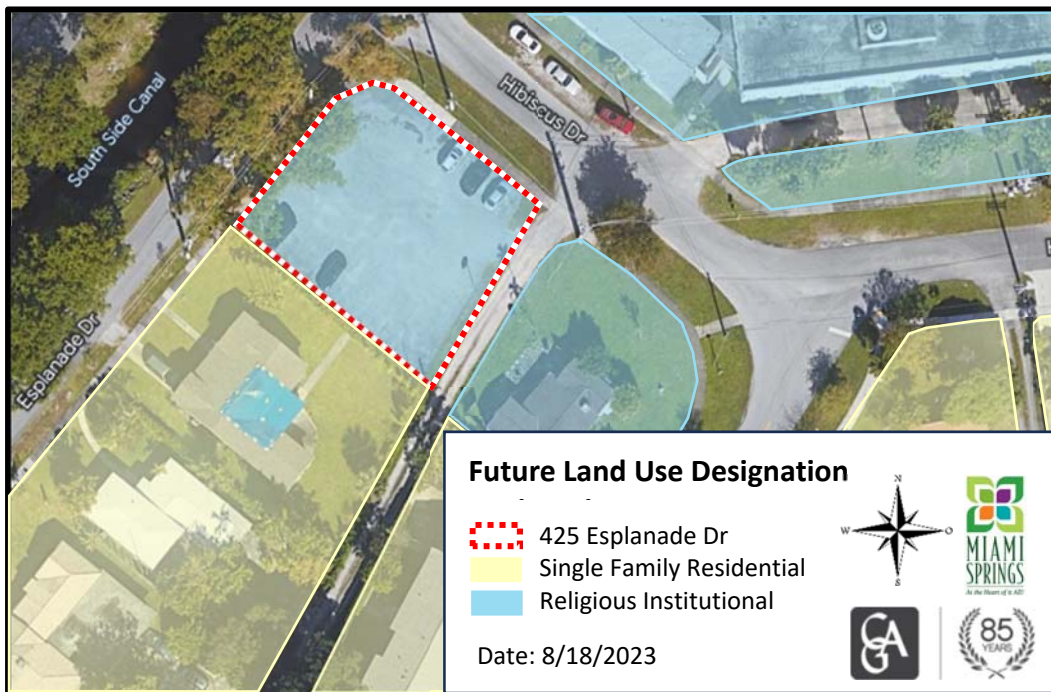
The proposed Land Use Category amendment would allow the following:

Single Family Residential Category: This category of land use allows single family detached homes on lots of at least 7,500 square feet of net area. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of

worship and public utility facilities necessary to serve the homes within this category. The 7,500 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a home on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. This land use category may be effectuated by one or more zoning districts, provided that all are consistent with the use provisions and none exceed the density restrictions stated herein. In addition to the 7,500 square foot minimum lot size, development shall not exceed 5 dwelling units per acre, including rights-of-way.

Future Land Use Map Amendment

From:



To:



Process

The FLUM amendment requires a Public Hearing with the City Council sitting as the Local Planning Agency (LPA). The Ordinance 1st Reading will take place at a subsequent City Council hearing. Advertised notice ten (10) days prior to the Local Planning Agency (LPA) Hearing and the Ordinance 1st Reading shall be required. This would also apply for the Ordinance 2nd Reading, where adoption of the item would take place.

The review process would require the Applicant to prove the proposed use is consistent with the goals, objectives, and policies of the City's Comprehensive Plan, compatible with the character and purpose of the surrounding Future Land Use designations, and would not create unfavorable conditions that could affect the public health, safety, and welfare of the City and its residents.

History

In 1962, the Property was incorporated into Tract "A" of "Miami Springs Baptist Church" and used as a parking lot. In 2018 and 2020, Tract "A" was conveyed by two deeds, resulting in the division of Tract A into two parcels: Parcel 1, 9,746 square feet in size with the asphalt parking lot (the Property), and Parcel 2, 10,685 square feet in size, with a single-family residence. The existing house on Parcel 2 was originally used as a residence for the Church's Pastor, and was sold by the Church in 2018 to Christopher Anderson and Rosario Molina, keeping the same use. By subdividing Tract A via deeds and without

going through the proper subdivision requirements, an illegal subdivision was created, which prevents both properties from obtaining building permits.

In 2018, Parcel 2 located at 427 Esplanade Drive was re-designated from Religious Institution to Single Family Residential on the City's FLUM and rezoned from P-2, Church Use to R-1B by Ordinances 1103-2018 and 1104-2018, respectively. At the time, the City was the applicant on behalf of the Miami Springs Baptist Church. When the 2018 ordinances were adopted, the staff report supporting the ordinances explained that "The Church also owns [hypothetical 425 Esplanade]. That parcel is 9,746 square feet in size, and contains an asphalt paved parking lot. The zoning on this parcel is P-2, Church Use, and the Future Land Use Map category is Religious Institution, and will remain as such."

In 2020, the Church sold the parking lot Property to R & J Portfolio LLC, but the plat, zoning, and FLUM designations were not amended at that time. The applicant now wishes to replat, rezone, and redesignate the Property on the FLUM with the ultimate goal of building a single-family home.

Recommendations

Staff has reviewed the FLUM amendment for conformance and finds it complies with the Comprehensive Plan and City Code. If redesignated to Single Family Residential, the permitted use would be less intensive than those which would be allowed under Religious Institutional (houses of worship and related schools, public parks and public utilities). Staff therefore, recommends **approval** of the FLUM amendment from Religious Institution to Single Family Residential since (i) it is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; (ii) it is compatible with the character and purpose of the surrounding Future Land Use designations and uses; (iii) the Property is suitable for the permitted uses in the proposed Future Land Use designation; (iv) the proposed use will not adversely affect the development of the general neighborhood or district; (v) will not generate unfavorable vehicular traffic, circulation problems, or parking demands; (vi) will not create unfavorable environmental impacts or dangerous hazards; and (vii) will not be contrary to the public health, safety, and welfare of the City and its residents.

Attachments

Additionally, the following documents are attached to this report as reference to the Application.

1. Letter of Intent
2. Hearing Application
3. Notice of Public Hearing
4. Proof of Notice – 500-foot radius



5. Proof of Notice - Electors
6. Property Appraiser – Folio
7. Deed – Parcel 1 of Tract A
8. DRAFT Ordinance



DRAFT
ORDINANCE NO. XXXX- 2023

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM "RELIGIOUS INSTITUTION" TO "SINGLE FAMILY RESIDENTIAL" OF A CERTAIN ±0.22 ACRE PARCEL OF LAND LOCATED AT THE INTERSECTION OF ESPLANADE DRIVE AND HIBISCUS DRIVE AT HYPOTHETICAL 425 ESPLANADE DRIVE (FOLIO NO. 05-3119-020-0015); PROVIDING FOR AUTHORIZATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the "City" or "Applicant"), pursuant to the requirements set forth in Chapter 163, Florida Statutes, is requesting a Small Scale Development Amendment to the City's Comprehensive Plan to modify the Future Land Use Map (FLUM) from "Religious Institution" to "Single Family [Residential]" for a ± 0.22 acre parcel of property generally located at the intersection of Esplanade Drive and Hibiscus Drive at hypothetical at 425 S. Esplanade Drive (the "Property"), as legally described in **Exhibit "A"** attached hereto (the "FLUM Amendment"); and

WHEREAS, after careful review and deliberation, City Staff has determined that the FLUM Amendment is in compliance with the City's Comprehensive Plan and consistent with Section 163.3184, Florida Statutes, as set forth in the City Staff's Report and Recommendations, which is attached hereto and incorporated herein as **Exhibit "B"** and which contains data and analysis supporting the FLUM Amendment; and

WHEREAS, on October 2, 2023, the City's Zoning and Planning Board held a duly advertised public hearing to make a recommendation of [approval/denial] to the City Council; and

WHEREAS, the City Council has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, the City Council, sitting as the LPA, held a duly advertised public hearing on October 9, 2023 and recommended [approval/denial] of the FLUM Amendment; and

WHEREAS, on October 9, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for first reading of the Ordinance, considered all comments received concerning the FLUM Amendment as required by State laws and local ordinances; and

WHEREAS, on _____, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for second reading (adoption) of the Ordinance, considered all comments received concerning the FLUM Amendment as required by State laws and local ordinances and recommended [approval/denial] of the FLUM Amendment; and

WHEREAS, after reviewing the Local Planning Agency's recommendation, the recommendation of City Staff, and comments from the public, the City Council finds, based upon competent substantial evidence, that the proposed FLUM Amendment to the City's Comprehensive Plan for the Property is in compliance with and consistent with Florida law and the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Approval of Small-Scale Future Land Use Map Amendment. Pursuant to Section 163.3187, Florida Statutes, the City Council hereby approves amending the City's Comprehensive Plan Future Land Use Map from "Religious Institution" to "Single Family [Residential]" for the ±0.22-acre parcel located at 425 Esplanade Drive, Miami Springs, Florida, legally described in Exhibit "A" attached hereto and incorporated herein.

Section 3. Authorization. The City Manager, by and through the Director of Zoning and Planning, is authorized to make the necessary changes to the City's Comprehensive Plan Future Land Use Map to reflect the FLUM Amendment approved in Section 2, above.

Section 4. Transmittal. The City Manager and/or his/her designee are authorized to transmit this Ordinance approving the FLUM Amendment to the Florida Department of Commerce and other State agencies pursuant to the requirements of Section 163.3184, Florida Statutes, as may be applicable, and take all action necessary to finalize and approve same.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption by the City Council on second reading, except, pursuant to Section 163.3187(5)(c), Florida Statutes, the FLUM Amendment adopted by this Ordinance shall not become effective until 31 days after adoption. If timely challenged, the FLUM Amendment adopted by this Ordinance may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance with Section 163.3184, Florida Statutes.

PASSED ON FIRST READING on the _____ day of _____, 2023, on a

motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___ day of _____, 2023,
on a motion made by _____ and seconded by _____. Upon being put to a
roll call vote, the vote was as follows:

Vice Mayor Jorge Santin	_____
Councilwoman Jacky Bravo	_____
Councilman Dr. Walter Fajet, Ph.D.	_____
Councilman Dr. Victor Vazquez, Ph.D.	_____
Mayor Maria Puente Mitchell	_____

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION

Tract "A" of "MIAMI Springs Baptist Church", a subdivision according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida; Less and Except the Southwesterly 91.00 feet of said Tract "A" as conveyed in Warranty Deed recorded in Official records Book 32884, Page 3726.

DRAFT
ORDINANCE NO. XXXX- 2023

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM "RELIGIOUS INSTITUTION" TO "SINGLE FAMILY RESIDENTIAL" OF A CERTAIN ±0.22 ACRE PARCEL OF LAND LOCATED AT THE INTERSECTION OF ESPLANADE DRIVE AND HIBISCUS DRIVE AT HYPOTHETICAL 425 ESPLANADE DRIVE (FOLIO NO. 05-3119-020-0015); PROVIDING FOR AUTHORIZATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, after careful review and deliberation, City Staff has determined that the FLUM Amendment is in compliance with the City's Comprehensive Plan and consistent with Section 163.3184, Florida Statutes, as set forth in the City Staff's Report and Recommendations, which is attached hereto and incorporated herein as **Exhibit "B"** and which contains data and analysis supporting the FLUM Amendment; and

WHEREAS, on October 2, 2023, the City's Zoning and Planning Board held a duly advertised public hearing to make a recommendation of [approval/denial] to the City Council; and

WHEREAS, the City Council has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, the City Council, sitting as the LPA, held a duly advertised public hearing on October 9, 2023 and recommended [approval/denial] of the FLUM Amendment; and

WHEREAS, on October 9, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for first reading of the Ordinance, considered all comments received concerning the FLUM Amendment as required by State laws and local ordinances; and

WHEREAS, on _____, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for second reading (adoption) of the Ordinance, considered all comments received concerning the FLUM Amendment as required by State laws and local ordinances and recommended [approval/denial] of the FLUM Amendment; and

WHEREAS, after reviewing the Local Planning Agency's recommendation, the recommendation of City Staff, and comments from the public, the City Council finds, based upon competent substantial evidence, that the proposed FLUM Amendment to the City's Comprehensive Plan for the Property is in compliance with and consistent with Florida law and the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:

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PASSED ON FIRST READING on the _____ day of _____, 2023, on a

motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___ day of _____, 2023,
on a motion made by _____ and seconded by _____. Upon being put to a
roll call vote, the vote was as follows:

Vice Mayor Jorge Santin	_____
Councilwoman Jacky Bravo	_____
Councilman Dr. Walter Fajet, Ph.D.	_____
Councilman Dr. Victor Vazquez, Ph.D.	_____
Mayor Maria Puente Mitchell	_____

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
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EXHIBIT A

LEGAL DESCRIPTION

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City of Miami Springs

201 Westward Drive Miami Springs, FL 33166
Phone: (305) 805-5034 Fax: (305) 805-5036 Website: www.miamisprings-fl.gov

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT

STAFF REPORT

TO	Zoning and Planning Board
FROM	Alex David, Director of Miami-Dade Office Calvin, Giordano & Associates, Inc. Planning Consultant
CC:	Silvia Vargas; Antonio Augello Calvin, Giordano & Associates, Inc.
DATE	October 2, 2023
SUBJECT	Rezone – 425 Esplanade Drive

Case No.	01-ZP-21 (Rezone)
Applicant(s)	R & J Portfolio LLC (“Applicant”)
Address	Hypothetical 425 Esplanade Drive (“Property”)
Folio Number(s)	05-3119-020-0015
Current Future Land Use	Religious Institutional
Current Zoning District	P-2

Property

The Property consists of an asphalt paved parking lot located at the SE corner of S. Esplanade Drive and Hibiscus Drive. The parcel is roughly square in shape and 9,746 square feet in size. The full legal description is the following:

Tract “A” of “MIAMI Springs Baptist Church”, a subdivision according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida; Less and Except the Southwesterly 91.00 feet of said Tract “A” as conveyed in Warranty Deed recorded in Official records Book 32884, Page 3726.



Proposal

The Applicant is proposing a rezoning from P-2 (“Church Use”) to R-1B (“Single Family Residential”). The Applicant is also requesting a Future Land Use Map amendment – from Religious Institutional to Single Family Residential – and a Replat to ultimately permit the construction of a single-family dwelling unit.

The current zoning district allows the following:

Sec. 150-091. - P-2 church use only.

- (A) *Uses permitted.* Any building used for church services, Sunday school instruction, or other activities directly connected with the normal operation of a church.
- (B) *Building height limits.* The maximum building height shall be 40 feet.
- (C) *Site.* The minimum building site shall be governed by the number of off-street parking spaces which the site will accommodate, in proportion to the size of the building, as provided by this chapter, and subject to the limitations as herein provided for front, rear, and side yard requirements.
- (D) *Front, side, and rear yard requirements.* No structure in this area shall be built closer than 30 feet to the exterior property lines of the minimum building site as herein required.
- (E) *Signs.* See Signs, [§ 150-030](#).



(F) *Parking standards and requirements.* See [§ 150-016](#).

The proposed zoning district would allow the following:

Sec. 150-042. R-1B district.

(A) Uses permitted.

(1) Single-family dwelling. In no case shall there be more than one main building on a lot.

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(a) Minimum rear yard setback: Five feet.

(b) Minimum side yard setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum distance separation from main residence: 10 feet.

(d) Maximum number of accessory structures: Two.

(e) Maximum rear yard lot coverage: 15%.

(3) Signs. See Signs, § 150-030.

(B) Building height limit. The maximum building height of main buildings shall be two stories which shall not exceed 30 feet. For accessory structures, the roof tie beam shall not exceed ten feet in height, and the roof height shall not exceed 15 feet. Notwithstanding the foregoing, the Board of Adjustment and City Council can approve additional heights for structures when the additional heights are for architectural design features which do not constitute living space and which are not inconsistent with the character of the surrounding neighborhood. Any application for approval pursuant to this provision shall

not be considered a variance, but an exceptional approval by the Board and City Council.

(C) Building site area required. The minimum building site area shall be one lot or parcel of land 10,000 square feet in area for each single-family dwelling. The parcel shall have a minimum average width of at least 75 feet. (For exemptions for undersized legal non-conforming lots see § 150-092(C)).

(D) Front yard required. There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site.

(E) Side yard requirements.

(1) Side yards required for one-story buildings. The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

(2) Continuation of a legal non-conforming setback.

(a) A legal non-conforming setback may be continued horizontally as long as the provided setback is no less than 50% of the required setback.

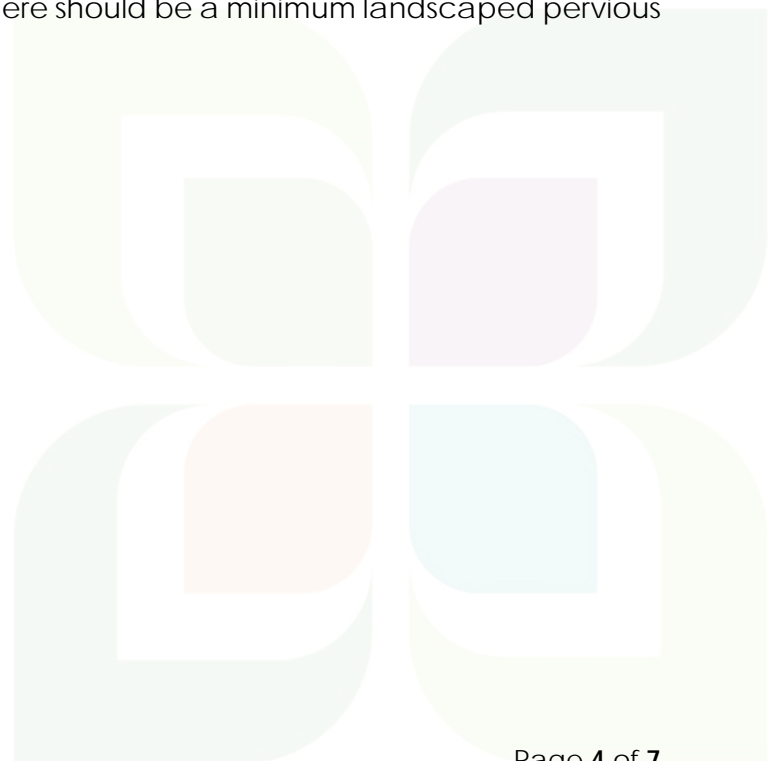
(b) A legal non-conforming setback may be continued vertically as long as the provided setback is no less than 50% of the required setback.

(F) Rear yard required. There shall be a rear yard not less than 25 feet in depth.

(G) Floor area requirements. The minimum floor areas of dwellings in this district shall be 1,500 square feet.

(H) Maximum lot coverage. There should be a maximum lot coverage of 40%.

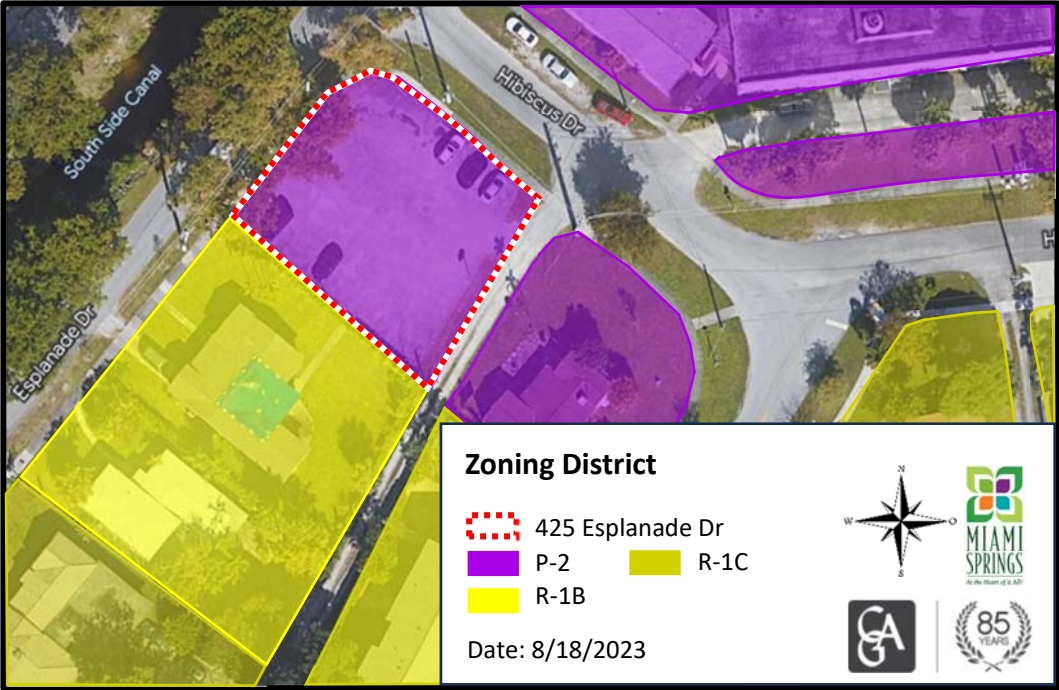
(I) Minimum landscaped pervious area. There should be a minimum landscaped pervious area of 30%.



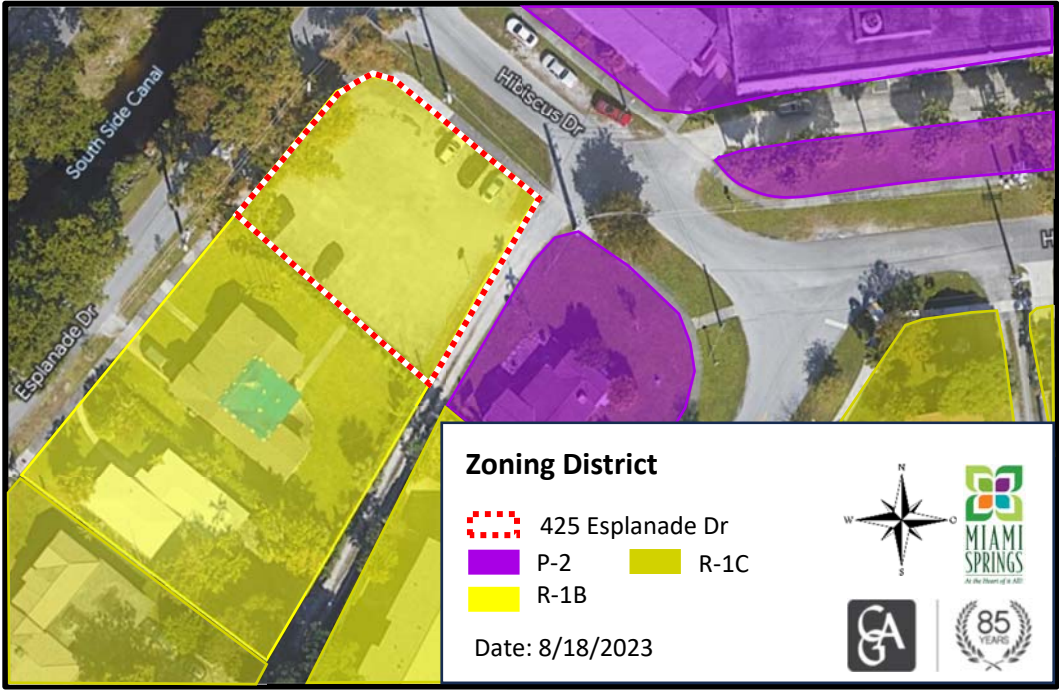


Zoning Map

From:



To:





Process/Notices

Pursuant to *Sec. 150-104. – Petition for zoning change*, any change or modification in the classification or regulation would require a public hearing with the Zoning and Planning Board with a written consent or the objection of not less than 20 percent of the property owners, exclusive of the petitioner, within a 500-foot radius in all directions from all property lines. Although the Code requires written consent or objection, the Code provision is inconsistent with case law which does not permit the rezoning to be reliant upon consent or objection of neighbors. Accordingly, notice of the application will be sent, but consent/objection of neighbors will not be obtained. Additionally, mailed notice shall be sent to electors of City based on the most current voter registration list, pursuant to *Sec. 1.04(3)(c)* of City Charter.

Posted notice at Public Buildings shall be available for two (2) weeks prior to date of first newspaper publication at City Hall, Recreation Center Gymnasium, The Field House, and any other building designated by Council, pursuant to *Sec. 1.04(3)(c)* of City Charter.

Advertised notice shall be available ten (10) days prior to the Local Planning Agency (LPA) and Ordinance 1st Reading in *Daily Business Review*, and a courtesy notice in *the Gazette*. Ten (10) days prior to the 2nd Reading, advertised notice in *Daily Business Review*, and a courtesy notice in *the Gazette*, shall also be required.

The review process would require the Applicant to prove the proposed use is consistent with the goals, objectives, and policies of the City, compatible with the character and purpose of the surrounding zoning designations, and would not create unfavorable conditions that could affect the public health, safety, and welfare of the City and its residents.

History

In 1962, the Property was incorporated into Tract "A" of "Miami Springs Baptist Church" and used as a parking lot. In 2018 and 2020, Tract "A" was conveyed by two deeds, resulting in the division of Tract A into two parcels: Parcel 1, 9,746 square feet in size with the asphalt parking lot (the Property), and Parcel 2, 10,685 square feet in size, with a single-family residence. The existing house on Parcel 2 was originally used as a residence for the Church's Pastor, and was sold by the Church in 2018 to Christopher Anderson and Rosario Molina, keeping the same use. By subdividing Tract A via deeds and without going through the proper subdivision requirements, an illegal subdivision was created, which prevents both properties from obtaining building permits.

In 2018, Parcel 2 located at 427 Esplanade Drive was re-designated from Religious Institution to Single Family Residential on the City's FLUM and rezoned from P-2, Church Use to R-1B by Ordinances 1103-2018 and 1104-2018, respectively. At the time, the City was the applicant on behalf of the Miami Springs Baptist Church. When the 2018 ordinances were adopted, the staff report supporting the ordinances explained that "The



Church also owns [hypothetical 425 Esplanade]. That parcel is 9,746 square feet in size, and contains an asphalt paved parking lot. The zoning on this parcel is P-2, Church Use, and the Future Land Use Map category is Religious Institution, and will remain as such.”

In 2020, the Church sold the parking lot Property to R & J Portfolio LLC, but the plat, zoning, and FLUM designations were not amended at that time. The applicant now wishes to replat, rezone, and redesignate the Property on the FLUM with the ultimate goal of building a single-family home.

Recommendations

Staff has reviewed the Rezoning for conformance and finds it complies with the City Code. If rezoned to R-1B the permitted single-family use would be less intensive than those which would be allowed under P-2 (Church Use). Staff therefore recommends **approval** of the rezoning application since (i) it is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan; (ii) it is compatible with the character and purpose of the surrounding zoning designations and existing uses; (iii) the Property is suitable for the permitted uses in the proposed zoning district; (iv) the proposed use will not adversely affect the development of the general neighborhood or district; (v) will not generate unfavorable vehicular traffic, circulation problems, or parking demands; (vi) will not create unfavorable environmental impacts or dangerous hazards; and (vii) will not be contrary to the public health, safety, and welfare of the City and its residents.

Attachments

Additionally, the following documents are attached to this report as reference to the Application.

1. Letter of Intent
2. Hearing Application
3. Notice of Public Hearing
4. Proof of Notice – 500-foot radius
5. Proof of Notice - Electors
6. Property Appraiser – Folio
7. Deed – Parcel 1 of Tract A
8. DRAFT Ordinance

ORDINANCE NO. XXXX-2023

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A REZONING FROM P-2 CHURCH USE TO R-1B SINGLE FAMILY RESIDENTIAL OF A CERTAIN ±0.22 ACRE PARCEL OF LAND LOCATED AT THE INTERSECTION OF ESPLANADE DRIVE AND HIBISCUS DRIVE AT HYPOTHETICAL 425 ESPLANADE DRIVE (FOLIO NO. 05-3119-020-0015); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, R & J Portfolio LLC (the "Applicant") is requesting a rezoning from P-2 Church Use to R-1B Single Family Residential for a ± 0.22-acre parcel of the property generally located at the intersection of Esplanade Drive and Hibiscus Drive at hypothetical 425 S. Esplanade Drive (the "Property"), as legally described in **Exhibit "A"** attached hereto (the "Legal Description"); and

WHEREAS, after careful review and deliberation, City Staff has determined that the proposed rezoning is in compliance with the City's Comprehensive Plan and Land Development Code, as set forth in the City Staff's Report and Recommendations, which is attached hereto and incorporated herein as **Exhibit "B"** (the "Staff Report"); and

WHEREAS, on October 2, 2023, the City's Zoning and Planning Board held a duly advertised public hearing to make a recommendation of [approval/denial] to the City Council; and

WHEREAS, the City Council has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, the City Council, sitting as the LPA, held a duly advertised public hearing on October 9, 2023, and recommended [approval/denial] of the rezoning; and

WHEREAS, on October 9, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for first reading of the Ordinance, considered all comments received concerning the rezoning as required by State laws and local ordinances; and

WHEREAS, on _____, 2023, during the City Council Meeting, the City Council conducted a duly advertised public hearing for second reading (adoption) of the Ordinance, considered all comments received concerning the rezoning as required by State laws and local ordinances and recommended [approval/denial] of the rezoning; and

WHEREAS, after reviewing the Local Planning Agency's recommendation, the recommendation of City Staff, and comments from the public, the City Council finds,

based upon competent substantial evidence, that the proposed rezoning of the Property on the City's Zoning Map is in compliance with and consistent with Florida law, the City's Comprehensive Plan, and the City's Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Approval of Rezoning. That the City Council hereby approves rezoning of the Property P-2 Church Use to R-1B Single Family Residential.

Section 3. Authorization. That the City Manager, by and through the Director of Zoning and Planning, is authorized to make the necessary changes to the City's Zoning Map to reflect the rezoning approved in Section 2, above.

Section 4. Recording. The City, or the Applicant if so requested by the City Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 5. Effective Date. That this Ordinance shall take effect immediately upon adoption. However, the effective date of the rezoning adopted by this Ordinance shall be the effective date of the concurrent small-scale Comprehensive Plan amendment.

PASSED ON FIRST READING on the _____ day of _____, 2023, on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___ day of _____, 2023, on a motion made by _____ and seconded by _____. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jorge Santin	_____
Councilwoman Jacky Bravo	_____
Councilman Dr. Walter Fajet, Ph.D.	_____
Councilman Dr. Victor Vazquez, Ph.D.	_____
Mayor Maria Puente Mitchell	_____

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION

Tract "A" of "MIAMI Springs Baptist Church", a subdivision according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida; Less and Except the Southwesterly 91.00 feet of said Tract "A" as conveyed in Warranty Deed recorded in Official records Book 32884, Page 3726.