

ORDINANCE NO. 1130 – 2022

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE CITY'S FUTURE LAND USE MAP (FLUM) FROM "PUBLIC FACILITY" TO "SINGLE FAMILY RESIDENTIAL" FOR A 37,751 SQUARE FOOT (± 0.86 ACRE) PARCEL OF PROPERTY GENERALLY LOCATED AT 1101 WREN AVENUE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements set forth in Chapter 163, Florida Statutes, Enclave at Miami Springs, LLC (the "Applicant") is requesting a Small Scale Comprehensive Plan Amendment to modify the City of Miami Springs' (the "City") Future Land Use Map (FLUM) from "Public Facility" to "Single Family Residential" for a 37,751 square foot (± 0.86 acre) parcel of property generally located at 1101 Wren Avenue (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, Section 150.130 of the City's Code of Ordinances (the "Code") provides that the City Council has been designated at the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, pursuant to Section 150.131 of the City's Code of Ordinances and Section 163.3174(4), Florida Statutes, on October 10, 2022, at a duly noticed public hearing in accordance with law, the City Council, sitting as the Local Planning Agency, considered the recommendation of City Staff, the Applicant's application, and all comments received concerning the FLUM Amendment as required by State laws and local ordinances, and recommended approval of the FLUM Amendment; and

WHEREAS, after reviewing the Local Planning Agency's recommendation, the recommendation of City Staff, the Applicant's application, and comments from the public, the City Council finds 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 and wishes to approve this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹

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 Comprehensive Plan Future Land Use Map (FLUM) Amendment. Pursuant to Section 163.3187, Florida Statutes, the City Council hereby approves a small scale Comprehensive Plan amendment of the City's Future Land Use Map (FLUM) from "Public Facility" to "Single Family Residential" for the for a 37,751 square foot (\pm 0.86 acre) parcel of property generally located at 1101 Wren Avenue (the "Property"), as legally described in **Exhibit "A"** attached hereto and incorporated herein.

Section 3. Authorization. That the City Manager, by and through the Director of Zoning and Planning, is authorized to make the necessary changes the City's Comprehensive Plan Future Land Use Map (FLUM) to reflect the FLUM Amendment approved by this Ordinance.

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon the effective date of Ordinance No. 1128-2022, except that, pursuant to Section 163.3187(5)(c), Florida Statutes, the FLUM Amendment adopted by this Ordinance shall not become effective until 31 days 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 10th day of October, 2022, on a motion made by Councilman Best and seconded by Councilman Fajet.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

PASSED AND ADOPTED ON SECOND READING this 14th day of November, 2022, on a motion made by Councilwoman Bravo and seconded by Councilman Fajet.

Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Dr. Victor Vazquez	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Walter Fajet	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>



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 and
Property Appraiser Information**

Address: 1101 Wren Avenue, Miami Spring, FL 33166
Lot Size: 39,751 sq. ft.
Legal Description: Tract A, of Second Addition to Spring View, according to the Plat thereof,
as recorded in Plat Book 51, at Page 100, of the Public Records of Miami-
Dade County



CITY OF MIAMI SPRINGS PLANNING DEPARTMENT
CITY COUNCIL STAFF REPORT

*201 Westward Drive
Miami Springs, FL 33166
Phone: (305) 805-5030
Fax: (305) 805-5036*

TO: Mayor & City Council

FROM: Christopher Heid, City Planner

DATE: October 10, 2022

SUBJECT: Amendment to the Future Land Use Map (FLUM) from Public Facilities to Single Family Residential

CASE: 02-C-22

APPLICANT: Enclave at Miami Springs, LLC

ADDRESS: 1101 Wren Avenue

ZONING DISTRICT: R-1C Single Family Residential

FUTURE LAND USE MAP (FLUM) CATEGORY: Public Facilities

THE PROPERTY: The property is generally rectangular in shape, spanning a full block bounded by Wren Avenue on the south, Hammond Drive (east) and Hammond Drive (west) and Oriole Avenue on the north. The property contains 39,736 square feet or 0.91 Acres.

THE REQUEST: The applicant is seeking an amendment to the Future Land Use Map (FLUM) of the Comprehensive Plan from Public Facilities to Single Family Residential for a 39,736 square (0.91 Acre) property at 1101 Wren Avenue.

ANALYSIS: Currently, the Future Land Use Map category of Public Facilities and the zoning of R-1C Single Family Residential are inconsistent. Development of this parcel for any use is therefore not possible.

According to Policy 1.1.8 of the City's Comprehensive Plan, the Single Family Residential Category "allows single family detached homes on lots of at least 7,500 square feet of net area. . . [and] development shall not exceed 5 dwelling units per acre, including rights-of-way."

The proposed FLUM Amendment advances the following goals, objectives, and policies of the City's Comprehensive Plan.

Future Land Use Element Objective 1.3: In general, encourage the elimination or reduction of uses which are inconsistent with the community's character and future land uses. This objective shall be measured by implementation of its supporting policies

The proposed FLUM Amendment will advance Objective 1.3 because it will eliminate a use that, while historically used for a community organization, is inconsistent with the character of the neighborhood.

Future Land Use Element Objective 1.7: Discourage the proliferation of urban sprawl. This objective shall be measured by implementation of its supporting policy.

Miami Springs has been a single-family refuge in Miami-Dade County. At a time when the inventory of single-family homes is decreasing throughout the County, the development of four (4) new single-family homes helps discourage of urban sprawl by creating new inventory within the urban development boundary.

Future Land Use Element Objective 1.10: Decisions regarding the location, extent and intensity of future land use will be based upon the physical and financial feasibility of providing all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

The level of service for infrastructure in the City will not be impacted by the addition of four (4) single-family homes. Conversely, the Public Building category permits uses of greater intensity that could have a negative impact on water, sewer, and road infrastructure.

Future Land Use Element Policy 1.10.3: Miami Springs shall continue and, where possible, improve efforts to coordinate projects to construct or repair infrastructure such as roadways and utilities in order to minimize the disruption and inconvenience caused by such construction activities.

The proposed FLUM Amendment is consistent with Policy 1.10.3 as it will allow the property to be developed with new single family homes, with supporting infrastructure such as alleys (east to west). Alleys are not currently possible because of the interference with the current use. A new alley will allow garbage collection to proceed directly east or west through the property, instead of having to drive around the block each time, saving time and fuel. Additionally, access to the Property during construction could be accomplished via the new alley. Lastly, the four intersections at the corners of Hammond and Wren and Oriole will be improved with accessibility enhancements.

Future Land Use Element Objective 1.12: Assure compatibility of adjacent land uses and developments through plan adoption and implementation procedures.

As previously discussed, this objective is accomplished because the proposed new single-family use is compatible and consistent with the abutting and adjacent single-family land uses. Moreover, approval of the proposed FLUM Amendment would align the land use and zoning of the Property, eliminating a conflict and advancing appropriate land use policies and practices.

Housing Element Goal 1: Ensure the availability of affordable sound and diversified housing stock in Miami Springs.

The contemplated project associated with the FLUM Amendment calls for four (4) new, high-end single-family homes. The homes are planned to have at least four (4) bedrooms adding to the housing stock of larger homes in Miami Springs, which has historically lacked homes with more than three (3) bedrooms.

The Site Plan provides for single-family homes within the density permitted in the Comprehensive Plan. The site area for each lot is nearly 9,000 sq. ft., which exceeds the requirements of both the Comprehensive Plan and the City Code. The Site Plan meets all height, lot coverage, and setback requirements in Section 150-043 of the City Code.