

ORDINANCE NO. 1135 – 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 October 23, 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 9th day of October, 2023, on a motion made by Councilman Fajet and seconded by Councilman Vazquez.

PASSED AND ADOPTED ON SECOND READING this 23rd day of October, 2023, on a motion made by Councilman Vazquez and seconded by Vice Mayor Bravo.

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

Vice Mayor Jacky Bravo	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilman Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilman Dr. Victor Vazquez, Ph.D.	<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

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.



City of Miami Springs

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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

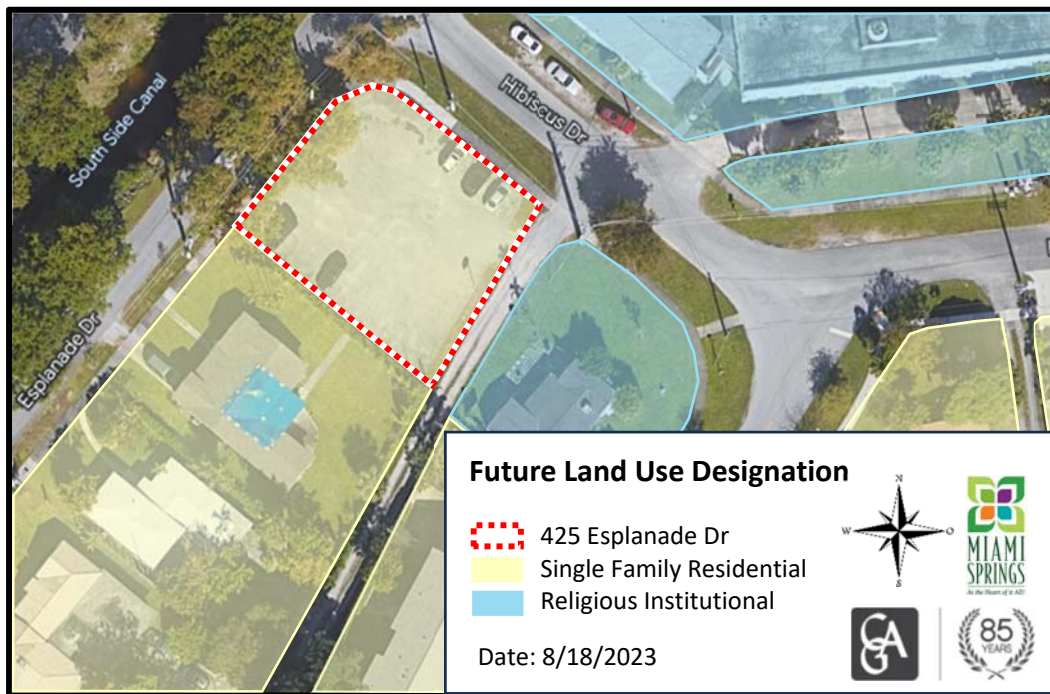
worship and public utility facilities necessary to serve the homes within this category. The 7,500 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a home on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption 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

