

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 5**

**PH: Z14-143 (15-6-CZ5-1)**

**June 11, 2015**

**Item No. 1**

<b>Recommendation Summary</b>	
<b>Commission District</b>	12
<b>Applicant</b>	Felix Rodriguez
<b>Summary of Request</b>	The applicant is seeking to permit a commercial vehicle parking lot within the Agricultural District with reduced setbacks from the property lines.
<b>Location</b>	Lying north of NW 154 Street, between NW 117 Avenue and NW 122 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	34.15 acres
<b>Existing Zoning</b>	AU, Agricultural
<b>Existing Land Use</b>	Commercial vehicle parking lot
<b>2020-2030 CDMP Land Use Designation</b>	Open Land, (Subarea 1) (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Sections</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions</b>

**REQUEST:**

NON-USE VARIANCE to permit a commercial vehicle parking lot setback 24' (50' required) from the side street (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Commercial Vehicle Yard", as prepared by OLR Architect, dated stamped received 3/17/15 and consisting of 7 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The subject property currently contains an existing commercial truck parking facility, which is a permitted use on properties zoned AU, Agricultural district within areas designated Open Land, Subarea 1 on the County's Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The eastern and southern 26.94 acres of the subject property was approved with conditions, pursuant to Administrative Site Plan Review (ASPR) #2011000002, to permit the existing commercial truck parking lot.

This application now seeks to permit the existing facility along with an additional approximately 7.21 acre parcel to the northeast with reduced setbacks from property lines.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU; commercial vehicle parking lot	Open Land (Subarea 1)
<b>North</b>	AU; farm buildings, vacant lots	Open Land (Subarea 1)
<b>South</b>	AU; vacant	Open Land (Subarea 1)
<b>East</b>	AU; vacant	Open Land (Subarea 1)
<b>West</b>	AU; farm residences	Open Land (Subarea 1)

### **NEIGHBORHOOD COMPATIBILITY:**

The subject property is located north of NW 154 Street, between NW 122 Avenue and NW 117 Avenue. The surrounding area is characterized by vacant land and agricultural uses.

### **SUMMARY OF THE IMPACTS:**

Based on the zoning analysis below, staff opines that the approval of the reduced setbacks for the existing facility in an area primarily made up of farms, farm residences and vacant land, is not likely to have any negative visual impacts on same.

### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The applicant seeks to permit a commercial vehicle parking lot on the 34.15 acre parcel. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Open Land Subarea 1**. The existing parking facility is a permitted use based on the interpretative text for properties designated Open Land Subarea 1 on the CDMP Land Use Plan (LUP) map. Said text states that said facilities shall be *located within the area of an arc no more than 7,000 lineal feet from the intersection of Okeechobee Road and the Turnpike Extension so long as the property is not located within 1,400 feet of a body of water, canal, or lake as measured from the top of bank*. The entire subject parcel, located north of NW 154 Street, between NW 117 Avenue and NW 122 Avenue, complies with the location criteria for the parking and storage of commercial vehicles outlined in Land Use Element interpretative text for properties designated Open Land Subarea 1. Further, the 34.15 acre parcel surpasses and therefore meets the minimum lot area requirement of 20 acres for the parking and storage of vehicles outlined in the aforementioned interpretative text and is under one ownership.

Since the applicant is not seeking to change the existing truck parking facility use, staff opines that subject to the conditions outlined below, approval of the application would be **consistent** with the LUP map designation of **Open Land Subarea 1** and the CDMP Land Use Element interpretative text for properties designated **Open Land Subarea 1**.

### **ZONING ANALYSIS:**

When analyzing the application to permit the existing commercial vehicle parking lot setback less than required is analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval with conditions would be **compatible** with the area. Staff notes that the existing commercial truck and vehicle storage facility was previously approved with conditions pursuant to ASPR#2011000002. However, staff notes that the applicant is now seeking to approve the existing uses that have been expanded on to additional property, with reduced setbacks from the side street (south) property line.

Staff notes that the property abuts a vacant parcel to the south, as such, in staff's opinion, the 26' encroachment of the parking areas will not have a negative visual impact on same. Further, staff's review of aerial photographs of the property in the County's Geographical Information System (GIS) and plans submitted by the applicant indicate a continuous row of trees along the side street (south) property line. Therefore, as a condition for approval of the application, staff recommends that the aforementioned landscaping be maintained to mitigate the visual impact the encroachment will have on any future development of the property to the south. Additionally,

the aforementioned aerial photographs also indicate that currently, the subject property also has boats, recreational vehicles and containers stored on the parcel. Therefore, as a condition for approval, staff recommends that no boats, recreational vehicles or storage containers shall be stored on the subject property.

Additionally, among the conditions that staff recommends for approval of this application, is that prior to obtaining a Certificate of Use for the expansion, that the existing facility shall meet all the requirements outlined in Section 33-279(3.1) of the Miami Dade County Code that pertain to the commercial vehicle storage facility. **Based on the foregoing analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:**

The submitted site plan depicts two ingress/egress points for the subject site; one located along NW 122 Avenue and the other from NW 117 Avenue.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

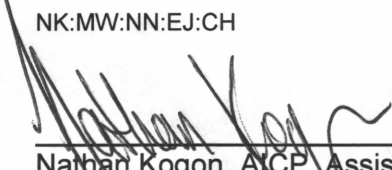
**Approval with conditions.**

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Commercial Vehicle Yard", as prepared by OLR Architect, dated stamped received 3/17/15, and consisting of 7 sheets.
3. Such parking and storage of vehicles and equipment shall be subject to the following requirements:
  - (a) The commercial vehicle storage facilities shall obtain an annual operating permit from the Division of Environmental Resource Management (DERM) in the Department of Regulatory and Economic Resources and be subject to required quarterly groundwater quality monitoring;
  - (b) That all vehicles and equipment shall be stored or parked only on paved impervious surfaces with County approved drainage systems;
  - (c) That mechanical repairs of any kind shall be prohibited;

- (d) That the storage, handling, use, discharge and disposal of liquid waste or hazardous waste shall be prohibited; and
- (e) That truck washing shall be permitted, only as an ancillary use at the commercial vehicle storage facilities provided that the truck washing shall be done with 100% recyclable water systems as approved by the Division of Environmental Resource Management in the Department of Regulatory and Economic Resources;
  - (1) That truck washing services shall only be provided for trucks stored at the commercial vehicle storage facilities for at least 4 hours;
  - (2) That all truck washing shall be conducted only in fully enclosed buildings as approved by the Division of Environmental Resource Management in the Department of Regulatory and Economic Resources;
  - (3) That the facilities shall allow inspections at any time during operating hours;
  - (4) That facilities shall provide secondary containment surrounding all storage tanks; and to be subject to required groundwater quality monitoring.
  - (5) That, if a violation of these provisions related to truck parking and truck washing or the operating conditions is found on a property on three separate occasions within a three year period, truck washing shall no longer be permitted on the subject property.
- 4. That the applicant comply with all applicable conditions and requirements in the memorandum from the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources, dated March 26, 2015.
- 5. That the applicant shall install and maintain the landscaping and berm along the property lines as indicated in the submitted plans prior to obtaining final permit approval for the site.
- 6. That all the signage shall meet the Code requirements.
- 7. That no storage of boats, recreational vehicles, or storage containers shall be allowed on the subject property.
- 8. That the use be established and maintained in accordance with the approved plan.

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Nathan Kogon, AICP, Assistant Director  
Development Services Division  
Miami-Dade County Department  
of Regulatory and Economic Resources

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## ZONING RECOMMENDATION ADDENDUM

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<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Parks, Recreation and Open Space</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Police</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

### COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Open Land</b> <i>(page I-61)</i>	<p><i>The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character.</i></p> <p><i>Also included in some Open Land areas are some existing year-round agricultural activities and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.</i></p> <p><i>Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area.</i></p>
<b>Open Land Subarea 1</b> <i>(page I-67)</i>	<p><i>This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communication facilities, recreational uses, nurseries and tree farms, agricultural production and the limited raising of livestock may be considered for approval in this subarea. The following uses may also be considered for approval in this subarea: parking and storage of operable, non-disabled commercial motor vehicles, including construction equipment and agricultural equipment, as defined in Section 320.01, Florida Statutes, and incidental temporary parking and storage of operable, non-disabled passenger automobiles to serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental</i></p>

## ZONING RECOMMENDATION ADDENDUM

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	<p>facilities). It is provided that such parking and storage uses shall be allowed only on properties larger than 20 acres, under a single ownership, and located within the area of an arc no more than 7,000 lineal feet from the intersection of Okeechobee Road and the Turnpike Extension so long as the property is not located within 1,400 feet of a body of water, canal, or lake as measured from the top of bank. Such parking and storage of vehicles and equipment shall be subject to the following requirements: (a) commercial vehicle storage facilities shall obtain an annual operating permit from the Division of Environmental Resource Management (DERM) in the Department of Regulatory and Economic Resources and be subject to required quarterly groundwater quality monitoring; (b) all vehicles and equipment shall be stored or parked only on paved impervious surfaces with County approved drainage systems; (c) mechanical repair of any kind shall be prohibited; (d) the storage, handling, use, discharge and disposal of liquid waste or hazardous waste shall be prohibited; and (e) truck washing shall be permitted as an ancillary use at commercial vehicle storage facilities provided that the truck washing shall be done with 100% recyclable water systems as approved by the Division of Environmental Resource Management in the Department of Regulatory and Economic Resources; truck washing services shall only be provided for trucks stored at the commercial vehicle storage facilities for at least 4 hours; truck washing shall be conducted only in fully enclosed buildings as approved by the Division of Environmental Resource Management in the Department of Regulatory and Economic Resources; facilities shall allow inspections at any time during operating hours; facilities shall provide secondary containment surrounding all storage tanks; and to be subject to required groundwater quality monitoring. In addition, if a violation of these provisions related to truck parking and truck washing or the operating conditions is found on a property on three separate occasions within a three year period, truck washing shall no longer be permitted on the subject property. The County, by ordinance, shall provide a process to reestablish the use, taking into account any change in ownership, the nature of the violation, and a period of repose for the property. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.</p>
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### PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</p>
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