

To: The Honorable Mayor and City Council

From: Maxine Calloway,  Community Planning & Development Director

Date: August 27, 2013

Re: Small Scale Land Use Plan Amendment – Causeway Village

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE AND LOCATED AT 1850 NORTHEAST 123RD STREET, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED USE HIGH LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT PROPERTY SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Mayor & Council approve the proposed ordinance to amend the Comprehensive Plan, Future Land Use Map (FLUM) for the subject lot, from Commercial to Mixed use High land use.

PLANNING COMMISSION RECOMMENDATION

At its meeting on July 2, 2013 the Planning Commission (attended by Commissioners James, Each, Ernst, and Siefried) reviewed and discussed the ordinance to allow the proposed land use change on the subject site. The applicant's agent (Mickey Marrero provided an overview of the proposed project and outlined the intent of the request for a land use plan amendment. Given the fact that many of the neighbors had concerns with the Causeway Square development (built by the same developer) on the North side of NE 123 St, during the public hearing several neighbors raised concerns that the City should put safeguards in place to ensure that the project is built to a high standard and does not adversely affect the surrounding neighborhood in terms of drainage and traffic. Staff explained that based on the traffic analysis the proposed use is anticipated to generate less traffic than the existing commercial use. Also, with regard to the drainage concerns, the developer will be required to submit site plans which must comply with the City's drainage requirements. Based on the information provided, the Planning Commission had no objection to the proposed request, and rendered a unanimous approval of 4-0. The motion to approve was made by Commissioner Each and seconded by Commissioner James.

BACKGROUND

The subject site, consisting of 4.24 acres in size is a vacant parcel located at 1850 NE 123 Street, currently designated on the City's Future Land Use Map (FLUM) as Commercial land use. The property owner (Causeway Village LLC) has filed an application for a Small Scale Land Use Plan (Map) Amendment, for a change in designation from Commercial to Mixed Use High land use, in order to redevelop the vacant site and create the first residential/retail mixed use complex along the NE 123 Street corridor.

To that end, the City's Comprehensive plan encourages mixed use along major corridors such as NE 123 Street. The applicant proposes to construct a mixed use complex to include residential multifamily units, with ground floor retail/office use.

Partial Land Use Map



ANALYSIS

Per Article 3, Section 3-1105 of the City's Land Development Regulations all requests for amendments to the City's Comprehensive Plan (Future Land Use Map) must satisfy the following minimum criteria:

1. Whether the application specifically advances any goal, objective or policy of the Comprehensive Plan:

The proposed application is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations

that encourage the retention, attraction and expansion of business and industry". Additionally policy 9.4.2 requires that the City "Introduce employment generating uses along major transportation corridors. Ensuring that employment generating land uses is compatible with neighborhood character through revisions in development regulations and permit review requirements."

The City's current unemployment rate is 9.4 percent, slightly higher than the State of Florida's unemployment rate of 7.2 percent. In an effort to create local jobs and reduce the unemployment rate, the City must support land use types which allow for the creation of quality new businesses that serve as catalysts for economic development and increase the City's tax base. The proposed request would allow for the development of a mixture of both retail/office and residential uses along a major city corridor with proximity to Interstate 95, Biscayne Boulevard and Broad Causeway.

b. Its effect on the level of service of public infrastructure;

Traffic

The subject site is located on NE 123 Street, which is classified as a State owned (FDOT) minor arterial road. The City's Transportation Master Plan indicates that the roadway segment that will provide primary access to the property (NE 123 Street) is operating at a level of service (LOS) B. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above a LOS standard E. Additionally, the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage.

The applicant provided a traffic analysis prepared by *Traf Tech Engineering* dated June 24th 2013 which indicates that the current Commercial zoning could generate approximately 3470 daily trips compared to 2330 total daily trips under the mixed use zoning district. As such the proposed mixed-use development is anticipated to generate approximately 1,140 less daily trips, approximately 53 new AM peak hour trips, and approximately 92 less trips during the typical afternoon peak period, when compared against the allowable development under the existing Commercial zoning designation. Given the foregoing, staff believes that the proposed zoning change is not anticipated to diminish the LOS along NE 123 to a level below the minimum required.

Water & Sewer Impact

The development is currently serviced by the Winson Water Treatment Plant. Based on the City's recently adopted Water Supply Plan, the Plant has an average capacity of 9.3 million gallons per day (MGD) and a current demand of approximately 15.77 MGD, resulting in a shortfall of 6.47 MGD which is satisfied by water purchased from Miami Dade County at a rate of 9.3 MGD (resulting in a total water supplied to North Miami's service area at the rate of 19.3 MGD). Leaving the City with a surplus of 3.53 MGD.

Based on Policy 4D.2.6 of the Comprehensive Plan in order to measure the impact of rezoning or land use changes on potable water facilities, the following standard generation rates shown in **Table 1** below shall be utilized:

Table 1

<ol style="list-style-type: none"> 1. Single family detached dwelling: 350 gallons per day. 2. Single-family attached dwelling: 300 gallons per day 3. Multi-family dwelling unit: 425 gallons per acre per day plus: <ul style="list-style-type: none"> ▪ Each one bedroom unit: 85 gallons per day per unit ▪ Each two bedroom unit: 125 gallons per day per unit ▪ Each three bedroom unit: 165 gallons per day per unit ▪ Each four or more bedroom unit: 205 gallons per day per unit ▪ When the bedroom mix is unknown, the three-bedroom generation rate shall be utilized. 4. Commercial and nonresidential Community Facility uses: 10 gallons per 100 sf of GFA per day 5. Industrial uses: 10 gallons per 100 sf of GFA per day

Based on the existing Future Land Use designation, the owner is currently allowed to build a commercial project as of right. However, the proposed application seeks to amend the current land use to Mixed Use High (up to 45 dwelling units per acre) in order to build 10,000 square feet of retail and up to 191 residential multifamily units. Based on the foregoing the project is anticipated to consume approximately 34,317 gallons per day (33,317 gallons from the residential units plus 1000 gallons from the proposed 10,000 square footage of retail/office space).

Policy A.2.1 of the Comprehensive Plan requires that all development approvals require developers to upgrade the capacity of the existing sewer system or build new system to meet the needs of the proposed development. Based on our analysis staff believes the City has sufficient water and sewer capacity to accommodate the proposed mixed use development and will not cause a decline in the established LOS.

c. its effect on environmental resources;

The proposed land use plan amendment is not anticipated to have adverse impacts on the City's environmental resources. Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. If approved, the applicant is required to construct an environmentally sustainable building with energy saving fixtures to minimize the water and electric consumption of the future development.

d. its effect on hurricane evacuation;

Policy 5A.3.1 of the Comprehensive Plan requires that the City "review of development proposals within the coastal planning area shall consider vehicular accessibility and internal circulation patterns to minimize the

time required to evacuate the coastal planning area. Staff has determined that the subject site is located in the Coastal Planning area as such if the application is approved the proposed development must comply with the requirements of Policy 5A.3.1.

e. Its effect on the availability of housing that is affordable to people who work in the City of North Miami; and

The applicant has indicated that the residential portion will be market rate units. Its important to note that the City's overall housing stock is very old with over 44% of the current housing stock being over 60 years old. Only 3% of the City's total housing units were built since the year 2000. Staff believes the availability of new housing units provide both a fiscal and quality of life benefits to the City.

f. Any other effect that City staff determines is relevant to the City Council's decision on the application;

To ensure further compatibility with the surrounding neighborhood, the applicant agrees to record a declaration of restrictive covenant to limit the height of the development not to exceed 75 feet. It is staff's opinion that the agreed height restriction will render the use compatible with the built environment.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed land use amendment is consistent with the requirements of Chapter 163, F.S. and is in keeping with the goals objectives and policies of the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department **requests that the City Council approves the attached ordinance amending the Comprehensive Plan (Future Land Use Map) of the subject property from Commercial to Mixed Use High land use subject to the following conditions:**

1. The applicant shall submit a draft declaration of restrictive covenant containing the restriction as outlined in subsection (f) above, to the office of the City Attorney at least 30 days from final Council approval date for review prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with Miami Dade County.
2. The applicant shall consolidate the subject lot with the abandoned alleyway running across the City by use of a unity of title. Said document shall be submitted to the office of the City Attorney for approval prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with Miami Dade County.

3. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to submit plans for Development Review Committee (DRC) review.

TS/mc

- Attachments:
1. Proposed Ordinance
 2. Location Map & Site Survey
 3. Land Use Map
 4. Letter of intent
 5. Traffic Analysis

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE AND LOCATED AT 1850 NORTHEAST 123RD STREET, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED USE HIGH LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT PROPERTY SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed and adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami (“City”) to adopt and enforce a comprehensive plan; and

WHEREAS, Section 163.3187(1), Florida Statutes, allows local governments to periodically make small scale land use amendments to their comprehensive plan future land use map, if the proposed amendment: (a) does not exceed 10 acres, (b) the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres, (c) the proposed amendment does not involve a text change to the goals, policies, and objectives of the comprehensive plan, and (d) the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

WHEREAS, the subject property, consisting of approximately 4.24 acres in size and located at 1850 Northeast 123rd Street (“Subject Property”), is currently designated on the City Comprehensive Plan (“Comprehensive Plan”) Future Land Use Map as Commercial land use; and

WHEREAS, Causeway Village, LLC, the owner of the Subject Property, filed an application for a Small Scale Land Use Plan amendment to change the use of the Subject Property from Commercial land use to Mixed Use High land use, in order to redevelop the

vacant site and create the first residential/retail mixed use complex along a major City corridor;
and

WHEREAS, Policy 9.4.6 of the Comprehensive Plan, requires the City to “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, Policy 9.4.2 of the Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating land uses are compatible with the character of the neighborhood, through revisions in development regulations and permit review requirements; and

WHEREAS, the proposed Small Scale Land Use Plan amendment is consistent with the Comprehensive Plan which encourages mixed use along major corridors and promotes redevelopment that enhances the public health, safety and welfare of the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 2, 2013, found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended approval of the Small Scale Land Use Plan amendment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Subject Property. The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Commercial to High Density Residential land use designation.

Section 2. Authority of City Manager. The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Severability.** 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 5. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____	(Yes)	_____	(No)
Vice Mayor Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Carol Keys, Esq.	_____	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.



BERCOW RADELL & FERNANDEZ
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www.BRZoningLaw.com

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JUN 10 2013
COMMUNITY PLANNING
& DEVELOPMENT

VIA HAND-DELIVERY

June 10, 2013

Maxine Calloway, Community Planning & Development Director
City of North Miami
12340 NE 8th Avenue
North Miami, Florida 33161

Re: Causeway Village - 1850 N.E. 123rd Street
Request for Land Use Amendment and Rezoning

Dear Ms. Calloway:

This law firm represents Causeway Village, LLC (the "Applicant" or "Owner"), the owner of the property located at 1850 N.E. 123rd Street, North Miami, Florida (the "Property"). The Owner is seeking approval for an amendment to the City's Future Land Use Map to designate the Property Mixed Use High and an amendment to the City's zoning map to zone the Property to Planned Development - High (PD High). Please consider this the Applicant's letter of intent.

The Property is at 4.24 acre parcel located just a few blocks west of the Broad Causeway on NE 123rd Street. It is currently vacant. The Applicant is currently proposing a mixed-use residential/retail project. A mixed use concept works well with the surrounding neighborhood, which includes several types of residential on either side of 123rd Street and a mix of office and retail on 123rd Street and surrounding areas. In particular, the Property is across the street from Causeway Square - a mixed office and retail project.

The Application meets the criteria provided for in Section 3-1003 of the City Code for such amendments. Specifically, the Applicant believes that a mixed use project at this location will serve the community well by creating a mix of uses that creates an internal capture rate beyond what could be achieved

Ms. Maxine Calloway
June 10, 2013
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if the property remained designated and zoned commercial. Furthermore, a balance of retail and residential on the site will work to minimize traffic trips by allowing residents of the Project to shop and use the services provided for in the retail portion of the Project.

Approval of the requested amendments is not expected to cause any sort of decline in levels of service for public infrastructure or any other protected category in the comprehensive plan. Additionally, the proposed development of a mixed use project on the site will not directly conflict with any goals, objectives or policies of the comprehensive plan. Furthermore, the proposed mixed used project is compatible with the surrounding areas, which include both residential and retail uses. Additionally, the proximity of the site to major roadways like I-95, Biscayne Boulevard and the Broad Causeway will facilitate traffic to the site.

Based on the foregoing, the Applicant meets the City's criteria for granting the proposed amendments. We look forward to your favorable recommendation and would be happy to meet with you at your earliest convenience to discuss this request further. If you have any questions or comments with regard to the foregoing, please give me a call at (305) 377-6238.

Sincerely,



Michael J. Marrero

June 24, 2013

Mr. Michael J. Marrero, Esq.
Becow, Radell & Fernandez P.A.
Zoning, Land Use and Environmental Law
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

Re: **Causeway Village – Traffic Impact Analysis**

Dear Mr. Marrero:

Per your request, Traf Tech Engineering, Inc. conducted a traffic impact analysis associated with a 4.24-acre parcel located just a few blocks west of the Broad Causeway on NE 123rd Street in the City of North Miami in Miami-Dade County, Florida.

The trip generation comparison analysis was performed using the trip generation equations published in the Institute of Transportation Engineer's (ITE) *Trip Generation* manual (9th Edition). The trip generation comparison analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. The analysis was based on the following assumptions:

EXISTING ZONING

- o C-2 (commercial use at 30% FAR = 55,408 square feet)

PROPOSED ZONING

- o PD High (225 apartments and 10,000 square feet of commercial use)

According to ITE's *Trip Generation* manual (9th Edition), the trip generation equations used for the existing and proposed land uses are:

APARTMENT (ITE Land Use 220)

Daily Trip Generation

$$T = 6.06 (X) + 123.56$$

Where T = number of daily trips

X = number of dwelling units

AM Peak Hour

$$T = 0.49 (X) + 3.73 \text{ (20\% inbound and 80\% outbound)}$$

Where T = number of AM peak hour trips

X = number of dwelling units

PM Peak Hour

$$T = 0.55 (X) + 17.65 \text{ (65\% inbound and 35\% outbound)}$$

Where T = number of PM peak hour trips

X = number of dwelling units

SHOPPING CENTER (ITE Land Use 820)

Daily Trip Generation

$$\ln(T) = 0.65 \ln(X) + 5.83$$

Where T = number of daily trips

X = 1,000 square feet of gross leasable area

AM Peak Hour

$$\ln(T) = 0.61 \ln(X) + 2.24 \text{ (62\% inbound and 38\% outbound)}$$

Where T = number of AM peak hour trips

X = 1,000 square feet of gross leasable area

PM Peak Hour

$$\ln(T) = 0.67 \ln(X) + 3.31 \text{ (48\% inbound and 52\% outbound)}$$

Where T = number of PM peak hour trips

X = 1,000 square feet of gross leasable area

Using the above-listed equations from the ITE document, a trip generation comparison analysis was undertaken between the existing and proposed zoning designations. The results of this effort are documented in Table 1.

TABLE 1				
Trip Generation Comparison Analysis				
Causeway Village				
Land Use	Size	Number of Trips		
		Daily	AM Peak	PM Peak
ALLOWABLE USE UNDER EXISTING ZONING DESIGNATION				
Commercial	55,408 sq.ft.	4,626	108	403
Pass-By Trips*		-1,156	-27	-100
External Trips		3,470	81	303
PROPOSED USES UNDER PROPOSED ZONING DESIGNATION				
Apartments	225 units	1,487	114	141
Commercial	10,000 sq.ft.	1,520	38	128
Subtotal Trips	-	3007	152	269
Internal Trips**	-	-297	-8	-26
Pass-By Trips*		-380	-10	-32
External Trips		2,330	134	211
Difference	-	-1,140	+53	-92

Source: ITE Trip Generation Manual (9th Edition)

(* Assumed to be 25%, which is consistent with FDOT's Site Impact Handbook; ** Assumed to be 10% of lower-generated use times 2 to account for inbound & outbound trips)

As indicated in Table 1, the proposed mixed-use development under the proposed zoning designation is projected to generate approximately 1,140 less daily trips, approximately 53 new AM peak hour trips, and approximately 92 less trips during the typical afternoon peak period, when compared against the allowable development under the existing zoning designation. Therefore, the proposed zoning designation will benefit the area transportation network on a daily basis and during the critical PM peak period.

Additionally, a review of the traffic concurrency station located in the vicinity of the subject project indicates that ample roadway capacity is available in order to absorb the traffic impacts generated by the proposed mixed-use project. Table 2 below presents the traffic concurrency situation of the nearby count station.

TABLE 3 RESERVE CAPACITY Causeway Village				
Station No.	Location	Peak Hour Capacity ¹	Peak Hour Trips ²	Available Peak Hour Capacity ³
F-1023	Broad Causeway/NE 123 rd Street – West of N. Bayshore Drive	3,400	1,398	2,002

Source: Miami-Dade County and FDOT (June 13, 2012)

Please give me a call if you have any questions.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

¹ Maximum level of service capacity.

² Existing traffic volumes plus peak hour trips associated with approved, but not built, developments.

³ Maximum peak hour capacity minus total peak hour trips (reserved trips).

North Miami Future Land Use Map

Map created by Gareth Mann
 Special Projects Manager
 North Miami CRA
 July 21st, 2010

Legend

-  Central City District Node Boundary
-  Neighborhood Redevelopment Overlay Boundary
-  Biscayne Park Height Transition Zone
-  Central Business Commercial
-  Commercial / Office
-  Community Facility
-  Community Facility-University
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Low-Medium Density Residential
-  Medium Density Residential
-  Mixed Use Low
-  Mixed Use Medium
-  Open Space / Recreation
-  Residential Office
-  Utility
-  Water
-  Wetlands

