

PLANNING, ZONING AND APPEALS BOARD FACT SHEET

File ID: (ID # 6668)

Title: A RESOLUTION OF THE MIAMI PLANNING, ZONING, AND APPEALS BOARD ("PZAB"), WITH ATTACHMENT(S), RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, AS AMENDED, BY CHANGING 0.53 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1583 NORTHWEST 24 AVENUE, MIAMI, FLORIDA, FROM "T5-L," URBAN CENTER – LIMITED, PARTIALLY TO "T5-R," URBAN CENTER – RESTRICTED AND PARTIALLY TO "D3," WATERFRONT INDUSTRIAL; AND BY CHANGING 8.91 ACRES OF THE PROPERTIES AT 1535, 1545, AND THE REMAINING PORTION OF 1583 NORTHWEST 24 AVENUE FROM "T6-12-L," URBAN CENTER – LIMITED, PARTIALLY TO "D3" WATERFRONT INDUSTRIAL AND PARTIALLY TO "T5-R" URBAN CENTER – RESTRICTED, RESULTING IN 2.25 ACRES OF "T5-R", URBAN CENTER – RESTRICTED, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND THE REMAINING 7.19 ACRES OF "D3" WATERFRONT INDUSTRIAL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 1535, 1545, and 1583 NW 24 Av [Commissioner Wifredo "Willy" Gort – District 1]

APPLICANT(S): Emilio T. Gonzalez, Ph.D., City Manager, on behalf of the City of Miami

PURPOSE: Will change the properties listed above from "T5-L" to "D3" and "T5-R," and from "T6-12-L" to "D3" and "T5-R," as indicated in legislation.

FINDING(S):

PLANNING DEPARTMENT: Recommends approval. [ePlan PZ-19-4774]



City of Miami PZAB Resolution

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

Enactment Number:

File ID: 6668

Final Action Date:

A RESOLUTION OF THE MIAMI PLANNING, ZONING, AND APPEALS BOARD ("PZAB"), WITH ATTACHMENT(S), RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, AS AMENDED, BY CHANGING 0.53 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1583 NORTHWEST 24 AVENUE, MIAMI, FLORIDA, FROM "T5-L," URBAN CENTER – LIMITED, PARTIALLY TO "T5-R," URBAN CENTER – RESTRICTED AND PARTIALLY TO "D3," WATERFRONT INDUSTRIAL; AND BY CHANGING 8.91 ACRES OF THE PROPERTIES AT 1535, 1545, AND THE REMAINING PORTION OF 1583 NORTHWEST 24 AVENUE FROM "T6-12-L," URBAN CENTER – LIMITED, PARTIALLY TO "D3" WATERFRONT INDUSTRIAL AND PARTIALLY TO "T5-R" URBAN CENTER – RESTRICTED, RESULTING IN 2.25 ACRES OF "T5-R", URBAN CENTER – RESTRICTED, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND THE REMAINING 7.19 ACRES OF "D3" WATERFRONT INDUSTRIAL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, approximately 0.53 acres of the property located at approximately 1583 Northwest 24 Avenue, Miami, Florida is currently zoned "T5-L," Urban Center Zone – Limited ("Parcel 1"); and

WHEREAS, approximately 8.91 acres of the properties located at approximately 1535, 1545, and the remaining portion of 1583 Northwest 24 Avenue, Miami, Florida are currently zoned "T6-12-L", Urban Core – Limited ("Parcel 2") ("Parcel 1" and "Parcel 2" collectively referred to as "Property"); and

WHEREAS, the City of Miami ("City" or "Applicant") is requesting to rezone the 2.25 acres of the Property to "T5-R", Urban Center – Restricted, as more particularly described in Exhibit "A" and 7.19 acres of the Property to "D-3," Waterfront Industrial, as more particularly described in Exhibit "B," both exhibits attached and incorporated to be consistent with the Future Land Use Map ("FLUM") of the Miami Comprehensive Neighborhood Plan ("MCNP"); and

WHEREAS, prior to the adoption of the Miami 21 Code, the Property was subject to a rezoning through the adoption of Ordinance No. 12777 on February 23, 2006, such that Parcel 1, which is currently zoned "T5-L", remained "R-3", Multifamily Medium-Density Residential", and Parcel 2, which is currently zoned "T6-12-L", was rezoned

from “SD-4,” Waterfront Industrial District, and “R-3”, Multifamily Medium-Density Residential, to “C-1”, Residential, under Zoning Ordinance No. 11000; and

WHEREAS, also on February 23, 2006, the City Commission adopted Ordinance No. 12776, amending the FLUM of the City, such that the zoning for the Property would be consistent with the MCNP at that time, in accordance with Chapter 163, Florida Statutes, (“2006 FLUM Amendment”); and

WHEREAS, the 2006 FLUM Amendment involved changing approximately 7.19 acres of the Property from “Industrial” to “Restricted Commercial” and changing approximately 1.72 acres of the Property from “Medium Density Multifamily Residential” to “Restricted Commercial,” resulting in a total of 8.91 acres of “Restricted Commercial”; and

WHEREAS, the 2006 FLUM Amendment left 0.53 acres of the Property with the “Medium Density Multifamily Residential” designation intact; and

WHEREAS, the 2006 FLUM Amendment was appealed by the Durham Park Neighborhood Association, Inc., the Miami River Marine Group, Inc., and Herbert Payne (“Appellants”) regarding violations of principles of “Working and Recreational Waterfronts” as established in Chapter 342, Florida Statutes, resulting in a decision by the 3rd District Court of Appeals, which reversed the 2006 FLUM Amendment; and

WHEREAS, the Appellants had other issues of contention regarding goals, objectives, and policies contained within the MCNP based on Working and Recreational Waterfronts policies that were ultimately resolved through a Stipulated Settlement Agreement between the Appellants, the City of Miami (“City”), and the State Land Planning Agency, then known as the Department of Community Affairs; and

WHEREAS, the City adopted the Stipulated Settlement Agreement by Resolution No. R-10-0327 and adopted a text amendment to the MCNP (Ordinance No. 13189) to finalize the 2005 Evaluation and Appraisal Review (“EAR”) process and to settle Appellants’ claims against the City; and

WHEREAS, at the time Ordinance No. 11000 was repealed and the Miami 21 Code was adopted, the Ordinance No. 11000 Zoning Atlas showed that Parcel 1 was designated as “R-3” and Parcel 2 was designated as “C-1”, reflecting that the 3rd District Court of Appeals did not reverse the zoning of the Property; and

WHEREAS, the Zoning Atlas for Miami 21 at adoption shows Parcel 1 as designated “T5-L”, Urban Center Zone – Limited, and Parcel 2 as designated as “T6-12-L”, Urban Core – Limited, which is generally an appropriate “reinterpretation” of zoning for the new zoning regulations; and

WHEREAS, the correct FLUM designation for the Property, by operation of law, reflects that 2.25 acres of land are designated as Medium Density Multifamily

Residential, as they were prior to the adoption of Ordinance No. 12776, and the remaining 7.19 acres of land are designated as Industrial, as they were designated prior to the adoption of Ordinance No. 12776; and

WHEREAS, to avoid inconsistency with the MCNP and to cure a violation with Section 163.3201, Florida Statutes, the City must rezone the property with a consistent zoning designation; and

WHEREAS, the proposed zoning change is appropriate in light of the intent of the Miami 21 Code and particularly in relation to the effects on adjoining properties; and

WHEREAS, PZAB has considered the goals, objectives, and policies of the MCNP, the Miami 21 Code, and all other City regulations; and

WHEREAS, PZAB has considered the need and justification for the proposed change, including changing and changed conditions that make the passage of the propose change necessary; and

WHEREAS, the proposed change maintains the goals of the Miami 21 Code to preserve neighborhoods and provide transitions in intensity and building height;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The PZAB recommends that the City Commission amend the Zoning Atlas of Ordinance No. 13114, as amended, by changing a portion of the zoning classifications from "T5-L", Urban Center – Limited, and "T6-12-L", Urban Core – Limited, for the 2.25 acres located at approximately 1583 Northwest 24 Avenue to "T5-R", Urban Center – Restricted, as more particularly described in Exhibit "A"; and by changing a portion of the zoning classifications from "T5-L" Urban Center – Limited, and "T6-12-L", Urban Core – Limited, for 7.19 acres located at approximately 1535, 1545, and the remainder of the property at 1583 Northwest 24 Avenue, Miami, Florida to D-3, "Waterfront Industrial", as more particularly described in Exhibit "B," attached and incorporated.

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Resolution is declared invalid, the remaining provisions of this Resolution shall not be affected.

Section 4. This Resolution shall become effective upon adoption by the PZAB.

Francisco Garcia, Director
Department of Planning

Execution Date

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Personally appeared before me, the undersigned authority, _____, Clerk of the Planning, Zoning and Appeals Board of the City of Miami, Florida, and acknowledges that s/he executed the foregoing Resolution.

SWORN AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, 201_.

Print Notary Name

Notary Public State of Florida

Personally know _____ or Produced I.D. _____

My Commission Expires:

Type and number of I.D. produced _____

Did take an oath _____ or Did not take an oath _____

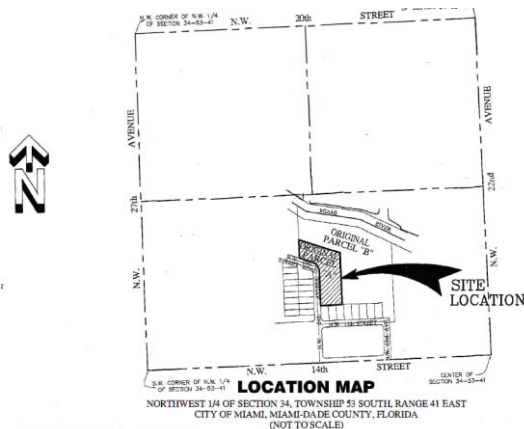
EXHIBIT A

LEGAL DESCRIPTION:**ORIGINAL PARCEL A:**

A Portion of Tract 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida, said land lying in and being in the City of Miami, Florida; and Portion of Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida, said lands lying in and being in the City of Miami, Florida, being more particularly described as follows:

Begin at the Northwest corner of Lot 8, Block 1, of "DEL RIO PARK", according to the plat thereof, as recorded in Plat Book 47, at Page 107, of the Public Records of Miami-Dade County, Florida; thence $N88^{\circ}17'02''E$, along the South line of said Tract 2 of said Plat of "ALLENS SUBDIVISION", for a distance of 170.69 feet; thence $N01^{\circ}21'13''W$ for a distance of 411.65 feet; thence $N71^{\circ}49'58''W$ for a distance of 342.58 feet to a point on the Westerly line of said Tract 3, of said Plat of "ALLENS SUBDIVISION - FIRST ADDITION"; thence $S01^{\circ}21'13''E$, along the last described line for a distance of 144.39 feet to the Southwest Corner of said Tract 3; the next described three (3) courses and distances being along the Southerly, Southwesterly and Westerly lines of said Tract 3: 1) thence $S71^{\circ}49'58''E$ for a distance of 108.50 feet to a point of curvature of a circular curve to the right, concave to the Southwest; 2) thence Southeasterly and Southerly along the arc of said curve, having for its elements a radius of 75.00 feet, through a central angle of $70^{\circ}28'41''$ for an arc distance of 92.26 feet to a point of tangency; 3) thence $S01^{\circ}21'13''E$ for a distance of 215.87 feet; thence continue $S01^{\circ}21'13''E$, along the Westerly line of said Tract 2, of said Plat of "ALLENS SUBDIVISION", for a distance of 60.00 feet to the POINT OF BEGINNING.

All of the above described lands lying and being in the City of Miami, Miami-Dade County, Florida and containing 98,010 Square Feet or 2.25 Acres more or less.



SURVEYOR'S NOTES:

EXHIBIT B

LEGAL DESCRIPTION:

ORIGINAL PARCEL B:

Tracts 1 and 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida. said land lying in and being in the City of Miami, Florida; AND Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida. said lands lying in and being in the City of Miami, Florida.

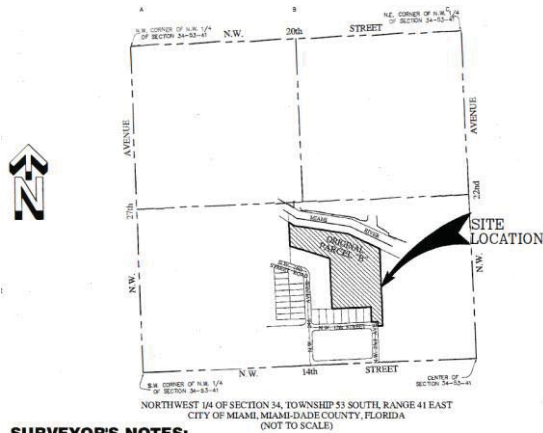
LESS THE FOLLOWING DESCRIBED PARCEL:

ORIGINAL PARCEL A:

A Portion of Tract 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida, said land lying in and being in the City of Miami, Florida; and Portion of Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida, said lands lying in and being in the City of Miami, Florida, being more particularly described as follows:

Begin at the Northwest corner of Lot 8, Block 1, of "DEL RIO PARK", according to the plat thereof, as recorded in Plat Book 47, at Page 107, of the Public Records of Miami-Dade County, Florida; thence N88°17'02"E, along the South line of said Tract 2 of said Plat of "ALLENS SUBDIVISION", for a distance of 170.69 feet; thence N01°21'13"W for a distance of 411.65 feet; thence N71°49'58"W for a distance of 342.58 feet to a point on the Westerly line of said Tract 3, of said Plat of "ALLENS SUBDIVISION - FIRST ADDITION"; thence S01°21'13"E, along the last described line for a distance of 144.39 feet to the Southwest Corner of said Tract 3; the next described three (3) courses and distances being along the Southerly, Southwesterly and Westerly lines of said Tract 3: 1) thence S71°49'58"E for a distance of 108.50 feet to a point of curvature of a circular curve to the right, concave to the Southwest; 2) thence Southeasterly and Southerly along the arc of said curve, having for its elements a radius of 75.00 feet, through a central angle of 70°28'41" for an arc distance of 92.26 feet to a point of tangency; 3) thence S01°21'13"E for a distance of 215.87 feet; thence continue S01°21'13", along the Westerly line of said Tract 2, of said Plat of "ALLENS SUBDIVISION", for a distance of 60.00 feet to the POINT OF BEGINNING.

All of the above described lands lying and being in the City of Miami, Miami-Dade County, Florida and containing 313.090 Square Feet or 7.19 Acres more or less.



Attachment: 6668 Exhibit B (6668 : Rezone - 1583,1535 & 1545 NW 24 AVE)



ANALYSIS FOR REZONE

Staff Analysis Report No.	PZ-19-4774
Location	1535, 1545, 1583 Northwest 24 Avenue, Miami, FL
Folio Numbers	0131340680010, 0131340590020, 0131340590010
Miami 21 Transect	"D3" Waterfront Industrial
MCNP Designation	Medium Density Multifamily Residential and Industrial
Commission District	Commissioner Wifredo "Willy" Gort (District 1)
NET District	Allapattah
Planner	Sue Trone, Chief of Comprehensive Planning
Property Owner	Brisas Del Rio, Inc. Represented by Jorge Navarro, Esq (305) 579-0821

A. REQUEST

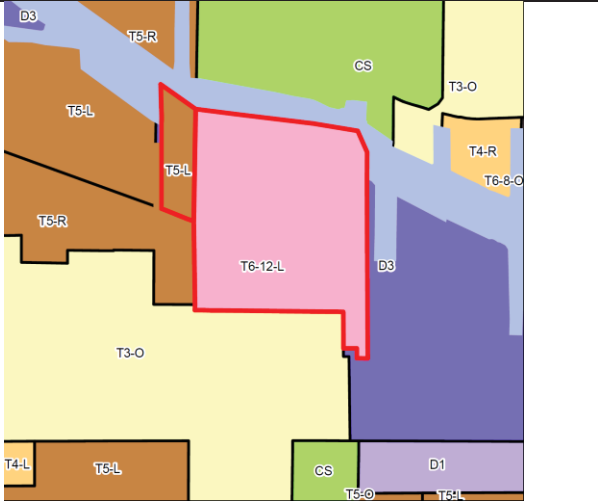
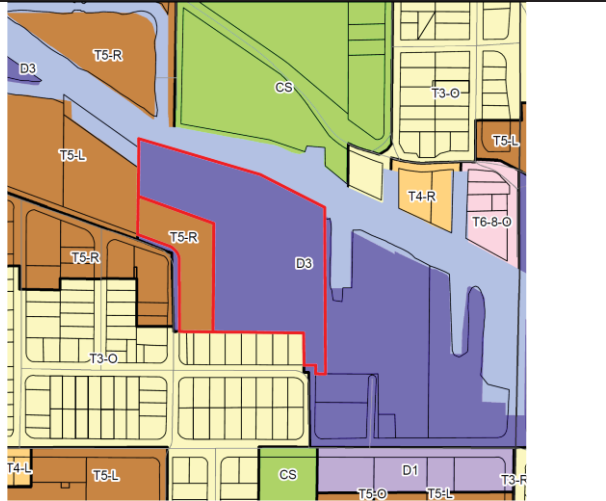
Pursuant to the Miami 21 Code, Article 7, Section 7.1.2.8 of Ordinance 13114 ("Miami 21"), as amended, the City of Miami is recommending a change to the Zoning Atlas for properties generally located at 1535, 1545, and 1583 Northwest 24 Avenue. The City's keenest interest in changing the zoning designation for these properties is based on the criteria established in Miami 21, Article 7, Section 7.1.2.8.f.1(a), which requires careful consideration of changes to the zoning code with respect to the goals, objectives, and policies of the Comprehensive Plan.

The request is twofold:

- (1) to change approximately 0.53 acres of property, currently designated "T5-L" to two designations: "T5-R" and "D3";
- (2) to change the remaining 8.91 acres of property currently designated "T6-12-L" to two designations: "T5-R" and "D3."

The result of these requests creates two designations: a single "T5-R" designation of 2.25 acres and a single "D3" designation of 7.19 acres. The purpose of this request is to ensure that the zoning is consistent with the underlying designation in the Future Land Use Map ("FLUM"), explained below. The current and proposed zoning is depicted in the following graphics.

Attachment: 6668 Staff Analysis and Maps (6668 : Rezone - 1583,1535 & 1545 NW 24 AVE)

Existing Zoning	Proposed Zoning
	
<p>Above: 0.53 acres is currently zoned T5-L, associated with 1583 NW 24 Avenue. The remainder of the Subject Properties are zoned T6-12-L.</p>	<p>Above: The Planning Department recommends changing the Zoning Atlas to reflect the above zoning where 2.25 acres are changed to T5-R and the remaining 7.19 acres are changed to D3. This reflects the zoning boundaries of the property prior to Ordinance 12777, and is an approximation of the land development entitlements under Miami 21 that were permissible under Zoning Ordinance 11000.</p>

B. RECOMMENDATION

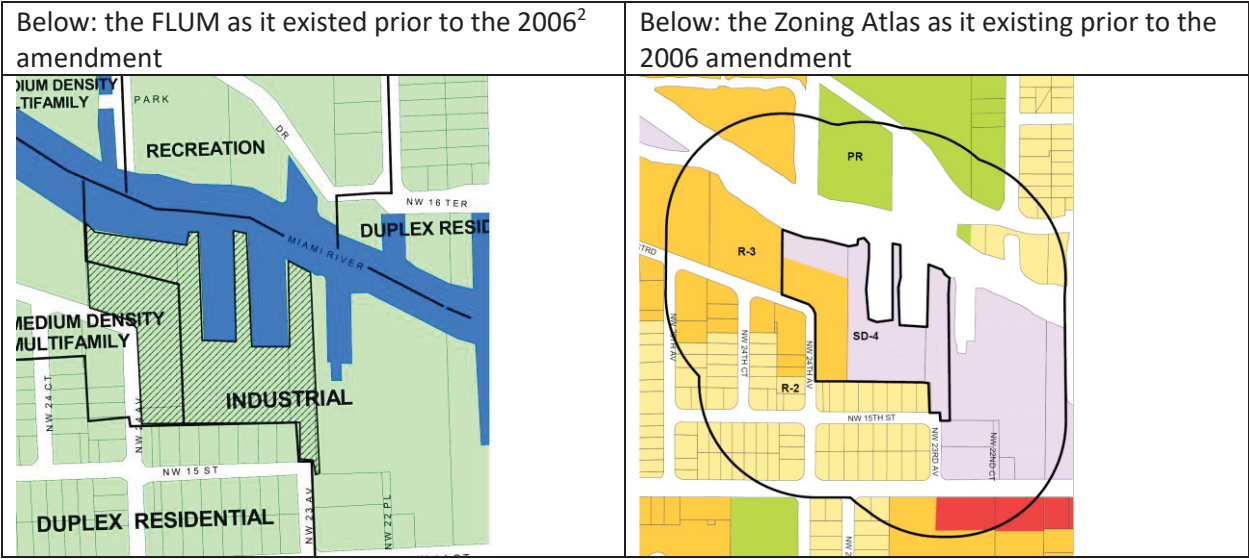
The Planning Department strongly recommends the approval of the change of zoning to the Subject Properties from “T5-L” Urban Center Zone - Limited to “T5-R” Urban Center Zone - Restricted for 2.25 acres of the Subject Property and from “T6-12-L” Urban Core Zone - Limited to “D-3” Waterfront Industrial for 7.19 acres of the Subject Property to achieve consistency with the Future Land Use Map of the Miami Comprehensive Neighborhood Plan.

C. BACKGROUND

The Subject Properties at 1535, 1545, and 1583 Northwest 24 Ave, commonly referred to as “Brisas Del Rio,” are located on the Miami River. The total area encompasses 9.44 acres. The Subject Properties were last rezoned by Zoning Ordinance 13114, the ordinance that adopted Miami 21. Prior to this, the owner of the properties brought forward applications requesting a change to the Future Land Use Map (“FLUM”) and Zoning Atlas in 2005¹. The Subject Properties were dually designated on the FLUM at the time, with approximately 2.25 acres designated Medium Density Multifamily Residential and approximately 7.19 acres designated Industrial. Similarly, the Zoning Atlas implemented the FLUM with zoning designations following the same demarcations on the atlas: approximately 2.25 acres showed a zoning designation of R-3 (Medium Density Multifamily Residential) and 7.19 acres showed a zoning designation of SD-4 (the Waterfront Industrial Special District). Below, please find excerpts from the associated FLUM and Zoning Alas.

¹ The zoning ordinance in effect at the time was Ord. No. 11000.

Attachment: 6668 Staff Analysis and Maps (6668 : Rezone - 1583,1535 & 1545 NW 24 AVE)



In 2006, the City Commission approved the property owner’s request to change the Future Land Use Map (“FLUM”) designation (Ord. No. 12776) and Zoning designation (Ord. No. 12777). The FLUM created by Ord. No. 12776 no longer exists as it was successfully appealed in a court case known as *The Durham Park Neighborhood Association, Inc., The Miami River Marine Group, Inc., and Herbert Payne; v. City of Miami and Brisas Del Rio, LLC*. The matter of the FLUM designation was ultimately decided by the 3rd District Court of Appeals in 2007, reversing the 2006 FLUM Ordinance. Nevertheless, the entire appeals process took about four years to resolve through mediation, due to a statutory provision known as the “Waterfronts Florida Program,” established in Sec. 342.201, F.S., which identified these and other parcels on the Miami River as having special qualities that needed to be preserved through the comprehensive plan with particular policies. This statutory provision is intended to preserve “Recreational and commercial working waterfronts,” defined as a “parcel or parcels of real property that provide access for water-dependending commercial activities or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. . . These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.”

Matters beyond the FLUM designation of these Subject Properties were ultimately settled through a mediation process memorialized by a Stipulated Settlement Agreement. The parties to this agreement were the City of Miami, the State Land Planning Agency, and the Appellants. The City adopted the agreement by Resolution No. R-10-0327 in addition to text amendments to the Miami Comprehensive Neighborhood Plan (MCNP), adopted by Ordinance No. 13189, both adopted on July 22, 2010. With the MCNP amendment, parcels on Miami River were identified as having special qualities relative to Sec. 342.201.

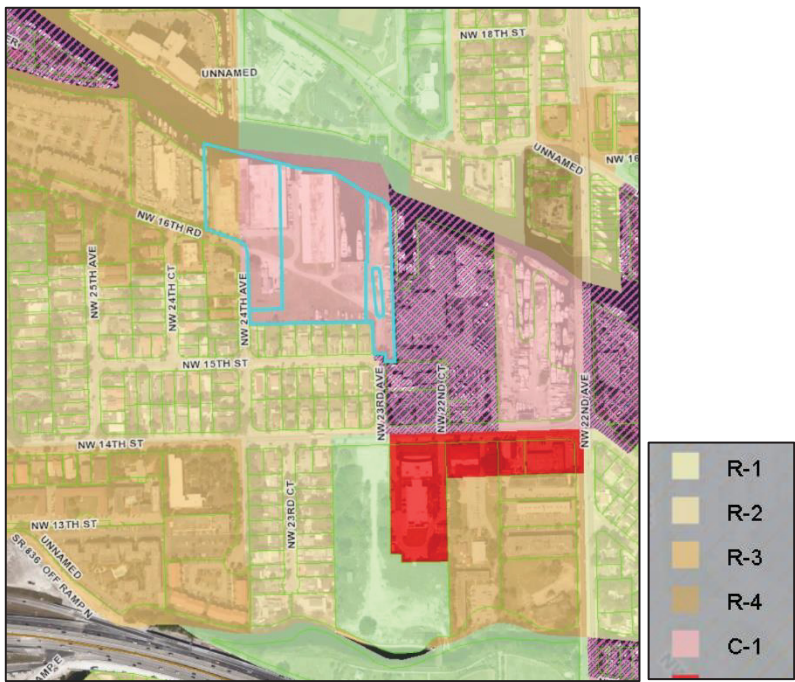
² The applications, received on April 6, 2005 were heard by City Commission and adopted on February 23, 2006.

Attachment: 6668 Staff Analysis and Maps (6668 : Rezone - 1583,1535 & 1545 NW 24 AVE)

Ordinance 13189 introduced to the MCNP Appendix PA-1 which includes the Recreational and Commercial Working Waterfront Property Table – July 22, 2010 and the Recreational and Commercial Working Waterfront Property Map – July 22, 2010. In the table, these properties are listed as numbers 72, 73, and 74 (using one address [1583 NW 24 AV] but individual folio numbers). In this table, these properties are erroneously listed as having FLUM designations “Industrial.” Nevertheless, by operation of law, the Property’s FLUM designations are those which existed just prior to the enactment of the 2006 FLUM Ordinance (Ordinance No. 12776) because of the reversal of the ordinance by the 3rd DCA and there having been no other intervening FLUM change affecting the Property to date. Therefore, the FLUM for the Subject Properties are Medium Density Multifamily Residential for the 2.25 acres on the westerly portion of the property and Industrial for the 7.19 remaining acres.

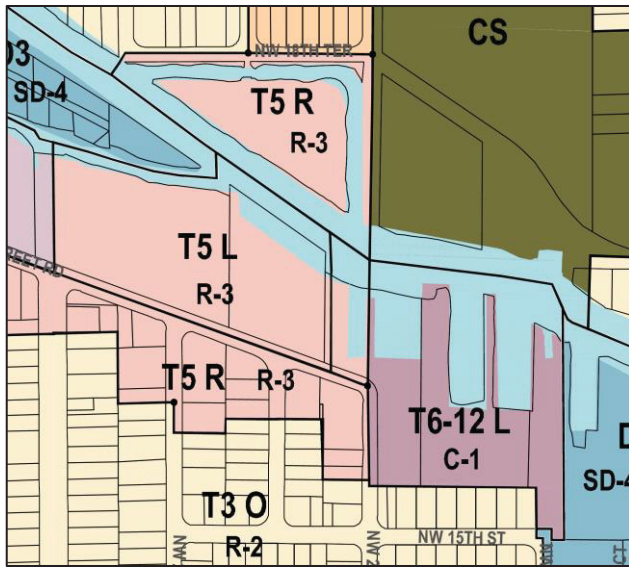
Zoning History

The 2005 application received from the owner was submitted prior to the current Zoning Ordinance. At that time, zoning was regulated under Ordinance No. 11000. The effect of the 3rd DCA only applied to the FLUM—it had no effect on the City’s zoning ordinance. Therefore, Ordinance No. 12777 (the change to the Zoning Atlas, adopted on February 23, 2006), was not reversed by the 3rd DCA.



LEFT: In the excerpted Zoning Atlas for Ord. No. 11000, notice the Subject Properties outlined in aqua-blue. The zoning designations are R-3 for approximately 0.53 acres in the upper left corner of the property. The remaining approximately 8.19 acres are designated C-1.

The next observation to the Zoning Atlas occurs with the adoption of Miami 21, in May 2010. The excerpt of the Zoning Atlas around the Subject Properties shows that Miami 21 re-designated these properties in the following way: for properties that had been R-3, Miami 21 re-designated them as T5-L and the portion that had been C-1 was re-designated as T6-12 L. See the excerpted portion of the Zoning Atlas adopted with Ordinance No. 13114 (“Miami 21”), below, that shows this.



LEFT: In the excerpted Zoning Atlas for Ord. No. 13114, the Subject Properties were zoned “T5 L” and “T6-12 L.”

This was the Miami 21 zoning adopted in 2010, and no intervening zoning ordinances have been adopted since that time to change this.

D. ANALYSIS

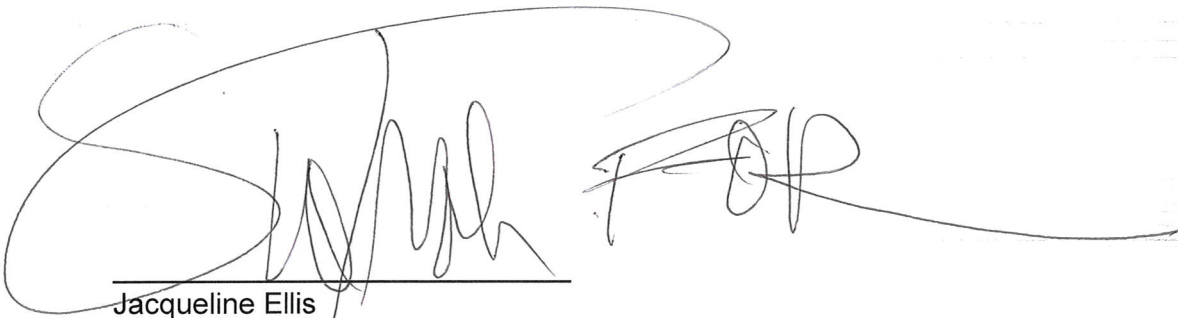
According to Sec. 163.3201, F.S., zoning regulations must be consistent with comprehensive plans:

It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

Article 7, Section 7.1.2.8.f.1.(a) requires amendments to the zoning code to be consistent with the Comprehensive Plan. But for this amendment to the Zoning Atlas, the Subject Properties are *inconsistent* with the MCNP, which is a deviation of the standards set forth in Miami 21 and is a violation of Florida Statutes because the underlying FLUM designations are Medium Density Multifamily Residential and Industrial.

E. CONCLUSION

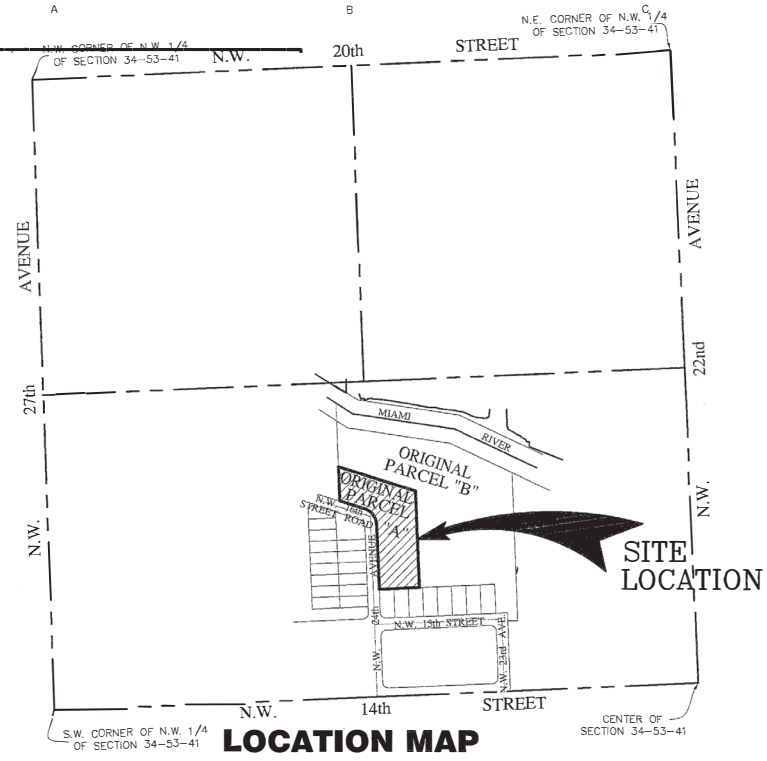
The Planning Department strongly recommends the approval of the change of zoning to the Subject Properties from “T5-L” to “T5-R” and “D3: and from “T6-12-L” to “T5-R” and “D3” to achieve consistency with the Future Land Use Map of the Miami Comprehensive Neighborhood Plan.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jacqueline Ellis
Chief, Land Development

- Attachments:**
Attachment A – Legal Description of Parcel A
Attachment B – Legal Description of Parcel B
Attachment C – Backup Material

Attachment: 6668 Staff Analysis and Maps (6668 : Rezone - 1583,1535 & 1545 NW 24 AVE)



LOCATION MAP
 NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 41 EAST
 CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA
 (NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) North Arrow direction and Bearings shown hereon are based on an assumed meridian of S01°21'13"E, along the Center Line of N.W. 24th Avenue, as shown on recorded Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida.
- 3) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 4) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE POLICY will have to be made to determine recorded instruments, if any affecting this property.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) No Title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17.051 (Formerly 61G17-6), Florida Administrative Code, and conforms to the Standards of Practices set forth by the Florida Board of Land Surveyors and Mappers pursuant to Section 472.027, Florida Statutes.

Ford, Armenteros & Fernandez, Inc. LB#6557
 Date: FEBRUARY 5th, 2019
 Revision 1:

By: Ricardo Rodriguez, P.S.M., For the Firm Professional Surveyor and Mapper State of Florida, Registration No.5936

Q:\FORD COMPANIES\Engineering & Surveying\Survey\Sketch & Legal\14-046 DOWNTOWN DORAL SOUTH\44046-1029 GROUNDWATER RESTRICTIVE COVENANT.DWG

Attachment: 6668 Staff Analysis and Maps (6668 - Rezone - 1583,1535 & 1545 NW 24 AVE)

BRISAS DEL RIO - ORIGINAL PARCEL "A"



FORD, ARMENTEROS & MANUCY, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION	
SHEET NAME: LOCATION MAP AND SURVEYOR'S NOTES	
PREPARED FOR:	
DRAWN BY: R.RODRIGUEZ	DATE: FEBRUARY 5th, 2019
DWG. CHECKED BY:	SCALE: AS SHOWN
CHECKED BY:	PROJECT No: 13-038-5302

SHEET: **1**
 OF 3 SHEETS

LEGAL DESCRIPTION:

ORIGINAL PARCEL A:

A Portion of Tract 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida, said land lying in and being in the City of Miami, Florida; and Portion of Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida, said lands lying in and being in the City of Miami, Florida, being more particularly described as follows:

Begin at the Northwest corner of Lot 8, Block 1, of "DEL RIO PARK", according to the plat thereof, as recorded in Plat Book 47, at Page 107, of the Public Records of Miami-Dade County, Florida; thence N88°17'02"E, along the South line of said Tract 2 of said Plat of "ALLENS SUBDIVISION", for a distance of 170.69 feet; thence N01°21'13"W for a distance of 411.65 feet; thence N71°49'58"W for a distance of 342.58 feet to a point on the Westerly line of said Tract 3, of said Plat of "ALLENS SUBDIVISION - FIRST ADDITION"; thence S01°21'13"E, along the last described line for a distance of 144.39 feet to the Southwest Corner of said Tract 3; the next described three (3) courses and distances being along the Southerly, Southwesterly and Westerly lines of said Tract 3: 1) thence S71°49'58"E for a distance of 108.50 feet to a point of curvature of a circular curve to the right, concave to the Southwest; 2) thence Southeasterly and Southerly along the arc of said curve, having for its elements a radius of 75.00 feet, through a central angle of 70°28'41" for an arc distance of 92.26 feet to a point of tangency; 3) thence S01°21'13"E for a distance of 215.87 feet; thence continue S01°21'13", along the Westerly line of said Tract 2, of said Plat of "ALLENS SUBDIVISION", for a distance of 60.00 feet to the POINT OF BEGINNING.

All of the above described lands lying and being in the City of Miami, Miami-Dade County, Florida and containing 98,010 Square Feet or 2.25 Acres more or less.

LEGEND

- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.C. - POINT OF COMMENCE
- P.O.B. - POINT OF BEGINNING
- P.O.T. - POINT OF TERMINATION
- C/L - CENTERLINE
- P.B. - PLAT BOOK
- PG. - PAGE

Attachment: 6668 Staff Analysis and Maps (6668 - Rezzone - 1583,1535 & 1545 NW 24 AVE)

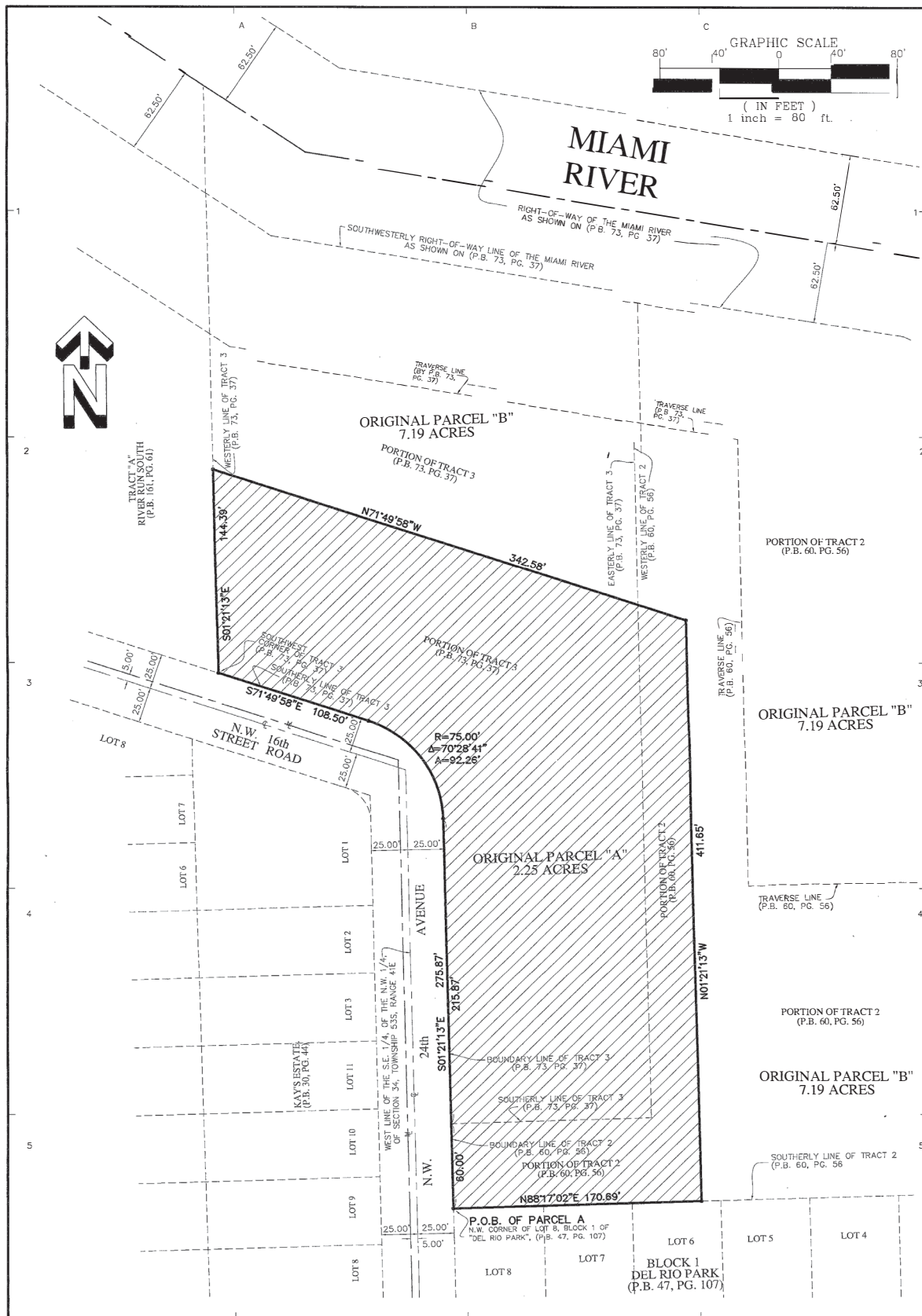
BRISAS DEL RIO - ORIGINAL PARCEL "A"




FORD, ARMENTEROS & MANUCY, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION	
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH	
PREPARED FOR:	
DRAWN BY: R.RODRIGUEZ	DATE: FEBRUARY 5th, 2019
DWG. CHECKED BY:	SCALE: N/A
CHECKED BY:	PROJECT No: 13-038-5302

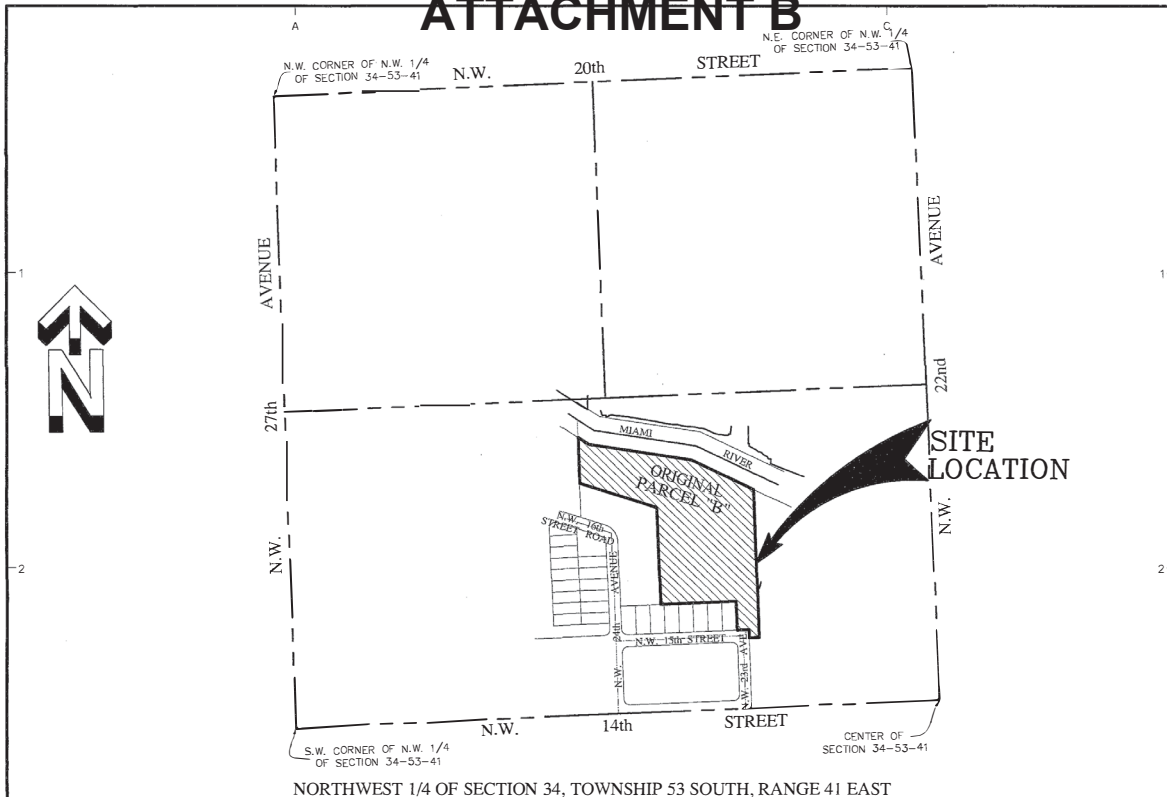
2
OF 3 SHEETS



Attachment: 6668 Staff Analysis and Maps (6668 - Rezone - 1583,1535 & 1545 NW 24 AVE)

	BRISAS DEL RIO - ORIGINAL PARCEL "A"	
	FORD, ARMENTEROS & MANUCY, INC. 1950 N.W. 94th AVENUE, 2nd FLOOR DORAL, FLORIDA 33172 PH. (305) 477-6472 FAX (305) 470-2805	
TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
PREPARED FOR:		
DRAWN BY:	R.RODRIGUEZ	DATE:
DATE:	FEBRUARY 5th, 2019	SHEET:
SCALE:	AS SHOWN	3
PROJECT No:	13-038-5302	
CHECKED BY:		OF 3 SHEETS

ATTACHMENT B



NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 41 EAST
CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) North Arrow direction and Bearings shown hereon are based on an assumed meridian of S01°21'13"E, along the Center Line of N.W. 24th Avenue, as shown on recorded Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida.
- 3) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 4) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE POLICY will have to be made to determine recorded instruments, if any affecting this property.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) No Title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17.051 (Formerly 61G17-6), Florida Administrative Code, and conforms to the Standards of Practices set forth by the Florida Board of Land Surveyors and Mappers pursuant to Section 472.027, Florida Statutes.

Ford, Armenteros & Fernandez, Inc. LB#6557
Date: FEBRUARY 5th, 2019

By: Ricardo Rodriguez, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.5936

Attachment: 6668 Staff Analysis and Maps (6668 - Rezone - 1583,1535 & 1545 NW 24 AVE)

BRISAS DEL RIO - ORIGINAL PARCEL "B"



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DORAL, FLORIDA 33172
PH. (305) 477-6472
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TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION	
SHEET NAME: LOCATION MAP AND SURVEYOR'S NOTES	
PREPARED FOR:	
DRAWN BY: R.RODRIGUEZ	DATE: FEBRUARY 5th, 2019
DWG. CHECKED BY:	SCALE: AS SHOWN
CHECKED BY:	PROJECT No: 13-038-5303

SHEET: **1**
OF 3 SHEETS

LEGAL DESCRIPTION:

ORIGINAL PARCEL B:

Tracts 1 and 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida. said land lying in and being in the City of Miami, Florida; AND Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida. said lands lying in and being in the City of Miami, Florida.

LESS THE FOLLOWING DESCRIBED PARCEL:

ORIGINAL PARCEL A:

A Portion of Tract 2, "ALLENS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 60, at Page 56, of the Public Records of Miami-Dade County, Florida, said land lying in and being in the City of Miami, Florida; and Portion of Tract 3, "ALLENS SUBDIVISION - FIRST ADDITION", according to the plat thereof, as recorded in Plat Book 73, at Page 37, of the Public Records of Miami-Dade County, Florida, said lands lying in and being in the City of Miami, Florida, being more particularly described as follows:

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All of the above described lands lying and being in the City of Miami, Miami-Dade County, Florida and containing 313.090 Square Feet or 7.19 Acres more or less.

LEGEND

- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.C. - POINT OF COMMENCE
- P.O.B. - POINT OF BEGINNING
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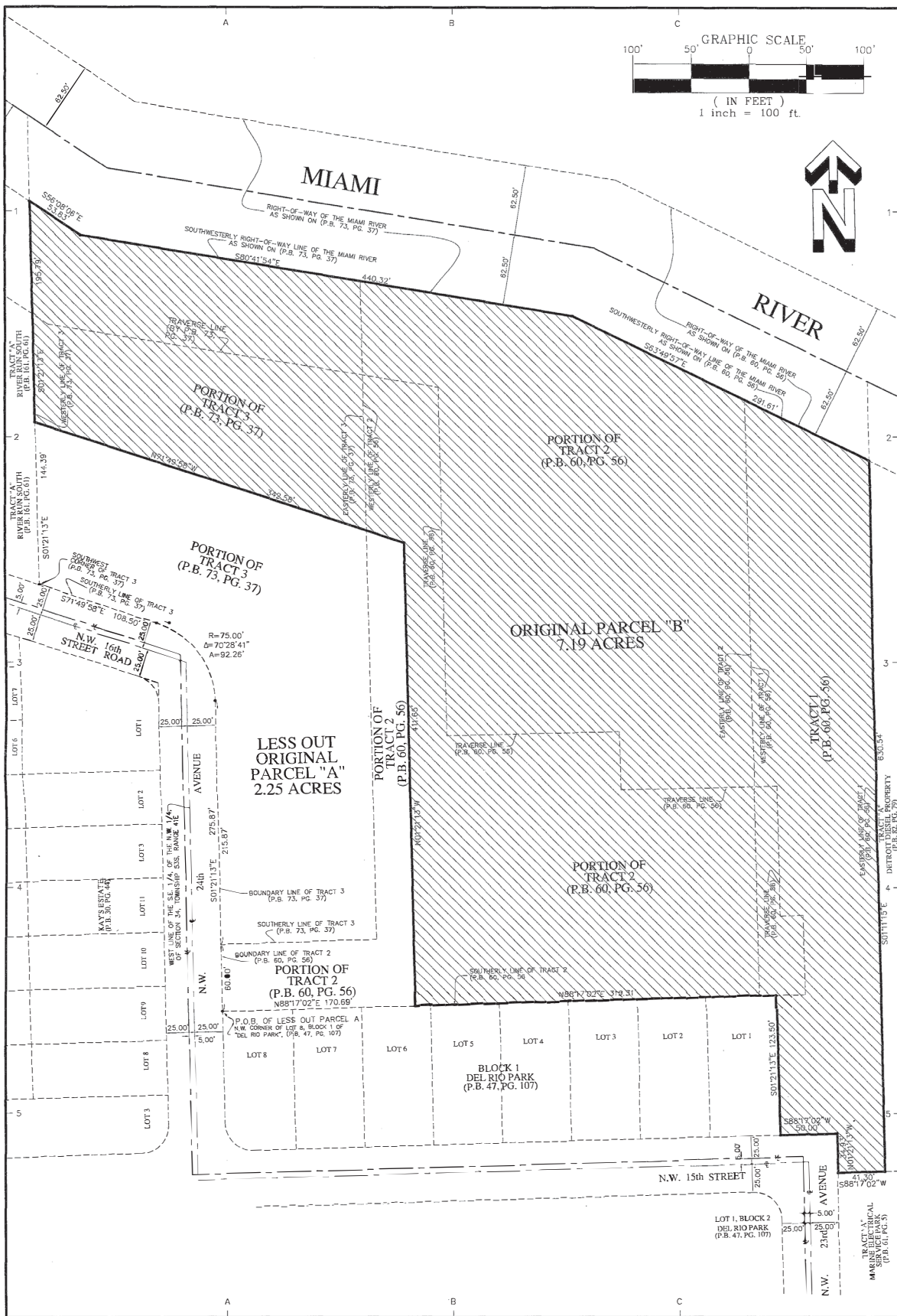
Attachment: 6668 Staff Analysis and Maps (6668 - Rezone - 1583,1535 & 1545 NW 24 AVE)

BRISAS DEL RIO - ORIGINAL PARCEL "B"



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TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION	
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH	
PREPARED FOR:	
DRAWN BY: R.RODRIGUEZ	DATE: FEBRUARY 5th, 2019
DWG. CHECKED BY:	SCALE: N/A
CHECKED BY:	PROJECT No: 13-038-5303
SHEET: 2 OF 3 SHEETS	



BRISAS DEL RIO - ORIGINAL PARCEL "B"



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TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PREPARED FOR:			
DRAWN BY:	R. RODRIGUEZ	DATE:	FEBRUARY 5th, 2019
DWG. CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	13-038-5303

3
OF 3 SHEETS

Attachment: 6668 Staff Analysis and Maps (6668 - Rezone - 1583,1535 & 1545 NW 24 AVE)