



Memorandum

Date: August 14, 2024

To: Honorable Mayor and Councilmembers

From: Rey Valdes
City Manager

Department: Michelle M. Lopez
The Corradino Group
Interim Planning & Zoning Director

Subject: **Harborgenix, LLC Land Development Code Text Amendment
– Second Reading**

Introduction

Harborgenix, LLC (the "Applicant") is requesting a text amendment (the "Application") to City of Doral (the "City") Land Development Code (the "Code") Sections 53-128, 68-786, and 68-820, to allow "academies" in the Industrial Commercial (IC) zoning district. The Application seeks approval of proposed modifications to the Use Compatibility Table, Industrial Commercial District (IC) Permitted Uses with Special Development Requirements, and Industrial District (I) Prohibited Uses. If approved, this text amendment will apply to all IC zoning districts in the city. A copy of the letter of intent and application is provided in "Exhibit A."

Public Advertisement

The public notice was advertised (legal advertisement) in the Miami Herald, on July 30, 2024, at least 14 calendar days prior to the proceeding (Council Meeting). A copy of the legal advertisement is provided in "Attachment A."

Background

The proposed text amendment seeks to modify Sections 53-128 (Use Compatibility Table), 68-786 (Industrial Commercial District (IC) Permitted Uses with Special Development Requirements), and 68-820 (Industrial District (I) Prohibited Uses). Specifically, the proposed text amendment introduces “academies” as a use category to be permitted with special requirements in the IC district, and expressly prohibited in the Industrial district.

Proposed Text Amendments

The proposed text amendments are as follows:

Sec. 53-128. Use compatibility table.

- (a) *Category definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Academies. Education and instruction facilities engaged in the offering or providing instruction of dance, fine arts, martial arts, music, painting, photography, or theater. Academies shall not include early childhood or adult care facilities, public schools, private schools, charter schools, exceptional learning centers or trade schools.

* * *

SEC. 53-128.- Use compatibility table.

- (b) The uses for each district are as stated in the following table:
- (1) P means permitted use;
 - (2) S means permitted with special regulations;
 - (3) E means special exception use;
 - (4) (-) means not permitted.

| Category | Description | O-1 | O-2 | O-3 | NC | CC | IC | I | I-R |
|-----------------------------|---|-----------------------|----------------|----------------|----------------|----|----|---|-----|
| <i>Educational/Training</i> | Public schools | P | P | P | P | P | — | — | — |
| | Schools | S | S | S | S | P | — | — | — |
| | University | S | S | S | S | P | P | P | P |
| | Tutoring/instructions (up to five students) | S | S | S | S | P | P | P | P |
| | Trade Schools | S | S | S | S | P | P | P | P |
| | Academies | — | — | — | P | P | S | — | — |
| <i>Retail Services</i> | | | | | | | | | |
| | <i>Fitness/Sports</i> | | | | | | | | |
| | | Fitness center (gyms) | P | P | P | P | P | — | — |
| | | Sports membership | P ^c | P ^c | P ^c | P | P | — | — |
| | | Sports rental | P ^c | P ^c | P ^c | P | P | — | — |
| | | Indoor sports club | P ^c | P ^c | P ^c | P | P | — | — |
| | Health/exercise centers (karate, dancing, aerobics, gymnastics, etc.) | — | — | — | P | P | — | — | |

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ARTICLE VI. – INDUSTRIAL DISTRICTS

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DIVISION 2. – INDUSTRIAL COMMERCIAL DISTRICT (IC)

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SEC. 68-786. Same—With special development requirements.

(12) Academies with a maximum of 30 students at any given time and operations between the hours of 9:00 a.m. and 9:00 p.m.

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DIVISION 3. – INDUSTRIAL DISTRICT (I)

* * *

SEC. 68-303.- Permitted uses--Generally.

(b) *Prohibited uses.* Refer to chapter 53, article II, division 5 for a detailed list of various types of uses and development standards. In no instance shall the following commercial uses be permitted in the industrial district (I):

- (1) Amusement centers.
- (2) Entertainment centers.
- (3) Health/exercise centers.
- (4) Sport facilities.
- (5) Schools.
- (6) Academies

Staff Analysis

The IC zoning district permits a variety of retail/commercial related uses that already exist in the vicinity. Indeed, the current development on the Property already accommodates thriving commercial tenants, rendering it well-suited for a zoning modification from the more intensive (I) zoning district to the IC district, which is more neighborhood-friendly and conducive to commercial activity.

Comprehensive Plan Consistency Review

The proposed text amendment is consistent with the following Comprehensive Plan, Future Land Use Element Goals, Objectives, and Policies:

***Policy 2.1.1:** Doral's future development goal is to be a premier place to live, work and play, and to accomplish that the City is dedicated to maintaining and developing extraordinary community features and facilities associated with "#1 Great Cities" around the world including outstanding place and building design, plentiful parks, excellent schools and community education opportunities, beautiful streets, interesting cultural and artistic venues, smart technology, environmental conservation, efficient government services, and easily-accessible vehicular and personal mobility. All land use amendments shall contribute to the enhancement of these '#1 Great City' features and facilities.*

***Policy 2.1.12:** By 2018, develop a Cultural Resources Development Plan which lays out a strategy and implementation program to encourage private developers, non-profit groups, and/or governmental agencies, in partnership with the City where feasible, to build a range of cultural facilities in Doral such as museums, public gardens, art galleries/festivals, amphitheater, indoor theater and cultural center. Consider the creation of an "Arts" District.*

***Policy 2.1.18:** Code enforcement and other available regulatory measures shall be used to prevent incompatible land uses from locating adjacent to or near otherwise stable and viable uses, especially residential neighborhoods. The rezoning process may be used to discourage residential development in close proximity to industrial zoned areas and areas with unacceptable noise and/or odor levels. Incompatible non-residential land uses within established residential neighborhoods may be given incentives to adaptively reuse or replace structures to uses that are compatible with the residential area. Where it is physically not feasible to separate incompatible land uses such as residential and non-residential, buffering shall be required to promote a smooth land use transition. Buffering shall be specified in the Land Development Code and may include the following:*

- a) *Physical barriers, including berms, hedges or other landscaping, as well as walls or fences aesthetically designed for screening purposes. Physical barriers may also include densely vegetated open space; and/or;*

- b) The development of a transitional use between the incompatible uses. For example, a low intensity office development could be used to buffer a retail commercial center and a residential area.*

The proposed text amendment to Sections 53-128, 68-786, and 68-820 of the Land Development Code will have no impact on City's Comprehensive Plan.

Land Development Code Consistency Review

The following is a consistency review of the criteria established in Section 53-213(c) of the Land Development Code for considering text amendments to the Land Development Code.

- (1) Consistency with the comprehensive plan, or in the case of a plan amendment, consistency with the remainder of the plan and its goals, objectives, and policies.

The proposed text amendment is intended to increase the supply of focused creative spaces in the City for performance (including martial), music, or visual arts in strategic areas where commercial uses are suitable. This amendment will help diversify the small-scale businesses serving the growing number of families in the City.

- (2) Consistency with applicable sections of this Land Development Code.

Notably, educational facilities (i.e., universities, tutoring/instruction schools) and trade schools are already permitted uses in the Industrial Commercial zoning districts; therefore, the proposed amendments to allow "academies" will complement the intent of the City's Comprehensive Plan and Code, while placing necessary safeguards to ensure minimal impacts related to traffic, parking, noise, and safety.

- (3) Additionally, as to rezoning amendments:
- a. Whether justified by changed or changing conditions.
 - b. Whether adequate sites already exist for the proposed district uses.
 - c. Whether specific requirements of this Land Development Code are adequate to ensure compatibility with adjoining properties as required by the comprehensive plan.

This review criteria do not apply to the proposed text amendment. This review criteria are only applicable to rezoning applications.

Fiscal Impact

The ordinance has no fiscal impact on city revenues or expenditures.

Strategic Plan Alignment

The proposed project is going to further the “Revenue Growth” strategic goal of the City of Doral Strategic Plan (2023), by increasing the property value, thereby adding new revenues to the city’s property tax base and fees. It is important to note that the additional tax revenues may be used to fund the infrastructure projects in the five-year capital improvement program (CIP).

Recommendation

Staff requests that the Mayor and City Councilmembers authorize the approval of the proposed text amendment to the land development code.