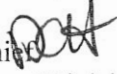


November 6, 2012

To: Fern Piret, Planning Director
From: Dale C. Hutchison, Chief 
Information Management Division
Re: Zoning of Parcel "L" and Parcel 205, Tax Map 88

A question has been raised about the location of the zoning line separating commercial (C-M and C-S-C) properties fronting on St. Barnabas Road between Clifton and Cremen Roads and the industrial (I-1) properties to the east/southeast (Attachment A – Current Zoning Map). In particular, the line separating the commercial and industrial zoning to the rear (southeast) of Parcels 201, 199 and 198 are located 20-30 feet onto parcels (Parcel 205 and Parcel "L") that are predominately industrially zoned and used. This creates a potential use problem for portions of these properties.

Question: Was this "buffer" of commercial zoning on Parcels L and 205 intentional or should the zoning line have matched the property lines separating the properties fronting on St. Barnabas Road from the industrial properties to the southeast?

Zoning History:

This area was part of the 1949 comprehensive zoning map adoption and most of the surrounding area, including the properties in question, was placed in the R-R Zone reflecting the existing rural character. The one exception was a parcel located on the southeast corner of the intersection of St. Barnabas and Cremen Roads that was placed in the C-2 Zone and labeled Telephone Company Storage (Attachment B - 1949 Zoning Map). Beginning the next year, there is a 25-year history of piecemeal zoning map amendments that rezoned the entire St. Barnabas Road frontage to the C-2 Zone. The depth of the commercial zoning varied extensively, but with a few exceptions zoning lines were consistent with existing property lines.

The 1981 Subregion VII Master Plan took a comprehensive look at the area and recommended service commercial uses for this area. The 1984 Subregion VII Sectional Map Amendment (SMA), the first comprehensive rezoning since 1949, identified specific properties by address and other legal descriptions and rezoned the frontage properties to the C-M Zone. Pages 107 and 111 of the SMA text (Attachment C – Pages 107 and 111) specifically reference the following applicable properties: Silver Hill Industrial Center Subdivision, Plat 50-28, Parcel C; Plat 57-62, Parcel E; Tax Map-Grid 88-B4, Parcels 198, 199, 277 and 197. Several address ranges are also listed, including 4600-4612 and 4620-4706 St. Barnabas Road which includes all of the properties on St. Barnabas Road between Clifton and Cremen Roads. Zoning maps created at the time to reflect the SMA decision (Attachment D – 1984 Zoning Map), for the

first time show the zoning line as not following the rear property lines of the St. Barnabas Road frontage properties. Insofar as it can be determined, this was the first time that the line marking the boundary between the commercial and industrial properties didn't follow the property line. A review of the Master Plan and SMA texts found no reference to intentionally creating a "buffer" of commercial zoning on the industrial properties.

The next comprehensive zoning review occurred with the adoption and approval of The Heights and Vicinity Master Plan and Sectional Map Amendment in 2000. No changes were made to the zoning in question.

Most recently, the 2008 Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment reconfirmed the zoning line, but with exception of Parcel A (Plat 42-48) and Parcel C (Plat 50-28), rezoned all of the frontage properties from the C-M to the C-S-C Zone. Like the 1984 Subregion VII SMA, the Branch Avenue Corridor SMA references specific properties that are being rezoned by property address, parcel number and/or Subdivision as applicable (Attachment E – p. 112 2008 SMA text). However, unlike the 1984 SMA, this plan also references parts of Parcels 197 and 205, as well as part of Parcel L, Silver Hill Industrial Center, as included in the properties rezoned from the C-M Zone to the C-S-C Zone. The properties subject to this inquiry are included in Parcel 205 (Tax Map-Grid 88-B4) and Parcel L, Silver Hill Industrial Center.

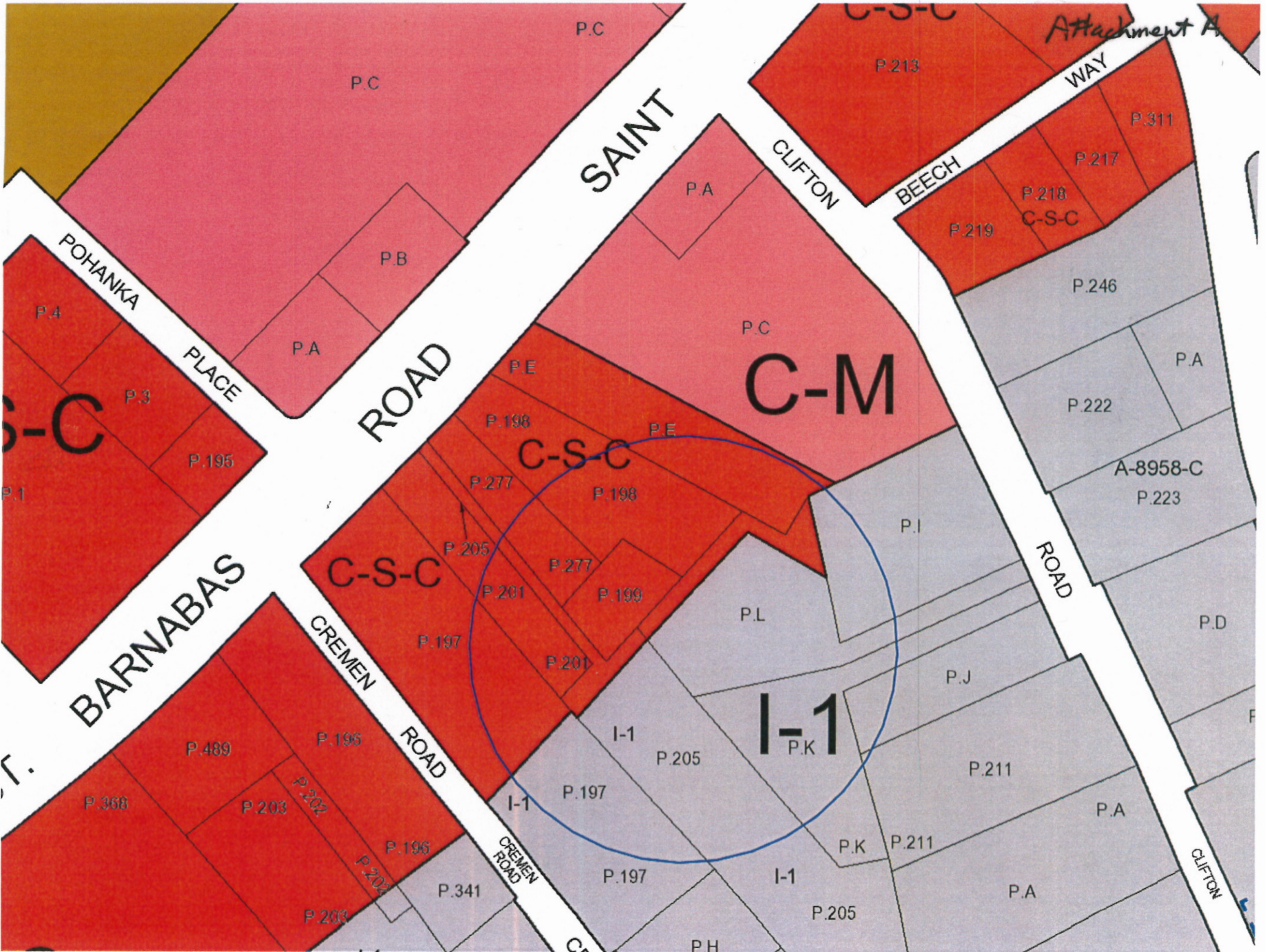
It appears that these references to "parts" of parcels recognized that the earlier SMA zoning and rezoning did not accurately describe what is displayed on our zoning maps. Herein lays the crux of the issue: Was there an error in the mapping that showed zoning lines that did not follow property lines or did the parcel descriptions in 1984 fail to accurately detail the Council's intent? Lastly, whatever conclusion is drawn about the 1984 maps, did the 2008 SMA correct the error if it existed?

A representative of the property owner of Parcel 205 and Parcel "L" has plans to file a Special Exception application in the I-1 Zone and the existing zoning line will restrict the use of a portion of the property. It is their opinion that the zoning line should be modified to be coincident with the property lines.

It is my opinion that the zoning line should have been drawn on the property line when the 1984 SMA was adopted. I can't find any reference to suggest that creating a de facto buffer was the intent of staff, Planning Board or District Council at the time. Nor can I find any relevant findings or conclusions in the limited documentation in the numerous Zoning Map Amendment applications filed after the 1949 County Zoning. The zoning line made the transition from our paper (Mylar) zoning maps to digital when the GIS zoning database was created.

cc: Debra Borden, Associate General Counsel
Ivy Lewis, Chief, Community Planning Division South

Attachments



Attachment B

1949
Original
Zoning

R-R

ROAD
TELEPHONE
AND STORAGE
CA-2

R-R

(80)

R-R

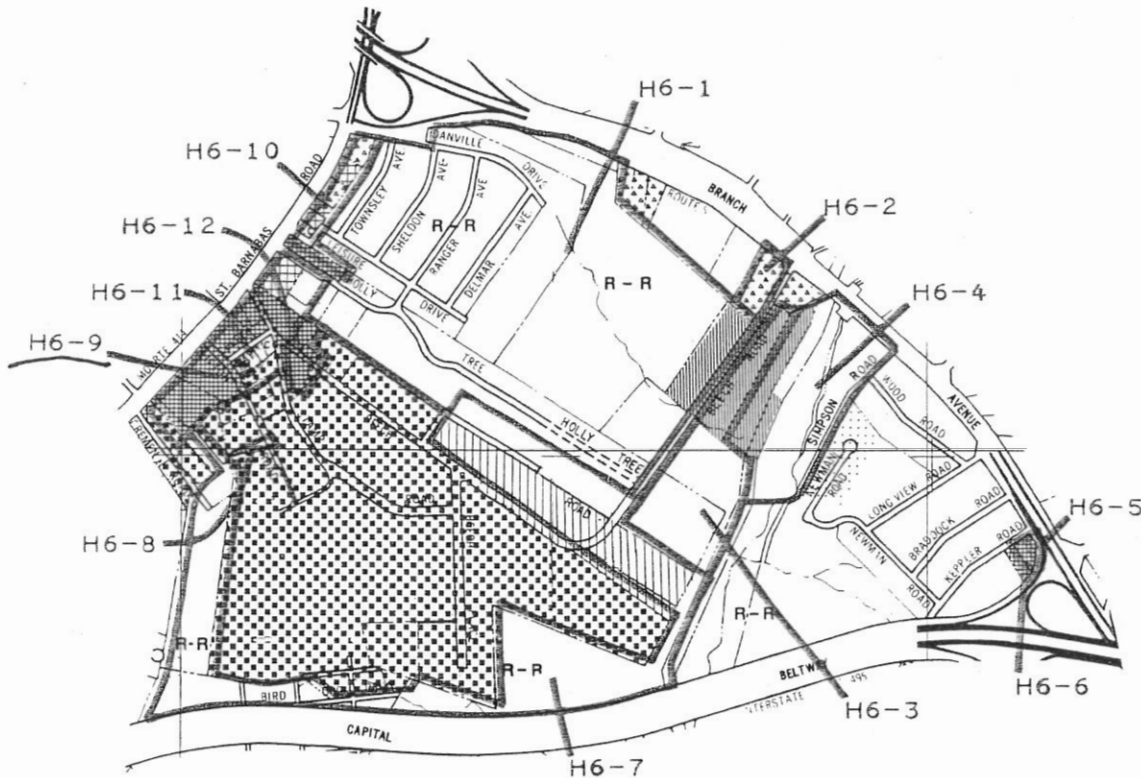
ST. BARNABAS
CLIFTON

R-R

(79)

SAND &
GRAVEL
PLANT

R-R

Neighborhood
H6

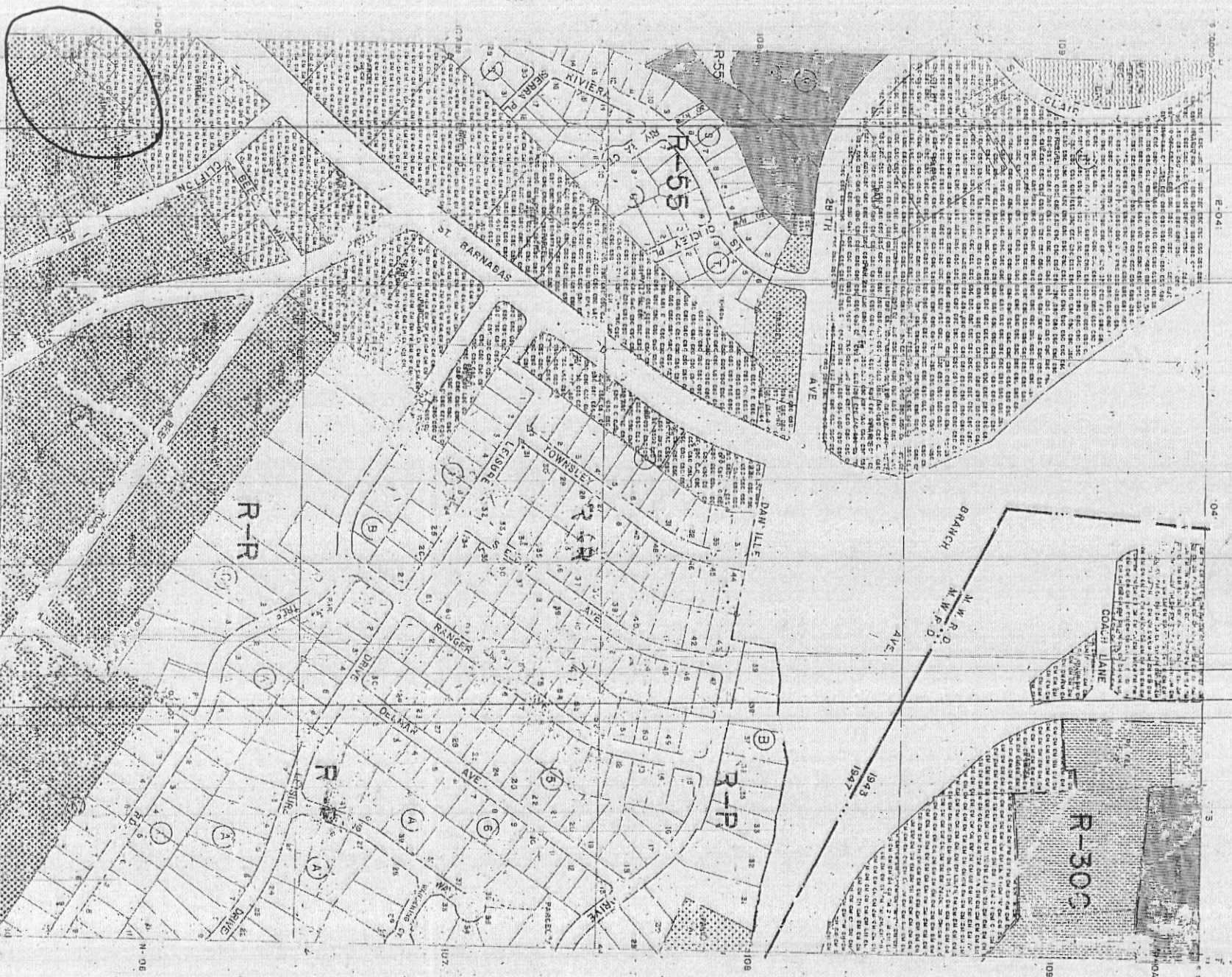
- H6-1: R-R, R-10 TO R-80
 H6-2: C-O TO R-80
 H6-3: R-R, R-10 TO I-3
 H6-4: R-R, R-10 TO O-S
 H6-5: C-2 TO R-R
 H6-6: C-2 TO R-R
 H6-7: R-R, R-18 TO I-1
 H6-8: R-R TO I-1
 H6-9: R-R, C-1, C-G, C-2, I-1 TO C-M
 H6-10: C-1, C-1c, C-U, C-G, C-2 TO C-5-C
 H6-11: C-Mc TO C-M
 H6-12: C-2 TO I-1



Proposed Zoning Changes
SUBREGION VII SMA

Change Number	Zone Change	Area of Change	Approved ZAPS		Use & Location	Discussion	Pending ZAP/CN	200' Scale Index Map
			No.	Date				
H6-9	R-R to C-M	1.6 ac.	Orig.	11-29-49	Office supply at 4600 Beech Way; driving school, computers and carry-out at 4410 Stamp Road; toy store, amusement arcade at 4500-4509 St. Barnabas Road; records, printing, books, appliances, restaurant and gasoline at 4508-4534 St. Barnabas Road; auto repair, gasoline station, clothing at 4600-4612 St. Barnabas Road; office furniture, paint, liquor, contractor, restaurant, carpets, TV, tool rental at 4620-4706 St. Barnabas Road; and undeveloped properties located on the southeast side of St. Barnabas Road from Cremon Road to Holly Tree Road. (TM 88, Grids B-3, B-4, Parcels 380, 213, 311, 217, 198, 199, 277, 281, 197; Holly Tree Road Subdivision, Plat 51-89, Parcel A; Plat 76-19, Parcel C; Stamp Road Subdivision, Plat 46-50, Parcel A; General Oil Sales Corporation Property Subdivision, Plat 38-64, Parcel A; Williams Center Subdivision, Plat 97-11, Parcel A; Bevard Property Subdivision, Plat 42-48, Parcel A; Silver Hill Industrial Center Subdivision, Plat 50-28, Parcel C; Plat 57-62, Parcel E)	The Master Plan recommends service commercial use. The proposed rezoning is in accord with the Plan's recommendation. It also recognizes the service character of uses in the area. Several uses which lack permits and are either nonconforming or illegal in the present zones will continue as such in the C-M Zone.	--	206SE 3R & 4L
	C-1 to C-M	1.9 ac.	A-2309	6-16-54				
	C-2 to C-M	10.8 ac.	A-2529	6-15-55				
	C-G to C-M	0.3 ac.	A-1483	4-19-50				
	I-1 to C-M	0.8 ac.	A-8326	10-04-70				
	Total	15.4 ac.	A-6788	11-16-66				
			A-4703	7-19-63				
			A-3262	2-18-59				
			A-4698	7-19-63				
			A-3707	8-24-60				
			A-1558	10-18-50				
			A-3384	8-19-59				
			A-6785	9-28-66				
			A-4084	12-15-61				
			A-9065	7-19-76				
			A-2068	4-15-53				
H6-10	C-0 to C-S-C	1.5 ac.	A-6399	2-09-66	Single-family home located at 4300 St. Barnabas Road; insurance and medical office, restaurants, waterbeds, car wash, and vacant property located at 4302-4410 St. Barnabas Road. (TM 88, Grid C-3, Gordons Corner Subdivision, Plat 12-78, Block 2, Lots 22-30; Holly Tree Road Subdivision, Plat 58-22, Parcel B)	The Master Plan recommends retail commercial use. Proposed rezoning is in accord with the Plan's recommendation and conforms to commercial rezoning policies. The conditions attached to Petitions A-7483 and A-7847 restricting specific uses from the C-1 Zone are not considered valid and are removed by this proposal.	--	206SE 4L
	C-1 to C-S-C	0.7 ac.	A-5788	1-12-66				
	C-1 to C-S-C	0.7 ac.	A-3811	1-18-61				
	C-2 to C-S-C	1.2 ac.	A-3654	7-15-60				
	C-C to C-S-C	0.3 ac.	A-7197	10-18-67				
	Total	4.4 ac.	A-7196	10-18-67				
			A-7483(c)	5-14-69				
			A-7847(c)	7-09-69				
			A-4469	7-19-63				
			A-8553	12-16-74				

Attachment D



206 SE 4.

BASE MAP LATEST EDITION
ZONE MAP LATEST EDITION
S.M.A. ADOPTION DATE: 7-1-54



The Mayor and City Council
City of Miami



Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
2	C-M to C-S-C	29.70 +/- Ac.	SMA SE-3883 SE-4407 SE-1055 SE-1984	11/21/2000	206SE03 206SE04 207SE03

Use and Location: Various industrial and automobile oriented uses at 4706, 4720 Raleigh Road; 4500, 4506, 4508, 4514, 4516, 4614, 4620, 4622, 4630, 4701, 4704, 4710, 4717, 4718, 4720, 4740, 4801, 4806, 4809, 4810, 4811 St. Barnabas Road; 3501 Pohanka Lane; 3509 Pohanka Place; 3403 Dallas Drive; 4600, 4602, 4604, 4606 Beech Way; 4410 Stamp Road (Tax Map 88A4, DEER PARK HEIGHTS-PYLES ADDN, Block A, Lots 1-5; Tax Map 88B3 HOLLY TREE ROAD SUB. Parcel A, C; Tax Map 88B4, DEER PARK HEIGHTS-ADDN-RESUB OF PARCEL 2, Lot 1, Outlot A; SILVER HILL INDUSTRIAL CENTER Parcel E, p/o L; GENERAL OIL SALES CORP PROPERTY, Parcel A; WILLIAMS CENTER, Parcel A; STAMP ROAD SUB, Parcel A; Parcel 1-4, 20, 192, 195, 196, 198, 199, 201, 213, 277, 387, 406, 498 p/o 197, 202, 203, 205, 368, 489; Tax Map 88C4, Parcel 380).

Discussion: A zoning change to C-S-C will limit the number of auto-related/light industrial uses that have conglomerated in the corridor causing visual blight and unsafe pedestrian and automobile usage.

