



**ORDINANCE # 2022-04**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ARTICLE I, SECTION 3, OF ZONING ORDINANCE 282, AS AMENDED BY THE ADOPTED ZONING MAP DATED OCTOBER 3, 2007 AND FUTURE ZONING MAP ATTACHED HEREIN AND MADE A PART HERETO AS EXHIBIT "A" APPROVING APPLICATION FOR CHANGE OF ZONING BY RENAISSANCE BALLROOM, INC. RENAISSANCE HEALTH RESORT WEST MIAMI; CHANGING THE ZONING DESIGNATION AND CLASSIFICATION FOR CERTAIN PARCEL OF LAND LOCATED AT 5930 S.W. 9 STREET FROM "R-2" DUPLEX FAMILY TO "R-3" PRIVATE PARK/PARKS; PROVIDING FOR COMPATIBILITY AND UNIFORMITY WITH THE SURROUNDING PARCELS AND AS ADOPTED IN THE WEST MIAMI COMPREHENSIVE DEVELOPMENT PLAN DATED DECEMBER 7<sup>TH</sup>, 2016; PROVIDING FOR CONFLICT CORRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR EFFECTIVE DATE;**

**WHEREAS**, Renaissance Ballroom, Inc., Renaissance Health Resort West Miami filed an application to change zoning designation and classification for that certain parcel of land located at 5930 S.W. 8 Street, West Miami, Florida from zoning classification "R-2" Duplex Family to "R-3" Private Park/Parks, and

**WHEREAS**, said application was examined and reviewed by the Building and Zoning Department of the City of West Miami, and

**WHEREAS**, a Notice of Public Hearing for said application was published on February 6<sup>th</sup>, 2022 to be heard by the Planning and Zoning Board on February 22, 2022, and

**WHEREAS**, on February 22, 2022, the application was reviewed and discussed at the Planning and Zoning Board after having heard views and comments from participants at said hearing, and

**WHEREAS**, the Planning and Zoning Board voted to recommend the approval of the above-mentioned petition to amend Zoning Ordinance 282, and

**WHEREAS**, the Mayor and City Commission of the City of West Miami hereby recognize the needs of the City of West Miami for growth as it pertains to Commercial mixed use and off-street parking for commercial and open spaces for park land, and

**WHEREAS**, the land use designations have, in the past, been changed as to certain parcels of the Comprehensive Plan Amendment, and

**WHEREAS**, the Comprehensive Plan Amendments depicts certain lands for Commercial mixed use, off-street parking for commercial and parks for the City of West Miami as approved by the State of Florida Department of Economic Opportunity formerly known as Florida Department of Community Affairs, and

**WHEREAS**, the Mayor and City Commission of the City of West Miami find that certain changes as established in this Ordinance serves the welfare of the citizens of the City of West Miami.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Commission of the City of West Miami as follows:

**SECTION 1.** The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

**SECTION 2.** Zoning Ordinance 282 Zoning Map is hereby amended, as described below:

**Property Address: 5930 SW 9 STREET, WEST MIAMI, FL. 33144**  
**Folio Number: 1540120150010**  
**Legal Description: REVISED PLAT TRACT 5 SYLVANIA HEIGHTS**  
**Zoning Classification from "R-2" DUPLEX FAMILY to "R3" PRIVATE**  
**PARK /PARKS**

**SECTION 3.** It is the intention of the City Commission that the provisions of this Ordinance shall become and made part of Ordinance 282 as amended from time to time, and known as "Zoning Ordinance 282" of the City of West Miami, Florida, which provisions may be renumbered or re-altered and the word "ordinance" be changed to "Section", "Article" or other appropriate word to accomplish its intention.

**SECTION 4.** The City Manager and the Director of Planning and Zoning is hereby authorized to make the necessary changes in the Zoning Map of the City of West Miami to reflect the above stated changes.

**SECTION 5.** All section or part of sections of the City Code or Ordinances or parts of Ordinances and all resolutions in conflict with this ordinance are repealed to the extent of those conflicts.

**SECTION 6.** Scriveners Error. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

**SECTION 7.** This ordinance shall become effective 10 days after pass and approved by the Mayor and City Commission, as provided by the Charter of the City of West Miami.

Passed and adopted this 18<sup>th</sup>, day of May, 2022.

Approved:

ERIC DIAZ-PADRON, MAYOR

ATTEST:

ANNERY GONZALEZ, MMC CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:

JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

Offered by Commissioner Blanca, who moved its adoption. The motion was seconded by Commissioner Chavez. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR JUAN M. BLANES	<u>Absent</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

Date of 1<sup>st</sup> Reading: April 20<sup>th</sup>, 2022  
Date of Publication: May 4<sup>th</sup>, 2022  
Date of 2<sup>nd</sup> Reading: May 18<sup>th</sup>, 2022

**MIAMI-DADE**

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF WEST MIAMI - PUBLIC HEARING - MAY 18TH, 2022

in the XXXX Court, was published in said newspaper by print in the issues of and/or by publication on the newspaper's website, if authorized, on

05/04/2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

*Guillermo Garcia*  
\_\_\_\_\_

Sworn to and subscribed before me this  
4 day of MAY, A.D. 2022

*C. Ravix*  
\_\_\_\_\_

(SEAL)  
GUILLERMO GARCIA personally known to me



**CITY OF WEST MIAMI  
NOTICE OF PUBLIC HEARING**

The City of West Miami proposes to adopt the following Ordinance:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ARTICLE 1, SECTION 3, OF ZONING ORDINANCE 282, AS AMENDED BY THE ADOPTED ZONING MAP DATED OCTOBER 3, 2007 AND FUTURE ZONING MAP ATTACHED HEREIN AND MADE A PART HERETO AS EXHIBIT "A" APPROVING APPLICATION FOR CHANGE OF ZONING BY RENAISSANCE BALLROOM, INC. RENAISSANCE HEALTH RESORT WEST MIAMI; CHANGING THE ZONING DESIGNATION AND CLASSIFICATION FOR CERTAIN PARCEL OF LAND LOCATED AT 5930 S.W. 9 STREET FROM "R-2" DUPLEX FAMILY TO "R-3" PRIVATE PARK/PARKS; PROVIDING FOR COMPATIBILITY AND UNIFORMITY WITH THE SURROUNDING PARCELS AND AS ADOPTED IN THE WEST MIAMI COMPREHENSIVE DEVELOPMENT PLAN DATED DECEMBER 7TH, 2016; PROVIDING FOR CONFLICT CORRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR EFFECTIVE DATE.**

A Public Hearing on the Second Reading of the Ordinance will be held on Wednesday, May 18th, 2022 at 7:30 PM at the City of West Miami Commission Chambers, 2nd Floor, 901 S.W. 62nd Avenue, West Miami, Florida.

- \* Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based. (F.S.286.0105)
- \* Any person requiring special accommodations for participation in the meeting should contact the City Clerk at 305 266-1122, with requests for auxiliary aids or services at least two business days before the meeting.

**ANNERY GONZALEZ, MMC  
CITY CLERK**

5/4

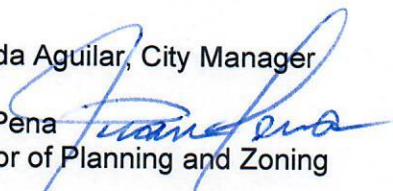
22-22/0000594711M

# MEMORANDUM

## PLANNING AND ZONING DEPARTMENT

---

To: Yolanda Aguilar, City Manager

From: Juan Pena   
Director of Planning and Zoning

Date: March 11<sup>th</sup>, 2022

Subj. Recommendation 5930 SW 9 Street Zoning Change R2 to R3

The Planning and Zoning Board held a "Public Hearing" on February 22, 2022 on a request for a Zoning change to the property at 5930 SW 9 Street. The Planning and Zoning Department and the board has reviewed the plans for the property for compliance with our Zoning Ordinance 282. The plans as submitted show the demolition of the existing residential house and the construction of a private dog park for the adjacent development at 5910 and 5920 SW 8 Street. The applicant shall be required to improve the subject property in the following manner:

- Applicant will be required to dedicate and pay for all costs to record the ordinance for the Zoning change for the property and a covenant running with the land for the private dog park for 5920 SW 8 Street.
- The property shall have an eight (8') foot masonry wall at the determined setback on the east property line and a eight foot (8') wall at the determined setback along the south property line. The remaining decorative aluminum picket perimeter fence between the designated park property shall be six feet (6') in height with required setbacks. The south and east facing perimeter fence walls will have a densely landscape buffer with irrigation for a transition to the residential properties directly north and east of this property.
- The drainage shall meet current standards for storm water management and the lighting shall meet Miami-Dade County and City of West Miami off-street parking ordinances
- The park lot lighting shall be positioned to prevent spillage into the residential areas and shall meet the current lighting ordinance for illumination.

The Planning and Zoning Board is in agreement with the recommendation of the Planning and Zoning Department and the request of local residents. The request for a change in zoning designation from "R2" Single Family to "R3" Private Park as provided for in the 2000 City of West Miami Comprehensive Plan is recommended for approval. Motion by N. Milian and second by D. Rio 4-0 passed.

NOTE: THE COMPLETED APPLICATION WITH PLANS AND THE FEE REQUIRED MUST BE IN THE OFFICE NO LATER THAN 30 WORKING DAYS PRIOR TO THE SCHEDULED MEETING. UNLESS OTHERWISE NOTIFIED, THE PLANNING AND ZONING BOARD MEETS THE FOURTH TUESDAY OF EACH MONTH AT 7:30 P.M.



CITY OF WEST MIAMI  
901 SW 62 AVE  
WEST MIAM, FLORIDA 33144

APPLICATION FOR ZONING CHANGE  
OF PARTICULAR PARCEL (S) OF LAND

DATE \_\_\_\_\_ TELEPHONE \_\_\_\_\_

NAME OF APPLICANT Renaissance Ballrooms, Inc., et al.

ADDRESS 5930 SW 9 Street - Folio No. 15-4012-015-0010

Legal Description of Property Covered by Application Lot 1, Block 5-B of REVISED PLAT OF TRACT 5 OF SYLVANIA HEIGHTS, according to the Plat thereof, as recorded in Plat Book 49, at Page 76 of the Public Records of Miami-Dade County, Florida.

Size of Area Covered by Application 6,300 Sq. Ft.

Street Boundaries SW 9th Street

Ownership of Property Obtained 12/1/1997

Zone Classification at Present R-2

Zone Classification Desired R-3

How Many Square Feet Does Proposed Building Contain N/A - Please See Letter of Intent

How Many Feet are Outer Walls from Side Lines of Property Please See Letter of Intent

What, if any, Permits have been applied for \_\_\_\_\_

Special Uses Desired, which are not Permitted by Present Zoning Classification Private Park/Recreational  
Please See Letter of Intent.



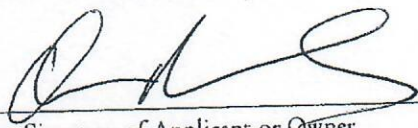
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following enclosures are needed to complete the Application

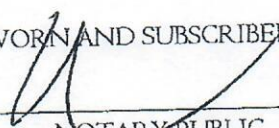
Plot Plan of Proposed Layout (7 copies)  Building plans of Structures to be erected (7 Copies) if any.  Check or Cash in the Amount of \$2000.00 to cover the cost of processing the application and advertisement.

I Ramero Roger Mendez being duly Sworn, Depose and states that:  I am Owner of the Property

\_\_\_\_\_ I am the Legal Representative of the Owner the Property described which is the Subject Matter of this Application; that all answers to the questions in said Application, and all Sketches, Dates and Matters attached to and made a part of said Application are honest and true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Signature of Applicant or Owner

SWORN AND SUBSCRIBED before me this 13 day of JAN ~~2021~~ 2022 PR

  
\_\_\_\_\_  
NOTARY PUBLIC



My Commission Expires: 11/15/24

Recommendation for  
Zoning change: Approved  Denied

West Miami Planning and Zoning Board  
\_\_\_\_\_  
Chairman

Date: 02/22/22



# Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.789.7413 | F 305.789.7799  
Holland & Knight LLP | www.hklaw.com

James R. Williams Jr., Esq.  
305.789.7413  
james.williams@hklaw.com

May 4, 2022

## VIA ELECTRONIC DELIVERY

Mr. Juan Pena  
Director of Planning and Zoning  
City of West Miami  
901 SW 62 Avenue  
Miami, FL 33144

**Re: Fourth Amended and Restated Letter of Intent / Renaissance Ballrooms, Inc., et al / Reference Address: 5920 SW 8 ST / Folio Nos. 15-4012-056-0010, 15-4012-000-0140, 15-4012-056-0020, and 15-4012-015-0010**

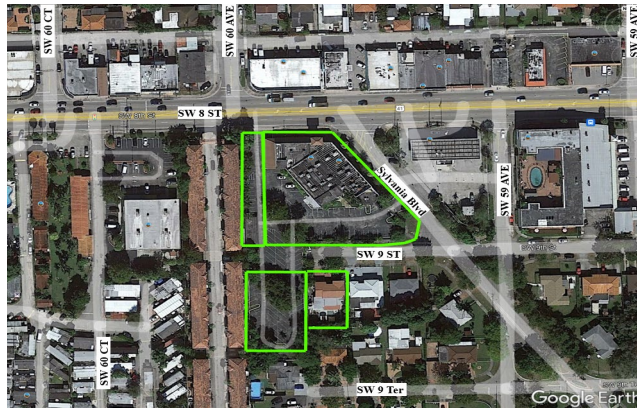
Dear Mr. Pena:

This law firm represents Renaissance Ballrooms, Inc., et al (the "Applicant"), the owner of the approximately ±1.62 acre (70,381 sq. ft.) property consisting of four (4) parcels with addresses at 5920 SW 8 Street (three properties with this address) and 5930 SW 9 Street in the City of West Miami, Florida (the "City"), and as further identified by Miami-Dade County Folio Nos. 15-4012-056-0010, 15-4012-000-0140, 15-4012-056-0020, and 15-4012-015-0010 (the "Property"). This letter constitutes the Applicant's Letter of Intent requesting the approval of three (3) applications: (1) a Special Use Permit for a Planned Development application to permit a "health resort" consisting of uses permitted and defined by Section 33-1(53.2) of the Miami-Dade County Code of Ordinances on the Property, as required by Section 2B.2-2 of the City's Code of Ordinances (the "Code"); (2) a rezoning from "R-2" to "R-3" of a portion of the Property, specifically that parcel located at 5930 SW 9 Street; and (3) a non-use variance request to permit a fifteen (15) foot setback of the parking garage from the Property line abutting the R-2 zoned property, where 25 feet is required, pursuant to City Code Section 3.2(g) of Zoning Ordinance 282.

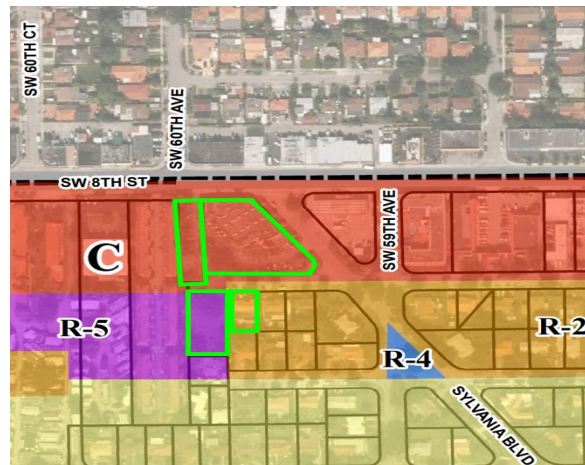
## **I. Property**

As noted above, the Property consist of four (4) parcels. Three of the four parcels consisting of the Property (those all with the address of 5920 SW 8 Street) have been the home for "Renaissance Ballrooms", a longtime popular event space in the City. These three parcels are developed as one project consisting of a two-story building with a large surface parking lot. The remaining parcel, located to the southeast of the Property, is currently developed with a single-family residence.

The Property enjoys direct access to and from SW 8th Street, a main artery bordering the Property and City to the north, as well as from Sylvania Boulevard to the east. The pattern of development along this section of SW 8th Street is fairly mixed consisting of motel, retail, and commercial uses. Sylvania Boulevard runs along a portion of the Property to the east with a Chevron gas station located to the west. Shortly after passing the Property, Sylvania Boulevard continues south through a residential neighborhood. Please see the aerial below that outlines the boundaries of the Property in green:



The Property consists of split zoning designations. As shown below on a portion of the City's Zoning Map, a portion of the Property to the north is designated "Commercial/Mixed Use", to the southwest "R-5", and to the southeast "R-2" for a total of three (3) different zoning designations.



## II. Requests

### (A) Special Use Permit for Planned Development

As shown on the submitted plans accompanying this application (the "Project"), the Applicant is proposing to redevelop the Property with an upscale and state of the art "health resort". The term "health resort" shall be interchangeable with Miami-Dade County's definition of a "group residential facility", as defined in Section 33-1(53.2) of the Miami-Dade County Code of Ordinances. Miami-Dade County defines a "group residential facility" as:

*A dwelling unit or facility that provides a living environment and support services for unrelated residents and that may require licensure by the State of Florida, including, but not limited to, nursing homes, homes for the aged, assisted living facilities, congregate living facilities, independent living facilities, foster care facilities, community residential homes, group homes, memory care facilities, and hospice facilities. The term "support services" includes medical offices, staff offices, dining facilities, recreation rooms, and similar facilities and services.*

The primary use contemplated for the Project is an extended care facility. The Applicant will also provide services to individuals in need of long-term physical rehabilitation. The Applicant also proffers the following conditions on the Project:

- 1. The Project shall be limited to seniors who are 55 years and older in age.*
- 2. Should such patients older than 55 years of age also be diagnosed with mental disabilities, only those involving memory care disorders (i.e. Alzheimer's disease, Dementia, and the like) will be accepted.*

The Project will consist of an 8-story facility consisting of 157 units ranging from studio apartment styled units to one (1) bedroom apartment styled units. The Project will include the development of a 3-story, 4-level parking garage, which when combined with all ground floor parking, will provide for a total of 203 parking spaces for the Project. In addition to the large areas of landscaped open space, the Project also proposes a very large landscaped green area to be enjoyed exclusively by the residents and staff on the ground floor level, as well as a roof terrace garden on the third floor. The architect focused on designing the exterior of the building to more closely resemble the appearance of a luxury resort rather than a typical "cookie cutter" institutional facility.

The architect incorporated several Biophilic design concepts and considerations into the overall Project design. Biophilic design focuses on increasing occupant connectivity to the natural environment through the use of direct nature, indirect nature, and space and place conditions. The large internal green spaces referenced as the "open space park" and "roof terrace garden" on the submitted plans are extremely important features that perfectly highlight some of the Biophilic considerations by the architect. Residents of health resorts typically have limited mobility or experience a certain degree of difficulty in their physical ability to connect with nature, which is why the architect and developer wanted to ensure that each resident had the ability to experience nature physically and/or visually while staying at the health resort.

Access to the Project will be through the use of two existing curb cuts that are located along SW 8th Street and Sylvania Boulevard. Both of the existing curb cuts to be utilized for access by the Project will prevent causing disruption to the residential areas located to the west and south of the Project and eliminate any possible stacking. As stated in the Traffic Study, the traffic engineer concluded the following:

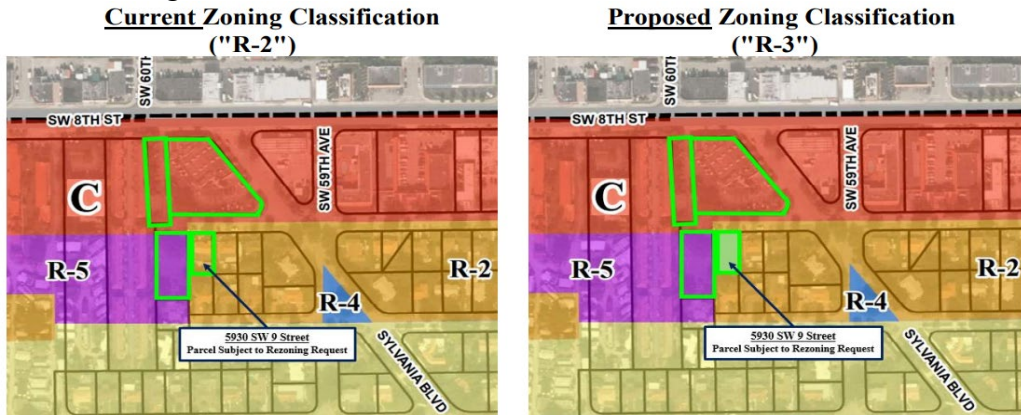
*We analyzed the proposed West Miami Congregate Care Facility and found that it will not generate more trips than the existing development it is replacing. We verified that the*

*development's peak-hour driveway volumes entering the site will not exceed seven vehicle trips and will not warrant exclusive turn lanes on abutting public roadways. We also confirmed that the peak hour impacts to abutting public roads are not significant and the development is providing 203 parking spaces (which includes 7 ADA spaces) where 99 are required based on county parking supply requirements.*

As a "group residential facility", most of the residents are not expected to drive their own personal vehicles. As shown on the plans, once a vehicle enters the Project, it will be routed to the main lobby's drop-off/pick-up area for residents and/or guest to be dropped off or picked up. After dropping off or picking up a resident or guest, such vehicle will be conveniently positioned and facing the SW 8th Street driveway to exit the Property. Should a resident or guest wish to park their vehicle on the Property, they have two options of parking between the main surface parking lot behind the building or in the three (3) story, four (4) level parking garage located at the rear of the Property.

**(B) Rezoning from "R-2" to "R-3" of a Portion of the Property**  
**Parcel Located at 5930 SW 9 Street**

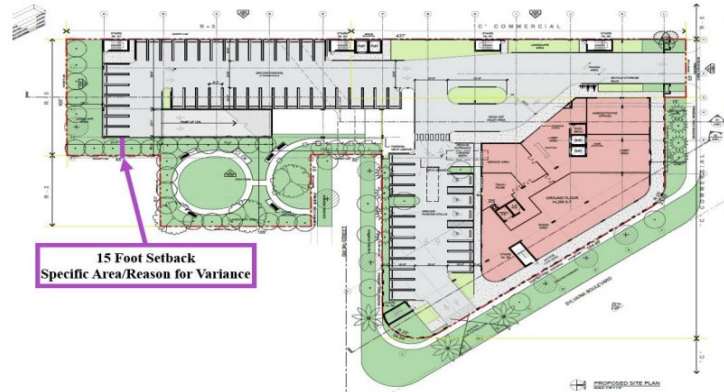
The Applicant is requesting a rezoning of a portion of the Property, specifically the parcel located at 5930 SW 9 Street, from "R-2" to "R-3". The parcel being rezoned is intended to be part of a larger assemblage of parcels to the north and west, which are delineated in green on the aerial above. This parcel will be incorporated into the proposed health resort facility as a private park/dog park for the residents and employees of the project to enjoy. Rezoning this parcel will allow for it to be used as green space for the project allowing for a more ample buffer area from the surrounding residential properties/neighbors, while also allowing for a more cohesive site development plan. It will also allow for the logical location of accessory/secondary buffering elements such as fences, walls, and landscaping. Please see the exhibits below depicting the parcel's current and proposed zoning designation, as well as the zoning designations for the properties surrounding it.



**(C) Non-use Variance Request**

The Applicant is requesting a non-use variance request to permit a fifteen (15) foot setback for a portion of the parking garage from the Property line abutting the "R-2" zoned properties, where 25 feet is required, pursuant to City Code Section 3.2(g) of Zoning Ordinance 282. The 10

foot setback reduction is being requested as a direct result of the Property's irregular lot configuration. The Property's lot configuration closely resembles that of the lower section of a saxophone. It should be highlighted that the setback reduction of 10 feet is only needed for a small section along the parking garage's east corner. This 10 foot reduction area is designated in purple on the site plan exhibit below:



Furthermore, the Applicant is providing enhanced landscaping along the Property to enhance the buffer between the project and adjacent neighbors. The enhanced landscape buffer will not only increase privacy for the surrounding neighbors, but it will also provide the neighbors with a beautiful and natural green wall. The requested non-use variance will maintain the basic intent 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. Approval of the requests will not be detrimental to the community.

This Project will contribute to the City's economic prosperity and viability by creating much-needed jobs and improving access to a conveniently located and exceptionally well-run health resort. Furthermore, the Project will cultivate the aesthetic character of the surrounding neighborhood, preserving the surrounding property values, and increasing the City's ad valorem tax base.

Based on the foregoing, we respectfully request your favorable review of these requests. Should you have any questions or concerns regarding any of these requests, please do not hesitate to contact me at my direct line (305) 789-7413.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, reading "James R. Williams Jr.".

James R. Williams Jr., Esq.

Cc: Juan J. Mayol Jr., Esq.  
Hugo P. Arza, Esq.