

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z18-170

December 13, 2023

Item No. 1A

Appeal Application Summary	
Commission District	6
Applicant	7500 SW 8 ST, LLC
Summary of Requests	The applicant seeks to modify the condition of a prior resolution in order to submit revised plans showing additional parking area onto the adjacent lot to the southwest, for the previously approved and existing medical office. Additionally, the applicant seeks a use variance to allow commercial parking in a residential zoning district where none is allowed by Code, along with ancillary non-use variances to waive the buffer wall where the BU zoned lot abuts the RU zoned parcel, and to permit parking within 25' of SW 76 Avenue. In the alternative to the above set of requests, the applicant seeks to permit a rezoning of the subject property from BU-2 and RU-2, to BU-2. With either of the alternatives, the applicant seeks to allow parking spaces that do not meet the minimum Code requirements, and to provide less than the required number of street trees on the subject property.
Location	Lying south of SW 8 Street, between SW 75 Avenue and SW 76 Avenue, AKA 7500 SW 8 Street, 823 & 843 SW 76 Avenue, and 820 & 902 SW 75 Avenue, Miami-Dade County, Florida.
Property Size	1.60 Acres
Existing Zoning	BU-2, Special Business District RU-2, Two-Family Residential District- 7,500 sq. ft. net
Existing Land Use	Office Building, parking, vacant land
2030 - 2040 CDMP Land Use Designation	Business and Office, Low Density Residential, 2.5 – 6 du, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with the LUP map, interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards, Section 33-311 (A)(4)(a) Use Variances from other than airport regulations, Section 33-311, District Boundary Change, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice.

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this appeal pursuant to Section 33-314(B)(1) and (2), which address "Applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis, and Applications for district boundary changes, unusual use, new use, variance or special exception which is incidental or related thereto, or where there is pending on the same property or portion thereof more than one (1) application for district boundary change, variance, special exception, unusual or new use."

PROCEDURAL HISTORY

At the October 19, 2023, meeting, the Board of County Commissioners (BCC) initially approved this application but then reconsidered its decision and deferred the application to the November 16, 2023 meeting to allow for the item to be re-noticed.

However, the notices for this application were not published in the time required by Section 33-310, and accordingly the item could not be heard at the November 16, 2023 meeting. Accordingly the item was deferred from the November 16, 2023 meeting of the Board of County Commissioners (BCC) and was renoticed for the December 13, 2023 meeting.

The public hearing for this item was already held but should be reopened to provide members of the public who were not given an opportunity to speak to be heard at the October 19, 2023 meeting.

REQUESTS:

- (1) MODIFICATION of Condition #2 of Resolution #4-ZAB-120-91, passed and adopted by Zoning Appeals Board, last modified by Resolution #Z-55-97, passed and adopted by the Board of County Commissioners, reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing "Rainbow Health Corporation," as prepared by Bellon & Taylor, Architects, dated last revised 3/10/97, along with a survey of the subject property entitled 'Location Sketch-Sketch of Survey,' as prepared by Nova Surveyors, Inc. dated 5-13-93, and consisting of two (2) sheets and 'Rainbow Medical Plaza,' as prepared by Bellon/Group Architects, dated stamped received 4-9-91, except as herein modified to eliminate compact parking stalls."

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Parking Lot Expansion for 7500 SW 8 St, LLC" as prepared by Bellon Architecture, consisting of 4 sheets, dated stamped received 3/15/23."

The purpose of request #1 is to allow the applicant to submit revised plans showing additional parking area onto the adjacent lot to the southwest, for the previously approved medical office.

- (2) USE VARIANCE to permit a parking lot in the RU-2, Two-Family Residential zoning district, as would be permitted in the BU-2, Special Business District zoning district.
- (3) NON-USE VARIANCE to permit parking within 25' of an official right-of-way (not permitted).
- (4) NON-USE VARIANCE to waive the 5' high decorative masonry wall required along the property line for the business lot where it abuts a residential district.

OR IN THE ALTERNATIVE

- (5) DISTRICT BOUNDARY CHANGE from BU-2, Special Business District, and RU-2, Two-Family Residential District, to BU-2, Special Business District.

AND WITH EITHER OF THE ABOVE ALTERNATIVE REQUESTS

- (6) NON-USE VARIANCE to permit parking spaces with a minimum stall depth of 16'-3" (18' required) and a minimum stall width of 7'-1" (8'-6" required).
- (7) NON-USE VARIANCE to permit parking spaces with a minimum back-out dimension of 20' (22' required).
- (8) NON-USE VARIANCE to permit 18 street trees (24 street trees required).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

CZAB 10 Action

CZAB 10 July 25, 2023	Denied Without Prejudice (Resolution #CZAB10-5-23)
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Staff Recommendation

Recommendation of the Appeal	<u>Denial without prejudice.</u> Uphold CZAB decision (Reversal of CZAB decision would require the affirmative votes of 2/3 of the Board members present)
Previous Recommendation to the CZAB	<u>Denial without prejudice.</u> (Original Staff Recommendation to the CZAB is attached)

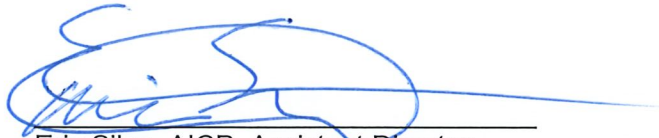
Timeline

1. On September 15, 2021, this item was deferred with leave to amend from the Community Zoning Appeals Board (CZAB) #10 meeting at the applicants request in order to revise the requests sought on this application.
2. On June 27, 2023, the revised application was deferred due to a lack of quorum at the Community Zoning Appeals Board (CZAB) #14 meeting.
3. On July 25, 2023, the Community Zoning Appeals Board (CZAB) #10, denied without prejudice the subject application.
4. On August 3, 2023, the applicant, 7500 SW 8 ST, LLC, appealed the CZAB #10 decision to the BCC.
5. On October 19, 2023, BCC initially approved this application but then reconsidered its decision and deferred it to the November 16, 2023 meeting to allow for the item to be re-noticed. However, the notices were not published in the time required by Section 33-310, and accordingly the item could not be heard at the meeting.
6. This application was deferred from the November 16, 2023 meeting of the Board of County Commissioners (BCC) to the December 13, 2023 meeting.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the CZAB#10 decision of denial without prejudice should be upheld and the appellants' request for a reversal of the CZAB #10 decision should be **denied without prejudice.**

ES:JB:JR:SS



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board No. 10**

PH: Z18-170

July 25, 2023

Item No. A

Recommendation Summary	
Commission District	6
Applicant	7500 SW 8 ST, LLC
Summary of Requests	The applicant seeks to modify the condition of a prior resolution in order to submit revised plans showing additional parking area onto the adjacent lot to the southwest, for the previously approved and existing medical office. Additionally, the applicant seeks a use variance to allow commercial parking in a residential zoning district where none is allowed by Code, along with ancillary non-use variances to waive the buffer wall where the BU zoned lot abuts the RU zoned parcel, and to permit parking within 25' of SW 76 Avenue. In the alternative, the applicant seeks to permit a rezoning of the subject property from BU-2 and RU-2, to BU-2. With either of the alternatives, the applicant seeks to allow parking spaces that do not meet the minimum Code requirements, and to provide less than the required number of street trees on the subject property.
Location	Lying south of SW 8 Street, between SW 75 Avenue and SW 76 Avenue, AKA 7500 SW 8 Street, 823 & 843 SW 76 Avenue, and 820 & 902 SW 75 Avenue, Miami-Dade County, Florida
Property Size	1.60 Acres
Existing Zoning	BU-2, Special Business District RU-2, Two-Family Residential District- 7,500 sq. ft. net
Existing Land Use	Office Building, parking, vacant land
2030-2040 CDMP Land Use Designation	Business and Office, Low Density Residential, 2.5 - 6 dua (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Inconsistent with the LUP map, interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards, Section 33-311 (A)(4)(a) Use Variances from other than airport regulations, Section 33-311, District Boundary Change, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice.

This item was deferred with leave to amend from the September 15, 2021, Community Zoning Appeals Board (CZAB) #10 meeting at the applicants request in order to revise the requests sought on this application. Subsequently, the revised application was scheduled to be heard at the June 27, 2023 meeting of the CZAB but was deferred due to a lack of quorum. The public hearing on this item has not been held.

REQUESTS:

- (1) MODIFICATION of Condition #2 of Resolution #4-ZAB-120-91, passed and adopted by Zoning Appeals Board, last modified by Resolution #Z-55-97, passed and adopted by the Board of County Commissioners, reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing "Rainbow Health Corporation," as prepared by Bellon &

Taylor, Architects, dated last revised 3/10/97, along with a survey of the subject property entitled 'Location Sketch-Sketch of Survey,' as prepared by Nova Surveyors,' Inc. dated 5-13-93, and consisting of two (2) sheets and 'Rainbow Medical Plaza,' as prepared by Bellon/Group Architects, dated stamped received 4-9-91, except as herein modified to eliminate compact parking stalls."

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Parking Lot Expansion for 7500 SW 8 St, LLC" as prepared by Bellon Architecture, consisting of 4 sheets, dated stamped received 3/15/23."

The purpose of request #1 is to allow the applicant to submit revised plans showing additional parking area onto the adjacent lot to the southwest, for the previously approved medical office.

- (2) USE VARIANCE to permit a parking lot in the RU-2, Two-Family Residential zoning district, as would be permitted in the BU-2, Special Business District zoning district.
- (3) NON-USE VARIANCE to permit parking within 25' of an official right-of-way (not permitted).
- (4) NON-USE VARIANCE to waive the 5' high decorative masonry wall required along the property line for the business lot where it abuts a residential district.

OR IN THE ALTERNATIVE

- (5) DISTRICT BOUNDARY CHANGE from BU-2, Special Business District, and RU-2, Two-Family Residential District, to BU-2, Special Business District.

AND WITH EITHER OF THE ABOVE ALTERNATIVE REQUESTS

- (6) NON-USE VARIANCE to permit parking spaces with a minimum stall depth of 16'-3" (18' required) and a minimum stall width of 7'-1" (8'-6" required).
- (7) NON-USE VARIANCE to permit parking spaces with a minimum back-out dimension of 20' (22' required).
- (8) NON-USE VARIANCE to permit 18 street trees (24 street trees required).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

On May 28, 1991, pursuant to Resolution No. 4-ZAB-120-91, a smaller, approximately 1.15-acre portion of the subject property that consisted of an existing four (4)-story high medical office building, was approved by the Metropolitan Dade County Zoning Appeals Board for an 8,500 sq. ft. addition to the fourth floor of the building. Additionally, two ancillary non-use variance requests were also granted for the increase in the Floor Area Ratio (FAR) and for a proposed three (3)-story parking garage that would be setback less than required from the rear property line. Staff notes that although approved, said parking garage, with a second and third level of parking proposed over the surface parking lot, has not been constructed as yet.

Subsequently, on June 30, 1997, pursuant to Resolution No. Z-55-97, the Board of County Commissioners (BCC), approved upon appeal of the previous denial by the Metropolitan Dade County Zoning Appeals Board, a modification of conditions of the prior Resolution #4-ZAB-120-91, and an unusual use to permit parking in a zone more restrictive (RU-2) than the use it serves is located in (BU-2). The purpose of the modification was to submit revised plans which proposed addition of the adjacent RU-2 zoned lot located to the south of the site, demolition of the existing single-family residence on it, and use it as expanded, additional surface parking for the existing medical office building. Additionally, two ancillary non-use variance requests were also granted allowing parking within 25' of the rights-of-way for SW 75 Avenue and waiving the required 5' high wall along a portion of the subject property separating the RU-2 and BU-2 zoned districts.

Staff notes that this application was deferred with leave to amend from the September 15, 2021, meeting of CZAB 10 at the applicant's request in order to be able to add additional requests to the zoning application.

The applicant seeks to again modify the condition of Resolution #Z-55-97 in order to submit revised plans showing additional parking area for the existing medical office proposed on another added RU-2 zoned lot located to the south. Additionally, the applicant seeks a use variance to allow commercial parking on a residential zoning district where none is allowed by Code, along with ancillary non-use variances to waive the buffer wall where the BU zoned lot abuts the RU zoned parcel, and to permit parking within 25' of the rights-of-way for SW 76 Avenue. In the alternative to these aforementioned requests, the applicant intends to rezone the entire subject property to the BU-2, Special Business District. With either of the alternatives, the applicant seeks to allow parking spaces that do not meet the minimum Code requirements for width, depth and back-out dimensions, and for providing less than the required number of street trees on the subject property. The submitted site plan reflects the existing four (4)-story high medical office building located fronting on SW 8 Street to its north, with the current previously approved L-shaped surface parking lot to its rear (south). Additionally, the plans depict a currently vacant RU-2 zoned lot, located at 843 SW 76 Avenue, next to the previously added residential lot, now included into the site for the proposed parking expansion to create one big, consolidated surface parking lot behind the medical building. Access to the site and to the existing and proposed parking lot remains unchanged, with the one (1)-ingress/egress points of direct vehicular and pedestrian access provided to the subject parcel located from SW 76 Avenue and another similar access along SW 75 Avenue as it currently exists. Submitted landscape plans depict ample landscaping in the form of trees and shrubs provided along the perimeter of the subject parcel. However, the 18 street trees provided along the three street frontages of the subject site are 6 less than the required total of 24 street trees.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2, RU-2; office building, parking, vacant land	Business and Office Low Density Residential (2.5 to 6 dua)
North	City of Miami; commercial	Business and Office
South	RU-2; single-family residences	Low Density Residential (2.5 to 6 dua)
East	BU-2, RU-2; hotel, single-family residences	Business and Office Low Density Residential (2.5 to 6 dua)

West	RU-4A, RU-3; ALF/nursing home, private school	Business and Office Low Density Residential (2.5 to 6 dua)
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NEIGHBORHOOD COMPATIBILITY:

The 1.60-acre subject parcel consists of a medical office building located fronting along SW 8 Street, with a surface parking lot to its rear that has access from both SW 76 Avenue as well as SW 75 Avenue. A vacant RU-2 zoned lot adjacent to the parking lot also forms part of the subject site. The area surrounding the subject property is primarily characterized by single-family residences to the south and the east. A nursing home facility is located immediately to its west, including a large parcel that is a private school that extends further towards the south. The area to the north of the subject property is within City of Miami and consists of commercial uses.

SUMMARY OF THE IMPACTS:

Approval of this application would allow the applicant to provide additional parking area for the existing medical office use. However, approval of the residential zoned parcel for the additional parking would create an incompatible element to the residential neighborhood to the south of the subject site and may have a visual impact on the surrounding area. Although, based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the application will not generate any new additional peak hour trips, staff however opines that the approval of the application could potentially impact the neighboring community with significant traffic flow patterns, and impact other services in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The approximately 0.62-acre northern portion of the subject property is designated **Business and Office** on the CDMP Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.* Staff notes that this northern parcel is zoned BU-2 and consists of the existing four (4)-story high medical office building.

The remaining approximately 0.98-acres of the southern portion of the subject property is designated **Low Density Residential** on the CDMP Land Use Plan (LUP) map. This designation allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. *This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.* Approval of the requests sought in this application will allow the applicant to modify the previously approved site plan to develop an additional parking area on the adjacent residentially zoned lot to the south. Staff notes that the residential lot being added to the subject site for the purpose of additional parking is zoned RU-2, Two-Family Residential District, and requires approval of a use variance to permit parking in what is a more restrictive zone than the use which it serves is located at.

Staff opines that the requested parking use for the medical office on the residentially zoned lot is **inconsistent** with the CDMP requirement that requires that *approval of new land uses must be consistent with the LUP map categories, and the objectives and policies of the Plan.* The parking use is inconsistent with the Residential Communities interpretative text, which limits such uses in residential designated areas. The **Residential Communities interpretative text states**

commercial uses are **prohibited** in areas designated as Residential Communities except as specifically provided in this chapter; ample sites for business and office uses are provided in the Business and Office, Industrial and Office, and Office/Residential Categories on the Land Use Plan map. However, under the following specific circumstances limited commercial uses may be authorized in areas designated as Residential Communities. The limited commercial uses are office uses, hotel and bed and breakfasts, convenience retail facilities, marina facilities and recreation facility clubhouses, neighborhood corner store, home occupations and hospitals. Staff opines that the proposed parking lot is not one of the listed commercial aforementioned uses that are allowed in residential communities and therefore the request for same should be denied.

Staff further opines that the proposed parking lot is out of character and could have a negative and visual aural impact on the abutting single-family residences to the south and east. Staff notes that the requests to modify the prior resolution in order to submit revised plans showing the additional parking area onto the adjacent lot to the south (request #1), to permit parking within 25' of the right-of-way, to waive the buffer wall where the BU zoned lot abuts the RU zoned parcel, to permit parking spaces that do not meet regulations for width, depth and back-out dimensions, and for less street trees than required (requests #3, #4, #6, #7 and #8) are inextricable intertwined to request #2, which staff opines is inconsistent. The criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are *access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable*. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed parking expansion does not satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**, and the **Residential Communities** CDMP Land Use Element interpretative text. In addition, **Land Use Policy LU-4D** states that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements*. As mentioned previously, staff opines that requests are evidence of the over-intensification of the proposed overflow and additional parking use within a residential zoning based on the criteria mentioned above. Furthermore, because of the adjacency to existing single-family residential homes located to the immediate south of the subject property, **Policy LU-4C** shall also be used in the evaluation of this application. **Policy LU-4C** states that that *Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic*.

As an alternative request, and in order to allow the proposed use of the added RU zoned parcel as a parking lot, the applicant seeks to rezone the entirety of the subject site to the BU-2, Special Business District. Staff notes that the purpose of the BU-2 zoning district is to provide for large-scale commercial activities/and or office facilities, which service the need of large urban areas. Additionally, the BU-2 zoning district allows all the uses permitted in the BU-1A, such as banks, beauty parlors, antique shops, bakeries and drug stores as well as service stations, auto parts stores, drycleaners, retail stores and groceries. Furthermore, BU-2 zoning district allows unlimited building height, this is restricted by other limitations within the Code such as the Floor Area Ratio (F.A.R.), landscaped open space and lot coverage. As such, the proposed rezoning of the entire parcel from RU-3B and BU-2, to BU-2 would be **consistent** with the CDMP LUP map Business and Office designation. Staff opines that the proposed rezoning of the entire parcel from BU-2 and RU-2, to BU-2, would be **inconsistent** with the CDMP LUP map Low Density designation for the RU-2 parcels, and would be out of character with and **incompatible** with the existing single-family residential neighborhood to the immediate south when considering the necessity and reasonableness of said request.

Based on the foregoing, and for the reasons that will be further expanded upon in the zoning analysis, staff opines that approval of the requests would not be suitable for the area, and makes the proposed parking use on the RU-2 zoned parcel **inconsistent** with the **Low-Density Residential** designation in the LUP map and could create significant unfavorable impacts which could disrupt or degrade the safety and tranquility of the neighboring properties and would be **incompatible** with the surrounding parcels based on the compatibility criteria outlined in **Policies LU-4A, LU-4C and LU-4D**, and therefore would be **inconsistent** with the CDMP.

ZONING ANALYSIS:

When request #2, a use variance to permit a parking lot in the RU-2, Two-Family Residential zoning district, as would be permitted in the BU-2, Special Business District zoning district, is analyzed under Section 33-311(A)(4)(a), staff is of the opinion that approval of this request should be denied without prejudice. Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations. To prove an unnecessary hardship, the applicants must demonstrate that under applicable zoning regulations, the applicants are deprived of all reasonable use or benefit from the property in question.* In analyzing the requested use variance, staff examined the subject parcel's abutting uses, size and configuration of the RU-2 zoned parcel, and opines that the applicant has not demonstrated special conditions related to this portion of the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. The currently vacant lot located at 843 SW 76 Avenue is a parcel with an area of 9,570 sq. ft. that can be developed under the RU-2 district zoning standards for a duplex (minimum of 7,500 sq. ft. lot size required). Therefore, staff opines that said parcel's ability is not hindered from being reasonably developed under the existing zoning use as a two-family residence. Although, lying west of the subject property, along SW 76 Avenue are a nursing home facility and a private school uses; staff opines approval of request #2 would be **incompatible** with the residential uses abutting immediately to the south which are also zoned RU-2. Therefore, staff opines that the approval of the use variance request will not be in harmony with the general purpose and intent of the regulation and the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning. Moreover, based on this analysis and the aforementioned Comprehensive Development Master Plan analysis, the approval of the use variance request is **inconsistent** with the Low Density Residential designation in the LUP map. **As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.**

When request #1, to modify the condition of the of Resolution #Z-55-97 in order to submit revised plans showing additional parking area proposed on another RU-2 zoned lot located to the south, for the previously approved and existing medical office, is analyzed under Section 33-311(A)(7), Generalized Modification Standards, staff opines that approval of said request is contingent on the approval of request #2, for which staff has recommended denial for the reasons that were previously explained. Based on the memoranda submitted by other departments reviewing the application, approval of the application would not have an unfavorable effect on the environment, the natural resources, or the economy of Miami-Dade County, would not tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or provoke a nuisance. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application and indicate in their memorandum,

dated April 6, 2023, that the application will meet the traffic concurrency criteria for an Initial Development Order and that the application will not generate any new additional peak hour trips. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum dated March 23, 2023, indicate that the application meets all applicable LOS standards for an initial development order for potable water service, wastewater disposal, and flood protection. In addition, the memorandum submitted by the Miami-Dade Fire Rescue Department and the Water and Sewer Department, indicate no objection to the application as well. However, staff opines that the location of the proposed expansion for parking is too close to abutting residential developments to the south, and could potentially impact traffic flow patterns, and impact other services in the area. Staff further opines that approval of a request for revised plans showing additional parking area proposed on a RU-2 zoned lot would be too intense as it represents an over utilization of the subject property, would be visually intrusive to the surrounding properties, and **incompatible** with same when considering the necessity and reasonableness of the request in relation to the present and future development of the area concerned and the compatibility of the proposed use with such area and its development. As such, this application could impact traffic in the area. **Therefore, staff recommends denial without prejudice of request #1 under Section 33-311(A)(7), Generalized Modification Standards.**

As an alternative to the aforementioned requests, and in order to allow the proposed parking use on the most recently added RU zoned parcel, the applicant intends to seek a rezoning of the entirety of the subject parcel to BU-2, Special Business District (request #5). When said request is analyzed under Section 33-311 of the Code, for the reasons stated above and below, staff does not support this request for rezoning and opines that it would be **incompatible** with the surrounding area and should be **denied** when considering the present and future development of the area concerned. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. Staff opines that based on the reasons explained in the Comprehensive Development Master Plan Analysis section, approval of a zone change to BU-2, Special Business District, would be **inconsistent** with the CDMP LUP map Low Density designation of the subject parcel, would be out of character with and **incompatible** with the residential neighborhood to the immediate south that is characterized by existing single-family homes on RU-2 zoned lots when considering the necessity and reasonableness of the request to rezone the entire parcel to the BU-2 zoning district. **Therefore, staff recommends denial without prejudice of request #5, for a district boundary change, under Section 33-311 Standards for District Boundary Change.**

Similarly, when requests #3, #4, #6, #7 and #8 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that these requests are all inextricably intertwined with requests #1 and #2, for which staff has recommended denial. Staff further opines that the requests, to permit parking within 25' of the rights-of-way for SW 76 Avenue (request #3), to waive the 5' high decorative masonry wall required along the property line for the BU lot where it abuts a residential district (request #4), to allow parking spaces that do not meet the minimum Code regulations for stall width, stall depth as well as the back-out space dimensions (requests #6 and #7), and for providing less than the required number of street trees on the subject property (request #8), are also too intense as they represent an over utilization of the subject property and are visually intrusive to the surrounding neighborhood. Staff notes that these variances are not required for developing a duplex, two-family home use in the current RU-2 zoning district, and also that, pursuant to Resolution #4-ZAB-120-91, a three (3)-story parking garage was approved that allows a second and third level of parking over the existing surface parking lot located on the

BU-2 zoned portions of the subject parcel, but has never been built. In staff's opinion, approval of requests #3, #4, #6, #7 and #8 would facilitate in an incompatible use on the residential zoned portion of the subject property that would be out of character with the neighborhood. As such, staff opines that approval of these requests would not maintain the basic intent and purpose 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 and that the requests will be otherwise **incompatible** with the surrounding land uses and would be detrimental to the community. **Therefore, staff recommends denial without prejudice of requests #3, #4, #6, #7 and #8 under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted site plans depict two (2)-separate ingress/egress points of direct vehicular and pedestrian access to the subject parcel, with one each provided along SW 76 Avenue and SW 75 Avenue respectively. The proposed site plan for the subject parcel provides for a total of 153 parking spaces, where 133 are required by code, therefore, the parking amounts comply with the code minimums.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

ENVIRONMENTAL REVIEW: Not applicable.

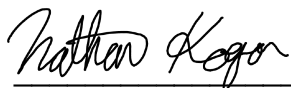
OTHER: Not applicable.

RECOMMENDATION:

Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

NK:JB:JR:SS



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

7500 SW 8 ST, LLC
PH: Z18-170

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Fire Rescue Department	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Pg. I-40)	<i>The Adopted 2030 and 2040 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
Low-Density Residential (Pg. I-31)	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.</i>
Objective LU-4 (Pg. I-9)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Policy LU-4A (Page. I-8)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>
Policy LU-4C (Page. I-8)	<i>Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.</i>
Policy LU-4D (Page. I-8)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.</i>

ZONING RECOMMENDATION ADDENDUM

7500 SW 8 ST, LLC
PH: Z18-170

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification Standards</p>	<p>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</p>
<p>Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations</p>	<p>The Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</p>
<p>Section 33-311 District Boundary Change</p>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered; (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development; (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida; (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

ZONING RECOMMENDATION ADDENDUM

7500 SW 8 ST, LLC
PH: Z18-170

	<p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose 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 and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

7500 SW 8 ST

823/843 SW 76 Avenue
7500 SW 8 ST
820/902 SW 75 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT	ADDRESS
Pending	Z2018000170

DATE	HEARING NUMBER
-------------	-----------------------

FOLIO: 30-4011-021-0010/30-4011-022-0070/30-4011-022-0060/30-4011-022-0140/30-4011-022-0130

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 7, 2023

NEIGHBORHOOD REGULATIONS:

Folio No.s: 30-4011-021-0010/30-4011-022-0070/30-4011-022-0060/30-4011-022-0140/

There are no open/closed cases in CMS.

Folio No.:30-4011-022-0130

Case No. 20190600048 was opened on 01/04/2019. Warning Notice No. W288385 was issued on 01/05/2019 for UNAUTHORIZED USE IN A TWO-FAMILY RESIDENTIAL DISTRICT (RU-2), TO WIT, VACANT LOT USED AS A PARKING LOT FOR COMMERCIAL VEHICLES "MB MEDICAL CENTERS" COMMERCIAL VANS, REMOVE COMMERCIAL VEHICLES FROM RESIDENTIAL DISTRICT RU-2 ZONED, CONTACT ZONING DEPT FOR VARIANCE / PUBLIC HEARING FOR ZONING CHANGE AND ESTABLISH THE USE / CERTIFICATE OF USE REQUIRED. Since compliance was not met, Civil Violation Notice No. T080171 was issued on 01/22/2019 for UNAUTHORIZED USE IN A TWO-FAMILY RESIDENTIAL DISTRICT (RU-2), TO WIT, VACANT LOT USED AS A PARKING LOT FOR COMMERCIAL VEHICLES "MB MEDICAL CENTERS" COMMERCIAL VANS, REMOVE COMMERCIAL VEHICLES FROM RESIDENTIAL DISTRICT RU-2 ZONED, CONTACT ZONING DEPT FOR VARIANCE / PUBLIC HEARING FOR ZONING CHANGE AND ESTABLISH THE USE / CERTIFICATE OF USE REQUIRED. A Lien Consent Agreement has

been processed pending the results of the tentative scheduling of the Zoning Hearing. The Agreement will expire on January 15, 2022.

BUILDING SUPPORT REGULATIONS:

Folio No.s: 30-4011-022-0070/30-4011-022-0060/30-4011-022-0140/30-4011-022-0130

There are no open/closed cases in BSS.

Folio No.: 30-4011-021-0010

Building Support Case 20220215677B opened on May 9, 2022 for Failure to obtain required building permit(s) prior to commencing work on: Electrical and plumbing in 3rd floor office suite(s) across from Suite 304. Notice of violation was issued on May 19, 2022 and recorded on book 33200 page 3792. There are no outstanding fees. The case remains open.

Building Support Case A2023002245X opened on March 11, 2023 for expired permit 2022050902. A notice of violation was mailed to the contractor on November 30, 2022 and to the homeowner on March 11, 2023. There are no outstanding fees. The case remains open.

Building Support Case A2021004138-X opened on August 11, 2021 for expired permit 2021000595. A notice of violation was mailed to the contractor on April 30, 2021 and to the homeowner on August 11, 2021. The violation was corrected. There are no outstanding fees. The case is closed.

Building Support Case A2022000545-X opened on November 11, 2021 for expired permit 2021027346. A notice of violation was mailed to the contractor on July 31, 2021 and to the homeowner on November 11, 2021. Civil violation notice P041551 was issued due to noncompliance. The violation was corrected. There are no outstanding fees. The case is closed.

VIOLATOR:

7500 SW 8 Street

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum



Date: March 23, 2023

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa Spadafina, RER Assistant Director
Department of Regulatory and Economic Resources

Subject: Z2018000170-5th Review
7500 SW 8th Street LLC
843 SW 76th Avenue
Unusual Use for Additional Parking for Existing Medical Building
(RU-2) (0.22Acres)
11-54-40

A handwritten signature in blue ink, appearing to read "Lisa Spadafina".

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code.

Potable Water and Wastewater Disposal

The site plan submitted with the requested unusual use for additional ground parking does not indicate structures that would require potable water and domestic wastewater disposal. Pursuant to the Code, connection to public water and sanitary sewers will be required in the event that additional structures having plumbing connections for potable water and/or wastewater are proposed.

Conditions of Approval: None

Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Miami-Dade County Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject properties indicates the presence of tree resources. Tree Permit #9558 is associated with the subject property, but the permit has expired. The applicant is required to adhere to

all conditions and requirements of this permit. Any additional tree(s) proposed for removal and/or relocation that are subject to the tree preservation and protection provisions of the Code, including tree removals and/or relocations that were approved under Tree Permit #9558 but were not completed prior to permit expiration, will require a new Tree Removal/Relocation Permit.

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. The applicant is advised that a tree survey that includes a tree disposition table will be required prior to reviewing the tree removal permit application. Projects and permits shall meet the requirements of sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jennifer Snell at Jennifer.Snell@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

Enforcement History

The subject property has no open and three (3) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Ninfa Rincon at (305) 372-6764.


cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: March 31, 2023

To: Nathan Kogon, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) 

Subject: Zoning Application Comments - 7500 SW 8 ST, LLC
Application No. Z2018000170 - Revision # 2 - (Pre-App. # Z18P-019)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: 7500 SW 8 ST, LLC

Location: The proposed project is located on approximately 1.60 acres at 7500 SW 8th Street, 820 & 902 SW 75th Avenue and 823 & 843 SW 76th Avenue, with Folio Nos. 30-4011-021-0010, 30-4011-022-0060, 30-4011-022-0070, 30-4011-022-0140, and 30-4011-022-0130 respectively, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting a modification of the approved plan and a Use Variance in order to permit parking in the RU-2 (Two-family Residential Zoning District) as would be permitted in the BU-2 (Special Business Use Zoning District). The Use Variance is for the portion of the Property located at 843 SW 76th Avenue.

Water/Sewer: The proposed development is located within the WASD's water and sewer service area. Connection to water and sewer are not proposed with this zoning application.

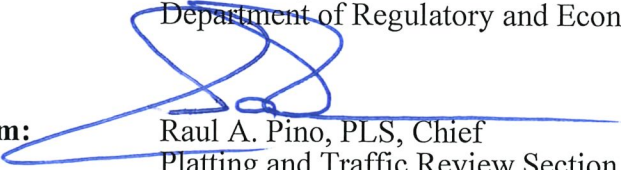
Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov

Memorandum



Date: April 6, 2023

To: Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2018000170
Name: 7500 SW 8 Street LLC
Location: 843 SW 76 Avenue
Section 11 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections**.

This land **requires** a platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: March 23, 2023

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

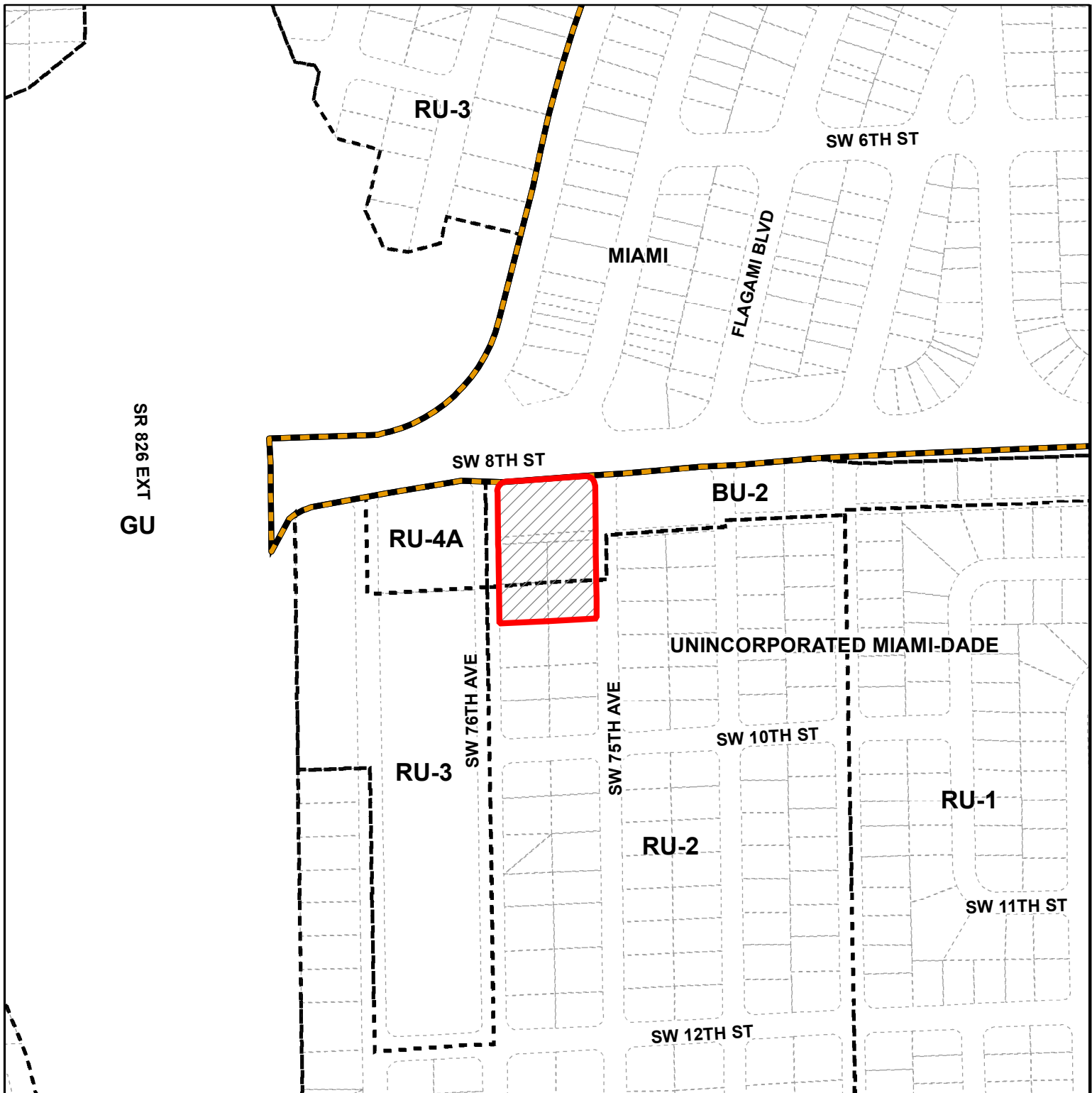
Subject: Z2018000170

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 03/15/2023.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.



MIAMI-DADE COUNTY

HEARING MAP



Section: 11 Township: 54 Range: 40
 Applicant: 7500 SW 8 St
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number

Z2018000170



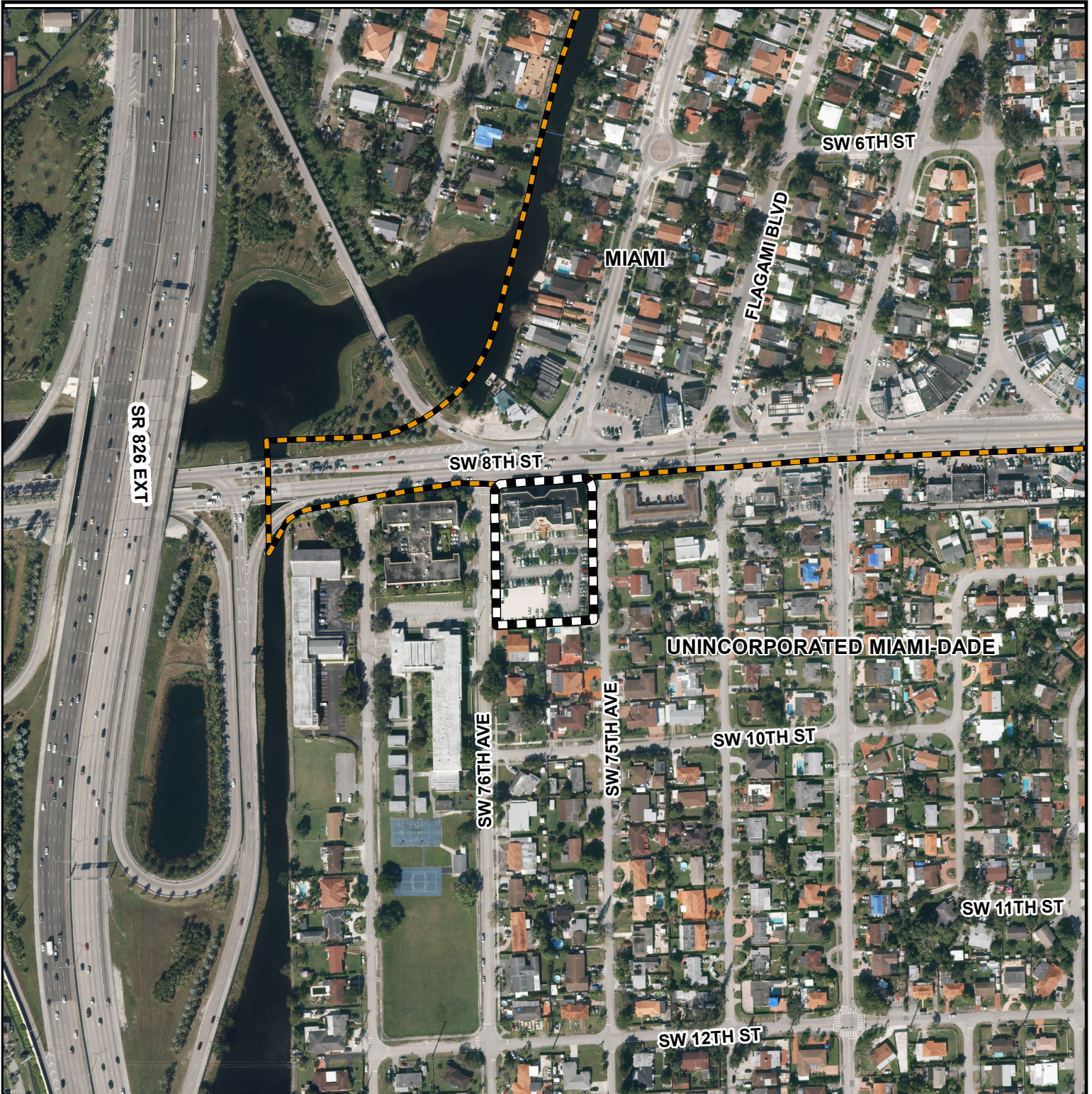
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, October 16, 2019



REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2018

Process Number
Z2018000170

Legend

-  Subject Property
-  Municipalities

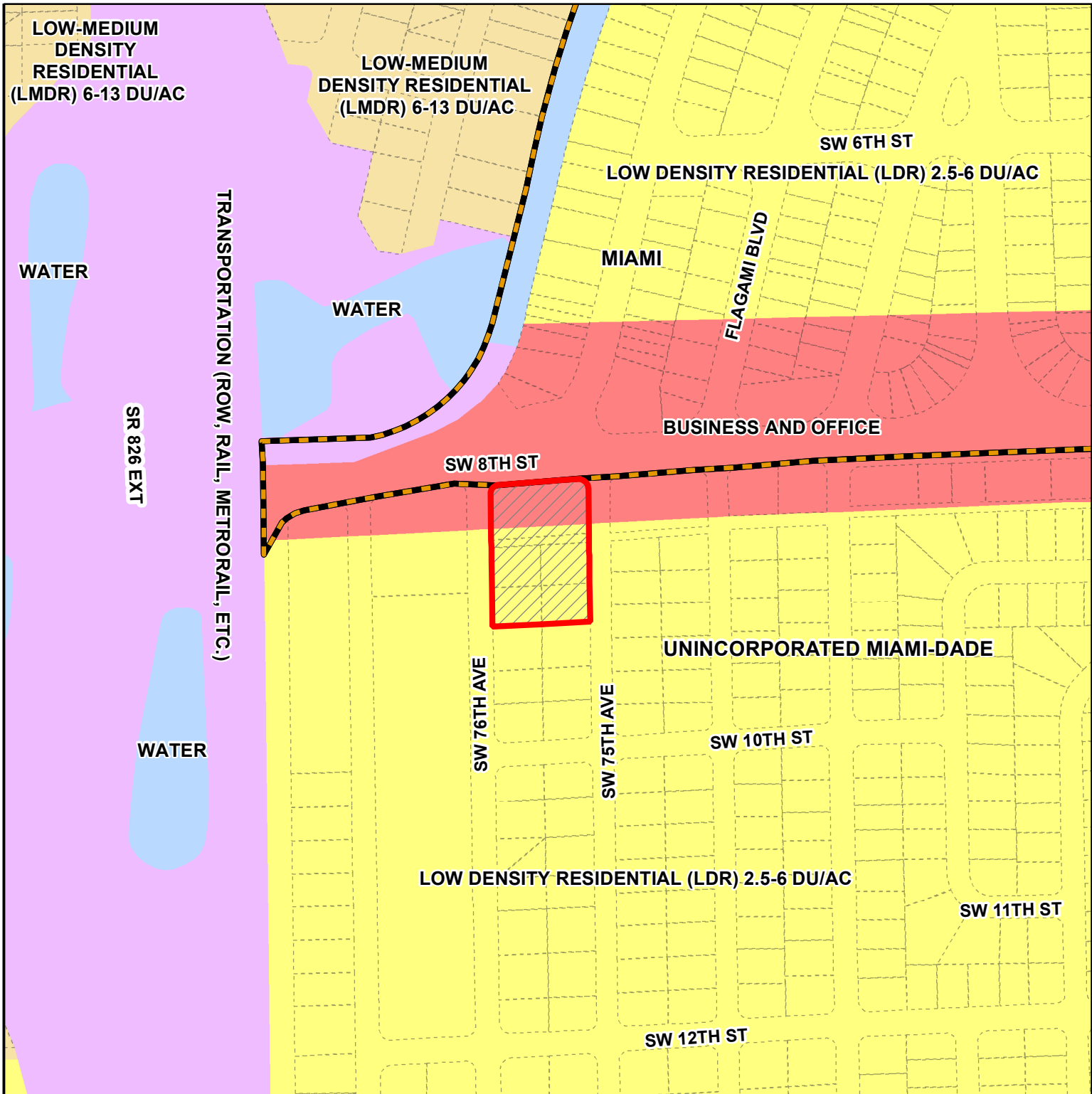


Section: 11 Township: 54 Range: 40
 Applicant: 7500 SW 8 St
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Wednesday, October 16, 2019

REVISION	DATE	BY





MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2018000170



Section: 11 Township: 54 Range: 40
 Applicant: 7500 SW 8 St
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

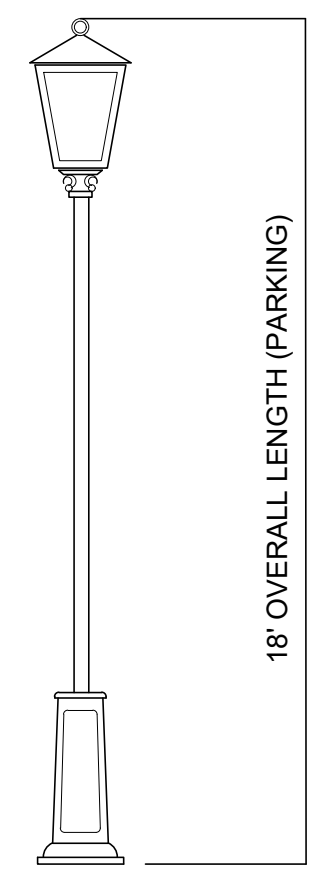
Legend

-  Subject Property Case
-  Zoning

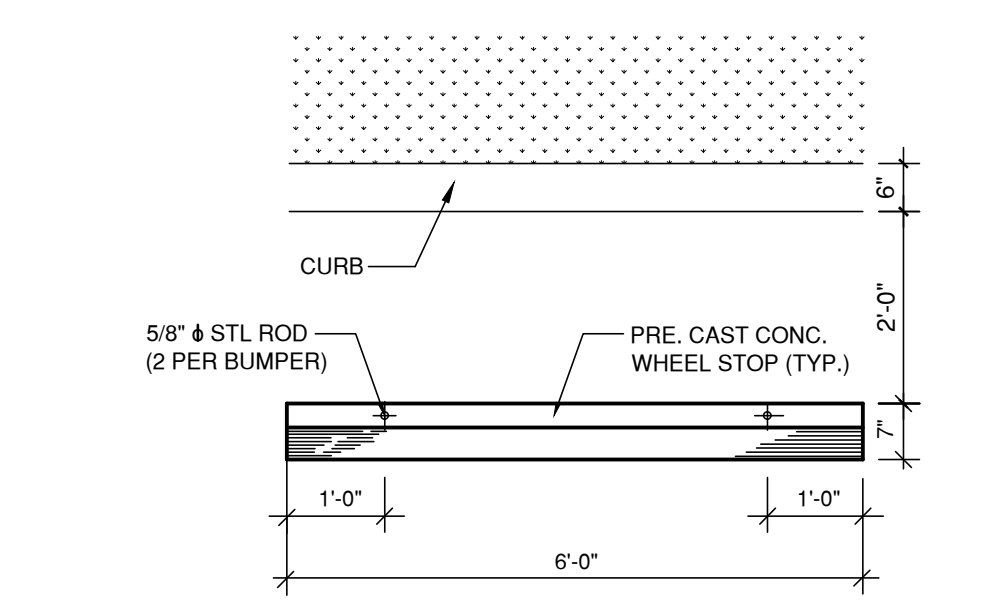


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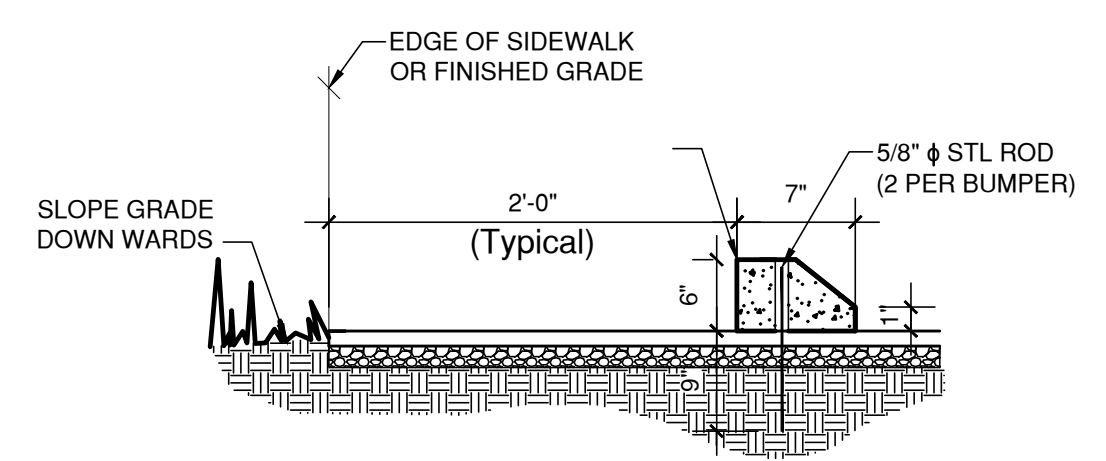
REVISION	DATE	BY



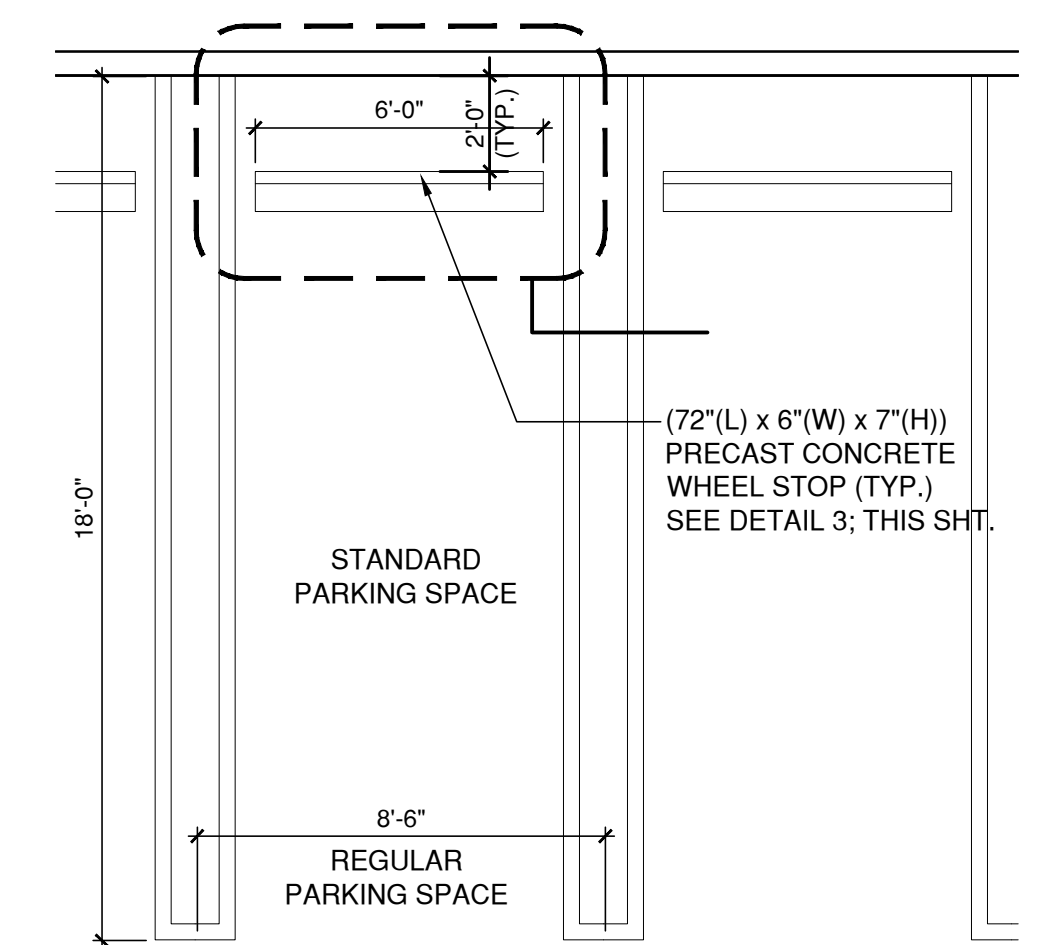
LIGHTING POLE DETAIL
 AS PER FPL STANDARDS MAX. HEIGHT 18'-0"
 N.T.S.



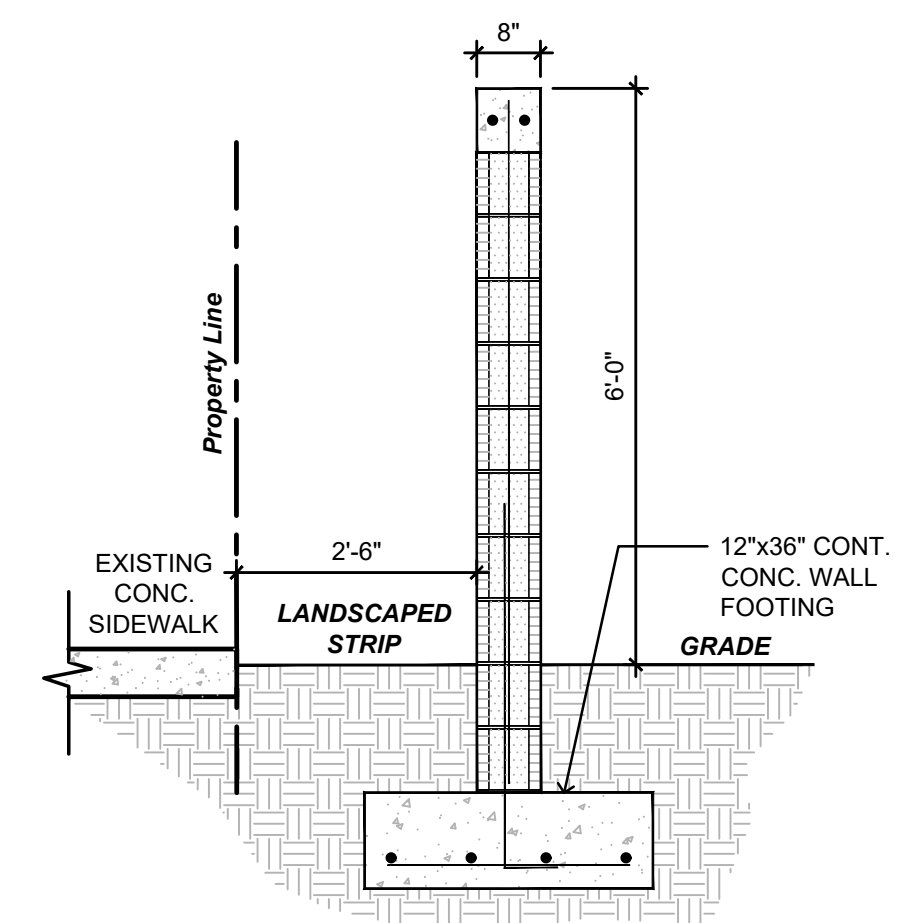
A WHEEL STOP PLAN DETAIL
 SCALE: 1" = 1/2"



B WHEEL STOP SECTION DETAIL
 SCALE: 1" = 1/2"

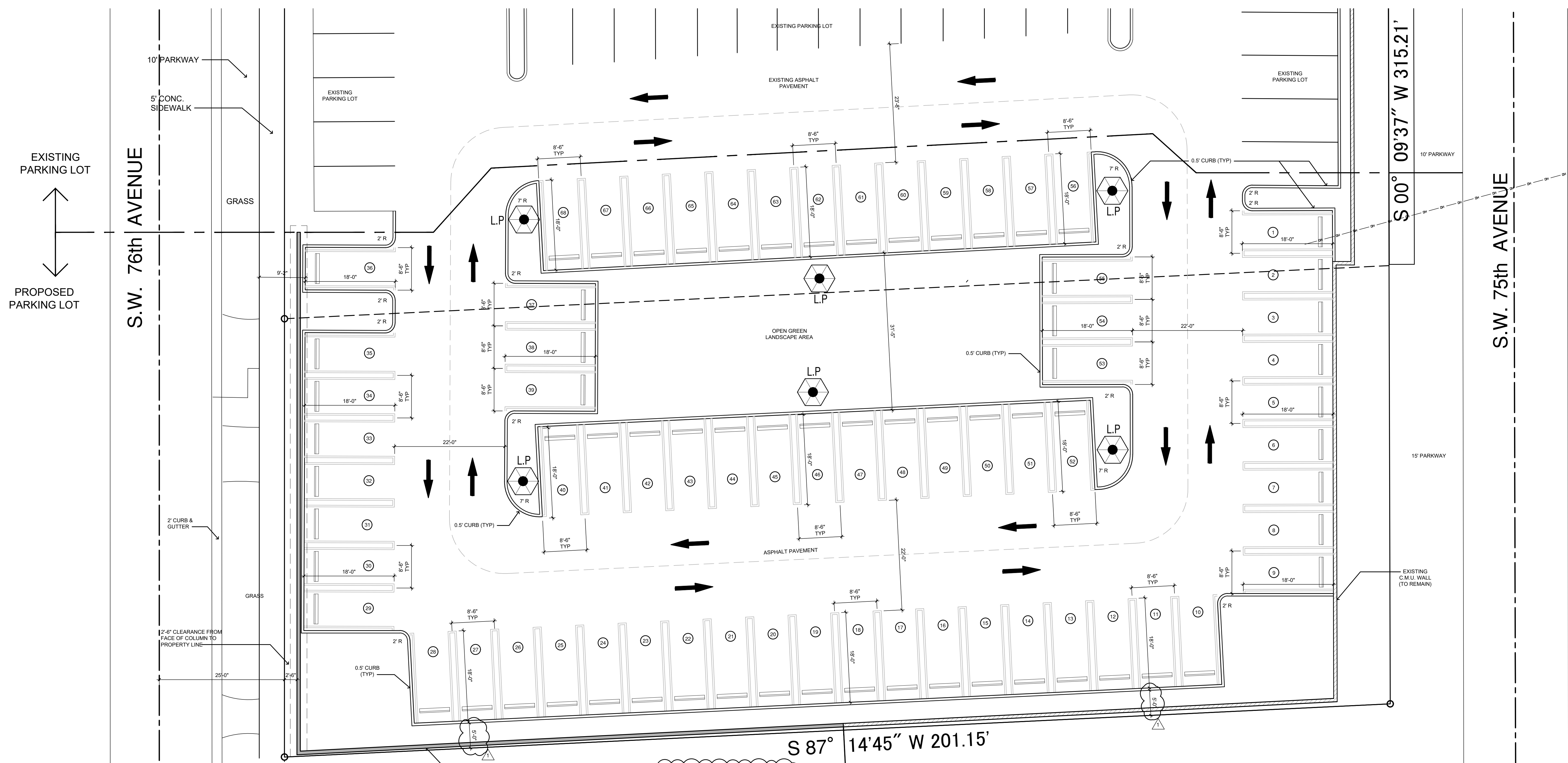


TYP. PARKING SPACE DETAIL
 SCALE: 1" = 1/4"



WALL SECTION DETAIL
 SCALE: 1" = 3/4"

SITE DATA (FOR NEW PARKING LOT)	
ZONING DISTRICT	RU-2 (USE VARIANCE REQUIRED)
NET SITE AREA:	24,799 S.F. (SOUTH PARCEL)
PAVED AREAS (PARKING):	17,457 S.F. - 70.4%
GREEN OPEN AREA:	7,346 S.F. - 29.6%



S 87° 14'45" W 201.15'

PROPOSED C.M.U. WALL TO MATCH EXISTING WALL

EXISTING C.M.U. WALL (TO REMAIN)

PROPOSED SITE PLAN
 SCALE: 1" = 10'

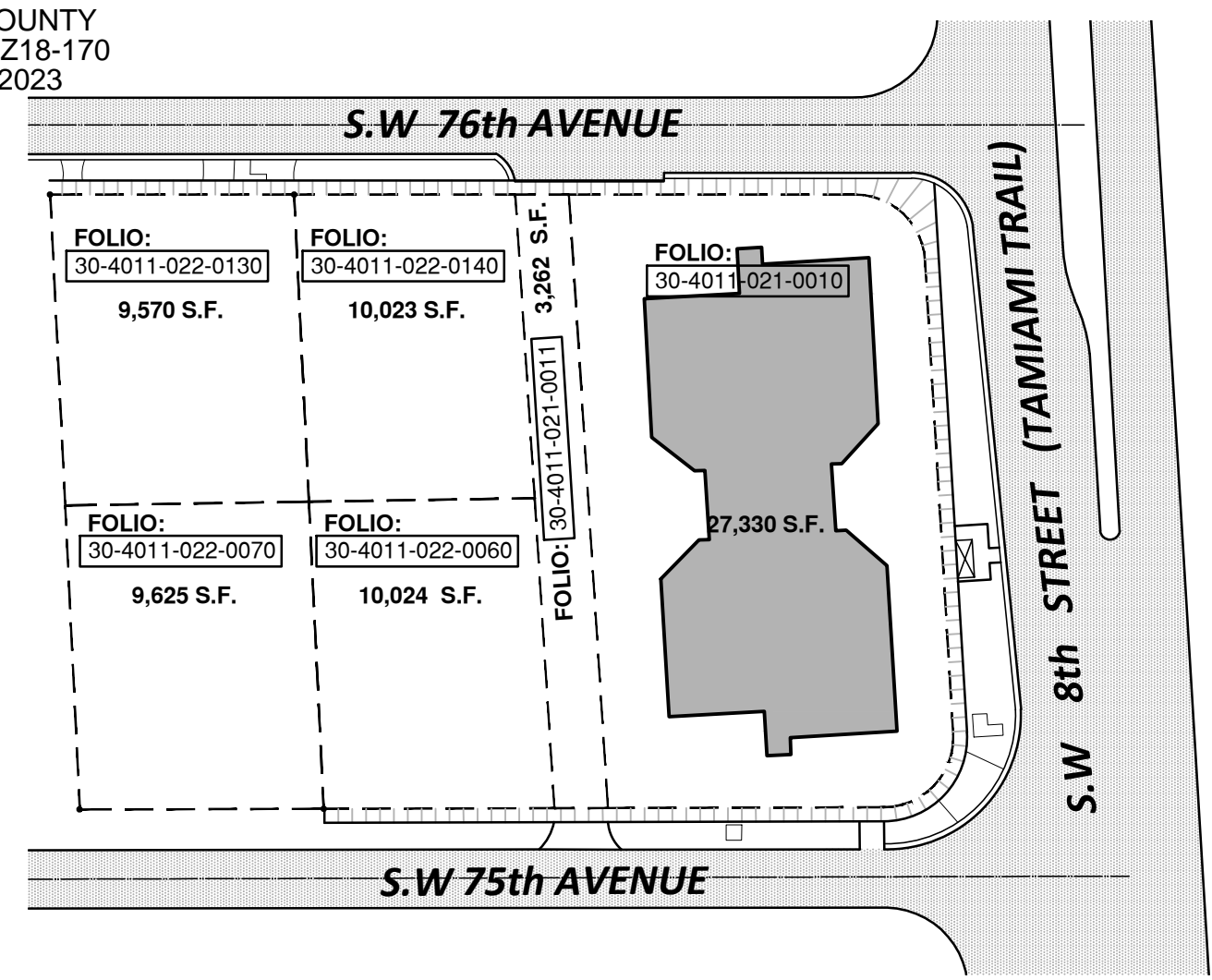
**PARKING LOT EXPANSION FOR
 7500 SW 8 STREET, LLC**
 7500 S.W. 8th. STREET
 MIAMI, FLORIDA 33144

MARK	DATE	DESCRIPTION
△	01-24-20	

PROJECT No. LB467
 DRAWN BY: FM
 CHECKED BY: LB
 DATE: 6-26-18

LEOPOLDO BELLÓN

Digitally signed by LEOPOLDO BELLÓN
 DN: c=US, o=BELLÓN ARCHITECTURE, ou=A01410C000017491CEFC50000, #AED, cn=LEOPOLDO BELLÓN
 Date: 2020.10.26 11:33:03 -0400



PARCEL PLAN
 N.T.S.

STREET TREES					
SYMBOL	QUAN.	PROPOSED MATERIAL	CALP	HEIGHT	CANOPY
	24	*Coccoloba Diversifolia Pigeon Plum	4"	12'	8'

*DENOTES NATIVE SPECIES
 *DENOTES AT THE TIME OF PLANTING

TREE					
SYMBOL	QUAN.	PROPOSED MATERIAL	CALP	HEIGHT	CANOPY
	7	*Quercus virginiana LIVE OAK	4"	12'	8'
	8	Bursera Simaruba	4"	12'	8'
	3	GLUMBO LIMBO	4"	12'	8'

SHRUBS AND GROUNDCOVER			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
MP	65	Minka Pumila WAX MIRTTLE DWARF	3 GALS. FULL @ 24" O.C.
CI	65	Chrysobalanus Icazo COCOPLUM	5 GALS. FULL @ 30" O.C.

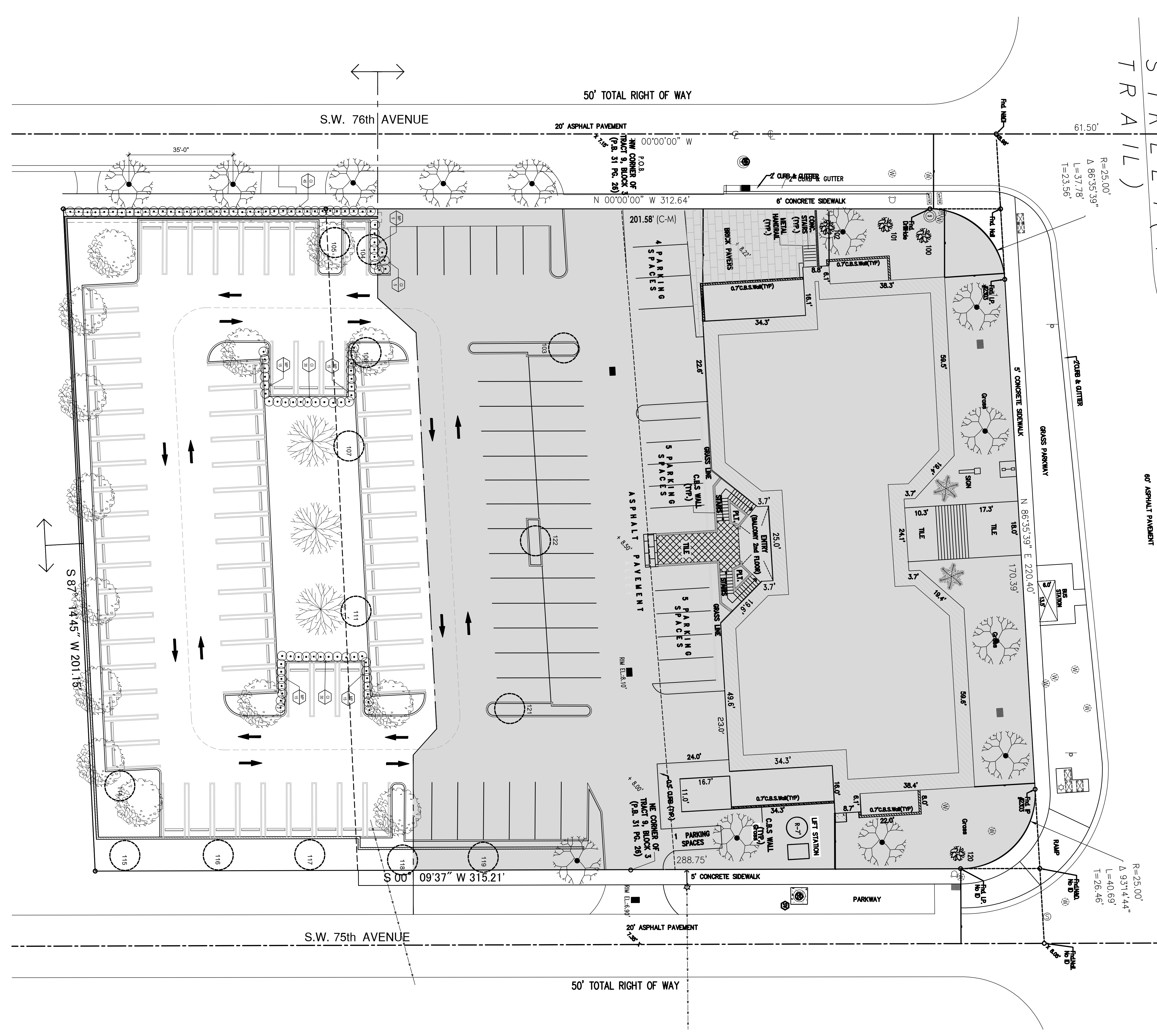
*DENOTES NATIVE SPECIES

EXISTING TREES NOTE: (REFER TO SURVEY FOR LIST OF EXISTING TREES)
 EXISTING TREES ARE SHOWN WITH A DOTTED LINE CIRCLES.
 TREES NUMBERS 104, 105 & 106: AUSTRALIAN BOTTLE BRUSHES.
 TREES 107, 111, 114: BLACK OLIVES TO BE REMOVED AND REPLACED WITH NEW SPECIES AS SHOWN.
 TREES 115, 116 & 117: LIVE OAKS SHALL REMAIN.

NOTE:
 PLANTS HEIGHT, CANOPY AND CALIPER SPECIFIED SIZES ARE AT TIME OF PLANTING (TYP).

EXISTING TREE LIST

Tree Number	Common Name	Botanical Name	Diameter (Inches)	Height (Feet)	Canopy (Feet)
100	Black Olive	Bucida buceras	16"	25'	25'
101	Black Olive	Bucida buceras	12"	20'	20'
102	Black Olive	Bucida buceras	14"	25'	20'
103	Black Olive	Bucida buceras	8"	25'	25'
104	Australian Bottle Brushes	Callistemon	2 of 8"	15'	15'
105	Australian Bottle Brushes	Callistemon	2 of 6"	10'	10'
106	Australian Bottle Brushes	Callistemon	11"	15'	15'
107	Black Olive	Bucida buceras	16"	15'	30'
108	Christmas Palm	Adonia merrillii	2 of 5"	10'	10'
112	Live Oak	Genus Quercus	10"	15'	10'
113	Live Oak	Genus Quercus	14"	14'	14'
115	Live Oak	Genus Quercus	16"	25'	30'
116	Live Oak	Genus Quercus	8"	15'	15'
117	Live Oak	Genus Quercus	8"	15'	15'
118	Black Olive	Bucida buceras	14"	25'	30'
119	Black Olive	Bucida buceras	14"	20'	25'
120	Black Olive	Bucida buceras	16"	15'	25'
121	Black Olive	Bucida buceras	16"	16'	25'
122	Black Olive	Bucida buceras	16"	16'	22'



PROPOSED LANDSCAPE PLAN
 SCALE: 1/16" = 1'-0"

BELLÓN
 architecture

13131 S.W. 132 STREET
 SUITE 104
 MIAMI, FLORIDA 33186
 T. (305) 278-7776
 F. (305) 278-7473
 WWW.BELLONMILANES.COM
 AA-26002616

ARCHITECTURE
 LAND PLANNING
 INTERIORS
 CONSTRUCTION MANAGEMENT
 CONSULTANTS

**PARKING LOT EXPANSION FOR
 7500 SW 8 STREET, LLC**
 7500 S.W. 8th. STREET
 MIAMI, FLORIDA 33144

MARK	DATE	DESCRIPTION
	01-24-20	
	07-14-20	

PROJECT No. LB467
 DRAWN BY: FM
 CHECKED BY: LB
 DATE: 6-26-18

LEOPOLDO BELLÓN

Digitally signed by LEOPOLDO BELLÓN
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 Date: 2020.10.26.11:34:12 -04'00'

LEOPOLDO BELLÓN, AIA (AR-8737)

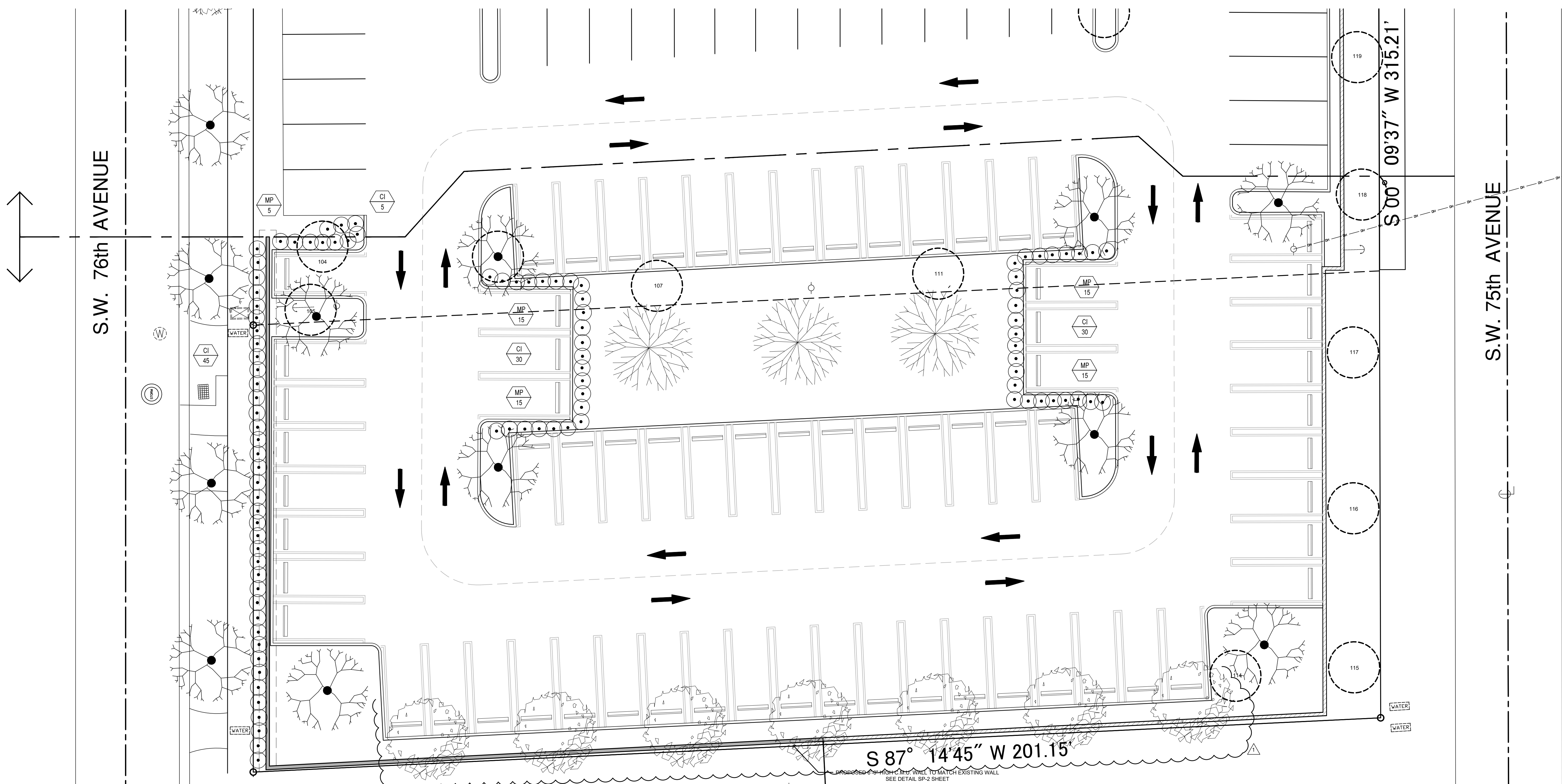
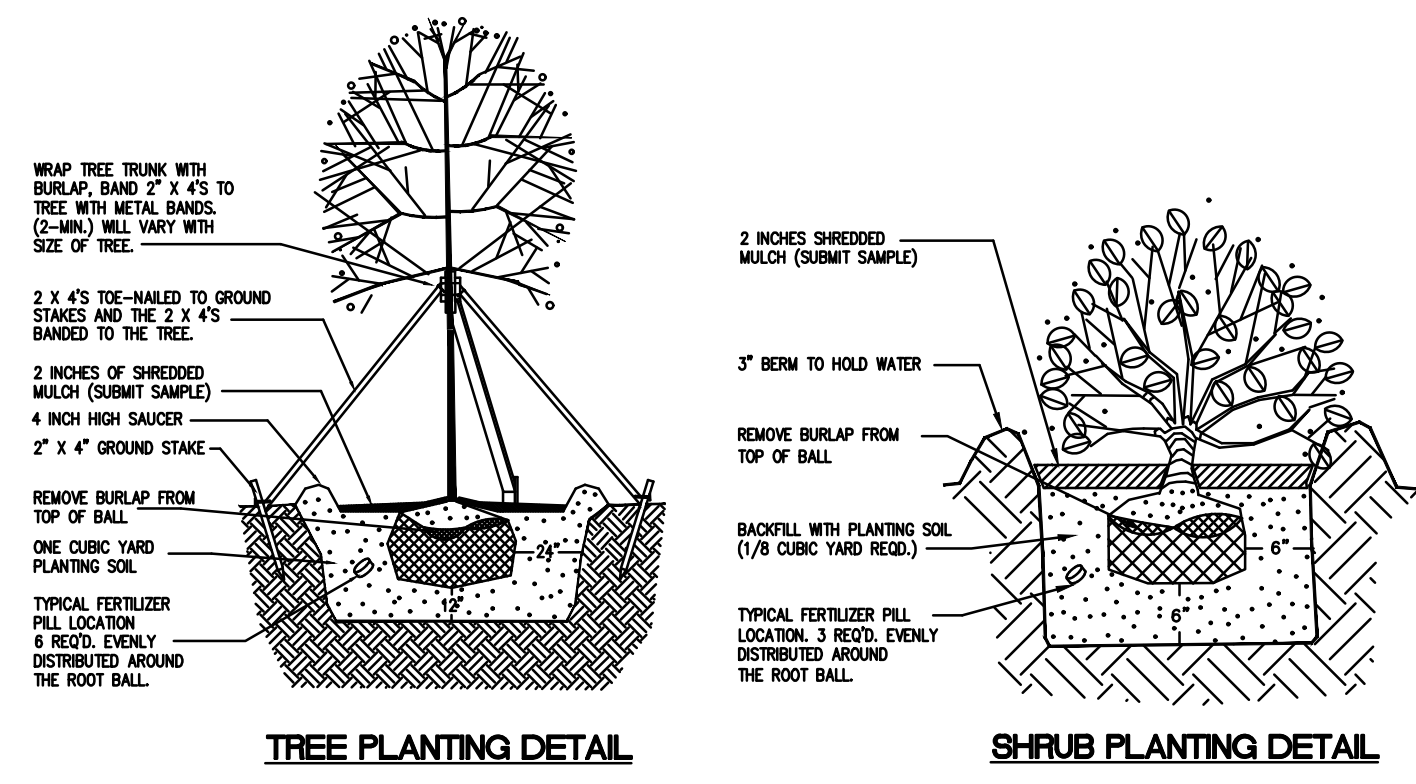
SHEET TITLE
 LANDSCAPE PLAN
LP-1
 SHEET OF

TREE					
SYMBOL	QUAN.	PROPOSED MATERIAL	CALP.	HEIGHT	CANOPY
	7	*Quercus virginiana LIVE OAK	4"	12'	8'
	8	Bursera Simaruba	4"	12'	8'
	3	GUMBO LIMBO	4"	12'	8'

SHRUBS AND GROUNDCOVER			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
MP	65	Minka Pumila WAX MIRTLE DWARF	3 GALS. FULL @ 24" O.C.
CI	65	Chysobalanus Icaco COCOPLUM	5 GALS. FULL @ 30" O.C.

EXISTING TREES NOTE: (REFER TO SURVEY FOR LIST OF EXISTING TREES)
 EXISTING TREES ARE SHOWN WITH A DOTTED LINE CIRCLES.
 TREES 107, 111, 114: BLACK OLIVES TO BE REMOVED AND REPLACED WITH NEW SPECIES AS SHOWN.
 TREES 115, 116 & 117: LIVE OAKS SHALL REMAIN.

NOTE:
 PLANTS HEIGHT, CANOPY AND CALIPER SPECIFIED SIZES ARE AT TIME OF PLANTING (TYP.)



PROPOSED LANDSCAPE PLAN
 SCALE: 1" = 10'

**PARKING LOT EXPANSION FOR
 7500 SW 8 STREET, LLC**
 7500 S.W. 8th. STREET
 MIAMI, FLORIDA 33144

MARK	DATE	DESCRIPTION
△	01-24-20	

PROJECT No. LB467
 DRAWN BY: FM
 CHECKED BY: LB
 DATE: 6-26-18

LEOPOLDO BELLÓN

Digitally signed by LEOPOLDO BELLÓN
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 Date: 2020.06.15.15:52:29 -0400'

LEOPOLDO BELLÓN, AIA (AR-8737)
 SHEET TITLE
 LANDSCAPE PLAN
LP-2
 SHEET OF

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: 7500 SW 8 ST LLC



NAME AND ADDRESS

Percentage of Stock

Rodolfo Dumenigo

100 %

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME N/A

NAME AND ADDRESS

Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

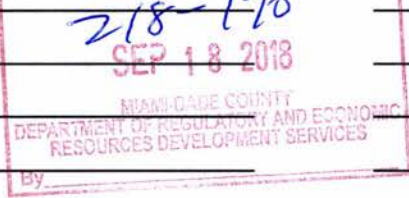
NAME AND ADDRESS

Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME, ADDRESS AND OFFICE (if applicable) Percentage of Interest

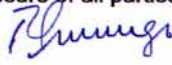
Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.


N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

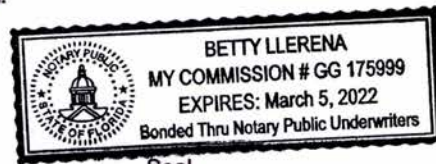
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature  Rodolfo Dumenigo
(Applicant) (Print Applicant name)

Sworn to and subscribed before me this 31st day of August, 2018. Affiant is personally know to me or has produced FL DL as identification.


(Notary Public)

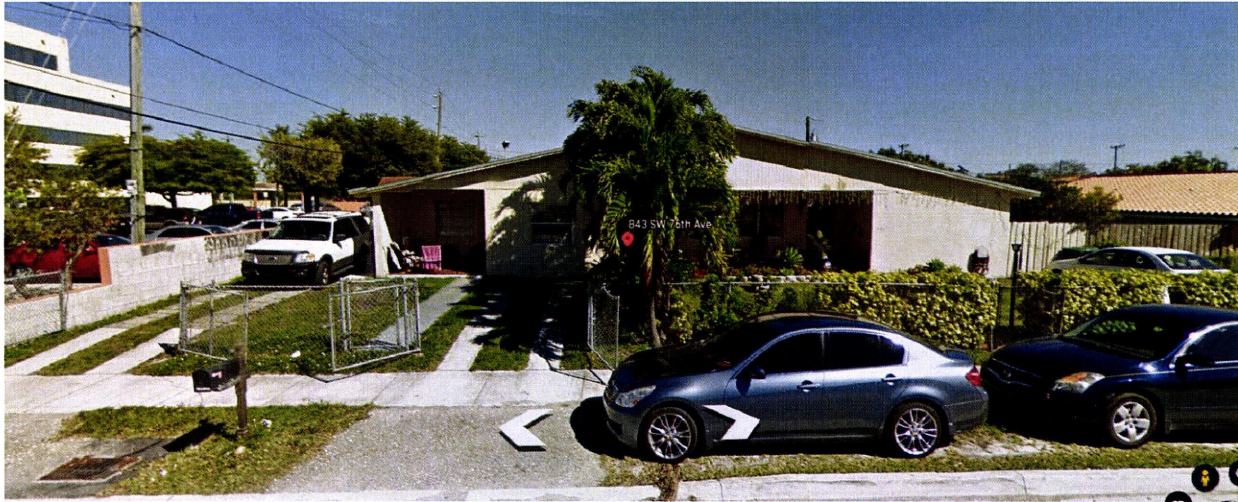
My commission expires: 03-05-2022



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

PHOTOGRAPHS –submit photos showing entire site and all structures

FRONT ELEVATION

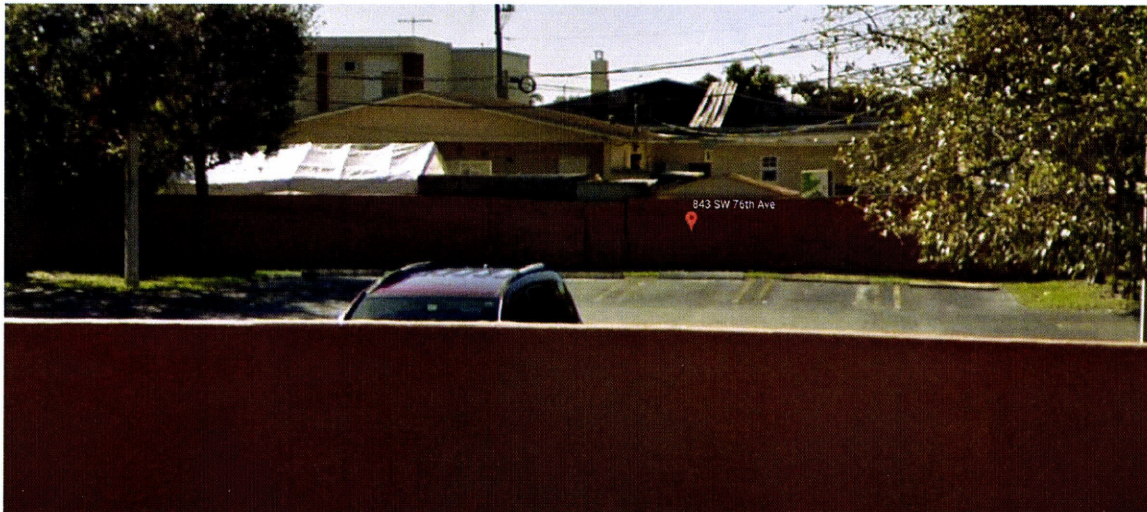


SIDE ELEVATION



RECEIVED
218-170
SEP 18 2018
MIAMI-DADE COUNTY
REGULATORY AND ECONOMIC
DEVELOPMENT SERVICES

REAR ELEVATION



Additional photos may be submitted

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COMMUNITY ZONING APPEALS BOARD 10
Kendall Village Center, Civic Pavilion
8625 SW 124 Avenue, Miami, FL
Tuesday, July 25, 2023, at 6:30 p.m.

ITEM A

7500 SW 8 Street, LLC
Z2018000170

Board Members
(Present)

Gerardo "Jerry" Rodriguez, Chairman
Anthony F. Petisco, Vice Chair
Anays B. Acuna
Dariel Fernandez

County Attorney's Office

David Hope
Assistant County Attorney

Staff

Jose Rivero, Supervisor
Zoning Hearings Section

1 CHAIRMAN RODRIGUEZ: Good evening,
2 Everyone.

3 Are the County and Court Reporter
4 present?

5 THE COURT REPORTER: Yes, Mr. Chair.

6 CHAIRMAN RODRIGUEZ: Ladies and
7 Gentlemen, this meeting of Community
8 Council 10 has come to order, this
9 July 25, 2023.

10 At this time, please stand for the
11 Pledge of Allegiance.

12 (Pledge of Allegiance).

13 CHAIRMAN RODRIGUEZ: Staff, please
14 call the roll.

15 MR. RIVERO: Board Member Acuna?

16 BOARD MEMBER ACUNA: Present.

17 MR. RIVERO: Board Member Fernandez?

18 BOARD MEMBER FERNANDEZ: Present.

19 MR. RIVERO: Vice Chair Petisco?

20 VICE CHAIR PETISCO: Present.

21 MR. RIVERO: Chairman Rodriguez?

22 CHAIRMAN RODRIGUEZ: Present.

23 MR. RIVERO: We have a quorum.

24 CHAIRMAN RODRIGUEZ: Thank you.

25 Those of you present, who wish to

1 speak today, must stand and the court
2 reporter will swear you in.

3 (Thereupon, all witnesses were
4 collectively sworn in by the court
5 reporter).

6 CHAIRMAN RODRIGUEZ: Thank you.

7 Those of you who are lobbyists should
8 have registered with the Dade County Clerk
9 of Board's Office prior to this hearing.

10 (Thereupon, an unrelated matter was
11 heard, whereupon the meeting continued as
12 follows:)

13 CHAIRMAN RODRIGUEZ: Staff, please
14 call Item C.

15 MR. RIVERO: Let me read the opening
16 statement.

17 "In accordance with the Code of
18 Miami-Dade County, all items to be heard
19 this evening have been legally advertised
20 in the newspaper, notices have been mailed
21 and the properties have been posted.
22 Additional copies of the agenda are
23 available here at the meeting.

24 "Items will be called up to be heard
25 by agenda number and name of applicant.

1 "The record of the hearing on each
2 application will include the record of
3 Regulatory and Economic Resources.

4 "All these items are physically
5 present this evening, available to all
6 interested parties and available to the
7 Members of the Board, who examine items
8 from the record during the hearing.

9 "Parties have the right of
10 cross-examination.

11 "This statement, along with the fact
12 that all witnesses have been sworn, shall
13 be included in any transcript of all or
14 any part of these proceedings.

15 "In addition, the following
16 departments have representatives present
17 here at the meeting to address any
18 questions: The zoning evaluation and
19 platting and traffic review section of the
20 Department of Regulatory and Economic
21 Resources and the County Attorney's
22 Office.

23 "All exhibits used in presentation
24 before the Board become part of a public
25 record and will not be returned unless an

1 identical letter size copy is submitted
2 for the file.

3 "Any person making impertinent or
4 slanderous remarks or who becomes
5 boisterous while addressing the Community
6 Zoning Appeals Board shall be barred from
7 further audience before the Community
8 Zoning Appeals Board by the presiding
9 officer, unless permission to continue or
10 again address the Board be granted by the
11 majority vote of the Board members
12 present.

13 "The number of filed protests and
14 waivers on each application will be read
15 into the record at the time of hearing as
16 each application is read. Those items not
17 heard prior to the ending time for this
18 meeting will be deferred to the next
19 available zoning hearing meeting date for
20 this Board."

21 CHAIRMAN RODRIGUEZ: Thank you.

22 (Thereupon, another unrelated item
23 was called, whereupon the hearing on Item
24 A commenced as follows:)

25 CHAIRMAN RODRIGUEZ: Staff, can you

1 call Item A?

2 MR. RIVERO: Item A, application
3 #Z2018000170. The applicant is 7500
4 Southwest 8 Street, LLC. There's zero
5 filed protests and zero filed waivers.

6 VICE CHAIR PETISCO: Through the
7 Chair, before we proceed, I just want to
8 make a statement so everybody is clear of
9 the way that these proceedings work.

10 The applicant comes before this
11 Board, speaks their case with regard to
12 the application. There is time for the
13 public to come in and either oppose or be
14 in favor of the application, at which
15 point that portion is closed, and the
16 public is no longer allowed to speak on
17 behalf of the application in favor or
18 against. And, at that time, the applicant
19 is able to come back and rebut anything
20 that was said.

21 UNIDENTIFIED SPEAKER: (Audience -
22 inaudible).

23 VICE CHAIR PETISCO: Ma'am, ma'am,
24 I'm not going to go back and forth. I
25 made a public statement. If not, the

1 Sergeant-At-Arms will have to ask you to
2 leave.

3 CHAIRMAN RODRIGUEZ: Go ahead.

4 MR. FERNANDEZ: Thank you.

5 Mr. Chair, Members of the Council, my
6 name is Ben Fernandez, WITH law offices at
7 200 South Biscayne Boulevard, here on
8 behalf of the applicant, 7500 Southwest 8
9 Street, LLC.

10 And with me today is Mr. Hamid
11 Baruki, (phonetic), who's the manager of
12 the property. I'm here on behalf of Dr.
13 Rodolfo Dumenigo, who is the principal for
14 the entity established, the medical use on
15 this property.

16 I'm sure you're all familiar with the
17 intersection of the Palmetto Expressway
18 and Southwest 8 Street. This is just off
19 of that, on 76 Street. It is an existing
20 medical office building that is
21 approximately 39,890 square feet in size,
22 and it provides a tremendous value and
23 service to the community.

24 Clinical Associates is there. Before
25 that, it was a similar entity that

1 provided all kinds of medical services to
2 the surrounding neighborhood.

3 As part of that service, they have
4 small buses. The way you see many of the
5 clinics have today in Miami-Dade County
6 that bring some of our older residents for
7 all kinds of treatment, you know,
8 arthritic treatments, massages,
9 chiropractic treatments. It's all offered
10 here. Those things are provided on small
11 shuttles that access the property
12 immediately behind the building, away from
13 the residential neighborhood.

14 And what we ARE asking for today is
15 simply an approval that will allow
16 additional parking for this existing
17 building.

18 This isn't an application asking for
19 an increase in the size of the building or
20 in the intensity of the building, but as
21 all of you know, medical office buildings
22 demand more parking typically than your
23 typical office use.

24 And although this medical office
25 building meets the parking requirement,

1 you know, the nature of the medical
2 services now is more concentrated and more
3 services are provided onsite than ever.
4 So the demand for parking is great, is
5 greater than it was, say, 20 years ago
6 when this use was established. This has
7 been here since 1991 in its current state.

8 And so what we're asking for is the
9 ability to either rezone or for you to
10 approve what's called a use variance on
11 approximately 1.6 acre portion of this
12 property to allow 20 additional parking
13 spaces.

14 I'm going to pass out a handout so
15 you can see exactly what it is. And, by
16 the way, I thought this would be easier
17 than doing a PowerPoint presentation,
18 because it's really only about the parking
19 spaces on the area that's shown in the
20 square, in the red square. And that was
21 previously a single-family home, but it is
22 across from Flagami Elementary School.
23 It's also across from THE Palmetto
24 subacute center that you see on 76 Avenue.
25 So the character of this portion of the

1 avenue is all nonresidential.

2 And the purpose of our application is
3 to really square off the property, because
4 previously there was an approval in 1991
5 to allow parking, and I'll show you where.

6 CHAIRMAN RODRIGUEZ: You need to take
7 the mike.

8 MR. FERNANDEZ: I should know that by
9 now.

10 This area back here was approved as
11 an unusual use to allow parking for the
12 medical office in 1991. And so what this
13 application is doing is simply squaring
14 off that parking area, creating a
15 consistent line of parking to serve the
16 medical office building.

17 We believe that the application is
18 appropriate based on its history. Now,
19 staff sort of has a mixed recommendation.
20 We have support from all of the
21 departments that review concurrency and
22 impacts related to environmental impact,
23 et cetera.

24 The zoning department is the only one
25 that is not recommending approval, and

1 I'll tell you why that is. What has
2 happened is, that since 1991, when the
3 unusual use was approved for parking right
4 behind this property, the standards were
5 different and you could apply for a zoning
6 approval to allow parking in a residential
7 area. Today, that isn't allowed the same
8 way. You have to ask for a use variance
9 or a rezoning.

10 We've asked for both, but we would
11 ask you to approve the use variance,
12 because we don't think we need to rezone
13 this property. We're not asking for any
14 additional office space. We're not asking
15 for anything on this particular site,
16 other than parking to serve the medical
17 office, so we think that the use variance
18 is probably the most appropriate avenue
19 for this approval, but if you choose to
20 approve the rezoning, that's fine as well,
21 because we are tied to a site plan.

22 We have several variances for the
23 parking lot that require your approval and
24 those are just variances that were
25 previously approved, for the most part, in

1 1991, that we are reapproving now, because
2 staff requires that you re-advertise some
3 of those variances. They have to do with
4 the size of the parking that's on the
5 property. Some of those standards have
6 changed, so today they require a variance.

7 We have 133 spaces now on the
8 property. And with this approval, we
9 would be able to add 20 parking spaces.
10 And that's really meaningful for the
11 doctors and nursing staff that works at
12 this facility that provide these services.

13 Because what happens is, if there
14 isn't sufficient parking, is that you have
15 parking spillover into the neighborhood,
16 and we want to, of course, try to avoid
17 that and keep all of our parking onsite.

18 As your staff recommendation
19 indicates, we do have ample landscaping on
20 the site. We are providing landscaping
21 around the proposed parking area and we
22 have street trees as well that are being
23 provided, 18 street trees. There are 24
24 street trees required, but that was a
25 previous variance that was approved to

1 allow some parking off of the right-of-way
2 along the sides of this property.

3 Your staff recommendation also
4 confirms that this approval would not
5 generate any additional PM peak hour, any
6 additional traffic trips for the
7 neighborhood.

8 So, again, if anything, it's going to
9 ensure that there isn't any spillover
10 parking, that all of the impacts of the
11 current use are maintained on the site.

12 So just to kind of frame our legal
13 position, we think that we meet the
14 hardship standard, because the owner is
15 experiencing a hardship, because he
16 previously was able to get his unusual use
17 approved for parking on the property right
18 behind this.

19 Today, the standards are a little bit
20 different and they don't allow the same
21 kind of application. So we're forced to
22 either request a use variance or a
23 rezoning of the property.

24 We think that the use variance is
25 more appropriate in this instance, because

1 comprehensive plan amendment would require
2 another application. It's really sort of
3 a ridiculous and unnecessary process for
4 something that is only designed to allow
5 20 parking -- 20 more additional parking
6 spaces for this property, which is already
7 across the street from Flagami Elementary
8 School and across from the Palmetto
9 subacute center.

10 So, with that, I'll close my
11 presentation, and we're here to answer any
12 questions and I'd like to respond to any
13 potential objections.

14 This was deferred once. One time we
15 came before you and asked for a deferral.
16 We were talking to some of the neighbors
17 that expressed some concerns. One of them
18 was about the parking of some of the vans
19 that takes place. You know, we want to,
20 again, utilize this additional parking
21 area to have an organized parking regime
22 on the site.

23 We also had one neighbor that we were
24 talking to that was interested in
25 potentially supporting the application,

1 but that didn't happen. Negotiations
2 didn't go through as expected, and so
3 we're back here before you and we ask for
4 your support.

5 Thank you very much.

6 CHAIRMAN RODRIGUEZ: Thank you.

7 At this time, is there anyone that
8 would like to speak in favor of this
9 applicant? In favor? Okay.

10 At this time, is there anyone that
11 would like to speak against this
12 applicant, please come forward, state your
13 name, address for the record.

14 MS. VALERA: Good afternoon. My name
15 is Rebeca with one c. My last name is
16 Valera, V-a-l-e-r-a. I live at 1222
17 Southwest 74th Avenue.

18 I have a PDF that I submitted with
19 all the different pictures of aerial shots
20 similar to that. I didn't get to see what
21 he pointed at, but right now, it is
22 spilling into the neighborhood.

23 The last time I saw the meeting, they
24 wanted to go ahead and build a building,
25 not a parking garage, which obviously

1 that's the #1 thing that they needed.

2 Where is it that he says that he has
3 extra space?

4 CHAIRMAN RODRIGUEZ: Take the mike
5 with you.

6 MS. VALERA: Where exactly is it that
7 he pointed? This is the facility right
8 here. Over here, back in here, I don't
9 know, he didn't mention it, it must have
10 been approved or he's been jerry-rigged or
11 something, but there's pumps there where
12 they pump their fuel.

13 Medical vans that they have, they gas
14 them right there next to people's houses.
15 So they have to smell this gasoline, and
16 the flammables and have to worry if their
17 children are going to be, you know,
18 exhibiting some sort of problems from
19 having to smell the gasoline in the yard
20 and having to worry they're to explode at
21 night.

22 And obviously somebody had to approve
23 this, because they have those pumps there
24 for a while. This has been going on since
25 2018, these five years, because I was

1 looking for some paperwork and I realized
2 this was going on for a long time.

3 Last month, it was cancelled, so they
4 can say, oh, give us more time, give us
5 more time, maybe somebody will drop dead.

6 And I have questions, are they going
7 to build that facility like they wanted to
8 before? Because I see that things have
9 been approved here. They're saying
10 approvals on this paper, which were not
11 approved before. So it must have happened
12 last month when they cancelled.

13 CHAIRMAN RODRIGUEZ: We didn't have a
14 meeting last month.

15 MS. VALERA: Last month I came to the
16 meeting and they decided to change it for
17 this month.

18 CHAIRMAN RODRIGUEZ: Right, we didn't
19 have a quorum.

20 MS. VALERA: I'm sorry?

21 CHAIRMAN RODRIGUEZ: We didn't have
22 quorum. We didn't have quorum. We were
23 not all here.

24 VICE CHAIR PETISCO: There was not
25 enough members here to vote.

1 MS. VALERA: Yeah, but I gave them
2 the time to do whatever it is, 'cause it
3 says over here -- let me get my glasses so
4 I can see. It says here that something
5 has been approved in the plan, something
6 has been approved in the plan. In form 2
7 and 2, 2 and where it says #1
8 modifications, conditions.

9 What is it that has been approved?
10 Because the last time I heard, it was a
11 building structure. They wanted the
12 builder to make their building bigger, but
13 they don't even have enough space for that
14 nor do they have enough space for any kind
15 of parking on their facility unless they
16 put a high rise there to accommodate all
17 their customers, the vendors, their huge
18 vans. Last time, I counted a whole bunch.

19 And I don't know where my PDF format
20 is that I submitted last month, that it
21 was supposed to be able to be exhibited
22 today. Where is that?

23 VICE CHAIR PETISCO: So what you're
24 referring to with regards to what had been
25 passed and adopted by the County

1 Commissioners refers to a resolution that
2 was done back in 1997. So what they're
3 looking at doing is doing a modification
4 to that resolution, and that's why they're
5 here before this Board.

6 MS. VALERA: So they just want to add
7 parking? They don't want to add an extra
8 facility?

9 VICE CHAIR PETISCO: Exactly.

10 MS. VALERA: 'Cause I was under the
11 impression they wanted to add a facility,
12 and now I hear parking.

13 BOARD MEMBER FERNANDEZ: Through the
14 Chair, it's just parking space.

15 MS. VALERA: Just parking space?

16 BOARD MEMBER FERNANDEZ: Yes.

17 MS. VALERA: Also, I like to know
18 whatever happened to my PDF. Why is my
19 PDF not being shown?

20 Why does everybody keep looking at me
21 like I'm talking in a different language?
22 I had a PDF. I submitted it last month.

23 VICE CHAIR PETISCO: Well, we
24 wouldn't know that. If you gave us a
25 second, we'll have staff --

1 MR. RIVERO: I'm trying to figure out
2 where your PDF is from last month, if you
3 give me a second.

4 MS. VALERA: I was right here when
5 they received it, 'cause I also went ahead
6 and copied myself, so that I know when
7 they had received it.

8 CHAIRMAN RODRIGUEZ: Right now we're
9 talking about the parking lot. Do you
10 have any questions in reference to a
11 parking lot? If not, we need to allow
12 whoever else is going to speak.

13 MS. VALERA: How is that parking lot
14 gonna be and what are they going to do
15 about those gas pumps that are right there
16 next to the people's houses?

17 CHAIRMAN RODRIGUEZ: I'm sure when he
18 rebuttals, he'll be answering your
19 question.

20 MS. VALERA: When do I get to do
21 that?

22 CHAIRMAN RODRIGUEZ: No, he'll answer
23 those questions that you already mentioned
24 it.

25 MS. VALERA: When he comes back, then

1 he'll answer all those questions for me?

2 CHAIRMAN RODRIGUEZ: Yes.

3 MS. VALERA: Will I be able to ask
4 him any questions at that point in time?

5 CHAIRMAN RODRIGUEZ: No, you won't.
6 That's it. Thank you.

7 Anyone else that would like to come
8 speak against this applicant, please step
9 forward.

10 If there's more, you could line up
11 behind the gentleman, so we know how many,
12 and please keep it to a minute and a half.

13 MR. HUNTER: If you can swear me in.

14 CHAIRMAN RODRIGUEZ: Please.

15 VICE CHAIR PETISCO: Of the court
16 reporter, can you swear him in?

17 MR. HUNTER: I swear.

18 CHAIRPERSON RODRIGUEZ: She's on the
19 screen.

20 (Thereupon, Mr. Jack Hunter was duly
21 sworn).

22 MR. HUNTER: I'm not a lawyer. I'm
23 just a country boy.

24 CHAIRMAN RODRIGUEZ: State your name.

25 MR. HUNTER: My name is Jack Hunter,

1 1701 Southwest 82nd place, and that used
2 to be my medical building. Medica used to
3 run that, I believe. He didn't mention
4 that.

5 I just have a question about some of
6 the language here. A variance, is that
7 like a low radar method to get around
8 having to get a zone change? Is that,
9 like, oh, wait, we don't need that, that's
10 not necessary, but it's just a question,
11 if you're allowed to answer that. It
12 sounds like it has a little stink to it.
13 We'd rather ask for this, because there's
14 a better chance this will pass than if we
15 go for a zone change.

16 So which one is really harder to get,
17 a zone change or a variance?

18 Zone change is easier than a
19 variation? It will come up the next time
20 I speak. Okay.

21 So you're saying a variance is more
22 difficult than a zone change?

23 MR. HOPE: No.

24 MR. RIVERO: Not necessarily.

25 MR. HUNTER: Okay. Thank you very

1 much for that clarification.

2 CHAIRMAN RODRIGUEZ: Thank you.

3 BOARD MEMBER ACUNA: You're welcome.

4 CHAIRMAN RODRIGUEZ: Were you sworn
5 in?

6 MS. DIAZ: Good afternoon.

7 CHAIRMAN RODRIGUEZ: Were you sworn
8 in?

9 MS. DIAZ: Yes.

10 CHAIRMAN RODRIGUEZ: Can you swear
11 her in?

12 THE COURT REPORTER: Is there anybody
13 else that has not been sworn in, so I can
14 swear everyone, please.

15 CHAIRMAN RODRIGUEZ: Anyone else who
16 hasn't been sworn in and wants to speak,
17 can you please stand right now. Please
18 stand. It doesn't matter.

19 VICE CHAIR PETISCO: Everybody that
20 would like to speak on this application or
21 any further application so she doesn't
22 have to do it every time, if you can just
23 stand up and be sworn in, please.

24 (Thereupon, the witnesses were duly
25 sworn in collectively).

1 MS. DIAZ: Good evening, my name is
2 Maithe Diaz (phonetic). I live at 910
3 Southwest 75 Street, so I'm the one who
4 live in the house next to this building,
5 the medical building.

6 I'm the most affected person in this
7 story. Whatever this lady say is really
8 true. That happen to me every single
9 night. I really worry the gas pump every
10 single night. Every single night, at 10,
11 at 12. I have videos. I don't have PDF
12 like her, but I have videos. I have
13 photos. I didn't submit the PDF, because
14 I didn't have time, but every single night
15 when I go to sleep, I heard the gas pump
16 and it really worry me. It's every single
17 day.

18 I understand you want to do a parking
19 lot, to add more parking lot for those
20 people to give that service to the
21 community. That's right, is this a
22 parking lot? Is this a yard where they do
23 mechanic? Where they put gas? Where they
24 watch or clean any little truck or
25 anything they have it there?

1 I also have a big trash can -- I
2 don't know, they have where they put the
3 trash, the usual medical services, I have
4 it next to the wall that I have in my
5 house.

6 And there's a lot of problems with
7 the parking. I don't know what they say
8 they have enough space. They don't have
9 enough space I believe. There's a lot of
10 traffic in that area.

11 First of all, I have a lot of old
12 people asking me can I park here, please?
13 Can you leave me -- can I leave my car
14 here, because I don't have space? And I
15 say, okay, yes, you can park here, but I'm
16 not allowed to do that.

17 In the morning, when I leave at 6:30,
18 there's a lot of trucks, little vans, the
19 mini vans that serving old people going
20 around the whole street, going around,
21 because they don't know where to park.

22 And, also, we have a school on the
23 other side. We have kids on the other
24 side. So you need to think about that.
25 I'm not meaning if it's a parking lot.

1 This is not a parking lot. I don't
2 believe that, because you do a lot of
3 mechanic stuff. You fix the little mini
4 van.

5 CHAIRMAN RODRIGUEZ: Okay.

6 MS. DIAZ: You clean the vans there.
7 You bring the gas van there. There's a
8 lot of traffic. I will accept there's
9 already a lot of traffic.

10 CHAIRMAN RODRIGUEZ: Okay.

11 MS. DIAZ: Because they don't know
12 where to park. They don't have space.

13 CHAIRMAN RODRIGUEZ: Thank you.

14 MS. DIAZ: I understand they're
15 asking for the space, but I'm the most
16 affecting people. My house is next to the
17 building. And I'm afraid that something
18 happen to me one night.

19 CHAIRMAN RODRIGUEZ: Okay.

20 MS. DIAZ: My house is going to be
21 explode and my whole family is there, so I
22 want you to think about that next time if
23 you decided to approve is.

24 Thank you.

25 CHAIRMAN RODRIGUEZ: Thank you so

1 much.

2 BOARD MEMBER FERNANDEZ: Through the
3 Chair, can I ask? Okay.

4 CHAIRMAN RODRIGUEZ: Please, once
5 again, let's keep it to a minute and a
6 half. You know, we have a time limit
7 here.

8 MS. FREELAND: My name is Heather
9 Freeland. I live at 7611 Southwest 64
10 Court. However, my parents live at 7920
11 Southwest 14 Terrace. They've owned their
12 home for 41 years.

13 The gentleman representing the owner
14 reference -- keep referencing 1991.
15 According to Miami-Dade records, these
16 properties were purchased in 2015 and
17 2017. I'm stating what the records shows
18 with the current zoning. So they knew
19 what they were purchasing, and now they're
20 asking for you to essentially make a
21 sacrifice to allow that to use the
22 property in a different way.

23 I guess a couple of questions. Why
24 does the owner not want to provide the
25 proper buffering for the residents? I

1 mean, this poor lady lives next door with
2 no buffer between her and essentially a
3 commercial area or a parking lot and add
4 the required amount of trees? Why? That
5 seems something very easy to do.

6 And, also, their alternatives
7 proposed, I don't know if this is by the
8 planning or by them, but it's almost,
9 like, well, if you don't give us this,
10 then we want this, right? And so what
11 they're asking for in the alternative is a
12 change of zoning, right? And you're
13 asking to essentially remove the
14 residential zoning to go to BU-2, which
15 would also be BU-1. Guess what some of
16 those uses are? Drugs stores,
17 dispensaries, walk-up windows, tobacco
18 shops, garages, hotels and motels and
19 liquor package stores.

20 So by changing the zoning
21 alternative, you would be opening it up to
22 a residential neighboring area and a
23 school, obviously with, you know, whatever
24 distance requirements are required, but,
25 again, they are saying, hey, if you don't

1 give us this, we'd rather go this
2 alternative. So please think about that
3 carefully when you consider a variance
4 that they should be a little bit more
5 considerate to the neighbors and do not
6 approve a variance -- I'm sorry, a zone
7 change.

8 CHAIRMAN RODRIGUEZ: Thank you.

9 I think one of the Board Members had
10 a question.

11 MR. RIVERO: Through the Chair
12 there's nobody else.

13 CHAIRMAN RODRIGUEZ: Okay.

14 At this time, I'll allow the
15 applicant to rebut.

16 MR. FERNANDEZ: Thank you, Mr. Chair,
17 Members of the Board.

18 We are certainly sympathetic to some
19 of the comments from the neighbors, but,
20 again, I think, again, to clarify for the
21 record, we are trying -- we don't want a
22 rezoning. We've asked for it in an
23 alternative only because we have no
24 choice, but to ask it in alternative.

25 We prefer the variance. And all we

1 want is parking. This is not about
2 expanding the building or increasing the
3 size of any medical operation on the
4 property.

5 With respect to the gas fueling of
6 some of the vans, that is something that
7 takes place with all of the clinics that
8 you see throughout Miami. The fuel comes
9 to the property to fuel the vans and then
10 leaves. So, you know, I'm not aware of
11 that happening at night. You know, if it
12 is, I mean, that's something that we don't
13 want to do. Perhaps we can control that
14 and make sure that it doesn't happen in
15 the late night hours.

16 The entrances and the exits to this
17 facility are not changing. So the only
18 thing that's happening is that there's
19 additional parking being created and that
20 parking will have a landscape buffer.
21 We're not asking for a reduction of the
22 required landscape buffer around the
23 parking area. The reduction in trees from
24 8 to 18 from 24 is happening on the side
25 street where parking takes place

1 underneath some of those trees when there
2 isn't enough parking onsite, and that's
3 something that already happens, so it's
4 just a reflection of an existing
5 condition.

6 That's really all I had to say. I
7 think if you look at your kits and you see
8 the zoning map with the red line around it
9 that shows you what we want to do. That
10 squares off the property. Right now the
11 use isn't a perfect rectangle like this,
12 and what we're doing is just bringing the
13 parking all the way across the southern
14 portion so it's all consistent all the way
15 up to the school. And we will make sure
16 that Ms. Diaz -- you know, we will talk to
17 her and make sure that she's comfortable
18 with the fueling situation.

19 Mr. Beruki just wanted me to confirm
20 that all the fueling that takes place on
21 the site is done through permitted
22 licensed fueling operation. And that's
23 what happens with all of the, you know,
24 Leon, and all of the other similar and
25 larger medical clinics throughout the

1 County.

2 So we think, again, that we meet the
3 standard for the variance, because we
4 already have the exact same use that was
5 approved right behind us, in the rear, as
6 an unusual use, and we're doing exactly
7 the same thing, replicating that parking.

8 Thank you.

9 CHAIRMAN RODRIGUEZ: Thank you.

10 At this time, I'm closing the hearing
11 and opening it up to the Board Members for
12 questions.

13 Sir.

14 BOARD MEMBER FERNANDEZ: I have a
15 question for you.

16 MR. FERNANDEZ: Yes, sir.

17 BOARD MEMBER FERNANDEZ: Right now
18 where is the use that have the land?

19 MR. FERNANDEZ: Well, it was a single
20 family --

21 BOARD MEMBER FERNANDEZ: No, no,
22 right now what is the use that the company
23 use for that land right now?

24 MR. FERNANDEZ: For parking right
25 now. They've been using it for parking,

1 yes, sir.

2 VICE CHAIR PETISCO: So I'm going to
3 pose some questions to you and to staff.

4 First question is going to be to
5 staff. Based on the kits that we have,
6 there are two outstanding violations that
7 are open with regards to the building
8 support case 20220215677B and 802 -- I'm
9 sorry, so there's two outstanding
10 violations that remain open. The first
11 one is case #20220215677B and
12 80223002245X.

13 If you can look into that while I
14 continue asking other questions.

15 Regarding the pumping, you state, so
16 is there a gas pump in there or is there a
17 truck that comes --

18 MR. FERNANDEZ: A truck.

19 VICE CHAIR PETISCO: So you are
20 stating that there is no gas pump on the
21 property?

22 MR. FERNANDEZ: Absolutely not. That
23 would require all kinds of DERM approvals.

24 BOARD MEMBER FERNANDEZ: Yeah, but I
25 have a question. I want you to clarify

1 again. It's just a truck that coming in
2 the night and put gas into the vehicles?

3 CHAIRMAN RODRIGUEZ: Can I be more
4 clear? Let me ask you this way. Is the
5 truck parked permanently at that location
6 refueling the vans or is it a mobile unit
7 that leaves and comes back?

8 MR. FERNANDEZ: It's a mobile unit.

9 CHAIRMAN RODRIGUEZ: Can't hear,
10 can't hear myself.

11 VICE CHAIR PETISCO: Yes.

12 MR. FERNANDEZ: It's mobile. And
13 that's the way it happens with all the
14 other, I say Leon, and many of the other
15 clinics, they come and they fuel the vans
16 there, otherwise you'd see vans lined up
17 at gas stations, you know.

18 VICE CHAIR PETISCO: So then I have
19 one last question. Pursuant to the May
20 28, 1991 resolution, the resolution said,
21 "Additionally, two ancillary non-use
22 variance requests were also granted for an
23 increase in the Floor Area Ratio, FAR, and
24 for a proposed three-story parking garage
25 that would be setback less than required

1 from the rear property line."

2 Having said that, if you already have
3 this resolution approved for a three-story
4 car garage, why are you back here before
5 this Board?

6 MR. FERNANDEZ: That's a very good
7 question, and the answer is that that's a
8 real expansion to the medical office
9 building and it presents an interruption
10 to business that would essentially require
11 the building to close down for an extended
12 period of time, because that expansion
13 area is in the back, is in the parking
14 lot.

15 So there was an approval to allow a
16 structured parking garage behind the
17 building, but that, #1, is cost
18 prohibitive at this point. And, really, I
19 don't think that that's anything the
20 neighbors would want, because that
21 approval approved an additional -- it
22 approved an additional 23,400 square feet
23 of building, in addition to the 40,000
24 square feet that are there that you see
25 before you. So that is a major

1 enlargement of the site. We don't need
2 that now. We're not proposing that level
3 of expansion.

4 And this additional parking simply
5 squares off the surface parking lot that's
6 there. It's in the most appropriate
7 location across from the school and across
8 from the subacute center.

9 VICE CHAIR PETISCO: I stated that
10 simply because, so everybody is aware,
11 that if the applicant wanted to, they can
12 go out and build a three-story garage
13 right this second based on a 1991
14 approval.

15 Having said that, that would
16 alleviate a lot of the issues that I
17 think, you know, the residents are
18 experiencing and the business is
19 experiencing. Now, whether it's
20 logistics, that's a different story, but
21 based on, you know, what we have before
22 us, you do have an existing approval and
23 alleviate the issue that's come before us,
24 which is parking.

25 My biggest concern is changing this

1 district boundary change, which is one of
2 the alternatives, would create or set a
3 precedence going forward for other parcels
4 within the area and/or, you know, we
5 change this to a BU-1 or BU-2, and
6 technically you can go out tomorrow and
7 build a convenience store, if you wanted
8 to.

9 So that's my concern with approving
10 this application, and understand that
11 staff has a denial without prejudice on
12 this, not an approval.

13 MR. FERNANDEZ: If I may, through the
14 Chair, respond to that.

15 We do not want the rezoning. We do
16 not want to set a precedent. We want a
17 very specific variance that matches the
18 unusual use approval, it was approved back
19 in '91, only to allow parking. That, in
20 our opinion, would not establish a
21 precedence, because it was just based on a
22 recognition of the fact that there's
23 already commercial parking for the area.

24 It's funny, it's funny, because that
25 same kind of approval, an unusual use to

1 allow parking to serve a commercial use,
2 was approved right here for this Kendall
3 Village shopping center years ago. That's
4 how the parking that is back there, by the
5 well field, that's how it was approved,
6 because those were residential lots.

7 And so we think it's the most
8 appropriate tool here.

9 VICE CHAIR PETISCO: And, for the
10 record, I'm not saying, you know, for the
11 approval to BU-2, that you would need a
12 variance for the garage. That's already
13 approved.

14 MR. FERNANDEZ: Right. Yes.

15 MR. RIVERO: Through the Chair, to
16 answer Mr. Petisco's question regarding
17 the two citations, I did some research on
18 the B. And C. Website.

19 Regarding the first case
20 20220215677B, it appears that was issued
21 for failure to obtain building permits
22 based on an entry on July 3, 2023. In
23 their system, BNC, states that all permits
24 have been obtained and the case is now
25 being reviewed for closure.

1 And in regard to --

2 MR. HOPE: Go ahead. No, no, finish.

3 MR. RIVERO: With regard to the
4 second citation you referenced,
5 A2023002245X, on April 14, 2023, that case
6 was closed. They renewed the permit.
7 It's in current status and they closed out
8 that case.

9 MR. HOPE: And through the Chair, as
10 long as there are no outstanding fines or
11 liens, they can proceed and not be
12 prohibited from this hearing.

13 VICE CHAIR PETISCO: And I know that,
14 Mr. Hope. And my question was, because we
15 sometimes get things on our kits that are
16 off, so two of them are already closed. I
17 just wanted to make sure there was no
18 outstanding fees or fines on those. I'm
19 good.

20 CHAIRMAN RODRIGUEZ: Thank you,
21 Staff.

22 Do you have any questions?

23 BOARD MEMBER ACUNA: I haven't got --
24 I haven't got any questions, no.

25 CHAIRMAN RODRIGUEZ: I don't have any

1 additional questions.

2 Open up the Board for a motion.

3 VICE CHAIR PETISCO: I will make a
4 motion to deny without prejudice as per
5 Staff recommendation.

6 BOARD MEMBER ACUNA: I second that
7 motion, deny without prejudice.

8 MR. RIVERO: I have a motion to deny
9 the application without prejudice per the
10 Staff recommendation.

11 The motion was made by Vice Chair
12 Petisco, seconded by Board Member Acuna.

13 Let me call the roll on this.

14 Board Members Acuna?

15 BOARD MEMBER ACUNA: Yes.

16 MR. RIVERO: Board Member Fernandez?

17 BOARD MEMBER FERNANDEZ: Yes.

18 MR. RIVERO: Vice Chair Petisco?

19 VICE CHAIR PETISCO: Yes.

20 MR. RIVERO: Chairperson Rodriguez?

21 CHAIRMAN RODRIGUEZ: Yes.

22 MR. RIVERO: The motion passes 4 to
23 0. The application is denied without
24 prejudice.

25 MR. FERNANDEZ: Thank you.

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(Thereupon, the hearing on
aforementioned item was concluded).

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CERTIFICATE OF OATH
STATE OF FLORIDA)
COUNTY OF DADE)

I, Lorena Ramos, Notary Public, State of Florida, certify that all witnesses personally appeared before me via Zoom on July 25, 2023, and were duly sworn.

Lorena Ramos

LORENA RAMOS, NOTARY PUBLIC
STATE OF FLORIDA

My commission expires: May 4, 2026
Commission #HH 213357

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Lorena Ramos, National Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the meeting of Community Zoning Appeals Board 10; and that a review of the transcript was requested; that the foregoing transcript, pages 1 through 41, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 08/23/2023 in the City of Miami, Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, COURT REPORTER