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1-16-2008 Version # 1

MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR

111 NW 1 Street, Miami

Thursday, February 21, 2008 at 9:30 a.m.

APPEALS

					DISTRICT
1. 07-11-CZ11-3	LIANNJO INVESTMENTS, INC.	07-31	24-54-39	N	10

CURRENT

					DISTRICT
2. 08-2-CC-1	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-281	15-53-41	N	2
3. 08-2-CC-2	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-282	15-53-41	N	2
4. 08-2-CC-3	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-283	22-53-41	N	3
5. 08-2-CC-4	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-326	12-56-39	N	9
6. 08-2-CC-5	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-333	11-53-41	N	2
7. 08-2-CC-6	DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING	07-347	34-52-41	N	2

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, FEBRUARY 21, 2008

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

1. **LIANNJO INVESTMENTS, INC. (07-11-CZ11-3/07-31)** **24-54-39**
BCC/District 10

The applicant is appealing the decision of COMMUNITY ZONING APPEALS BOARD #11 which denied without prejudice the following:

(1) AU to EU-1

(2) Applicant is requesting to waive the zoning regulations prohibiting accessory buildings on a site without a principal building to permit a utility shed and wood structure and to permit the wood structure setback 18' (20' required) from the interior side (east) property line on Parcel "A".

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

(3) Applicant is requesting to permit proposed 2 proposed parcels ("A" and "B"), each with a lot frontage of 154.025' (200' required) and a lot area of 1.149 gross acres (5 gross acres required).

(4) Applicant is requesting to permit the wood structure setback 18' (20' required) from the interior side (east) property line and spaced 16' (20' required) from the utility shed on Parcel "A".

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwellings) and approval of requests #2 - #4 under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Liannjo Investment, Inc., dated stamped received 8/16/07 and consisting of 1 sheet. Plans may be modified at public hearing.

LOCATION: 11875 S.W. 49 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.298 Gross Acres

Department of Planning and Zoning Recommendation: Denial without prejudice of the appeal and application.

Protests: 1 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

2. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-1/07-281)** **15-53-41 BCC/District 2**

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: Lot 4, Block 15, LIBERTY CITY, Plat book 7, Page 79.

LOCATION: Lying south of N.W. 64 Street and approximately 132' east of N.W. 19 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 40' x 90'

Department of Planning and Zoning Recommendation: Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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3. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-2/07-282)** **15-53-41 BCC/District 2**

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

LOCATION: Lying north of N.W. 63 Street and approximately 220' east of N.W. 19 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 40' x 90'

Department of Planning and Zoning Recommendation: Approval with conditions under Section 33-311(A)(4)(b) (NUV), and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-3/07-283)** **22-53-41 BCC/District 3**

Applicant is requesting to permit a parcel of land with a frontage of 42' (75' required) and a lot area of 3,696 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

LOCATION: Lying north of N.W. 43 Street, approximately 87' east of N.W. 23 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 42' x 88'

Department of Planning and Zoning Recommendation: Approval with conditions under Section 33-311(A)(4)(b) (NUV), and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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5. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-4/07-326)** **12-56-39 BCC/District 9**

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 5,640 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

LOCATION: Lying on the southwest corner of S.W. 122 Avenue and S.W. 218 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 40' x 141'

Department of Planning and Zoning Recommendation: Approval with conditions under Section 33-311(A)(4)(b) (NUV), and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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6. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-5/07-333)** **11-53-41 BCC/District 2**

Applicant is requesting to permit a parcel of land with a lot frontage of 51' (75' required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

LOCATION: Southwest corner of N.W. 83 Street and N.W. 14 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 51' x 186'

Department of Planning and Zoning Recommendation: Approval with one condition under Sections 33-311(A)(4)(b) (NUV) or 33-311(A)(14) (ASDO), and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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7. **DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-2-CC-6/07-347)** **34-52-41 BCC/District 2**

Applicant is requesting to permit a parcel of land with a lot frontage of 67.5' (75' required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

LOCATION: Lying south of N.W. 106 Street & approximately 500' east of N.W. 27 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 67.5' x 123.4'

Department of Planning and Zoning Recommendation: Approval with one condition under Sections 33-311(A)(4)(b) (NUV) or 33-311(A)(14) (ASDO), and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

1. LIANNJO INVESTMENTS, INC.
(Applicant)

07-11-CZ11-3 (07-31)
BCC/District 10
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same**

Is there an option to purchase ☐/lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Liannjo Investments, Inc. **PH:** Z07-031 (07-11-CZ11-3)

SECTION: 24-54-39 **DATE:** February 21, 2008

COMMISSION DISTRICT: 10 **ITEM NO.:** 1

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A. INTRODUCTION

o REQUESTS:

The applicant is appealing the decision of Community Zoning Appeals Board #11 which denied without prejudice the following:

1. AU to EU-1

2. Applicant is requesting to waive the zoning regulation prohibiting accessory buildings on a site without a principal building, to permit a utility shed and wood structure and to permit the wood structure setback 18' (20' required) from the interior side (east) property line on Parcel "A".

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

3. Applicant is requesting to permit 2 proposed parcels ("A" and "B"), each with a lot frontage of 154.025' (200' required) and a lot area of 1.149 gross acres (5 gross acres required).

4. Applicant is requesting to permit the wood structure setback 18' (20' required) from the interior side (east) property line and spaced 16' (20' required) from the utility shed on Parcel "A".

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwellings) and approval of requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Zoning Department entitled "Site Plan," as prepared by Liannjo Investment, Inc., dated stamped received 8/16/07 and consisting of 1 sheet. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant is appealing the decision of the Community Zoning Appeals Board #11 (CZAB-11) that denied a request to change the zoning on the property from AU, Agricultural District, to EU-1, Estates One Family One Acre Gross Residential District. Additionally, the applicant was denied a request to waive the

zoning regulations prohibiting accessory buildings on a site without a principal building within the proposed EU-1 zone, to permit an existing utility shed and wood structure on Parcel "A" without a principal building and to permit the wood structure setback less than required from the interior side (east) property line on Parcel "A". Furthermore, two other requests were also denied which, in the alternative to requests #1 and #2, sought to allow two lots with lesser lot frontages and lot areas than required in the existing AU zone, and to permit a utility shed and wood structure setback less than required from the interior side (east) property line and spaced less than required from each other.

- **LOCATION:**

  11875 S.W. 49 Street, Miami-Dade County, Florida.

- **SIZE:** 2.298 Gross Acres

- **IMPACT:**

  The approval of this application would allow the applicant to rezone the subject property to EU-1, One Acre Estate District, or create two substandard parcels in the AU zoning district. The reduced lot area and lot frontage, setback and spacing requirements may detrimentally impact the surrounding properties and set a precedent for similar requests in the area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agriculture**. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Education Element Policy 2.1.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order

specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
AU; single-family residence	Agriculture
SURROUNDING PROPERTY:	
NORTH: AU; single-family residences	Agriculture
SOUTH: AU; single-family residence	Agriculture
EAST: AU; single-family residence	Agriculture
WEST: AU; single-family residence	Agriculture

This property is located at 11875 S.W. 49 Street in an agricultural area of the County commonly known as "Horse Country". Single-family residences developed under the AU zoning regulations characterize the surrounding area.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Unacceptable**
Open Space:	**Unacceptable**
Buffering:	**Unacceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change, Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

(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;

(5) 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.

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings. The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

    A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

    B. the proposed alternative development will not result in the further subdivision of land; and

C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variance Standard. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**1 student**

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

On November 6, 2007, the Community Zoning Appeals Board #11 (CZAB #11) denied without prejudice this application by a vote of 6 to 1, pursuant to Resolution #CZAB11-48-07. On November 27, 2007, the applicant appealed the CZAB #11's decision to the Board of County Commissioners (BCC) citing that the application is consistent with the Comprehensive Development Mater Plan (CDMP) and compatible with the surrounding area and that the Board's decision to deny the request to rezone the property was not based on substantial competent evidence introduced on the record. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB #11's decision to deny this application and retain the existing AU zoning on the property is **consistent** with the CDMP.

The subject property is zoned AU, Agricultural District, and is located at 11875 S.W. 49 Street in an agricultural area of the County commonly known as "Horse Country". The applicant is requesting a zone change from AU, Agricultural District, to EU-1, Estate Single-Family One Acre Gross Residential District (request #1). Additionally, the applicant is requesting to waive the zoning regulations prohibiting accessory buildings in the EU-1 zone without a principal building on the site to permit a utility shed and wood structure and to permit the wood structure setback 18' (20' required) from the interior side (east) property line on Parcel "A" (request #2). In the alternative, the applicant seeks to retain the existing AU zoning to permit 2 building sites, Parcels "A" and "B", each with a lot frontage of 154.025' (200' required) and a lot area of 1.149 gross acres (5

gross acres required in the AU zone) (request #3). An additional request is also being sought to permit the wood structure setback 18' (20' required in the AU zone) from the interior side (east) property line and spaced 16' (20' required in the AU zone) from the utility shed on Parcel "A" (request #4). The plan submitted by the applicant depicts the subdivision of a 2.298-acre, grandfathered buildable parcel into two substandard lots with an existing single-family residence located on the east lot and the utility shed and wood structure located on the west proposed lot.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. The Department indicates in their memorandum that this property requires platting and road dedications and improvements will be accomplished through the recording of a plat. Their memorandum further indicates that this application will generate **3** additional PM daily peak hour **vehicle trips**, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "B". The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application. Additionally, Miami-Dade County Public Schools **(MDCPS) does not object** to this application and their memorandum indicates that the proposed zoning will bring **1 additional student** to the area schools.

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Agricultural** use. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses and farm residences. Both, request #1, to permit a zone change from AU to EU-1, and request #3 which would allow the subdivision of this AU zoned parcel of land are **inconsistent** with the CDMP. The CDMP indicates that residential development that occurs in the Agriculturally designated areas is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. Section 33-280(1) of the Miami-Dade County Zoning Code permits lots platted or purchased under a contract for deed or deeded prior to April 12, 1974 to be exempt from the 5-acre minimum lot area and the 200' minimum lot frontage requirements. Properties that meet the 1974 grandfathering criteria require a minimum of one (1) acre and 150' of frontage. The subject property has already had the benefit of reduced lot area and lot frontage from the minimum requirements of the AU zoning district since the Bird Road Farm Sites Subdivision, of which the subject property is a part, was platted in 1946 and is grandfathered in its 2.298 acre size from meeting the current 5-acre AU lot area requirement. The properties to the west, north and east of the subject property are each one acre in area, and have approximately 150' or more of lot frontage. The property to the south is approximately 2.33 acres in area and has 308' of lot frontage. The applicant is proposing to subdivide the 2.298 acre parcel into two new parcels with a gross area of 1.149 acres. When analyzing each of the new parcels to be created, the proposed west lot is abutted by only two legal building sites on its north and west sides that are similar in size to the applicant's proposal. Similarly, the proposed east lot has only two legal building sites of a similar size located to its north and east. As

evidenced by the aforementioned, neither of the proposed new lots abuts legally established lots of a similar size on three sides that are parcelized in the same manner. Therefore, neither of the proposed new lots meets the three-sided rule stated in the CDMP text. Furthermore, staff notes that an applicant requesting to legalize only one existing substandard parcel must be able to meet the 3-sided rule criteria outlined above and, as such, an applicant attempting to split a parcel into 2 new parcels should not receive the advantage of including the other half of their proposed lot split (which at the time of the hearing is not a legally established parcel) when analyzing the 3-sided rule.

The applicant has indicated that the manner in which the Department is analyzing this application is a "departure from how the Department has historically viewed and applied" the 3-like size test, and that in other applications creating substandard lots the Department has never applied the same standard as in this instance. In 2001, the Department revisited their interpretation of the CDMP language on the parcelization of agriculturally designated lands and realized that, in applications such as this one, applicants were receiving the benefit of using a parcel that was not yet legally subdivided to meet the 3-sided rule. Noting that the intent of the CDMP is to discourage urban development in the agricultural area, the Department implemented the current interpretation in 2001 without exception, in all similar applications, and the Community Zoning Appeals Board-11 (CZAB-11) has always supported staff's position. Zoning records show that Resolutions #CZAB11-32-05, CZAB11-36-06, CZAB11-44-06 and CZAB11-30-07 were denied by CZAB-11 in support of staff's recommendations. In addition, zoning records also show that the Community Zoning Appeals Board –14 (CZAB-14) has also consistently supported staff's position on the 3-sided rule and has denied similar applications pursuant to Resolutions CZAB14-31-06 and CZAB14-32-07. The CZAB-14's decision on the latter was sustained by this Board on January 24, 2008, pursuant to Resolution Z-4-08. Staff also notes that the Department's analysis on application #Z07-243, scheduled to be heard by the CZAB-14 on February 27, 2008, is also for denial of that application based on the Department's long-standing practice that each of the proposed new lots needs to comply with the 3-sided rule. Although the applicant states that the Department should have filed a CDMP amendment on the language contained in this section, staff has not seen the need to do so and is of the opinion that the current interpretation is accurate and meets the spirit and intent of the CDMP.

In addition to the aforementioned, the CDMP also requires that any subdivision of land in the agricultural area be analyzed as to its future potential impact in the surrounding area. Staff needs to consider if any division of land would precipitate additional land division in the area. In this particular instance the subdivision of this parcel of land (Tract 183) would precipitate additional land division in this area since the resulting two lots would provide Tract 193, located immediately to the south of the subject Tract, the CDMP required third similar-sized abutting parcel to subdivide it into two additional lots.

The Department's interpretation of the language of the text established years ago, as well as the CZAB-11, CZAB-14, and this Board's support of staff's recommendations, has protected the rural residential character of the agricultural areas because it has halted the further subdivision of land that would have resulted when a substandard AU parcel is legalized. Staff notes that the creation of a substandard parcel paves the way for further parcelization of abutting parcels since it could be used as one of the three similar size parcels required by the CDMP for further subdivision of land. Noting all the

aforementioned, staff is of the opinion that the creation of these two new parcels with an area of 1.149 acres is **inconsistent** with the Master Plan and **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of requests #1 and 3.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. In this instance, when the creation of new parcels of land smaller than 5 acres is proposed in the Agriculturally designated area**, the ASDO standards require that the abutting parcels be predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development**; that the division of the parcel proposed for alternative development not precipitate additional land division in the area; that the size and dimensions of each lot in the proposed alternative development be sufficient to provide all setbacks required by the underlying district regulations; that the proposed alternative development not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and that sufficient frontage be maintained to permit vehicular access to all resulting lots. Staff notes that, except for the provision of sufficient frontage, the proposed lots do not meet the standards for approval under the ASDO standards. As such, request #3 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Staff notes that when Section 33-311(A)(14) was adopted by this Board, the "purpose" of the Section as outlined in Section 33-311(14)(a) was to create objective standards to regulate the site-specific development of single family and duplex uses in specified zoning districts and provide alternatives to the generalized standards contained in the regulations governing the specified zoning districts. The zoning code indicates that the site development standards permit alternative patterns of site development in accordance with the Comprehensive Development Master Plan ("CDMP") where the public interest served by the underlying district regulations and CDMP will be served, and the objectives of the creative urban design, urban infill development and redevelopment, or the preservation and enhancement of property values will be promoted, as demonstrated by the proposed alternative development's compliance with the standards of this subsection. A zoning application for development in compliance with the alternative standards shall be approved upon demonstration at public hearing that the proposed development is in compliance with the applicable alternative standards and does not contravene the enumerated public interest standards established. As noted above under the standards, this Board adopted the <u>same interpretation</u> as that made by the Department, by indicating that "**the ASDO standards require that the abutting parcels be predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the <u>parcel proposed for alternative development</u>.**" The language in Section 33-311(14)(b) states that the "meaning" of the **"<u>Parcel proposed for alternative development" means the site of the structure for which approval is sought under this subsection</u>,** which in this case would be Parcels A and B. The aforementioned clearly does not support the applicant's claim that the entire property, and not the individual parcels, must meet the 3-sided rule. The language clearly supports the Department's interpretation that each one of the sites

proposed for alternative development, and not the entire subject property, must meet the 3-sided rulet.

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff notes that the property can be utilized in accordance with the zoning regulations. Therefore, staff recommends denial without prejudice of requests #2 through #4 under the Alternative Non-Use Variance Standards.

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which are to protect the general welfare of the public, particularly as it affects the appearance and stability of the community provided that the Non-Use Variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Requests #2 and #4 should be denied without prejudice since the requests are an integral part of/and germane to either request #1 or #3 which staff does not support. In addition, the approval of same would set a precedent for similar requests which will be **incompatible** with the surrounding area.

Accordingly, staff recommends denial without prejudice of the appeal and of the application in its entirety.

I. RECOMMENDATION:

Denial without prejudice of the appeal and application.

J. CONDITIONS: None.

DATE INSPECTED: 08/01/07
DATE TYPED: 08/30/07
DATE REVISED: 08/31/07; 09/13/07; 09/21/07; 10/03/07; 01/02/08; 01/09/08; 01/15/08; 01/23/08; 01/24/08; 01/29/08; 02/07/08
DATE FINALIZED: 02/13/08
SB:MTF:LVT:JV

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: April 24, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-11 #Z2007000031
Liannjo Investments, Inc.
11875 S.W. 49th Street
District Boundary Change from AU to EU-1 and Non-Use Variance of Lot Area Requirements to Permit Two Lots
(AU) (2.12 Acres)
24-54-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required, in accordance with Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single-family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management
A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000031
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LIANNJO INVESTMENTS, INC.

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9270	SW 56 St. w/o HEFT	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Raul A Pino, P.L.S.
14-MAR-07

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Chief Facilities Officer
Jaime G. Torrens

Planning Officer
Ana Rijo-Conde, AICP

Miami-Dade County School Board
Agustin J. Barrera, Chair
Dr. Martin Karp, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Perla Tabares Hantman
Dr. Robert B. Ingram
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

June 20, 2007

Ms. Maria Teresa Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: **Liannjo Investments, Inc., No. 07-031**
11875 SW 49 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%.

Attached please find the School District's review analysis for the above referenced application which indicates that the school impacted by the proposed development does not meet the referenced review threshold. As such, no dialogue between the applicant and the School District is required.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Corina S. Esquijarosa
Coordinator III

CSE:rr
L-634
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

School Board Administration Building *• 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132*
305-995-7285 • FAX 305-995-4760 • ***arijo@dadeschools.net***

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION:	Liannjo Investments, Inc. 07-031
REQUEST:	Zoning change from AU to EU-1
ACRES:	2.29 acres
LOCATION:	11875 SW 49 Street
MSA/ MULTIPLIER:	6.1 / .55 Single-Family (SF) Detached
NUMBER OF UNITS:	1 additional unit (1 unit currently permitted under existing zoning classification, for a total of 2 units)
ESTIMATED STUDENT POPULATION:	1*
ELEMENTARY:	1
MIDDLE:	0
SENIOR HIGH:	0

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY:	Royal Green Elementary – 13047 SW 47 Street
MIDDLE:	Howard D. McMillan Middle – 13100 SW 59 Street
SENIOR:	Southwest Miami Senior High – 8855 SW 50 Terrace

All schools are located in Regional Center V.

*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	CUMULATIVE STUDENTS**
Royal Green Elementary	777	722	108%	22	104%	778
	778		108%		105%	
Howard D. McMillan Middle	1,172	1,229	95%	40	92%	1,176
	1,172 *		95%		92%	
Southwest Miami Senior High	3,062	2,721	113%	285	102%	3,064
	3,062 *		113%		102%	

*Student population increase as a result of the proposed development
**Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.
Notes:

1) Figures above reflect the impact of the class size amendment.
2) Pursuant to the Interlocal Agreement, none of the schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA
(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

Projects in Planning, Design or Construction

School	Status	Projected Occupancy Date
N/A		

Proposed Relief Schools
N/A

OPERATING COSTS: Accounting to Financial Affairs, the average cost for K-12 grade students amounts to $6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total $6,549.

CAPITAL COSTS: Based on the State's June 2007 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet review threshold
MIDDLE	Does not meet review threshold
SENIOR HIGH	Does not meet review threshold
Total Potential Capital Cost	**$0**

*Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Ej

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY GAL AMOUNT OF FEE 1,308.15

RECEIPT # I20072 4315

DATE HEARD: 11/06/2007

BY CZAB # 11

RECEIVED
207-31
NOV 27 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. **07-031**

Filed in the name of (Applicant) **Liannjo Investments, Inc.**

Name of Appellant, if other than applicant **Same**

Address/Location of APPELLANT'S property: **11875 SW 49th Street, Miami-Dade, Florida**

Application, or part of Application being Appealed (Explanation): **Entire Application**

Appellant (name): **Liannjo Investments, Inc.** hereby appeal the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby make application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

See Attached Letter of Intent

-21

APPELLANT MUST SIGN THIS PAGE

Date: 26 day of November, 2007

Signed _____

Liannjo Investements, Inc.
Jose I. Garcia, Sole Director and Owner
Print Name

11875 SW 49th Street, Miami-Dade, Florida
Mailing Address

305.374.8500 305.789.7799
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Liannjo Investments, Inc., a Florida corporation
Representing

_____
Signature

Juan J. Mayol, Jr., Esq. & Jorge A. Lima, Esq.
Print Name

701 Brickell Avenue, Suite 3000
Address

Miami FL 33131
City State Zip

305-789-7433
Telephone Number

Subscribed and Sworn to before me on the 26 day of November, year 2007

Amalia Barrueta
Notary Public

(stamp/seal)

Commission expires:

AMALIA BARRUETA
Notary Public - State of Florida
My Commission Expires Jul 20, 2008
Commission # DD339393
Bonded By National Notary Assn.

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Jose I. Garcia, Sole Director and Owner, Liannjo Investments, Inc., a Florida corporation (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

____ 1. Participation at the hearing
X 2. Original Applicant
____ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Print Name

Signature

Print Name

Appellant's signature

Jose I. Garcia
Sole Director and Owner, Liannjo Investments, Inc.
a Florida corporation

Sworn to and subscribed before me on the 26 day of November, 2007.

Appellant is personally know to me or has produced _____ as identification.

Notary
(Stamp/Seal)
Commission Expires:

AMALIA BARRUETA
Notary Public - State of Florida
My Commission Expires Jul 20, 2008
Commission # DD339393
Bonded By National Notary Assn.

4927432_v1

23

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131-
www.hklaw.com

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

Jorge A. Lima
305 789 7433
jorge.lima@hklaw.com

November 26, 2007

Z07-31
RECEIVED
NOV 27 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

VIA HAND DELIVERY

Mr. Subrata Basu
Interim Director
Miami-Dade County Department of Planning and Zoning
111 N.W. First Street, 11th Floor
Miami, Florida 33128

Re: Liannjo Investments, Inc. / PH 07-031 / Petition for Appeal

Dear Mr. Basu:

This Petition of Appeal is submitted on behalf of Liannjo Investments, Inc. (the "Applicant") and seeks to appeal the decision of the Miami-Dade Community Zoning Appeals Board 11 ("CZAB 11") which denied, without prejudice, Zoning Application No. 07-031 (the "Application"), on November 6, 2007, pursuant to Resolution No. CZAB11-48-07. We respectfully request that this appeal be scheduled for the next available meeting of the Board of County Commissioners, and submit that the denial of the Application was not based on substantial competent evidence.

The Application seeks the subdivision of that certain property located at 11875 SW 49th Street in Miami-Dade County, Florida (the "Property"). Specifically, the Application requests: (1) a district boundary change ("DBC") from AU (Agricultural District) to EU-1 (Single Family One Acre Estate District) (hereinafter, the "Rezoning Request"); or in the alternative, (2) a non-use variance of lot size requirements to permit two (2) lots with a gross area of 1.149± acres each, where five (5) acres is required by Section 33-280 of the Code of Miami-Dade County, Florida (hereinafter, the "Subdivision Request") as well as several ancillary variances to permit the existing structures on the Property if the subdivision is approved.

CZAB 11's decision must observe the essential requirements of the law and be supported by substantial competent evidence. Florida courts have described substantial competent evidence as such evidence that will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. It is such relevant evidence that a reasonable mind would accept as adequate to support a conclusion. CZAB 11's decision to deny the Application neither observed the essential requirements of the law nor was based on substantial competent evidence.

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

The evidence used by CZAB 11 to support its decision fails to adequately support the conclusion. After rushing the Applicant through its presentation, CZAB 11 held no discussion on the Application and immediately proffered a motion to deny.

The only evidence used to support the decision was staff's recommendation which argues that the Rezoning Request and the Subdivision Request is inconsistent with the Agriculture land use designation on the Property and thus inconsistent with the Comprehensive Development Master Plan ("CDMP"). Staff's recommendation offered no analysis or discussion as to why it considered the Rezoning Request to be inconsistent with the CDMP, drawing only an unsupported conclusion. As to the Subdivision Request, staff again cites to the CDMP and claims that the Property fails to meet the three-sided rule established in the CDMP for the creation of residential parcels smaller than 5 acres within the Agricultural designation. The three-sided rule prescribed by the CDMP reads as follows:

> Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area.

While staff acknowledges that the Property is abutted on the west, north and east by properties of 1-acre in size, it argues that "each of the proposed lots in this application must meet the three-sided rule ***individually***." (Miami-Dade County Department of Planning and Zoning Recommendation to Community Council 11, Page 9, emphasis added). It goes on to conclude that because each lot fails the test individually, the request is inconsistent with the CDMP and incompatible with the surrounding area.

Staff's reasoning is flawed both as to the Rezoning Request and the Subdivision Request. The Rezoning Request's proposed EU-1 zoning district is compatible and consistent with the Agricultural land use designation because uses permitted under the EU-1 district are permitted uses within the Agricultural zoning district, as per Miami-Dade County Code Sec. 33-279. Staff fails to recognize this compatibility and offers no analysis as to why it concludes otherwise. As for the Subdivision Request, the application of the three-sided rule to require that each proposed lot must meet the test individually, is not only inconsistent with staff's previous interpretation of the rule, but is also inconsistent with the rule itself. In 2001, the Department considered Zoning Application No. 00-406, which sought to subdivide the property immediately south of the Property. There, the Department interpreted the three-sided rule to require similarly parcelized parcels on three sides of the subject property as a whole, not each individually proposed parcel. It concluded that the subject property met the test and recommended approval of the application. A copy of that recommendation is attached as Exhibit "A". The rule itself contains language which distinguishes "new parcels" from the "subject parcel". If it had been intended for the three-sided rule to apply to each new parcel individually, such language would have been used to identify "new parcels" rather than the reference to "subject parcel". Staff's interpretation of the rule is an incorrect application of the law. Furthermore, staff provides no basis for this interpretation or explanation as to why the Department has decided to change its interpretation.

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PROCESS #: Z07-031
DATE: NOV 27 2007
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Here, the Property is abutted on three (3) sides, to the north, east, and west, by [illegible] parcelized similar to that proposed and would not precipitate additional subdivision in the a[illegible] As explained to CZAB 11, the Property is located in an area of Horse Country which is already parcelized in a similar manner. In fact, approximately 60% of the lots within the surrounding area from the Homestead Extension of the Florida Turnpike to the east, SW 127th Avenue to the west, Bird Road to the north and Miller Drive to the south are 1-acre in size. This Application is consistent with the CDMP and compatible with the area whether approved via the Rezoning Request or the Subdivision Request. CZAB 11's denial of the Application was not based on substantial competent evidence and therefore, this appeal should be granted and the Application approved.

Based on the foregoing, we respectfully request the Department's favorable consideration of this Petition of Appeal. Thank you for your considerate attention to this matter. As always, should you have any questions or require additional information, please do not hesitate to contact Mr. Juan J. Mayol or me at (305) 789-7433.

Respectfully submitted,

Holland & Knight, LLP.

Jorge A. Lima, Esq.

cc: Mr. Jose I. Garcia
Mr. Juan J. Mayol, Jr., Esq.

4951282_v1

Exhibit "A"

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11

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PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

APPLICANT: Nancy Mata & Alfonso Ramos, Jr. **PH:** Z00-406 (01-3-CZ11-3)

SECTION: 24-54-39 **DATE:** March 27, 2001

COMMISSION DISTRICT: 10 **ITEM NO.:** 3

A. INTRODUCTION

- **REQUESTS:**

  NON-USE VARIANCE OF LOT FRONTAGE AND LOT AREA REQUIREMENTS to permit 2 lots with areas of 1.165 acres gross (5 acres gross required) and a lot frontage of 154' (200' required) each.

  A survey is on file and may be examined in the Zoning Department entitled "Sketch of Boundary Survey for Hector Mata," as prepared by Global Dimensions, Inc., dated 5/25/00 and consisting of 3 pages.

- **SUMMARY OF REQUESTS:**

  The requests will allow the applicant to subdivide the parcels into two smaller than permitted lots with less lot frontage and area than required.

- **LOCATION:**

  Southeast corner of S.W. 49 Street and theoretical S.W. 120 Avenue; A/K/A: 11870 S.W. 49 Street, Miami-Dade County, Florida.

- **SIZE:** 2.33 acres.

- **IMPACT:**

  This application will allow the applicant to subdivide this property into two lots and construct two single family residences. The requests will have a minimal impact on public services.

B. ZONING HISTORY:

In 1966,the Zoning Appeals Board granted an unusual use request that permitted a dog kennel on this site.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property for **agriculture.**

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PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

2. The area designated as "Agriculture" contains the best agricultural land remaining in Dade County. The principal uses in this area should be agriculture, uses ancillaryto and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).

3. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. (Land Use Element, page I-47).

D. **NEIGHBORHOOD CHARACTERISTICS:**

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU, vacant parcel	Agriculture
Surrounding Properties:	
NORTH: AU; single family residence & a horse ranch	Agriculture
SOUTH: AU; single family residence & a vacant lot	Agriculture
EAST: AU; single family residence	Agriculture
WEST: AU; single family residence	Agriculture

The subject property is located within a 2-mile square foot area commonly referred to as "Horse Country". This area is characterized with horse ranches, plant nurseries, and single family residences.

E. **SITE AND BUILDINGS:**

Site Plan Review:

Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**

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PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. **PERTINENT REQUIREMENTS/STANDARDS:**

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.*

G. **NEIGHBORHOOD SERVICES:**

DERM	**No objection**
Public Works	**No objection**
Parks	**No objection**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

H. **ANALYSIS:**

The applicants are seeking variances of lot area and lot frontage requirements to permit the subdivision of the subject 2.33 acre parcel into two 1.165 gross acre parcels, each with a lot frontage of 154'. *That subdivision will permit the construction of two single family residences.* The subject site is located on the southeast corner of SW 49 Street and theoretical SW 120 Avenue in an area known as "Horse Country." This area is characterized with rural residences, horse farms, and plant nurseries. Some of the aforementioned uses are situated on similar sized lots with similar lot frontages as those being proposed.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** also has **no objections** to this application. This area is served by the Kendall District of the Miami-Dade Police Department. In January, 2001, that District had an average emergency response time of 4.9 minutes.

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PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

The Comprehensive Development Master Plan (CDMP) designates this area for Agricultural uses on the Land Use Plan (LUP) map. The CDMP permits a density of no more than one unit per five acres in the Agricultural designated areas. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. According to the Property Appraisal's records, the two parcels to the south, one of which is developed with a single family residence, are comprised of 1 acre each, the parcel to the west, which is developed with a single family residence, consists of 1 acre, and the parcel to the east consists of 1 acre and is developed with a single family residence. Those parcels also have similar lot frontages as those being proposed. This site is surrounded on three sides by lots which are parcelized in a similar manner as those proposed and, as such, the proposed subdivision to permit 2 parcels of land with 1.165 gross acres each will be **consistent** with the **Master Plan**. Staff is of the opinion that the two proposed lots will be **compatible** with the surrounding area and that the non-use variance requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations.

I. **RECOMMENDATION:** Approval with conditions.

J. **CONDITIONS:**

1. That the site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, wall, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantiallyin accordance with that submitted for the hearing entitled, "Sketch of Boundary Survey for Hector Mata," as prepared by Global Dimensions, Inc., dated 5/25/00 and consisting of 3 pages. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.

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PROCESS #: Z07-031
DATE: NOV 27 2007
BY: JESSE1

5. That the applicant comply with all applicable conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.

DATE INSPECTED: 02/26/01
DATE TYPED: 03/06/01
DATE REVISED:
DATE FINALIZED: 03/08/01
DO:QW:AJT:MTF:JDR

Diane O'Quinn Williams
Assistant Director for Zoning
Miami-Dade County Department of
Planning and Zoning

RESOLUTION NO. CZAB11-48-07

WHEREAS, **LIANNJO INVESTMENTS, INC.** applied for the following:

(1) AU to EU-1

(2) To waive the zoning regulations prohibiting accessory buildings on a site without a principal building to permit a utility shed and wood structure and to permit the wood structure setback 18′ (20′ required) from the interior side (east) property line on Parcel "A".

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

(3) To permit proposed 2 proposed parcels ("A" and "B"), each with a lot frontage of 154.025′ (200′ required) and a lot area of 1.149 gross acres (5 gross acres required).

(4) To permit the wood structure setback 18′ (20′ required) from the interior side (east) property line and spaced 16′ (20′ required) from the utility shed on Parcel "A".

Upon demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwellings) and approval of requests #2 - #4 under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Zoning Department entitled "Site Plan," as prepared by Liannjo Investment, Inc., dated stamped received 8/16/07 and consisting of 1 sheet.

SUBJECT PROPERTY: Tract 186, ROAD FARMSITES, Plat book 46, Page 3.

LOCATION: 11875 S.W. 49 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-1 (Item #1), the request to waive the zoning regulations prohibiting accessory buildings on a site without a principal building to permit a utility shed and wood structure and to permit the wood structure setback 18′ from the interior side (east) property line on Parcel "A" (Item #2), to

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permit 2 proposed parcels ("A" and "B"), each with a lot frontage of 154.025' and a lot area of 1.149 gross acres (Item #3), and to permit the wood structure setback 18' from the interior side (east) property line and spaced 16' from the utility shed on Parcel "A" (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the entire application without prejudice was offered by Patricia G. Davis, seconded by Jay Reichbaum, and upon a poll of the members present the vote was as follows:

Miguel Cervera	aye	Beatriz Suarez	aye
Patricia G. Davis	aye	Ileana R. Vazquez	aye
Jay Reichbaum	aye	Jeffrey Wander	nay

Domingo Castillo aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to EU-1 (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, the request to waive the zoning regulations prohibiting accessory buildings on a site without a principal building to permit a utility shed and wood structure and to permit the wood structure setback 18' from the interior side (east) property line on Parcel "A" (Item #2), to permit 2 proposed parcels ("A" and "B"), each with a lot frontage of 154.025' and a lot area of 1.149 gross acres (Item #3), and to permit the wood structure setback 18' from the interior side (east) property line and spaced 16' from the utility shed on Parcel "A" (Item #4) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

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PASSED AND ADOPTED this 6th day of November, 2007.

Hearing No. 07-11-CZ11-3
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-48-07 adopted by said Community Zoning Appeals Board at its meeting held on the 6th day of November 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 9th day of November 2007.

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

SEAL

REVISION 1

Memorandum

Date: 14-SEP-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000031

Fire Prevention Unit:

Approval
Fire Engineering and Water Supply Bureau has no objection to site plans date stamped August 16, 2007.

Service Impact/Demand:

Development for the above Z2007000031
located at 11875 S.W. 49 STREET, MIAMI-DADE COUNTY, FL
in Police Grid 1628 is proposed as the following:

2 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: .54 alarms-annually.
The estimated average travel time is: 6:25 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 9, Kendall, 7777 SW 117 Avenue
Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

Station 78, Bird Road Loop, vecinity of SW 40 Street and 117 Avenue

Fire Planning Additional Comments:

Current services calculated based on letter of intent. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 05/31/07

TEAM METRO

ENFORCEMENT HISTORY

LIANNJO INVESTMENTS, INC.	11875 S.W. 49 STREET, MIAMI-DADE COUNTY, FL
APPLICANT	**ADDRESS**

Z2007000031

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5-30-07 - NO CURRENT OR PAST TEAM METRO VIOLATIONS

LIANNJO INVESTMENTS, INC.

JUAN CASTRO

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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Liannjo Investments, Inc., a Florida corporation

NAME AND ADDRESS	Percentage of Stock
Jose I. Garcia	100%
11875 S.W. 49th Street	
Miami, Florida 33175	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and 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: _____

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 partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (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:

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Liannjo Investments, Inc., a Florida corporation

Signature: _____

Print: Jose L. Garcia

Title: Director

Sworn to and subscribed before me this 13 day of November, 06. Affiant is personally known to me or has produced _____ as identification.

Amalia Barrueta
(Notary Public)

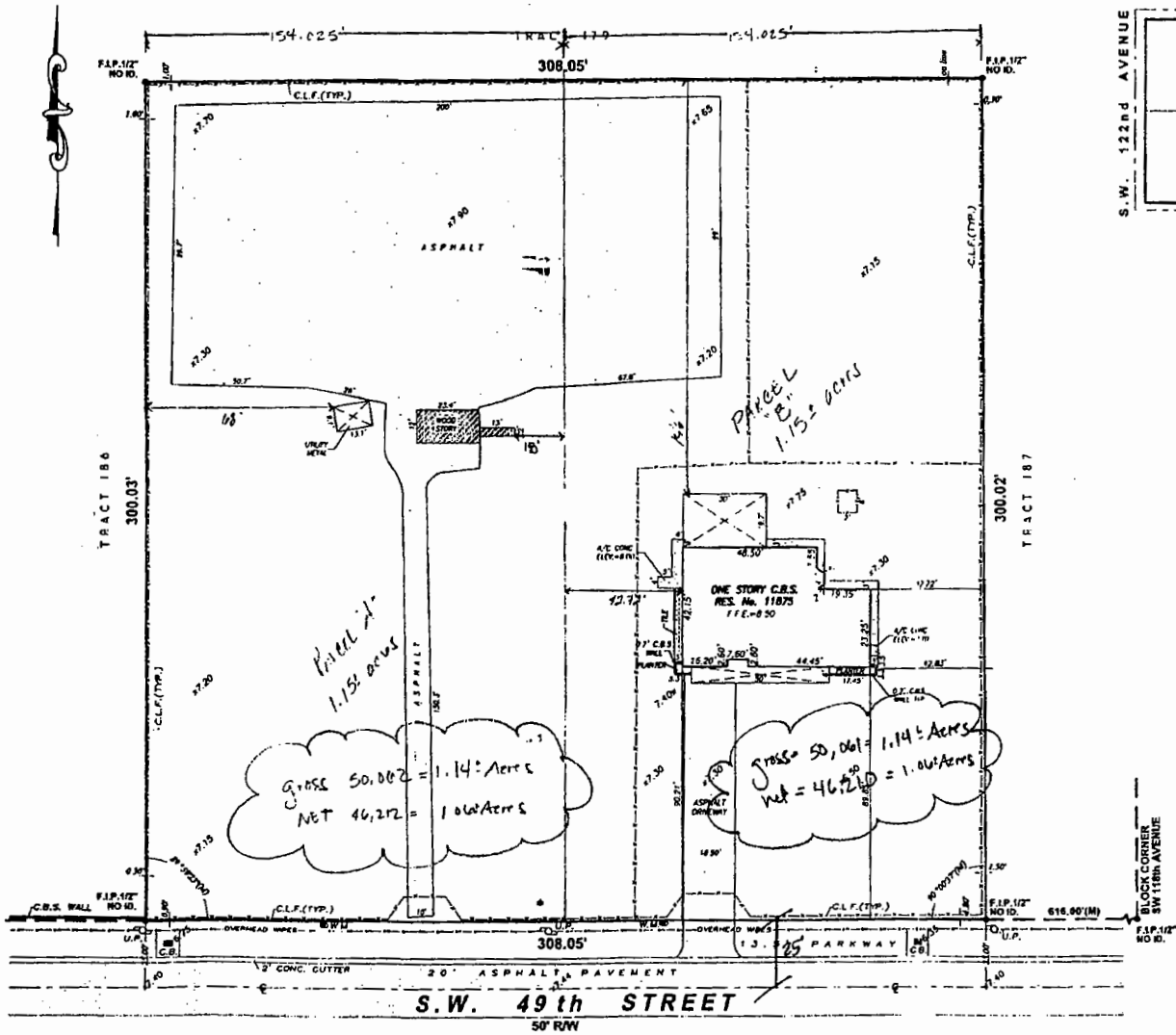
AMALIA BARRUETA
Notary Public - State of Florida
My Commission Expires Jul 20, 2008
Commission # DD339393
Bonded By National Notary Assn.

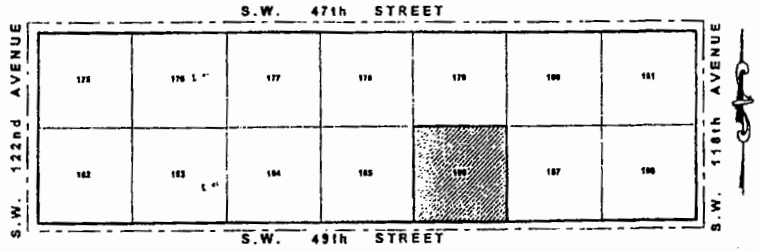
My commission expires _____

*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.

SITE PLAN

SCALE: 1" = 30'





LOCATION SKETCH
N.T.S.

PROPERTY ADDRESS:

11875 S.W. 49th STREET, MIAMI, FLORIDA, 33175

LEGAL DESCRIPTION:

TRACT 186 OF ROAD FARMSITES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 32, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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207-091
AUG 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

GENERAL SYMBOLS

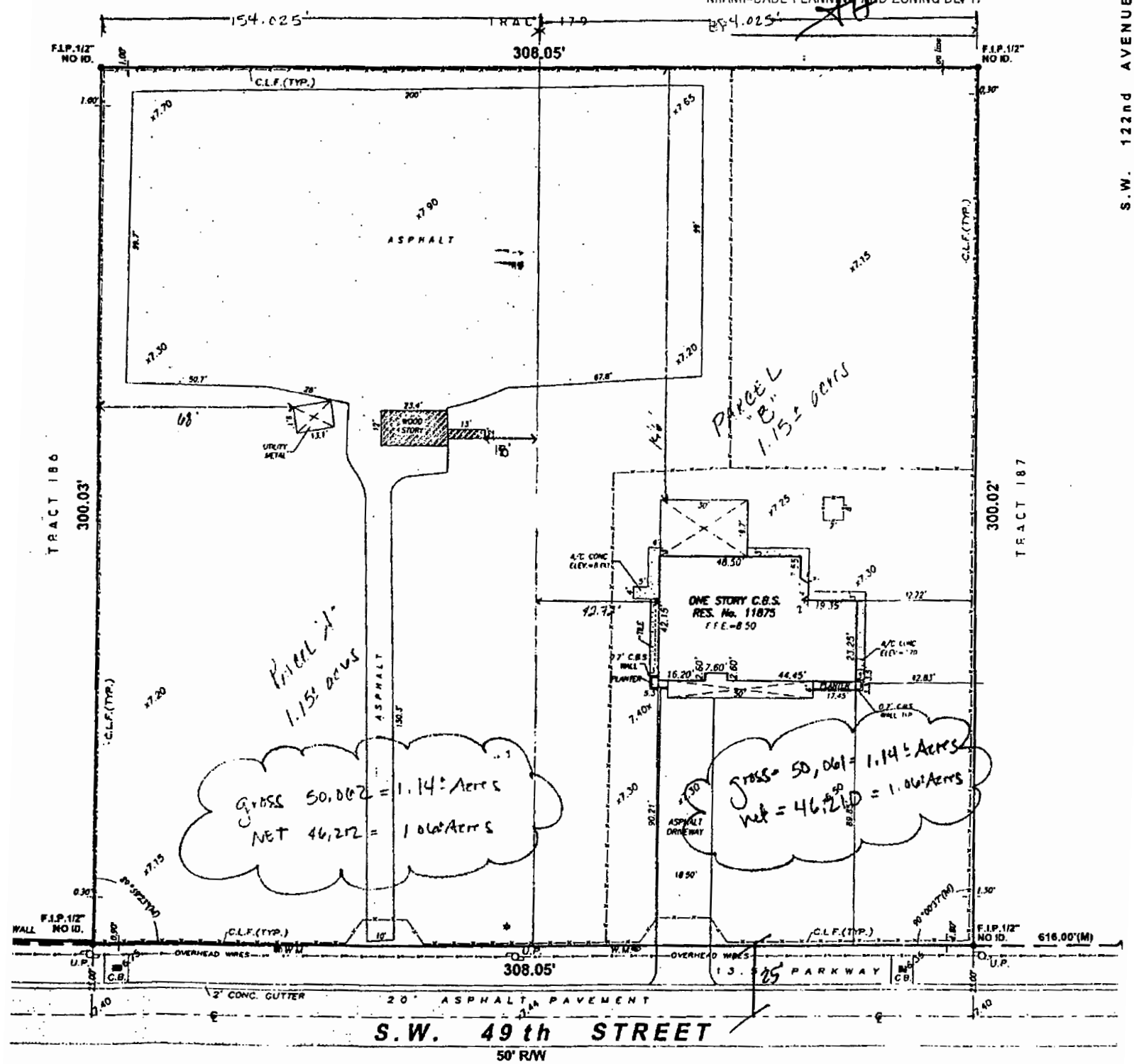
- CHAIN LINK FENCE
- IRON PIPE
- WATER METER
- UTILITY CONC. POLE
- CATCH BASIN
- METAL LIGHT POLE

GENERAL LEGEND

P.O.C.	POINT OF COMMENCE	C/L	CENTER LINE
P.O.B.	POINT OF BEGINNING	P/L	PROPERTY LINE
P.R.M.	PERMANENT REFERENCE MONUMENT	CBS	CONCRETE BLAB
P.C.P.	PERMANENT CONTROL POINT	CBS	CONCRETE BLOCK STRUCTURE
F.I.P.	FOUND IRON PIPE 1/2" STAMPED	R/W	RIGHT OF WAY
S.I.B.	SET IRON BAR 1/2" STAMPED	R	RECORD
F.I.B.	FOUND IRON BAR 1/2" STAMPED	D	DELTA
F.D.N.	FOUND NAIL HOLE	P	PROPERTY LINE
S.N.D.	SET NAIL & DISC STAMPED P.L.S.	M	MONUMENT LINE
F.N.D.	FOUND NAIL & DISC	C	CENTERLINE
RES.	RESIDENCE	R/W	RIGHT-OF-WAY
L.F.E.	LOWEST FLOOR ELEVATION	ENC.	ENCROACHMENT
F.F.E.	FINISH FLOOR ELEVATION	CL	CLEAR
U.E.	UTILITY EASEMENT		

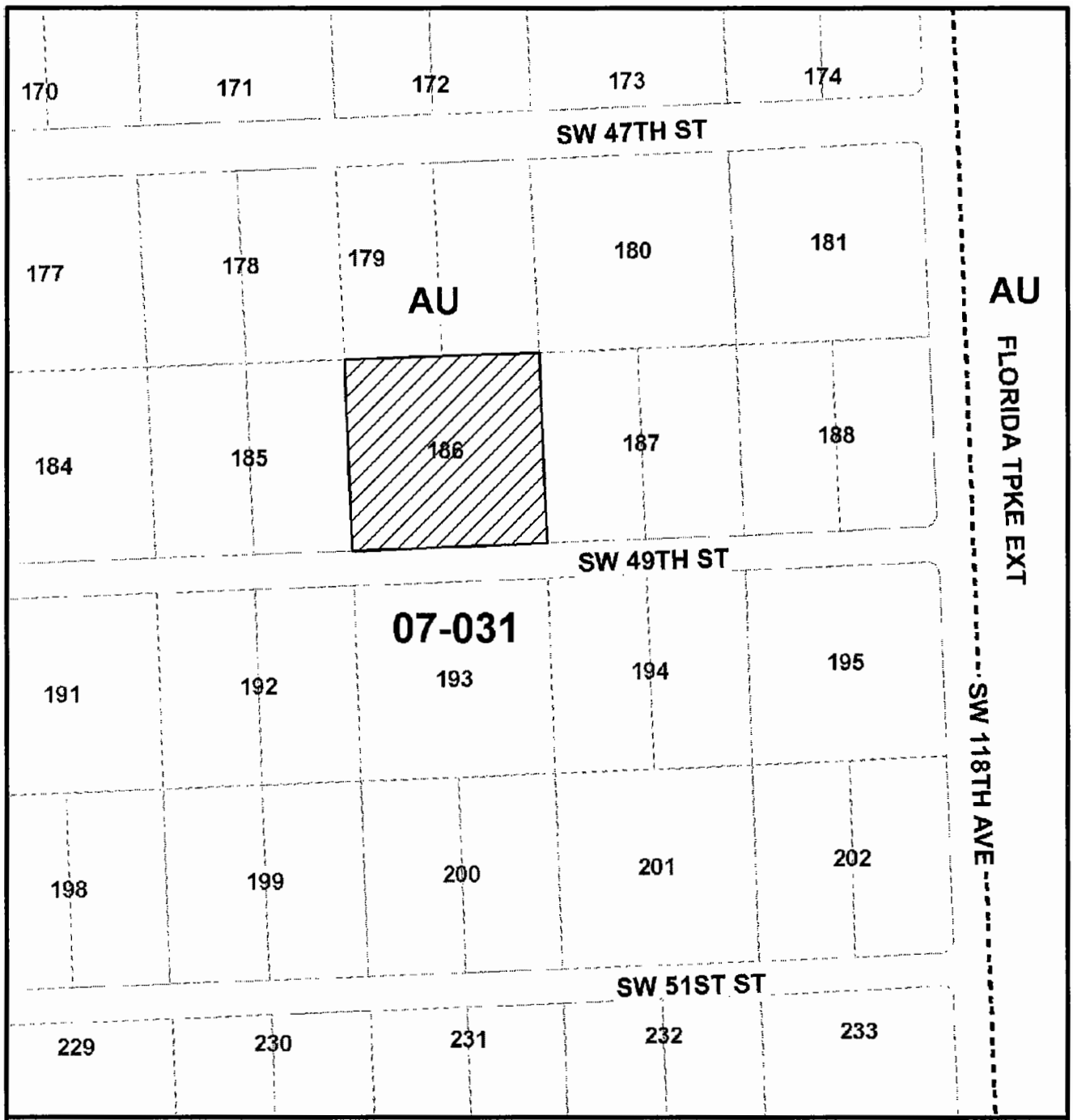
Prepared by Owner:
Liannjo Investments, Inc.

RECEIVED
207-032
AUG 16 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



d by Owner:
unjo Investments, Inc.

ENLARGED SITE PLAN



MIAMI-DADE COUNTY

HEARING MAP

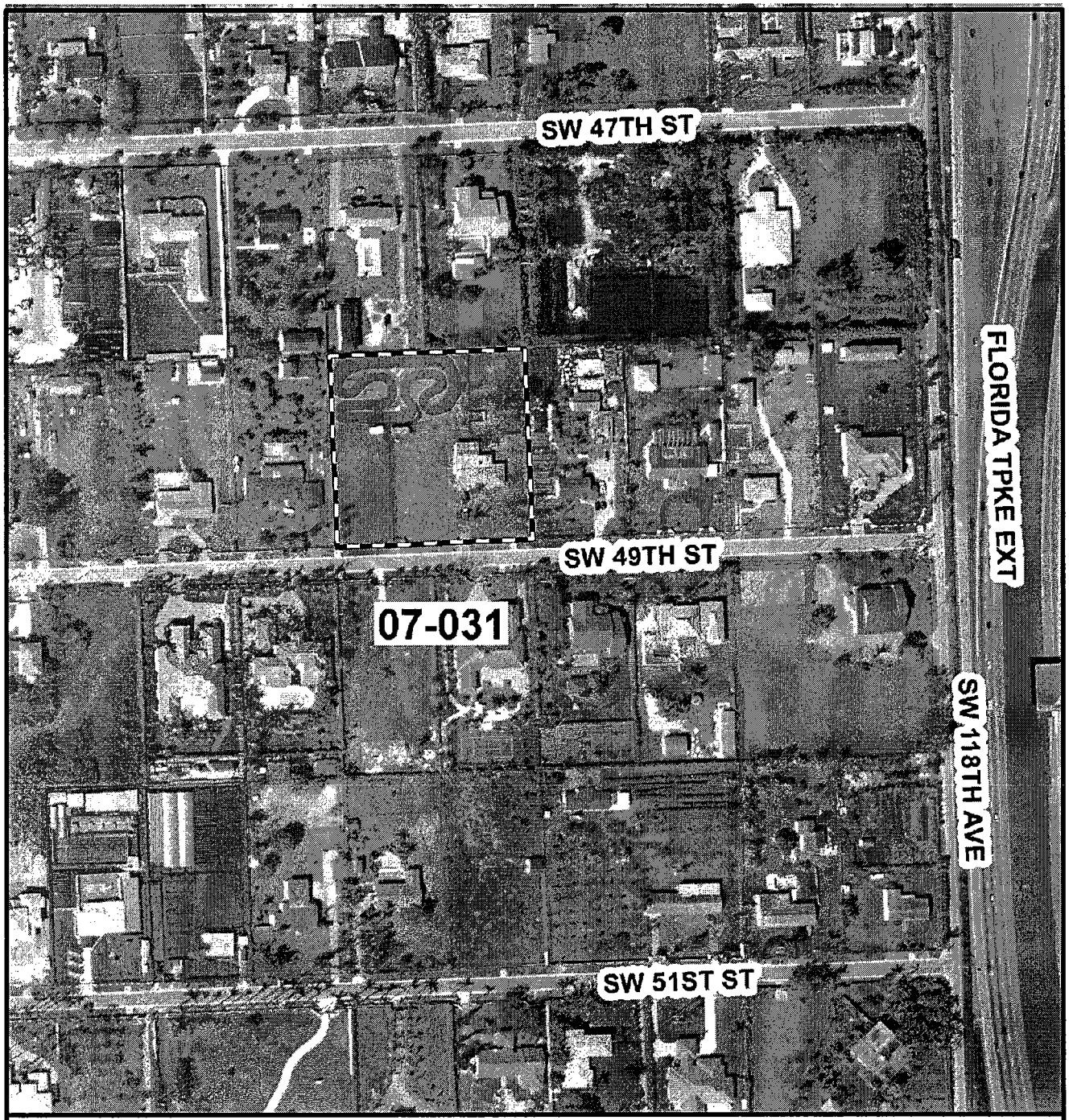
S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 24 Township: 54 Range: 39
Process Number: 07-031
Applicant: LIANNJO INVESTMENTS, INC.
Zoning Board: C11
District Number: 10
Cadastral: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-031 02/15/07.AFT



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 24 Township: 54 Range: 39
Process Number: 07-031
Applicant: LIANNJO INVESTMENTS, INC.
Zoning Board: C11
District Number: 10
Cadastral: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 07-031 02/15/07.AFT

(07-31)

Received by
Zoning Agenda Coordinator
JAN 28 2008

LIANNJO INVESTMENTS, INC
ITEM # 1
HEARING # 07-031

This instrument was prepared by:

Name: Jorge A. Lima
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner, LIANNJO INVESTMENTS, INC., a Florida corporation (the "Owner"), holds the fee simple title to that certain 2.29± acre parcel of land in Miami-Dade County, Florida (the "County"), located at 11875 S.W. 49th Street (the "Property"), which is legally described in Exhibit "A" to this Declaration; and

WHEREAS, the Owner has filed an application with the Department of Planning and Zoning in Miami-Dade County, which application is currently pending under Public Hearing Application No. Z2007000031 (the "Application") for the purpose of seeking a district boundary change from "AU" to "EU-1" and approval of several non-use variances.

NOW, THEREFORE, IN ORDER TO ASSURE the County that the representations made by the Owner during its consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, hereby makes the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

1. **Maximum Lots**. The Property will be limited to no more than two (2) building lots.

2. **Miscellaneous**

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that such change has been approved by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the property covered by the modification, amendment or release, including

joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept

any conveyance with respect to the Property.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[Signature Pages Follow]

IN WITNESS WHEREOF, LIANNJO INVESTMENTS, INC., has caused these present to be signed in its name on this 6 day of November, 2007.

WITNESSES:

Witness

Hector Mata JR
Printed Name

Witness

Nancy Mata.
Printed Name

LIANNJO INVESTMENTS, INC.
a Florida corporation

By: _____
Jose I. Garcia
Director & SOLE SHAREHOLDER
11875 S.W. 49th Street
Miami, Florida 33175

(Corporate Seal)

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 6th day of November, 2007, by Jose I. Garcia, as Director of LIANNJO INVESTMENTS, INC., a Florida corporation, on behalf of said corporation, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public – State of Florida

Printed Name

AMALIA BARRUETA
Notary Public - State of Florida
My Commission Expires Jul 20, 2008
Commission # DD339393
Bonded By National Notary Assn.

4884490_v1

Section-Township-Range: 24-54-39
Folio Number: 30-4924-001-1930

EXHIBIT A

Tract 186, BIRD ROAD FARMSITES, Plat Book 46, Page 3

1
COMMUNITY ZONING APPEALS BOARD 11
2 ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
3 Tuesday, November 6, 2007 @ 7:00 p.m.
4
5
6
ITEM
7
LIANNJO INVESTMENTS, INC.
8 **(07-31)**
9
10
MEMBERS OF THE BOARD
11 (Present)
12
Domingo Castillo, Chairman
13 Miguel Cervera, Vice Chairman
Patricia G. Davis
14 Beatriz Suarez
Jeff Wander
15 Jay Reichbaum
Ileana R. Vazquez
16
17
COUNTY ATTORNEY'S OFFICE
18
Jay Williams
19 Assistant County Attorney
20
STAFF
21
Louis Salvat, Clerk
22 Jorge Vital, Evaluator
Victoria Valdez, Specialist
23
24 ON BEHALF OF THE APPLICANT
25 Felix Lasarte, Esq.

1

2 I N D E X

3 COUNCIL MEMBERS

4 CHAIRMAN CASTILLO: 3-8, 16-17, 26, 32-33, 35-47.

5 VICE CHAIRMAN CERVERA: 3, 45.
6 COUNCILWOMAN DAVIS: 3, 45.
COUNCILWOMAN SUAREZ: 3, 45.
7 COUNCILMAN WANDER: 3, 45.
COUNCILMAN REICHBAUM: 3, 44.
8 COUNCILWOMAN VAZQUEZ: 3, 45.

9 STAFF

10 MS. VALDEZ: 4-6.
MR. VITAL: 16, 32-33, 43.

11

12 ON BEHALF OF THE APPLICANT

13 MR. LASARTE: 7-17, 20-22, 26, 28-32, 40-42, 47.

14 MR. TORRES: 17-32, 42-44.

15

16 SUPPORTERS

17 MR. MATA: 38.
MR. ACOSTA: 38-39.
18 MR. RODRIGUEZ: 39-40.

19

OBJECTORS

20

MR. WEEKS: 33-35.
21 MR. SIERRA: 35-36.
MR. PERCIVEL: 36-37.

22

23

24

25

1 CHAIRMAN CASTILLO: Good evening.
2 Please turn your cell phones and your
3 PDA on silent.
4 The West Kendall Community Council
5 now is in session.
6 I see that we have a Court Reporter,
7 and the County Attorney.
8 Good evening, Mr. Williams.
9 Mr. Fiore, can you lead on the
10 Pledge of Allegiance today.
11 (Pledge of Allegiance).
12 CHAIRMAN CASTILLO: Thank you.
13 Staff, please call the roll.
14 THE CLERK: Vice Chairman Cervera?
15 VICE CHAIRMAN CERVERA: Present.
16 THE CLERK: Councilwoman Davis?
17 COUNCILWOMAN DAVIS: Present.
18 THE CLERK: Councilman Reichbaum?
19 COUNCILMAN REICHBAUM: Present.
20 THE CLERK: Councilwoman Suarez?
21 COUNCILWOMAN SUAREZ: Present.
22 THE CLERK: Councilwoman Vazquez?
23 COUNCILWOMAN VAZQUEZ: Present.
24 THE CLERK: Councilman Wander?
25 COUNCILMAN WANDER: Present.

1 THE CLERK: Chairman Castillo?
2 CHAIRMAN CASTILLO: Present.
3 THE CLERK: You have a quorum.
4 CHAIRMAN CASTILLO: Thank you.
5 Those of you present, who wish to
6 speak tonight, must stand up and the court
7 reporter will swear you in.
8 (Thereupon, all interested
9 individuals seeking to present testimony
10 in these proceedings were duly sworn to
11 tell the truth, the whole truth and
12 nothing but the truth, after which the
13 following transpired:)
14 CHAIRMAN CASTILLO: Thank you.
15 There will be an introductory
16 statement by the staff.
17 MS. VALDEZ: "In accordance with the
18 Code of Miami-Dade County, all items to be
19 heard tonight 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 at the meeting. Items will be
24 called up to be heard by agenda number and
25 name of applicant.

"The record of the hearing on each application will include the records of the Department of Planning & Zoning. All these items are physically present tonight, available to all interested parties, and available to the Members of the Board, who may examine items from the record during the hearing.

Parties have the right of cross-examination.

This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceeding.

In addition, the following departments have representatives present here at the meeting to address any questions: The Department of Public Works, the Department of Planning & Zoning and the County Attorney's Office.

"All exhibits used in presentation before the Board become part of the public record and will not be returned, unless an identical letter-size copy is submitted for the file.

1 "Any person making impertinent or
2 slanderous remarks, or who becomes
3 boisterous while addressing the Community
4 Zoning Appeals Board shall be barred from
5 further audience before the Board by the
6 presiding officer, unless permission to
7 continue or again address the Board be
8 granted by the majority vote of the board
9 members present.
10 "The number of filed protests and
11 waivers of each application will be read
12 into the record at the time of hearing as
13 each application is called. Those items
14 not heard prior to the ending time for
15 this meeting will be deferred to the next
16 available zoning meeting date for this
17 board."
18 CHAIRMAN CASTILLO: Thank you.
19 In addition to that, we have a very
20 tight agenda tonight. I will encourage
21 the people to be brief, and to the point.
22 (Thereupon, other matters were heard
23 by the Council, after which the following
24 proceedings were had on Item 07-31,
25 Liannjo Investments, Inc.)

1 * * * * * * * * * * * * * * * *
2 CHAIRMAN CASTILLO: Number 3 now.
3 Staff, please call the next item,
4 please.
5 MS. VALDEZ: Item Number 3,
6 07-11-CZ11-3, Liannjo Investments, Inc.,
7 07-31, zero protests, zero waivers.
8 CHAIRMAN CASTILLO: Number 3.
9 MR. LASARTE: Good evening, Mr.
10 Chair.
11 CHAIRMAN CASTILLO: Good evening, Mr.
12 Lasarte. In the interest of time, I will
13 encourage you to be brief and get to the
14 point. Can you do that?
15 MR. LASARTE: I will do that, but
16 because I have the type of recommendation
17 from staff, I will tell you that my
18 presentation is even going to entail
19 bringing an expert witness to testify
20 today. So it's -- unfortunately, it's not
21 going to be brief, but I'll try to do it
22 as brief as possible in the interest of
23 time.
24 CHAIRMAN CASTILLO: I would really
25 appreciate it.

1 MR. LASARTE: Absolutely.
2 CHAIRMAN CASTILLO: Thank you. Go
3 ahead.
4 MR. LASARTE: The application that's
5 before you is at 11875 Southwest 49
6 Street, and it's a parcel of land that's
7 2.3 acres. It's in an area of the County
8 known as horse country.
9 And there's a -- if there's a theme
10 that I'm going to have for tonight, and I
11 am going to try to be as brief as
12 possible, is that this applicant wants to
13 have what his other neighbors have. Plain
14 and simple. He doesn't want any more. He
15 doesn't want any less. He wants the same
16 thing that other similarly situated
17 properties in that particular area have.
18 Furthermore, I am going to say that I
19 believe that there has been a
20 misapplication or a misinterpretation of
21 the comprehensive plan in the way that
22 it's being applied to this case. And
23 we're going to have some extra testimony
24 on that issue.
25 Plain and simple. I'm a guy from

1 Hialeah, so I'm going to speak very
2 simply. Plain and simple. It's a
3 2.3-acre parcel of land, and all this
4 gentleman wants to do is to subdivide it
5 into two lots.
6 And there's two ways that you could
7 subdivide a particular property in this
8 area into two lots: Number 1 is to a
9 rezoning to EU-1, which is one of the
10 requests, and the other way is to get a
11 lot size variance, a lot area variance and
12 a lot frontage variance. And that's the
13 two ways that you could do it.
14 The other variances that we're
15 requesting are variances which are really
16 ancillary in nature to the application,
17 because they deal with the setback of a
18 wood shed and of a utility room. And if
19 this lot wasn't subdivided, then they
20 really wouldn't be here. They wouldn't be
21 here for that particular issue.
22 So the two main issues is the
23 subdivision of this lot. One way of doing
24 it is through a rezoning. The other way
25 is through a use variance.

1 Horse country is zoned AU and is
2 designated AU in the comprehensive plan.
3 Comprehensive plan says that all
4 properties in the AU area should be five
5 acres. There are ways that those parcels
6 of land could be subdivided, and we'll get
7 into that in a moment.
8 And that's the crux of this
9 application: How we could subdivide this
10 parcel into something that's less than
11 five acres. It's currently right now 2.3
12 acres, so it's already less than those
13 five acres, but how could you actually
14 further subdivide that into a -- what
15 we're proposing, an acre plus lot each.
16 Yes, I will tell you, horse country
17 is the only property that is inside the
18 Urban Development Boundary which is
19 designated agricultural in the
20 Comprehensive Development Master Plan. As
21 such, I will stand here and I will tell
22 you that it is a unique area, and that we
23 should protect horse country. That said,
24 my client does not want to destroy horse
25 country. He doesn't want to change the

1 character of this particular area of horse
2 country.
3 And, furthermore, although we should
4 respect, and it should be treated that
5 way, staff needs to apply the current
6 rules the way that they're written, and
7 they need to apply it fairly to everyone
8 across. So that way, when you wake up in
9 the morning and you see that your neighbor
10 basically has a one-acre lot, you know,
11 you don't say to yourself, gee, how did
12 this happen? I mean, I'm asking for the
13 same thing. And that's what's happening
14 here.
15 There are areas in horse country, and
16 I'm somewhat familiar with horse country,
17 although I haven't appeared in this Board
18 for over a year, and I know there's a lot
19 of new faces, and I'm going to show you
20 this map. This area is Miller to Bird,
21 117 to 127.
22 Is that correct, George?
23 MR. NAVARRO: Yes.
24 MR. LASARTE: There is, I would say,
25 20 to 15 percent of the properties in this

1 particular section, which is what this is
2 called, that are five acres, and are used
3 as ag and actually have that designation.
4 I actually in the book we've tabbed it
5 out, and I don't know which tab it is, but
6 this is actually before you in Tab Number
7 3. And I think those books were given to,
8 and you can see this up close, this
9 beautiful site plan that Michael Freire
10 from my office prepared. And you can see
11 it up close.
12 You see that there's a lot of yellow
13 highlights on this. Each of these
14 highlights represents a parcel of land
15 that is one acre in size. One acre in
16 size. About 65 percent, depending on how
17 you do the math, of the properties in this
18 area are one acre in size.
19 You had an application tonight where
20 someone stood up and wanted to do
21 something similar, but I can tell you from
22 that application, you didn't have all
23 over -- and I think it was one of the
24 questions that the Board asked. I think
25 it was actually you, Mr. Wander. There

1 wasn't any other property in that area
2 that was already subdivided. Look at this
3 whole yellow area: Homes, homes, homes,
4 homes, homes, homes, homes, homes, homes,
5 one next to each other, a pool, a pool, a
6 pool. You know, these are all homes.
7 Yes, it's an agricultural area, but all
8 these are one-acre homes.
9 The subject property, look around it.
10 There's yellow all around it. This is the
11 subject property here. There's yellow all
12 around it. And that's why when I say my
13 theme is my client wants to do what his
14 others neighbors will have, is exactly the
15 point of this presentation.
16 To get into the meat of the matter,
17 it's how do you subdivide a lot in the ag
18 area, okay? The comprehensive plan says
19 that you could do it if you could meet a
20 three-sided test, and it's actually a
21 two-tiered analysis, where if you have
22 lots that are less than five acres around
23 you, you could do a similar type of
24 subdivision. And it's a two-tiered prong
25 analysis.

1 With that, and this is the meat of
2 the presentation, I am going to submit --
3 and I know it's been submitted before, but
4 I'm going to submit a letter dated
5 September 21, 2007, along with a resume of
6 Albert Torres.
7 And just briefly, Mr. Torres is a
8 27-year veteran of the Miami-Dade County
9 Planning and Zoning Department. As recent
10 as maybe four, five months ago, Mr. Torres
11 was the Assistant Director of the
12 Miami-Dade County Department of Planning &
13 Zoning, and a person who saw these
14 interpretations and the application of
15 this rule throughout the course of his
16 27-year tenure as a member of that
17 department, rising to almost the highest
18 level, Assistant Director. I want to
19 qualify -- with that resume, I want to
20 qualify Mr. Torres as an expert. I will
21 stipulate to that fact, that Mr. Torres is
22 an expert in zoning and planning issues,
23 and he will testify before you as an
24 expert tonight.
25 With that, I would like to introduce

1 Mr. Torres.
2 And, Mr. Torres, could you begin the
3 presentation.
4 I would have liked -- 'case I wanted
5 to ask some questions, so sometimes I may
6 stop him, and I'm going to ask him some
7 him some questions, but we're going to go
8 ahead and start.
9 Could you get the language that we
10 blew up?
11 And as part of the presentation, I
12 think certainly looking at that Exhibit
13 Number 3, and Exhibit Number 4 -- Tab
14 Number 4, is the language that we're going
15 to be talking about and how you create
16 these new parcels. That's something that
17 I think will be helpful during his
18 presentation.
19 That said, Mr. Torres, the floor is
20 yours.
21 My first question to you is, how can
22 you subdivide a lot in the ag area, a lot
23 that's designated under the CDPM Plan as
24 ag, that's zoned ag? How do you subdivide
25 that to a parcel that's less than five

1 acres?
2 MR. VITAL: If I may, please, through
3 the Chair.
4 CHAIRMAN CASTILLO: Just a minute.
5 Yes?
6 MR. VITAL: I just want to ask Mr.
7 Torres if this was cleared up by the
8 Ethics Commission.
9 MR. LASARTE: Let me respond to that
10 question. I have a letter and -- I have
11 an e-mail, actually, from the Ethics
12 department, ethics at miami-dade.gov,
13 regarding the two-year rule: "I reviewed
14 the facts you presented me. And it is my
15 opinion that you are permitted to appear
16 at quasi-judicial hearings as an expert
17 witness. Such appearances would not be
18 considered lobbying and are not covered by
19 the ban that restricts county employees
20 from lobbying county officials, employees
21 for a period of two years after leaving
22 the County. Please understand that your
23 appearances are limited to quasi-judicial
24 hearings. Meetings with staff or
25 appearing before the County Commission or

1 other county boards when they are not
2 acting in their quasi-judicial
3 capacities -- you're acting in a
4 quasi-judicial capacity is prohibited
5 under the two-year rule."
6 If it's a quasi-judicial board, Mr.
7 Torres has an opinion from the ethics
8 department that he could be before you
9 tonight, and I will submit that for the
10 record.
11 CHAIRMAN CASTILLO: Mr. Lasarte,
12 before we move forward with Mr. Torres, I
13 will encourage you that be brief, to the
14 point, because we have to be here -- by
15 11:00 o'clock, we have to be out. By 11,
16 we have to be out.
17 MR. TORRES: Good evening, Mr.
18 Chairman, Members of the Board.
19 CHAIRMAN CASTILLO: Good evening, Mr.
20 Torres.
21 MR. TORRES: Al Torres, Land Use
22 Consultant, with offices at Holland &
23 Knight at 701 Brickell Avenue.
24 CHAIRMAN CASTILLO: Yes, I encourage
25 you to be brief and direct to the point.

1 I would really appreciate that.
2 MR. TORRES: And I will do that.
3 Mr. Chairman, the Master Plan,
4 specifically Page I-5080 of the adopted
5 components of the Master Plan, provides
6 the standards for which this Board can
7 consider subdivisions of agriculturally
8 designated lands. That standard is on
9 Page 2 of your report. It's the last
10 paragraph of Page 2 in your report.
11 And basically it says, as Mr. Lasarte
12 has already indicated, that you can
13 consider a subdivision of land in an ag
14 designated area if the subject parcel,
15 which is before you here tonight, is
16 abutted on three sides by lawfully
17 parcelized -- lawfully subdivided parcels
18 of a similar size. That's the first rule,
19 or the first part of the standard that
20 needs to be weighed when considering
21 whether to subdivide -- allow a
22 subdivision of land in the ag designated
23 lands.
24 The second part is whether approval
25 of that subdivision will create for

1 further parcelization of the area.
2 We're going to submit to you, as
3 Mr. Felix Lasarte mentioned, that this
4 area is predominantly -- predominantly
5 parcelized in a similar manner. Again,
6 here's the language straight out of the --
7 precisely out of the Master Plan
8 components. And it says, "You can
9 subdivide land only if the immediate area
10 surrounding the subject parcel on three or
11 more contiguous sides is predominantly and
12 lawfully parcelized in a similar matter
13 and if a division of the subject parcel
14 will not precipitate additional land
15 divisions in the area." It's a two-part,
16 two-tiered type of analysis.
17 In our case, the subject parcel is
18 sided to the north, to the east and to the
19 west by lawfully subdivided parcels of
20 land. They're even improved with
21 single-family homes. Our parcel meets the
22 standard, the three like-side standard
23 provided for in the Master Plan.
24 And we submit to you that this
25 application meets the second standard,

1 because approval of this application is
2 not going to lead to wholesale subdivision
3 of the agricultural area. Not all of
4 horse country is parcelized in the manner
5 that three quarters of this square mile
6 has been parcelized.
7 And as Mr. Lasarte mentioned earlier
8 in the testimony, this applicant is
9 seeking no more and no less than what is
10 surrounding the subject property within
11 three quarters, to the north, to the
12 south, to the east and to the west, on all
13 four sides, and on three quarters of this
14 square mile.
15 MR. LASARTE: Let me ask you a
16 question, Mr. Torres. According to your
17 testimony, there's a three-sided test.
18 Does this parcel meet that three-sided
19 test?
20 MR. TORRES: Yes, it does.
21 MR. LASARTE: So why is staff
22 recommending denial of this application?
23 Because your rec says that they're
24 recommending denial. Why is staff doing
25 that?

1 MR. TORRES: In staff's analysis, and
2 with utmost respect to staff, Page 9 of
3 your report, staff has added another layer
4 of a standard that is absent from the
5 language in the Master Plan. Staff is
6 saying that when you look at parcels, and
7 whether or not the three like-sided test
8 is being met, that you look at the
9 individual parcels being created. That's
10 not what the Master Plan is asking you to
11 weigh.
12 The Master Plan is saying that you
13 look at the subject parcel, which is the
14 subject of the proposed subdivision, and
15 see to it that on at least three sides, it
16 is parcelized by -- lawfully parcelized by
17 parcels of a similar size. This
18 application meets that test. That may not
19 be true of other areas of horse country,
20 that may not be true of other areas in the
21 more rural areas of the County outside the
22 UDB, but in this case, based on the land
23 use pattern of the area, this property
24 meets the like-sided test and this parcel
25 is compatible with -- the proposed parcels

are compatible with the lots in the surrounding area, in the immediate surrounding area.

MR. LASARTE: If you could -- and I would ask the Chair for the courtesy, if you could just stand up there with Mr. Lima and point out to the Board how this test should be applied, and how staff is applying it and why they're saying it fails. I think it's important for the Board to know that.

MR. TORRES: When you look at the subject parcel, as the CDMP text is asking you to do, you look to the north, there are two subdivided parcels identical in size to what the applicant is proposing to subdivide. To the west, there are two parcels identical in size as the subject property being subdivided. And to the east, there are two parcels of land that are identical in size to what the applicants are seeking to have subdivided. What the applicant is proposing is no more, no less than what they have in the immediate area. It is no more, no less

1 than what predominates three quarters of
2 this square mile.
3 What staff is asking you to do is to
4 not look at the subject property, but look
5 at the individual pieces of property that
6 we're trying to create and see if they
7 meet the like-size test. And, of course,
8 staff is saying there's one to the north,
9 there's one to the west, but there isn't
10 one to the south. And that's how they
11 look at it. But that is a departure from
12 how the department has historically viewed
13 and applied this three like-size test.
14 There have been seven applications in
15 the last 17 years in this square mile
16 alone, and not once has the department
17 said in that report as specifically as
18 they have in this analysis, that when
19 looking at this particular standard in the
20 CDMP and applying it to a particular piece
21 of property that is ag designated, when
22 considering a subdivision of land, that
23 you have to look at the individual lots.
24 Staff -- what has changed in the last
25 17 years is at some point in time the

1 department had a concern, a concern that
2 if a large land owner, perhaps not in this
3 area, but in other areas of horse country
4 or outside the UDB, where you have large
5 track land owners, if you had a large
6 track owner of parcel of land subdivided
7 on at least three sides, then perhaps it
8 could create hundreds and hundreds of
9 lots, simply because three sides were met.
10 I submit to you that if staff has
11 that concern, then there's a way to
12 address the matter, and that is an
13 amendment to the Master Plan. That has
14 not occurred.
15 This is a square mile, not in horse
16 country, but a square mile outside the
17 UDB. And as you can see, it is not
18 subdivided in the manner that this area of
19 horse country is subdivided. The
20 ownership in this particular square mile
21 is not as fragmented as what you see here
22 in horse country, and so there is more of
23 a concern that if any one of these large
24 land owners met on at least three sides,
25 that hundreds of parcels could be created

1 within any one of these areas.
2 We submit to you that staff -- if
3 staff has a concern, not necessarily staff
4 present here today, but the department in
5 general has a concern, there's a Master
6 Plan amendment process to deal with that
7 problem.
8 But I further add that they don't
9 need to go to that extent. The existing
10 language in the CDMP already provides the
11 protection that you need. It provides the
12 protection that you need, because not only
13 do you have to meet the three like-sided
14 test, but you have to weigh whether or not
15 approval of the subdivision is going to
16 create more parcelization in the area.
17 And this Board, and staff and the general
18 public can tell the difference between an
19 area that's already fragmented and an area
20 that is more rural.
21 Like I said, and what Mr. Lasarte
22 said earlier, not all of horse country is
23 as parcelized as this area. There's
24 already a trend of development in this
25 area. It was established many, many years

1 ago. This property owner is surrounded by
2 it, and simply wants the same treatment.
3 CHAIRMAN CASTILLO: Mr. Lasarte, time
4 is a very sensitive resource you have to
5 use wisely.
6 MR. LASARTE: I will.
7 This is the language that's in your
8 comprehensive plan right now. Al, if you
9 could come, I need to just ask you a
10 couple of questions.
11 This is the language that's in your
12 comprehensive plan now. I will propose to
13 you that staff's analysis would require
14 this language, and I want you to read this
15 language for them.
16 This is -- in order to apply the rule
17 the way staff is doing it, you would need
18 this language in your comprehensive plan,
19 and Mr. Torres told you that in order to
20 do that, you would need to go through a
21 CDPM Plan process. In fact, they can file
22 an application right now. Staff is able
23 to do that for this October '07 cycle.
24 Staff could actually file in November.
25 Could you just read this.

1 MR. TORRES: Certainly.
2 What we're saying is, the board to
3 your left is the precise language in the
4 Master Plan. It's the exact same language
5 that you have in your kit, on Page 2, the
6 second -- the last paragraph. That's how
7 it reads, and that's how we're applying it
8 to the property and that's how we're
9 justifying the fact that this parcel meets
10 the standard.
11 What staff is saying is, oh, no, you
12 can't just look at the subject property.
13 You have to look at every single parcel
14 that you're going to create. In this case
15 it's two, but to do that, you would need
16 to revisit this language and add
17 additional text.
18 And so what we're proposing to you,
19 and this is simply speculative, that the
20 language would have to read that the
21 area -- the area could be subdivided only
22 if the immediate area surrounding each of
23 the new parcels on three or more
24 contiguous sides is predominantly and
25 lawfully parcelized in a similar manner,

1 and if a division of the subject parcel
2 would not precipitate additional land
3 division in the area. This additional
4 language is not in the CDMP today.
5 MR. LASARTE: Just for the record,
6 because I need to build a record, and I
7 know that we're short on time, Al, I need
8 to ask you just three or four questions.
9 Does the requested change, in your
10 opinion, maintain the basic intent and
11 purpose of the zoning subdivision or other
12 land use regulations that are there to
13 protect the general welfare of the public,
14 particularly as it affects the general
15 appearance and stability of a community?
16 MR. TORRES: Yes. Again, as you've
17 seen from the exhibit, what the applicant
18 is proposing in this instance is
19 completely consistent with what is
20 predominantly surrounding their property,
21 and in three quarters of a square mile.
22 Approval of this application here tonight
23 into two parcels identical to those
24 surrounding it is not going to destabilize
25 this area, nor will it create a precedent

1 for other areas of horse country that are
2 perhaps made up of larger tracks or land,
3 nor set precedent for other areas of the
4 county like the Redland that are made up
5 of larger tracks of land. This is a
6 completely different application than
7 those other rural areas.
8 MR. LASARTE: Is the requested change
9 compatible with the surrounding land uses
10 and will it be a detriment to the
11 community?
12 MR. TORRES: Once again, the size of
13 the parcel that's being proposed are
14 identical to those in the surrounding
15 area, therefore, they are compatible.
16 And this application has been
17 analyzed by many departments for
18 compliance with the respective codes.
19 This application meets all of those
20 requirements, therefore, it will not be
21 detrimental to the public health or
22 safety.
23 MR. LASARTE: Would you say that the
24 proposed non-use variance be in keeping
25 with the character of the surrounding land

1 uses and not be detrimental to horse
2 country?
3 MR. TORRES: For the same reasons,
4 the variances being sought are compatible
5 and would yield lots that are compatible
6 and consistent in size of those of the
7 surrounding area.
8 MR. LASARTE: Staff's report, from a
9 zoning perspective, because there is a
10 request to rezone, agrees that this
11 property does not overburden the public
12 services and facilities, nor does it have
13 a negative impact on the natural
14 resources. Would you agree with that?
15 MR. TORRES: Yes, I do. The record
16 speaks for itself.
17 MR. LASARTE: Would you say that the
18 proposed rezoning would be consistent with
19 the CDMP and compatible to the surrounding
20 area?
21 MR. TORRES: The proposed rezoning to
22 EU-1, subject to the applicant's proffered
23 covenant, which we have, which has been
24 prepared, restricting the development of
25 the property into two sites, identical to

1 those in the surrounding area, are
2 consistent with the Master Plan.
3 EU-1 uses are permitted under AU, and
4 they allow limited farming, just as is in
5 existence in the surrounding area.
6 MR. LASARTE: Do we meet the criteria
7 under the Alternative Development Option
8 under Section 33-31114(d)(4) of the
9 Miami-Dade County Code?
10 MR. TORRES: Once again, what we're
11 saying, also, is this application, because
12 it meets the three like-sided test,
13 because it meets the second threshold that
14 we described here this evening, it's
15 consistent with the Master Plan.
16 The Alternative Site Development
17 Option, which is one of the standards in
18 your report, specifically the site
19 development option in Section
20 33.311.142-2(4), this application
21 satisfies the requirements.
22 I believe there are five key
23 standards in that particular ASDO, one of
24 them being the three like-sided test, one
25 of them being whether or not the

1 subdivision of land would be compatible
2 with the surrounding area. I think we've
3 demonstrated here tonight that the size of
4 the lots being proposed is consistent with
5 that of the surrounding area.
6 MR. LASARTE: I have no further
7 comments, Mr. Chair.
8 CHAIRMAN CASTILLO: Thank you so
9 much.
10 MR. LASARTE: We reserve time for
11 rebuttal.
12 CHAIRMAN CASTILLO: We are very close
13 to our time limits over here.
14 MR. VITAL: If I may, through the
15 Chair.
16 CHAIRMAN CASTILLO: Yes.
17 MR. VITAL: Everything comes down to
18 the CDMP interpretation. Staff's position
19 is that each of the proposed lots in this
20 application must meet the three-sided rule
21 individually. Of course, that's their
22 position.
23 I just want to remind the Board that
24 last year a similar application was denied
25 without prejudice on the property to the

1 south of this property, which you can see
2 on handwritten Page 26. Additionally --
3 handwritten Page 26. And that is why
4 we're saying that they do not meet the
5 three-sided rule, one of the reasons.
6 Additionally, the last approved
7 application of this kind by this Board was
8 back in 1997, as you could see in the
9 package that the applicant has provided.
10 CHAIRMAN CASTILLO: Thank you.
11 Public hearing now is open. I will
12 encourage you to be very brief. Anyone
13 would like to speak for or against the
14 application, please come forward. State
15 your name and the item, for the record,
16 please.
17 MR. WEEKS: Good evening, my name is
18 Ron weeks. My address is 11840 Southwest
19 47 Street, and I'll try to be as brief as
20 possible. They really cut us short here.
21 CHAIRMAN CASTILLO: Yes.
22 MR. WEEKS: The reason we cited the
23 lots in horse country, these lots were
24 platted in 1946. 1946. Up until 1974, in
25 the agricultural area, you could build a

1 house on one acre. That's all it
2 required. In 1974, the master plan
3 changed to protect agricultural areas.
4 Nothing changed in horse country since
5 that time. That's 33 years. Not a lot of
6 lot split since then.
7 This is not something that's been
8 created after the fact by variances and
9 all this. This is preexisting.
10 We cannot force people to have
11 agriculture in horse country. You can
12 build there, and I respect that right.
13 Not everybody utilizes that privilege.
14 With regard to the interpretation,
15 I'm not an expert. I'm going to rely on
16 staff's analysis, and, actually, what Mr.
17 Torres said. He explained to you why
18 their interpretation is exactly needed,
19 because if you aggregate enough parcels,
20 you can justify this lot split. He gave
21 you the answer why it's required. And
22 thank you.
23 Another point he said is that staff
24 had not used the same interpretation in
25 the past. They have in the last three,

1 the same criteria evaluating either side
2 of the lot, not just the entire property.
3 So staff has been consistent in their
4 opinions.
5 The Bird Kendall Homeowners -- I'm
6 sorry, I'm representing the Bird Kendall
7 Homeowners Association tonight. We've
8 been consistent in our opinion based on
9 staff's recommendation, and we ask that
10 you would come to the same conclusion,
11 recommending denial.
12 CHAIRMAN CASTILLO: Thank you. Thank
13 you for your very brief representation.
14 Anyone else?
15 MR. WEEKS: Could I just ask those
16 who are here requesting denial of the
17 application to stand up.
18 (Complying).
19 CHAIRMAN CASTILLO: That would be
20 much better.
21 AN AUDIENCE MEMBER: Save time.
22 CHAIRMAN CASTILLO: Thank you.
23 MR. SIERRA: Good evening, Alex
24 Sierra, 5870 Southwest 120 --
25 CHAIRMAN CASTILLO: Mr. Sierra, very

1 brief, direct to the point.
2 MR. SIERRA: Yes. Well, let me give
3 you my address, 5870 Southwest 120 Avenue
4 in horse country.
5 I just want to say, I agree with what
6 Ron just said, respectfully request that
7 the application be denied. If it is
8 approved, they're going to have a domino
9 effect. As you all know, you can't
10 un-ring a bell.
11 Thank you.
12 CHAIRMAN CASTILLO: Thank you.
13 Anyone else?
14 Mr. Percivel.
15 MR. PERCIVEL: Good evening, once
16 again, Mr. Chair, Lawrence Percivel,
17 11945 Southwest 127 Court.
18 As he's shown you this property, and
19 if it's subdivided, and in theory, the
20 three sides, will make it compatible.
21 What I would be more concerned about is,
22 if you allow that. Keeping in mind that
23 the precedent has been nothing has changed
24 there in a very long time. A lot of the
25 stuff is grandfathered in from the past.

1 And it's clearly important for us to
2 continue to preserve horse country as we
3 know it today.
4 If this one were to change without
5 the CDMP language that he's suggested,
6 perhaps one of the suggestions that could
7 come from this would be to encourage that
8 language to be put in there to make this a
9 little tighter since there seems to be a
10 little looseness to it.
11 What about the next guy that's in the
12 area that has three sides, and the one
13 near him that has another three sides?
14 Pretty soon, you're going to have a lot of
15 these things up here, and it's not going
16 to be just this one. I think that we need
17 to continue to stand by the precedent that
18 you established the last time and continue
19 to support that position and say no to
20 this.
21 CHAIRMAN CASTILLO: Thank you, Mr.
22 Percivel.
23 I would encourage the people be very
24 brief, and direct to the point. We have
25 only 10 minutes to go.

1 MR. MATA: Hector Mata, 11870
2 Southwest 49 Street.
3 CHAIRMAN CASTILLO: Sir, are you
4 going to speak? Please come up.
5 MR. MATA: I just want to say that,
6 you know, the reason why we're up here
7 today is to have the same thing that our
8 neighbors have. We have horses. My kids
9 ride horses every day in horse country.
10 And we have a few people here that are
11 supporting this.
12 Could you please stand up.
13 (Complying).
14 UNIDENTIFIED SPEAKER: Do they all
15 live in horse country?
16 MR. MATA: All of these people live
17 in horse country, and they're all
18 neighbors. I'm the front door neighbor of
19 this property. We're all neighbors of
20 this property, and we're all supporting
21 this, and we would ask you today to please
22 approve this.
23 CHAIRMAN CASTILLO: Thank you.
24 MR. ACOSTA: My name is Tony Acosta.
25 I live on 12251 Southwest 47 Street.

1 I respectfully disagree with the two
2 gentlemen that said that nothing has
3 changed in horse country in the last
4 44 years. I bought a lot in horse country
5 five years ago. I build a beautiful house
6 there.
7 CHAIRMAN CASTILLO: Sir, I would like
8 you to be brief and to get to the point.
9 MR. ACOSTA: Yes, I build a beautiful
10 house there, half of the size. I should
11 be allowed to divide my lot in 1.2 acres
12 on one side, and if I want to build a
13 house on the other side for my kids, I
14 should be able to do that. I mean, it's
15 ridiculous that they say nothing has
16 changed in 44 years. You just have to go
17 to horse country and see all the beautiful
18 houses that have been built there. And we
19 -- I mean, we shouldn't stop that. That's
20 my opinion.
21 CHAIRMAN CASTILLO: Thank you.
22 MR. RODRIGUEZ: Duval Rodriguez,
23 12200 Southwest 47 Street. I own five
24 acres of horse country. I have an acre
25 and a quarter, and I have a nursery in

1 horse country. And I think we need more
2 homes in horse country.
3 Horse country is -- I would say that
4 90 percent of the people who live in horse
5 country that get agricultural extensions
6 do not use -- do not use the land for
7 agriculture. And there's some people here
8 with conflicts of interest. And I'm -- I
9 think that we should have more houses than
10 horses.
11 CHAIRMAN CASTILLO: Thank you.
12 Now, public hearing -- anyone else?
13 Seeing no one, public hearing is now
14 closed.
15 You have 30 seconds rebuttal, Mr.
16 Lasarte.
17 MR. LASARTE: Thirty-second rebuttal.
18 Al, stand right next to me real quick.
19 Interesting that the example that staff
20 raises is a case called Nancy Mata and
21 Alfonso Ramos. The case, in fact, you're
22 right, it is right across the street.
23 George, please point out where that
24 lot is.
25 Staff had a diametrically different

1 interpretation and a different
2 recommendation that they're recommending
3 here today. They applied the rule
4 differently. They applied the rule
5 correctly back then. The Mata application
6 had full support of all the departments.
7 Recommended for compatibility, and
8 recommended for consistency with your CDPM
9 Plan. Folks, that's a problem.
10 Al pointed, in fact, yes, that you
11 are correct, that you can, you know, add
12 extra language to the CDPM Plan, but staff
13 doesn't have that authority. Like it or
14 not, 13 Commissioners do. They're the
15 ones that could add language to the CDPM
16 Plan. And until they have the power to
17 add that language, I think they're not
18 applying this rule fairly. And clearly
19 the Mata is a great example of that.
20 And I want Al just to quickly say how
21 many applications he's found in that area
22 that --
23 CHAIRMAN CASTILLO: Very quickly.
24 MR. LASARTE: That have subdivided,
25 and how this will not precipitate other

1 lots, other than maybe the one across the
2 street. Go ahead.
3 MR. TORRES: Mr. Chairman, very
4 quickly.
5 CHAIRMAN CASTILLO: Quickly, okay.
6 MR. TORRES: I've already stated on
7 the record there were seven applications.
8 I'm going to turn this into the record.
9 Here are the reports, staff reports, that
10 I mentioned earlier that do not include
11 this additional language, including the
12 Mata application, which is identical to
13 what is before you here today. And had
14 staff looked at that application on a lot
15 by lot basis, that application would have
16 failed. The department didn't do that.
17 The department looked at the application
18 correctly, looked at the total subject
19 property, saw that there were three
20 like-size parcels, to the south, to the
21 east and to the west and recommended in
22 favor of the application. They're not
23 being consistent in the application of the
24 rule.
25 CHAIRMAN CASTILLO: Thank you.

1 MR. VITAL: If I may, through the
2 chair.
3 CHAIRMAN CASTILLO: Yes.
4 MR. VITAL: Counsel just admitted
5 that approval of this application would
6 precipitate additional subdivision of the
7 property across the street. That's the
8 second part of the CDMP language in which
9 this application was determined.
10 CHAIRMAN CASTILLO: Okay. Do we need
11 to go back and forth with these things?
12 MR. TORRES: No, no, Mr. Chairman,
13 it's a fair question. I basically already
14 indicated --
15 CHAIRMAN CASTILLO: Can you add
16 anything to it?
17 MR. TORRES: Yeah. Basically, this
18 is why we have a public hearing, so that
19 you can weigh the facts, so that you can
20 base every application based on its own
21 merits.
22 You saw on a prior application how
23 the area was surrounded by rural
24 residential, large track owners that
25 didn't meet the test. And it was clear

1 didn't meet the three like-sided test.
2 And if an application had met it on three
3 sides parcelization of that parcel would
4 have caused other parcels to come in for
5 the same thing.
6 In this case, that's where it ends.
7 This application is an area predominantly
8 parcelized in similar manner. And if what
9 staff says happens, that the other
10 application comes in, that's where it
11 ends. There's no other subdivision of
12 that area. Everything else is subdivided
13 in similar manner.
14 Thank you.
15 CHAIRMAN CASTILLO: Thank you.
16 Well, in interest of time, we only
17 have four minutes before we go to make the
18 decision. We're going to make a decision
19 if we're going to approve or defer this
20 application tonight.
21 Now, let's go around over here.
22 Mr. Reichbaum, do you have any
23 questions?
24 COUNCILMAN REICHBAUM: No, no.
25 CHAIRMAN CASTILLO: Mr. Wander?

1 COUNCILMAN WANDER: No, Mr. Chairman.
2 CHAIRMAN CASTILLO: Ms. Davis?
3 COUNCILWOMAN DAVIS: No.
4 CHAIRMAN CASTILLO: Ms. Suarez?
5 COUNCILWOMAN SUAREZ: No.
6 CHAIRMAN CASTILLO: Ms. Vazquez?
7 COUNCILWOMAN VAZQUEZ: No.
8 CHAIRMAN CASTILLO: Mr. Cervera?
9 VICE CHAIRMAN CERVERA: No.
10 CHAIRMAN CASTILLO: I have no
11 question. At this time, I will ask for a
12 motion.
13 COUNCILWOMAN DAVIS: Mr. Chairman.
14 CHAIRMAN CASTILLO: Ms. Davis.
15 COUNCILWOMAN DAVIS: I would like to
16 make a motion to accept staff's
17 recommendation of denial without
18 prejudice.
19 CHAIRMAN CASTILLO: This is a motion
20 on the floor to accept the application as
21 staff recommendation.
22 Second?
23 COUNCILMAN REICHBAUM: I'll second
24 it.
25 CHAIRMAN CASTILLO: There's a motion

on the floor from Ms. Davis to approve the -- no, to accept the application as per staff recommendation, second by Mr. Reichbaum.

Staff, please call the roll.

THE CLERK: I have a motion for denial without prejudice.

COUNCILMAN REICHBAUM: We're denying the application?

CHAIRMAN CASTILLO: Yes.

COUNCILMAN REICHBAUM: You said accept.

THE CLERK: Yes, denial without prejudice.

Vice Chairman Cervera?

VICE CHAIRMAN CERVERA: That was with prejudice?

THE CLERK: No, without.

VICE CHAIRMAN CERVERA: Without. Yes.

THE CLERK: Councilwoman Davis?

COUNCILWOMAN DAVIS: Yes.

THE CLERK: Councilman Reichbaum?

COUNCILMAN REICHBAUM: Yes.

THE CLERK: Councilwoman Suarez?

1 COUNCILWOMAN SUAREZ: Yes.
2 THE CLERK: Councilwoman Vazquez?
3 COUNCILWOMAN VAZQUEZ: Yes.
4 THE CLERK: Councilman Wander?
5 COUNCILMAN WANDER: No.
6 THE CLERK: Chairman Castillo?
7 CHAIRMAN CASTILLO: Yes.
8 THE CLERK: Motion passes 6-1.
9 CHAIRMAN CASTILLO: Thank you.
10 Motion to adjourn.
11 MR. LASARTE: Thank you.
12 CHAIRMAN CASTILLO: This meeting is
13 adjourned.
14 (Thereupon, at 11:03 p.m., the
15 meeting was adjourned).
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1 CERTIFICATE OF OATH
2
3 STATE OF FLORIDA)
4 COUNTY OF DADE)
5
6 I, Lorena Ramos, RPR and Notary
7 Public, State of Florida, certify that all
8 witnesses personally appeared before me on this
9 6th day of November 2007 and were duly sworn.
10
11 _____
12 LORENA RAMOS, NOTARY PUBLIC
13 STATE OF FLORIDA
14
15
16 LORENA RAMOS
MY COMMISSION # DD 541573
EXPIRES: May 2, 2010
Bonded Thru Notary Public Underwriters
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2

3

4 I, Lorena Ramos, National Registered
5 Professional Reporter and Florida Professional
6 Reporter, do hereby certify that I was
7 authorized to and did report the foregoing
8 proceedings, and that the transcript, pages 1
9 through 48, is a true and correct record of my
10 stenographic notes.

11

12 DATED this 11th day of December 2007 at
13 Miami-Dade County, Florida.

14

15

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17

18

19 LORENA RAMOS, RPR & FPR
20 COURT REPORTER

21

22

23

24

25

2. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

08-2-CC-1 (07-281)
BCC/District 2
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-281 (08-2-CC-1)

SECTION: 15-53-41 **DATE:** February 21, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 2

==========

A. INTRODUCTION:

o REQUEST:

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

o SUMMARY OF REQUEST:

This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required.

o LOCATION:

Lying south of N.W. 64 Street and approximately 132' east of N.W. 19 Avenue, Miami-Dade County, Florida.

o SIZE: 40' x 90'

o IMPACT:

Approval of the lot as a single-family building site with less lot frontage and lot area than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:	
NORTH: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
SOUTH: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
EAST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua

The subject parcel is an interior lot, which lies south of NW 64 Street, approximately 132' east of N.W. 19 Avenue. Single-family residences and vacant lots characterize the surrounding area where the subject property lies. The subject site is in close proximity to a religious facility which is located approximately 60' to the northwest.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**

Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic

character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

   A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

   B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

   C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

   E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In

determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The subject parcel is an interior lot, which lies south of NW 64 Street, approximately 132' east of N.W. 19 Avenue. Single-family residences and vacant lots characterize the surrounding area where the subject property lies. The subject site is in close proximity to a religious facility which is located approximately 60' to the northwest. The request is to permit the development of the site with a single-family residence on a lot with a frontage of 40' and an area of 3,600 sq. ft. The RU-2 zoning district permits single-family and duplex uses on parcels with a minimum lot frontage of 75' and a minimum lot area of 7,500 sq. ft.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. **Miami-Dade County Public Schools** (MDCPS) also has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board, therefore there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 5:30 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage and lot area. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1 dwelling unit on the 3,600 sq. ft. (40' x 90') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water and sewer can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP.

Staff recommends that, as a condition for approval, the development of the subject property be restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-2 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets some of the criteria for approval under the ASDO Standards for lot frontage and area. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU; the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). However, the request, to permit a single-family residence with a lot area of **3,600** sq. ft. (7,500 sq. ft. required), does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **3,600** sq. ft. falls below the minimum numerical lot area of 6,750 sq. ft., which is the 90% minimum required for approval in this zone under the ASDO Standard. Therefore, the request cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship with regard to this County owned lot. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of the request to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes that, although the subject property was platted prior to August 2, 1938 and does meet the minimum lot frontage requirement of 35', it does not meet the minimum lot area requirement of 3,750 sq. ft. and, therefore, is precluded from the grandfathering provision under Section 33-7. Additionally, staff notes that most of the lots located on the same block as the subject property are substandard in size and all are part of a legally established and non-conforming subdivision having been platted and recorded prior to August 2, 1938, as is the case with the subject property. The surrounding area consists of sites with the same lot frontage and lot area as the subject property, including properties

located at 1876 NW 64 Street, 1875 NW 63 Street and 1868 NW 64 Street which abut the subject property to the west, south and east, respectively, and are each improved with a single-family residence. Further, it should be noted that approvals of the same request for lot frontage and lot area are prevalent in the immediate vicinity of the subject property. For example, in September 2007, property lying south of NW 63 Street, approximately 130' east of NW 19 Avenue, located approximately 134' to the south of the subject property, was approved by this Board for the same variances of lot area and lot frontage, pursuant to Resolution #Z-34-07. Similarly, in October 2007, property lying south of NW 63 Street, approximately 92' east of NW 19 Avenue and located approximately 130' to the southwest of the subject property was also approved for the same variances of lot area and lot frontage, pursuant to Resolution #Z-50-07. Staff is supportive of this application subject to conditions and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low- and moderate-income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. The approval of this application, subject to conditions, would allow the construction of a single-family home on this site for the use of a low- or moderate-income family. As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff recommends approval with conditions of this application, to permit a lot with a frontage of 40' and a lot area of 3,600 sq. ft., under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

2. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 08/30/07
DATE TYPED: 12/10/07
DATE REVISED: 12/28/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: August 29, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-08 #Z2007000281
Director of the Department of Planning and Zoning
South of N.W. 64th Street and East of N.W. 19th Avenue
Non-Use Variance of Lot Area and Lot Frontage Requirements
(RU-2) (0.08 Acres)
15-53-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted, in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at (305)372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000281
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
04-OCT-07

Memorandum

Date: 23-AUG-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000281

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2007000281
located at LYING SOUTH OF N.W. 64 STREET & APPROXIMATELY. 132' EAST OF N.W. 19 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0863 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 50 Squrt, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

Not applicable to service impact analysis

DATE: 12/18/07
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

APPLICANT

LYING SOUTH OF N.W. 64 STREET & APPROXIMATELY. 132' EAST OF N.W. 19 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

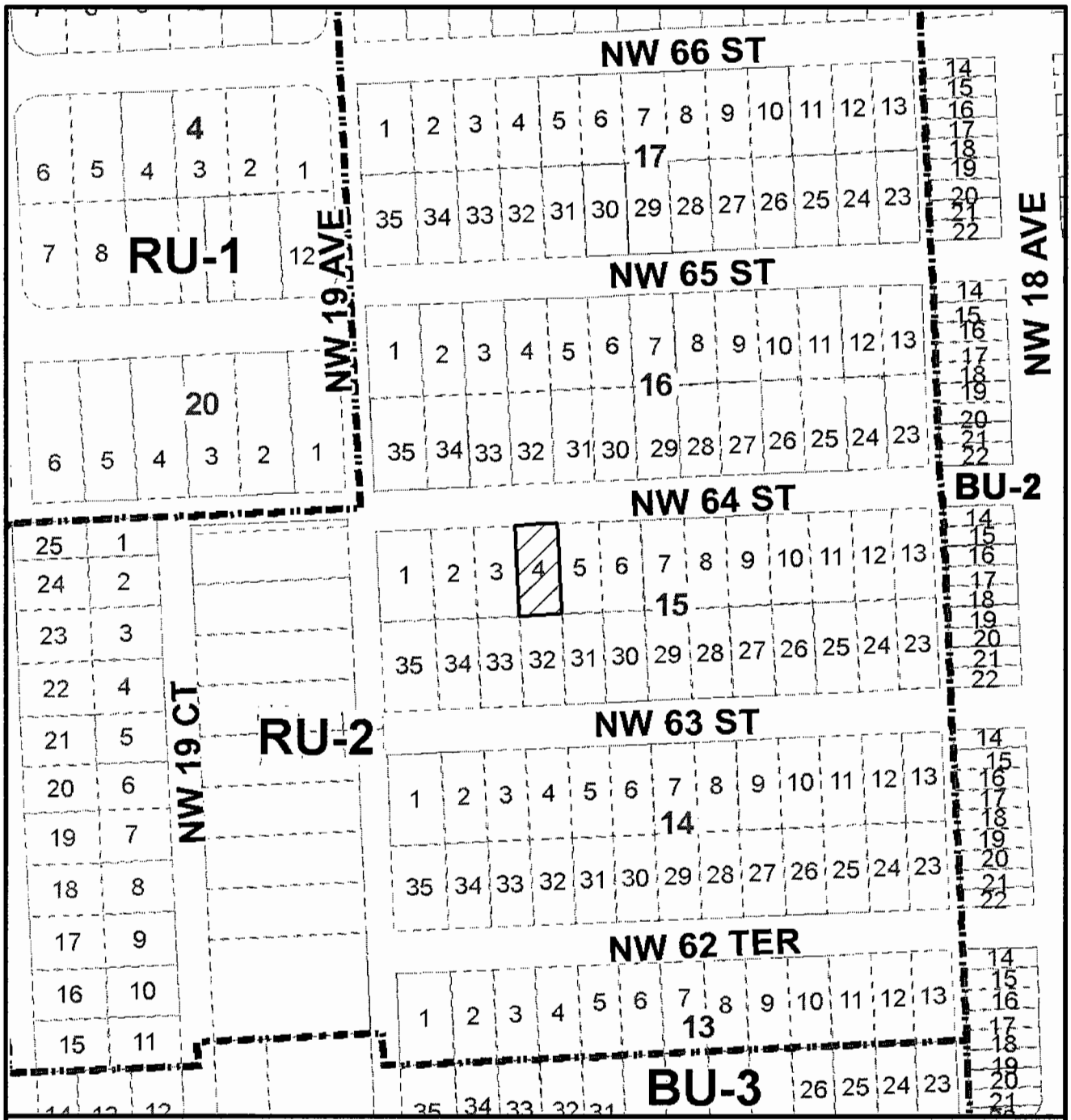
Z2007000281

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200704007431 No violation observed case closed on 8/20/2007.
200704010671 No current violation observed case closed on 12/18/2007.

Joan Spikes.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-281

N

SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF P& Z
Zoning Board: BCC
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/24/07

REVISION	DATE	BY
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX

MIAMI-DADE COUNTY
AERIAL

Process Number
07-281

N

SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF P& Z
Zoning Board: BCC
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/24/07

REVISION	DATE	BY
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX
	XX/XX/07	XXXXX

3. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

08-2-CC-2 (07-282)
BCC/District 2
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-282 (08-2-CC-2)

SECTION: 15-53-41 **DATE:** February 21, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 3

==========

A. INTRODUCTION:

- **REQUEST:**

  Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required).

  Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

- **SUMMARY OF REQUEST:**

  This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required.

- **LOCATION:**

  Lying north of N.W. 63 Street and approximately 220' east of N.W. 19 Avenue, Miami-Dade County, Florida.

- **SIZE:** 40' x 90'

- **IMPACT:**

  Approval of the lot as a single-family building site with less lot frontage and lot area than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:	
NORTH: RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
SOUTH: RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
EAST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua

The subject parcel is an interior lot, which lies north of N.W. 63 Street and approximately 220' east of N.W. 19 Avenue. Single-family residences and vacant lots characterize the surrounding area where the subject property lies.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**

Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

   A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

   B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

   C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

   E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In

determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The subject parcel is an interior lot, which lies north of N.W. 63 Street and approximately 220' east of N.W. 19 Avenue. Single-family residences and vacant lots characterize the surrounding area where the subject property lies. The request is to permit the development of the site with a single-family residence on a lot with a frontage of 40' and an area of 3,600 sq. ft. The RU-2 zoning district permits single-family and duplex uses on parcels with a minimum lot frontage of 75' and a minimum lot area of 7,500 sq. ft.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. **Miami-Dade County Public Schools** (MDCPS) also has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board, therefore there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 5:30 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage and lot area. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1 dwelling unit on the 3,600 sq. ft. (40' x 90') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water and sewer can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff recommends that, as a condition for approval, the development of the subject property be

restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-2 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets some of the criteria for approval under the ASDO Standards for lot frontage and area. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU; the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). However, the request, to permit a single-family residence with a lot area of **3,600** sq. ft. (7,500 sq. ft. required), does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **3,600** sq. ft. falls below the minimum numerical lot area of 6,750 sq. ft., which is the 90% minimum required for approval in this zone under the ASDO Standard. Therefore, the request cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship with regard to this County owned lot. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of the request to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 3,600 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes that, although the subject property was platted prior to August 2, 1938, and does meet the minimum lot frontage requirement of 35', it does not meet the minimum lot area requirement of 3,750 sq. ft. and, therefore, is precluded from the grandfathering provision under Section 33-7. Additionally, staff notes that most of the lots located on the same block as the subject property are substandard in size and all are part of a subdivision legally established and non-conforming having been platted and recorded prior to August 2, 1938, as is the case with the subject property. The surrounding area consists of sites with the same lot frontage and lot area as the subject property, including properties located at 1853 NW 63 Street and 1871 NW 63 Street which abut the subject property to the

east and west, respectively, and are each improved with a single-family residence. Further, it should be noted that approvals of the same request for lot frontage and lot area are prevalent in the immediate vicinity of the subject property. For example, in September 2007, property lying south of NW 63 Street, approximately 130' east of NW 19 Avenue, located approximately 59' to the southwest of the subject property, was approved by this Board for the same variances of lot area and lot frontage, pursuant to Resolution #Z-34-07. Similarly, in October 2007, property lying south of NW 63 Street, approximately 92' east of NW 19 Avenue, which is located approximately 93' to the southwest of the subject property, was approved for the same variances of lot area and lot frontage by this Board, pursuant to Resolution #Z-50-07. Staff is supportive of this application subject to conditions and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. The approval of this application, subject to conditions, would allow the construction of a single-family home on this site for the use of a low or moderate-income family. As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff recommends approval with conditions of this application, to permit a lot with a frontage of 40' and a lot area of 3,600 sq. ft., under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

2. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 11/26/07
DATE TYPED: 12/10/07
DATE REVISED: 12/28/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: October 3, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-08 #Z2007000282
Director of the Department of Planning and Zoning
North of N.W. 63rd Street and East of N.W. 19th Avenue
Non-Use Variance of Lot Area and Frontage Requirements
(RU-2) (0.08 Acres)
15-53-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Control
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
There are no tree resources issues on the subject property.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000282
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
04-OCT-07

Memorandum

Date: 23-AUG-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000282

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2007000282
located at NORTH OF N.W. 63 STREET LYING APPROXIMATELY 220' EAST OF N.W. 19 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0863 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 50 Squrt, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 12/17/07

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT
OF PLANNING & ZONING

APPLICANT

LYING NORTH OF N.W. 63 STREET
LYING APPROXIMATELY 220' EAST
OF N.W. 19 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

ADDRESS

Z2007000282

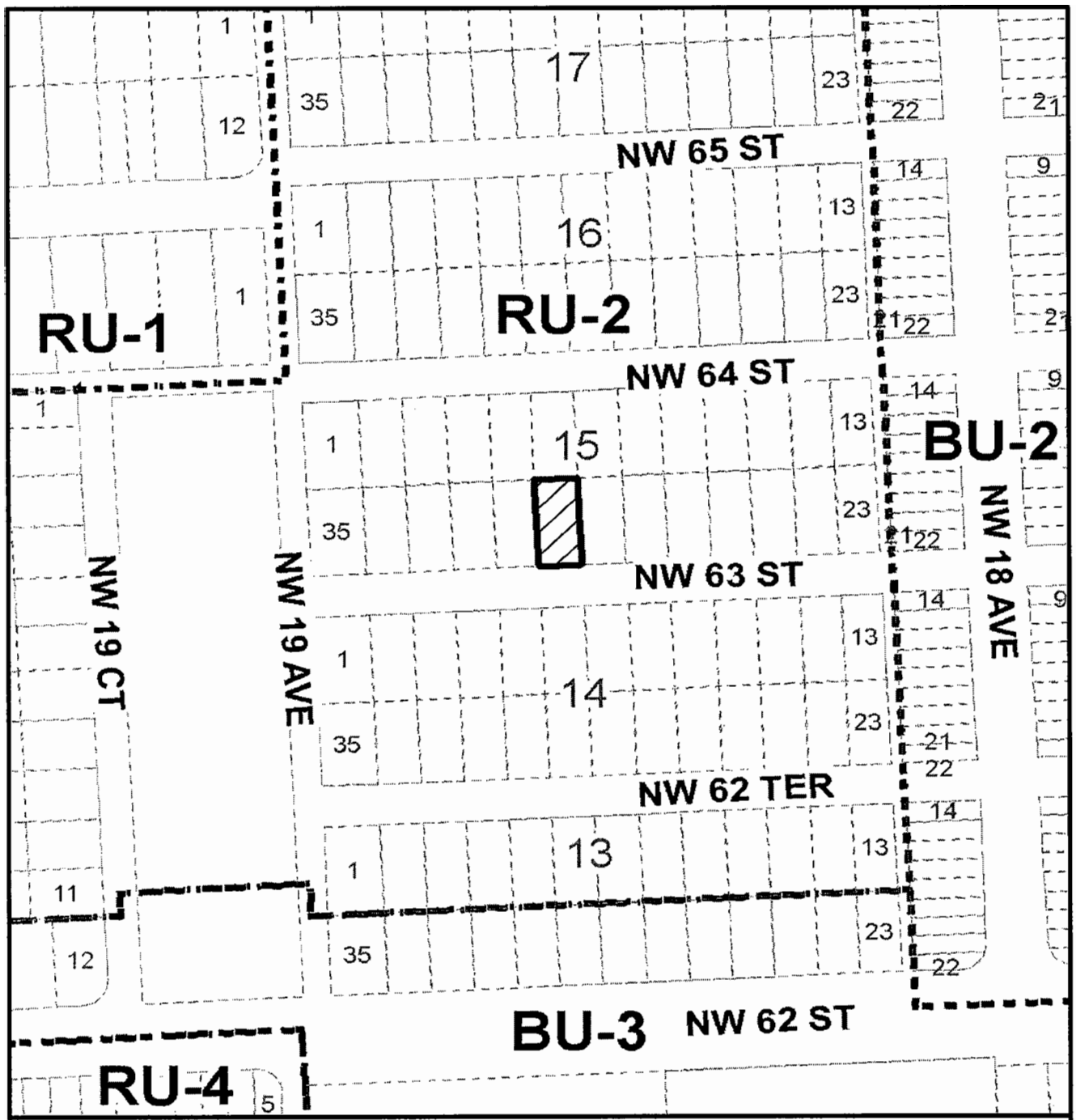
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200004000316 Not in violation for overgrowth, case closed on 2/4/2000.
200004001848 Citation issued on 5/9/2000 for overgrowth; case closed on 6/9/2001.
200004004024 Citation issued on 10/12/2000 for overgrowth; case closed on 9/12/2001.
200104002587 Citation issued on 6/25/2001 for overgrowth; Property liened.
200204003677 Citation issued on 10/22/2002 for overgrowth; Property liened.
200304003538 Citation issued on 1/2/2004 for overgrowth; Property liened.
200404005067 Citation issued on 11/19/2004 for overgrowth; Property liened.
200504002566 Citation issued on 6/23/2005 for overgrowth; case closed on 3/23/2007.
200704008355 No violation found case closed on 9/27/2007.
TBA - No current violation found case closed on 12/14/2007.

Bermol Developers Inc.
Miami Dade County GSA-R/E MGMT

Joan Spikes.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-282

N

SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
Zoning Board: BCC
District Number: 02
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/22/07

REVISION	DATE	BY
Z. Board Change to BCC	12/10/07	Joaquin

MIAMI-DADE COUNTY
AERIAL

Process Number
07-282

N

SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
Zoning Board: BCC
District Number: 02
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/22/07

REVISION	DATE	BY
Z. Board Change to BCC	12/10/07	Joaquin

4. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING (Applicant)

08-2-CC-3 (07-283)
BCC/District 3
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-283 (08-2-CC-3)

SECTION: 22-53-41 **DATE:** February 21, 2008

COMMISSION DISTRICT: 3 **ITEM NO.:** 4

==========

A. INTRODUCTION

- **REQUEST:**

  Applicant is requesting to permit a parcel of land with a frontage of 42' (75' required) and a lot area of 3,696 sq. ft. (7,500 sq. ft. required).

  Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

- **SUMMARY OF REQUEST:** This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required.

- **LOCATION:** Lying north of N.W. 43 Street, lying approximately 87' east of N.W. 23 Avenue, Miami-Dade County, Florida.

- **SIZE:** 42' x 88'

- **IMPACT:** Approval of the lot as a single-family building site with less lot frontage and lot area than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
   Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
   Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-2; Vacant	Low-Medium Density, 6 to 13 dua
Surrounding Properties:	
NORTH: RU-2; Single-family residence	Low-Medium Density, 6 to 13 dua
SOUTH: RU-2; Triplex	Low-Medium Density, 6 to 13 dua
EAST: RU-2; Duplex	Low-Medium Density, 6 to 13 dua
WEST: RU-2; Single-family residence	Low-Medium Density, 6 to 13 dua

The 0.084-acre subject parcel is located north of NW 43 Street, approximately 87' east of NW 23 Avenue, within the Urban Infill Area (UIA). Single-family residences, duplexes, and a triplex, interspersed with a multitude of vacant lots, characterize the surrounding area where the subject property lies. Approximately 470' to the east of the subject property is NW 22 Avenue, a well-traveled commercial corridor characterized with a scattering of businesses of varying intensity. The subject property also lies within the Model City/Brownsville Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

   A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

   B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district

regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;

B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to the conditions in their memorandum.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The 42' x 88' subject property is a vacant parcel of land zoned RU-2 located on the north side of NW 43 Street, approximately 87' east of NW 23 Avenue. The application seeks to permit a parcel of land with a lot frontage of 42' and a lot area of 3,696 sq. ft. as a buildable site. The RU-1 zoning district permits single-family residential uses on parcels with a minimum of 75' of lot frontage and 7,500 sq. ft. of lot area. Staff notes that the subject property is located within the Urban Infill Area (UIA), which is that area south and eastward of the Palmetto Expressway (State Road 826). Single-family residences, duplexes, and a triplex, interspersed with a multitude of vacant lots characterize the surrounding area where the subject property lies. Approximately 470' to the east of the subject property is NW 22 Avenue, a well-traveled commercial corridor characterized with a scattering of businesses of varying intensity.

The subject property also lies within the Model City/Brownsville Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization. In May of 2004, the Board of County Commissioners (BCC), pursuant to Resolution No. R-598-04, approved the Model City/Brownsville Charrette Report and its recommendations. The subject property is located approximately 470' to the west of NW 22 Avenue, a half-section line roadway and a vital transit corridor within the Model City/Brownsville Charrette Study Area. One of the primary Project Visions expressed by the citizens who participated in the Model City/Brownsville Charrette, as enumerated within the Plan Report Executive Summary, is to promote **infill housing** on available vacant parcels with a mix of affordable housing types. As such, staff opines that the development of the site serves to meet one of the project visions of the Model City/Brownsville Charrette by providing urban infill for an area characterized with a multitude of undeveloped lots.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. This project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. **Miami-Dade County Public Schools** (MDCPS) also has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board; therefore, there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 4:30 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage and lot area. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1 dwelling unit on the 3,696 sq. ft. (42' x 88') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban

development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water and sewer can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff recommends that, as a condition for approval, the development of the subject property be restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-2 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets some of the criteria for approval under the ASDO Standards for lot frontage and area. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU; the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)), the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by parcels of land with similar frontage that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). However, the request, to permit a single-family residence with a lot frontage of 42' (75' required) and a lot area of **3,696** sq. ft. (7,500 sq. ft. required), does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **3,696** sq. ft. falls below the minimum numerical lot area of 6,750 sq. ft. which is the 90% minimum required for approval in this zone under the ASDO Standard. Therefore, the request cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request, subject to conditions, would not affect the stability and appearance of the community and would be **compatible** with the surrounding

area. The approval of the request to permit a parcel of land with a lot frontage of 42' (75' required) and a lot area of 3,696 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes that the subject property is part of a subdivision, Buckeye Park PB: 13-69, that was originally platted in 1925, as the east 42' of Lots 16 and 17 each of which were platted as 41' x 142.55' lots oriented towards NW 23 Avenue. However, the subject lot has since been resubdivided as a separate lot oriented toward NW 43 Street with a lot frontage of 42' and a lot depth of 88'. As such, although the subject property was platted prior to August 2, 1938, the parcel has since been subdivided and is therefore precluded from grandfathering under Section 33-7 of the Zoning Code. Staff acknowledges that the majority of the lots in the block where the subject property lies consist of lot areas of approximately 4,719 sq. ft. and that the subject property's lot area is approximately 1,023 sq. less than the platted lots in the subject block. Further, staff acknowledges that the western half of the block directly to the east of the subject property, zoned RU-2 and also part of the 1925 platted Buckeye Park subdivision, is composed of lots with an average lot size of 5,065 sq. ft. However, staff maintains that the majority of the lots within the block where the subject property lies, the western half of the block directly to the east of the subject property zoned RU-2, and the block directly to the west of the subject property which was platted in 1924 as Treasure Heights PB: 12-72 have similar lot frontages as the subject site. Specifically, the block where the subject property lies consists of lots and combinations of lots with frontages ranging from 33' to 128'. Additionally, the eastern half of the block directly to the west of the subject site consists of lots with lot frontages ranging from 37.5' to 60' and the majority of the lots located in the western half of the block directly to the east of the subject site have lot frontages of 41'. As such, approval of the establishment of a substandard-sized building site (42' x 88') would not be out of character with the general scale of the neighborhood, which is characterized by residences on substandard-sized lots. Further, staff acknowledges that the subject property fronts on NW 43 Street and that the majority of the corner lots in the surrounding blocks front on either avenues or courts. However, staff notes that both corner lots located on the north end of the subject block front on NW 46 Street and therefore, the establishment of the substandard-sized building site fronting on NW 43 Street will not result in an obvious departure from the aesthetic character of the surrounding area. Additionally, as previously mentioned, the development of the site serves to meet one of the project visions of the Model City/Brownsville Charrette by providing urban infill for an area characterized with a multitude of undeveloped lots.

Staff is supportive of this application and notes that the development of the 0.084-acre site with one single-family residence is **consistent** with the density threshold permitted under the Low-Medium Residential Density designation of the LUP map. Furthermore, the request to permit less lot frontage and lot area than required adheres to the intent of Policy LU-1C within the Land Use Element of the CDMP which is to develop vacant parcels contiguous to urbanized areas in order to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. Allowing the improvement of the subject property with a single-family residence would contribute toward a redevelopment of the area and an efficient utilization of land found east of and within the UDB and UIA. As

such, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, the proposed single-family residential use on the subject property is **consistent** with the LUP map designation of Low-Medium Density Residential use and the request is **compatible** with the surrounding area, therefore, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) (NUV), and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:**

1. That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

2. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 11/16/07
DATE TYPED: 12/13/07
DATE REVISED: 12/28/07; 12/29/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: October 3, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-08 #Z2007000283
Director of the Department of Planning and Zoning
2263 N.W. 43rd Street
Non-Use Variance of Lot Area and Frontage Requirements
(RU-2) (0.08 Acres)
22-53-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood

protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000283
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
04-OCT-07

Memorandum

Date: 04-SEP-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000283

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2007000283
located at SOUTH OF N.W. 43 STREET, LYING APPROXIMATELY 87' EAST OF N.W. 23 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0862 is proposed as the following:

1 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.27 alarms-annually.
The estimated average travel time is: 4:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 50¿ Squrt, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

Current service impact calculated based on Director's Application date stamped August 8, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 12/18/07

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

APPLICANT

LYING NORTH OF N.W. 43 STREET, LYING APPROXIMATELY 87' EAST OF N.W. 23 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

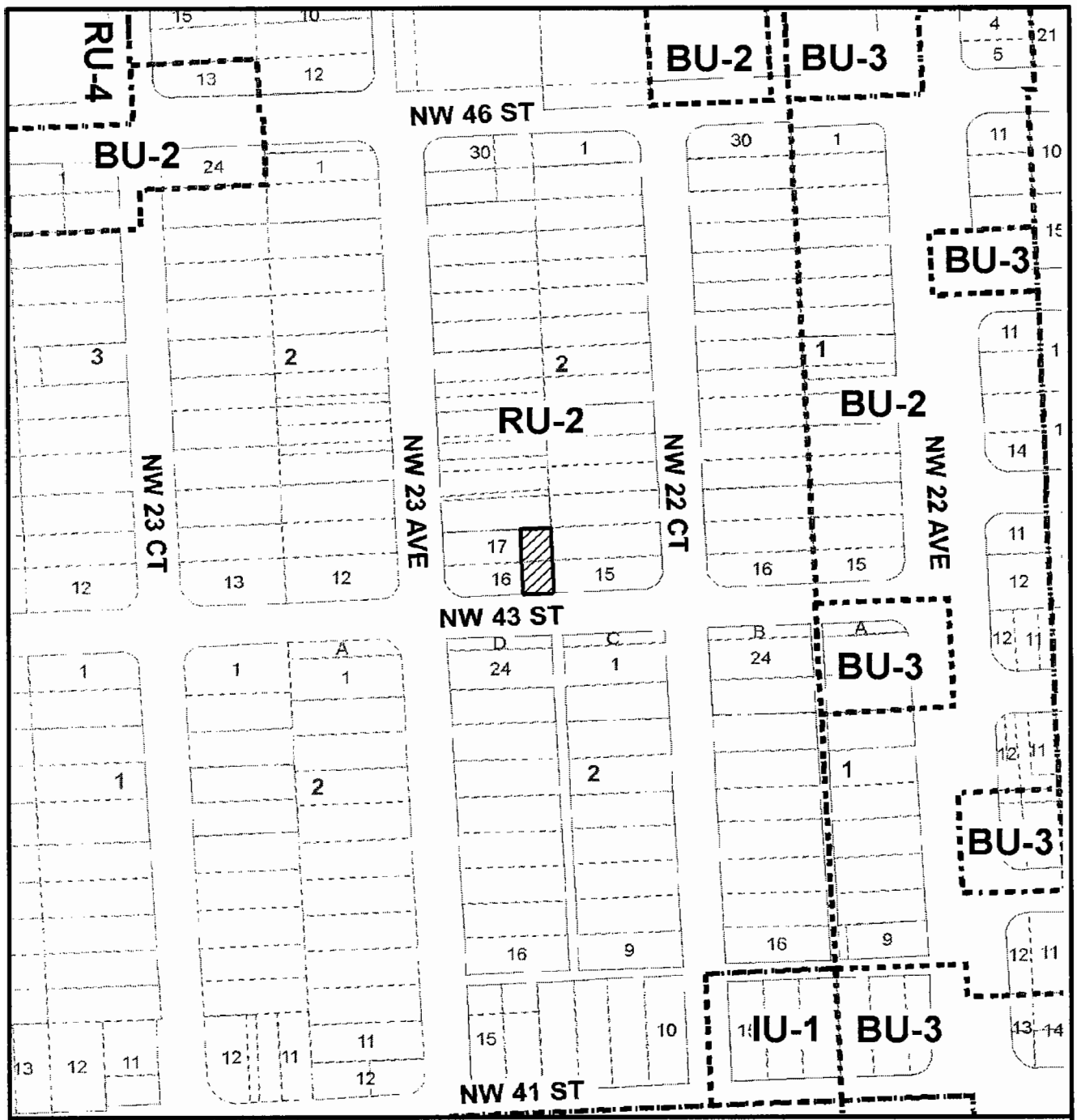
Z2007000283

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200704010670 No current violation observed case closed on 12/18/2007.

Milton Moore.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-283

N

SUBJECT PROPERTY

Section: 22 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DPT. OF PLANNING & ZONING
Zoning Board: BCC
District Number: 03
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/29/07

REVISION	DATE	BY
Zoning Board Change	12/10/07	AFT

MIAMI-DADE COUNTY
AERIAL

Process Number
07-283

N

SUBJECT PROPERTY

Section: 22 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DPT. OF PLANNING & ZONING
Zoning Board: BCC
District Number: 03
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 08/29/07

REVISION	DATE	BY
Zoning Board Change	12/10/07	AFT

5. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

08-2-CC-4 (07-326)
BCC/District 9
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-326 (08-2-CC-4)

SECTION: 13-56-39 **DATE:** February 21, 2008

COMMISSION DISTRICT: 9 **ITEM NO.:** 5

==========

A. INTRODUCTION:

o REQUEST:

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 5,640 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

o SUMMARY OF REQUEST:

This application will allow the construction of a single-family residence on a lot with less lot frontage and lot area than required.

o LOCATION:

Lying on the southwest corner of S.W. 122 Avenue and S.W. 218 Street, Miami-Dade County, Florida.

o SIZE: 40' x 141'

o IMPACT:

Approval of the lot as a single-family building site with less lot frontage and lot area than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:	
NORTH: RU-1; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
SOUTH: RU-2; Vacant	Low-Medium Density Residential, 6 to 13 dua
EAST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-2; Single-family residence	Low-Medium Density Residential, 6 to 13 dua

The subject parcel is a corner lot, which lies on the southwest corner of SW 122 Avenue and SW 218 Street. Single-family residences and vacant lots characterize the surrounding area where the subject property lies. The subject property is in close proximity to Sharman Park, which is located approximately 416 feet to the west of the subject site. It should be noted that the subject site is also in close proximity to the western boundary of the Goulds Community Urban Center, which lies approximately 513' to the east of the subject site.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable***

Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

   A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

   B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

   C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

   D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

   A. the proposed alternative development will not result in the creation of more than three (3) lots; and

   B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

   C. no lot area shall be less than the smaller of:

      i. ninety percent (90%) of the lot area required by the underlying district regulations; or

      ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

   D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks

(including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The subject parcel is a corner lot that lies on the southwest corner of SW 122 Avenue and SW 218 Street and is located within a Community Development Block Grant (CDBG)-eligible Area. Single-family residences and vacant lots characterize the surrounding area where the subject property lies. The subject property is in close proximity to Sharman Park, which is located approximately 416' to the west of the subject site. It should be noted that the subject site is also in close proximity to the western boundary of the Goulds Community Urban Center, which lies approximately 513' to the east of the subject site. The request is to permit the development of the site with a single-family residence on a lot with a frontage of 40' and an area of 5,640 sq. ft. The RU-2 zoning district permits single-family and duplex uses on parcels with a minimum lot frontage of 75' and a minimum lot area of 7,500 sq. ft.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project does not generate any new additional daily peak hour trips; therefore no vehicle trips have been assigned and same meets traffic concurrency. Further, their memorandum indicates that an additional 10 feet of dedication is required for SW 122 Avenue for a total of 35 feet and that road dedication and improvements will be accomplished through the recording of a plat. **Miami-Dade County Public Schools** (MDCPS) also has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board, therefore there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 7:36 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage and lot area. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a maximum density permitted of 1 dwelling unit on the 5,640 sq. ft. (40' x 141') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it does not generate any new additional daily peak hour trips. Staff acknowledges

that the subject site is located outside of the Urban Infill Area (UIA) as defined in Policy TC-1B. However, it should be noted that the subject site is located in a Community Development Block Grant (CDBG)-eligible Area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Additionally, **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff recommends that, as a condition for approval, the development of the subject property be restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-2 zoned subject property is **consistent** with the infill policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets some of the criteria for approval under the ASDO Standards for lot frontage and area. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU; the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). However, the request, to permit a single-family residence with a lot area of **5,640** sq. ft. (7,500 sq. ft. required), does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **5,640** sq. ft. falls below the minimum numerical lot area of 6,750 sq. ft., which is the 90% minimum required for approval in this zone under the ASDO Standard. Therefore, the request cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship with regard to this County owned lot. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of the request to permit a parcel of land with a lot frontage of 40' (75' required) and a lot area of 5,640 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the

aesthetic character of the surrounding area. Staff notes that the subject property is not platted and, therefore, is precluded from the grandfathering provision under Section 33-7. Research indicates that most of the lots located on the same block as the subject property are substandard in size and the surrounding area consists of sites with similar lot frontages as the subject property. Staff acknowledges that 16 of the 18 lots in the block where the subject property lies feature a lot frontage of 50' and a lot area of 7,050 sq. ft. which is greater than that requested in this application. Specifically, the property that abuts the subject property to the west, located at 12210 SW 218 Street, is developed with a single-family residence and features a lot frontage of 50' and a lot area of 7,050 sq. ft. However, as previously mentioned, the subject site is a corner lot and the Public Works Department memorandum indicates that an additional 10 feet of dedication is required for SW 122 Avenue, a half-section line roadway, for a total of 35 feet. As such, staff notes that, due to the additional 10' of right-of-way dedication, the subject site's frontage is reduced from 50' to 40' and the lot area is reduced from 7,050 sq. ft. to 5,640 sq. ft. However, it should be noted that the vacant lot to the south of the subject site features a lot frontage of 50' and a lot area of 7,050 and upon platting would also be required to provide an additional 10' of right-of-way dedication for SW 122 Avenue thereby reducing said lot to the same lot frontage and a lot area as the subject property. As such, staff opines that the approval of the request to permit a parcel of land with a lot frontage of 40' and a lot area of 5,640 sq. ft. will not result in an obvious departure from the aesthetic character of the surrounding area. Staff is supportive of this application subject to conditions and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. The approval of this application, subject to conditions, would allow the construction of a single-family home on this site for the use of a low or moderate-income family. As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff recommends approval with conditions of this application, to permit a lot with a frontage of 40' and a lot area of 5,640 sq. ft., under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

2. That the development of the site be limited to one single-family residence.

DATE INSPECTED: 10/16/07
DATE TYPED: 12/17/07
DATE REVISED: 12/28/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: October 1, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-15 #Z2007000326
Director of the Department of Planning and Zoning
Southwest Corner of S.W. 122nd Avenue and S.W. 218th Street
Non-Use Variance of Lot Area and Lot Frontage Requirements
(RU-2) (0.16 Acres)
12-56-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. Pursuant to Section 24-43.1(3) of the Code, the minimum lot size for a single-family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively. However, if it can be demonstrated that the legal subdivision, creating such tract of land, occurred prior to the effective date of the requirement, the subject property is grandfatherable and could be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Tree Preservation
Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000326
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

An additional 10 feet of dedication is required for SW 122 Avenue for a total of 35 feet (1/2 R/W).

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements 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.

Raul A Pino, P.L.S.
10-DEC-07

Memorandum

Date: 26-SEP-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000326

Fire Prevention Unit:

Not applicable to Fire Engineering site requirements.

Service Impact/Demand:

Development for the above Z2007000326
located at LYING ON THE SOUTHWEST CORNER OF S.W. 122 AVENUE & S.W. 218 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2320 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:36 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 5, Goulds/Princeton, 13150 SW 238th Street
Rescue, BLS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 12/14/07

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

APPLICANT

LYING ON THE SOUTHWEST CORNER OF S.W. 122 AVENUE & S.W. 218 STREET, MIAMI-DADE COUNTY, FLORIDA.

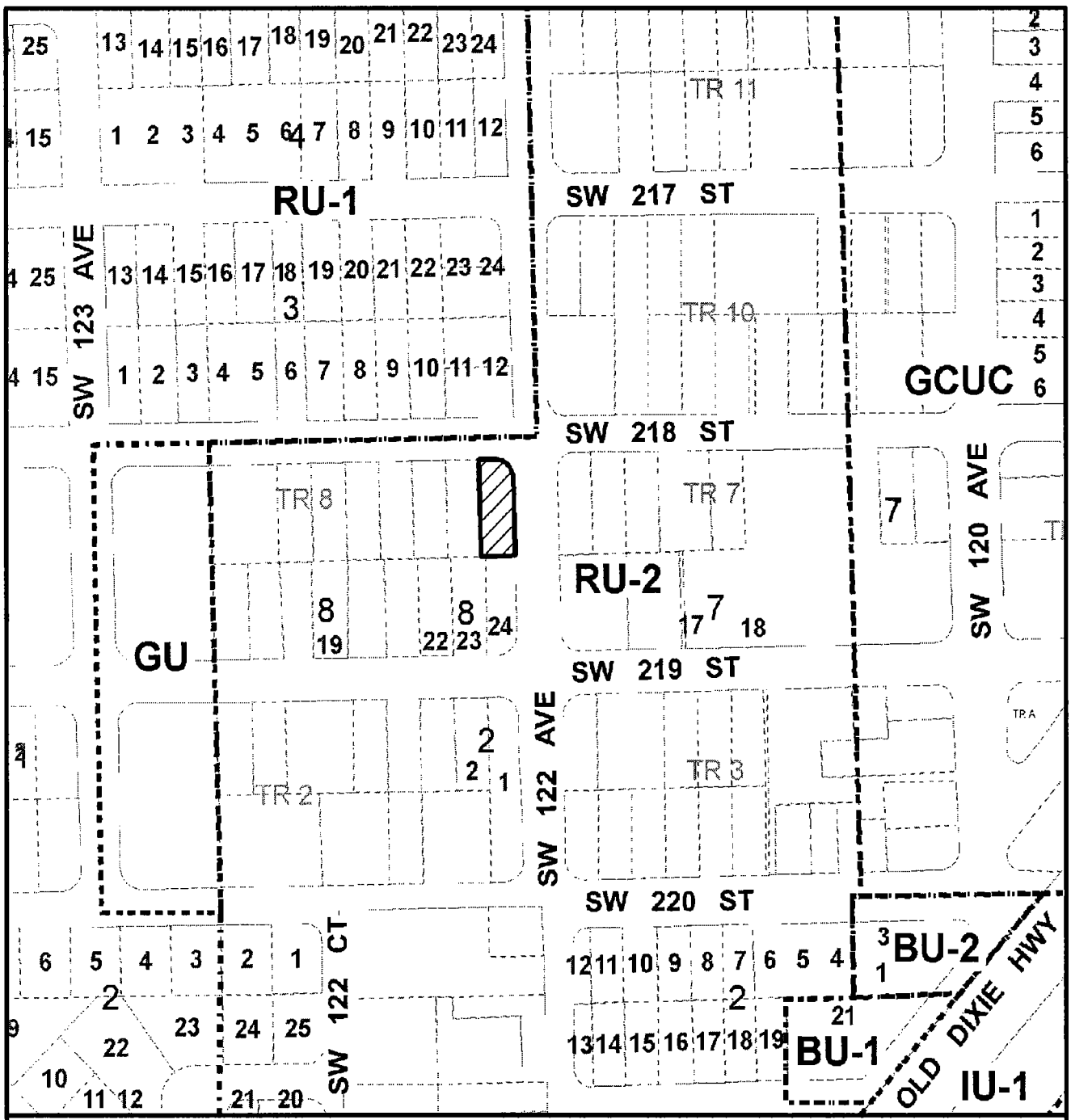
ADDRESS

Z2007000326

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current Case history;
Case 200701007514 was opened based on enforcement history request and inspected on 12-12-07, no violations were observed and case was closed.
Previous case history;
No previous violations under county ownership.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-326

N

SUBJECT PROPERTY

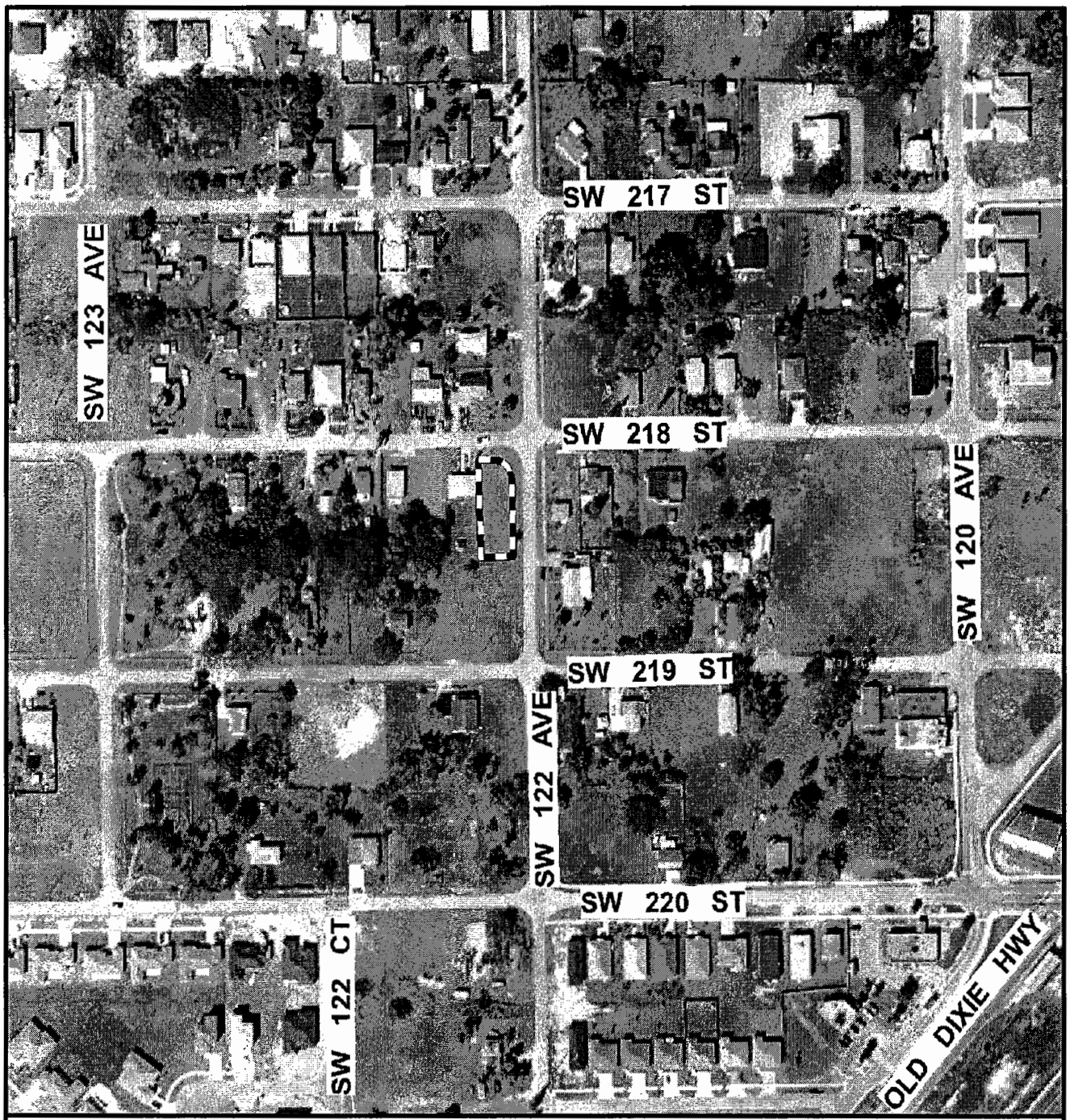
Section: 13 Township: 56 Range: 39
Applicant: DIRECTOR OF DEPT. OF PLANNING & ZONING
Zoning Board: BCC
District Number: 09
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/19/07

REVISION	DATE	BY
Change Board C18 To BCC	12/11/07	ESM
Change Section to 13-56-39	12/17/07	ESM

17



MIAMI-DADE COUNTY
AERIAL

Process Number
07-326

N

SUBJECT PROPERTY

Section: 13 Township: 56 Range: 39
Applicant: DIRECTOR OF DEPT. OF PLANNING & ZONING
Zoning Board: BCC
District Number: 09
Drafter ID: ERIC
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/19/07

REVISION	DATE	BY
Change Board C15 to BCC	12/11/07	EMM
Change Section to 13-56-39	12/17/07	EMM

6. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

08-2-CC-5 (07-333)
BCC/District 2
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-333 (08-2-CC-5)

SECTION: 11-53-41 **DATE:** February 21, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 6

==========

A. INTRODUCTION:

- **REQUEST:**

  Applicant is requesting to permit a parcel of land with a lot frontage of 51' (75' required).

  Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

- **SUMMARY OF REQUEST:** This application will allow the construction of a single-family residence on a lot with less lot frontage than required.

- **LOCATION:** Southwest corner of N.W. 83 Street and N.W. 14 Avenue, Miami-Dade County, Florida.

- **SIZE:** 51' x 186'

- **IMPACT:** Approval of the lot as a single-family building site with less lot frontage than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. Residential densities of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2, 1938. This density category is generally characterized by single family, e.g. single family detached, cluster, 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.

2. **Policy LU-1C**
   Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped

environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1, Vacant	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: RU-1; Vacant lot and Single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; Single-family residences	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; Multi-family apartments	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; Vacant	Low Density Residential, 2.5 to 6 dua

The subject parcel is a corner lot, which lies on the south side of N.W. 83 Street between N.W. 14 Avenue and N.W. 14 Court. Single-family residences, vacant lots and a multi-family apartment characterize the surrounding area where the subject property lies. The subject property is also in close proximity to a public park, Arcola Lakes Community Park, which is located approximately 91' to the northeast of the subject site. It should be noted that the subject property also lies within the North Central Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**

Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing.

Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The subject parcel is a corner lot, which lies on the southwest corner of N.W. 83 Street and N.W. 14 Avenue. Single-family residences, vacant lots and multi-family apartments characterize the surrounding area where the subject property lies. The subject property is also in close proximity to a public park, Arcola Lakes Community Park, which is located approximately 91' to the northeast of the subject site. The request is to permit the development of the site with a single-family residence on a lot with a frontage of 51'. The RU-1 zoning district permits single-family uses on parcels with a minimum lot frontage of 75'.

The subject property lies within the North Central Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization. In April 2004, the Board of County Commissioners (BCC), pursuant to Resolution No. R-497-04, approved the North Central Charrette Report and its recommendations. One of the primary Project Goals of the North Central Charrette, as enumerated within the Plan Report Executive Summary, is to implement a plan that promotes growth and **infill development** and preserves the community's heritage in a form that is compact, diverse and walkable. As such, staff opines that the development of the site serves to meet one of the project goals of the North Central Charrette by providing urban infill for an area characterized with a multitude of undeveloped lots.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. **Miami-Dade County Public Schools** (MDCPS) has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board; therefore, there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 6:39 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low Density Residential** use. This designation permits a density range of a minimum of 2.5 to a maximum of 6 dwelling units per gross acre, yielding a maximum density permitted of 1 dwelling unit on the 9,486 sq. ft. (51' x 186') subject site. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban

development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. Staff notes that the RU-1 zone allows only one single-family residence on a lot, parcel or tract. Therefore, the development of the subject property is restricted to no more than one single-family residence on the subject site. As such, the development of a single-family residence on the substandard-sized, RU-1 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets the criteria for approval under the ASDO Standards for lot frontage. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU and the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). Additionally, the subject site consists of a lot area of 9,486 sq. ft. (7,500 sq. ft. required), which complies with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **9,486** sq. ft. exceeds the zone requirement of 7,500 sq. ft. and is not subject to a request for reduced lot area. Therefore, the request can be considered under the ASDO or the NUV standards and may be approved under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship with regard to this County owned lot. As such, this application cannot be approved under this section. Therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of the request to permit a parcel with a lot frontage of 51' (75' required) will

not result in an obvious departure from the aesthetic character of the area. Staff notes that the subject property is not platted and, therefore, is precluded from the grandfathering provision under Section 33-7. Research indicates that most of the lots located on the same block as the subject property are substandard in size and the surrounding area consists of sites with the same lot frontage as the subject property including property located at 8259 NW 14 Court and 8250 NW 14 Avenue which abut the subject property to the south and are each developed with a single-family residence. Additionally, staff notes that 20 of the 23 lots within the subject block feature a lot frontage of 51' and 14 of these are developed with single-family residences. Therefore, in staff's opinion, the request to develop the lot with a lot frontage of 51' is **compatible** with the surrounding area. Staff is supportive of this application, subject to a condition, and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low- and moderate-income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. The approval of this application, subject to a condition, would allow the construction of a single-family home on this site for the use of a low- or moderate-income family. As such, staff recommends approval with a condition of the request under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff recommends approval with a condition of this application, to permit a lot with a frontage of 51', under Sections 33-311(A)(4)(b) (NUV) or 33-311(A)(14) (ASDO) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with a condition under Sections 33-311(A)(4)(b) (NUV) or 33-311(A)(14) (ASDO) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

J. CONDITION:

That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

DATE INSPECTED: 10/02/07
DATE TYPED: 12/13/07
DATE REVISED: 12/28/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: October 1, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-08 #Z2007000333
Director of the Department of Planning and Zoning
8289 N.W. 14th Court
Non-Use Variance of Lot Area and Lot Frontage Requirements
(RU-1) (0.21 Acres)
11-53-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. Pursuant to Section 24-43.1(3), the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively. However, if it can be demonstrated that the legal subdivision, creating such tract of land, occurred prior to the effective date of the requirement, the subject property is grandfatherable and could be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000333
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
10-DEC-07

Memorandum

Date: 26-SEP-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000333

Fire Prevention Unit:

Not applicable to Fire Engineering site requirements.

Service Impact/Demand:

Development for the above Z2007000333
located at SOUTHWEST CORNER OF N.W. 83 STREET & N.W. 14 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0796 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:39 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 7, West Little River, 9350 NW 22nd. Avenue
Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None

Fire Planning Additional Comments:

Not applicable to service impact analysis.

DATE: 09/21/07

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

APPLICANT

SOUTHWEST CORNER OF N.W. 83 STREET & N.W. 14 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2007000333

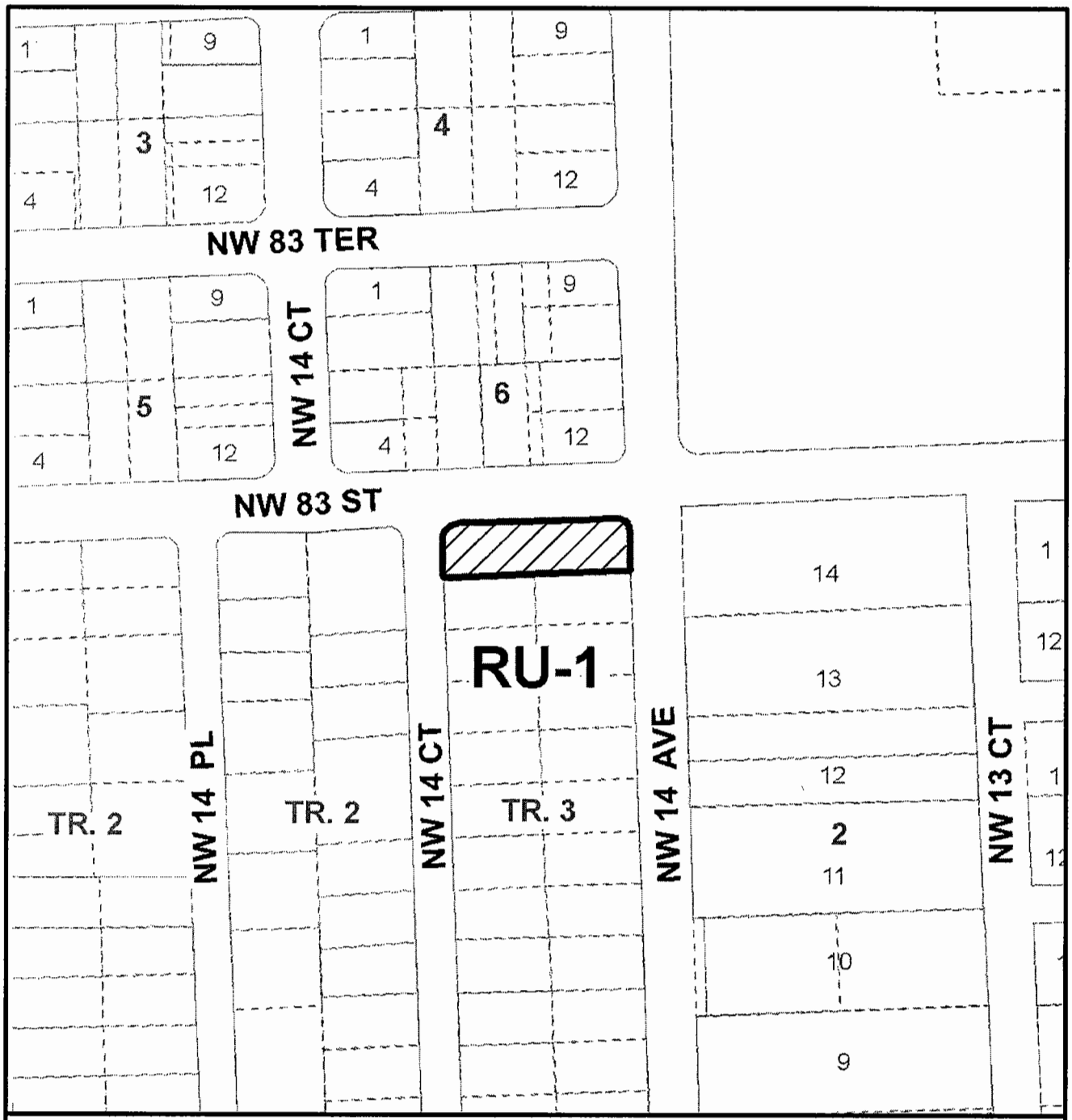
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200004003158 Citation issued for overgrowth property liened
200104003661 Citation issued for overgrowth property liened
200204002970 GSA lot referral to outreach for overgrowth
200304003444 GSA lot referral to outreach for overgrowth
200704008217 GSA lot not in violation case closed.

Elizabeth Haire
Elizabeth Haire
Miami Dade County
Miami Dade County
Miami Dade County

Jimmy Colson.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-333

N

SUBJECT PROPERTY

Section: 11 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
Zoning Board: BCC
District Number: 2
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/20/07

REVISION	DATE	BY
Z. Board Change to BCC	12/10/07	Joaquin

MIAMI-DADE COUNTY
AERIAL

Process Number
07-333

N

SUBJECT PROPERTY

Section: 11 Township: 53 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
Zoning Board: BCC
District Number: 2
Drafter ID: JOAQUIN
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 09/20/07

REVISION	DATE	BY
Z. Board Change to BCC	12/10/07	joaquin

7. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

08-2-CC-6 (07-347)
BCC/District 2
Hearing Date: 2/21/08

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z07-347 (08-2-CC-6)

SECTION: 34-52-41 **DATE:** February 21, 2008

COMMISSION DISTRICT: 2 **ITEM NO.:** 7

==========

A. INTRODUCTION:

- **REQUEST:**

  Applicant is requesting to permit a parcel of land with a lot frontage of 67.5' (75' required).

  Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

- **SUMMARY OF REQUEST:** This application will allow the construction of a single-family residence on a lot with less lot frontage than required.

- **LOCATION:** Lying south of N.W. 106 Street and approximately 500' east of N.W. 27 Avenue, Miami-Dade County, Florida.

- **SIZE:** 67.5' x 123.4'

- **IMPACT:** Approval of the lot as a single-family building site with less lot frontage than required will allow the development of the site with a single-family residence, which will have a minimal impact on traffic and schools in the area but could have a visual impact on the neighboring properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. **Policy LU-1C**
   Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1, Vacant	Low-Medium Density Residential, 6 to 13 dua
Surrounding Properties:	
NORTH: RU-1; Single-family residences	Low-Medium Density Residential, 6 to 13 dua
SOUTH: RU-1; Single-family residence and duplex	Low-Medium Density Residential, 6 to 13 dua
EAST: RU-1; Vacant	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-1; Single-family residence	Low-Medium Density Residential, 6 to 13 dua

The subject parcel is an interior lot, which lies south of NW 106 Street and approximately 500' east of NW 27 Avenue, a major section line roadway as designated on the LUP map of the CDMP. Single-family residences, vacant lots and a duplex characterize the surrounding area where the subject property lies. The subject property is also in close proximity to a public park, Little River Park, which is located approximately 77' to the east of the subject site. It should be noted that the subject property also lies within the North Central Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization.

E. SITE AND BUILDINGS:

Site Plan Review:	(No plans submitted)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**

Access:	**Acceptable**
Parking Layout/Circulation:	**N/A**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

   A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

   B. the proposed alternative development will not result in the further subdivision of land; and

   C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

   E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

   F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

   G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

3. the proposed lot area, frontage or depth is such that:

A. the proposed alternative development will not result in the creation of more than three (3) lots; and

B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and

C. no lot area shall be less than the smaller of:

i. ninety percent (90%) of the lot area required by the underlying district regulations; or

ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and

D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

   A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

   B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]

   C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and

   D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and

   E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional

width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. Pursuant to Ordinance No. 07-37, the Board of County Commissioners shall hear and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County, which meet the criteria for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the Code. As such, this application must be heard before this Board.

The subject parcel is an interior lot, which lies south of NW 106 Street and approximately 500' east of NW 27 Avenue, a major section line roadway as designated on the LUP map of the CDMP. Single-family residences, vacant lots and a duplex characterize the surrounding area where the subject property lies. The subject property is also in close proximity to a public park, Little River Park, which is located approximately 77' to the east of the subject site. The request is to permit the development of the site with a single-family residence on a lot with a frontage of 67.5'. The RU-1 zoning district permits single-family uses on parcels with a minimum lot frontage of 75'.

The subject property lies within the North Central Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization. In April of 2004, the Board of County Commissioners (BCC), pursuant to Resolution No. R-497-04, approved the North Central Charrette Report and its recommendations. One of the primary Project Goals of the North Central Charrette, as enumerated within the Plan Report Executive Summary, is to implement a plan that promotes growth and **infill development** and preserves the community's heritage in a form that is compact, diverse and walkable. As such, staff opines that the development of the site serves to meet one of the project goals of the North Central Charrette by providing urban infill for an area characterized with a multitude of undeveloped lots.

The **Department of Environmental Resources Management** (DERM) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. **Miami-Dade County Public Schools** (MDCPS) has no objections to this application and indicates that no additional residential density is being sought beyond that already accounted for by the School Board; therefore, there is no impact on the public schools serving the area. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) **does not object** to this application and indicates that the estimated average response time is 5:06 minutes.

Approval of this application would allow the construction of a single-family residence on a parcel of land that has a reduced lot frontage. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a minimum of 1 to a maximum density permitted of 2 dwelling units on the 8,329.5 sq. ft. (67.5' x 123.4') subject site. Staff notes that

the RU-1 zone allows only one single-family residence on a lot. Therefore, no more than one single-family residence can be developed on the subject site which is within the density threshold of the LUP map of the CDMP. Further, Policy LU-1C of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Specifically, the subject property lies within the Urban Infill Area (UIA) and **Policy LU-1C** of the CDMP indicates that Miami-Dade County should give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. DERM's memorandum indicates that public water can be made available to the subject property and the Public Works Department memorandum indicates that the subject property meets traffic concurrency because it lies within the UIA. Additionally, the subject property is located in a Community Development Block Grant (CDBG)-eligible area and **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Consequently, the development of the subject property with a single-family residence complies with the requirements of Policy LU-1C and Objective LU-12 of the CDMP. As such, the development of a single-family residence on the substandard-sized, RU-1 zoned subject property is **consistent** with the UIA policy and CDBG objective of the interpretative text of the CDMP as well as with the density threshold of the LUP map of the CDMP.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets the criteria for approval under the ASDO Standards for lot frontage. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU and the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)) and the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)). Further, the parcel is under lawful separate ownership from any contiguous property as it is owned by Miami-Dade County, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)) and will not result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)). Additionally, the subject site consists of a lot area of 8,329.5 sq. ft. (7,500 sq. ft. required), which complies with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) which requires that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **8,329.5** sq. ft. exceeds the 7,500 sq. ft. of required lot area and is not the subject of a request in this application. Therefore, the request can be approved under Section 33-311(A)(14) (ASDO) or under Section 33-311(A)(4)(b) (NUV). As such, staff recommends approval with conditions of the request under Section 33-311(A)(14) (ASDO) or under Section 33-311(A)(4)(b) (NUV).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the request would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of this application would result in unnecessary hardship with regard to this County owned lot. As

such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The approval of the request to permit a parcel with a lot frontage of 67.5' (75' required) will not result in an obvious departure from the aesthetic character of the area. Staff notes that the subject property is not platted and, therefore, is precluded from the grandfathering provision under Section 33-7. Research indicates that approvals of the same request for lot frontage are prevalent in the immediate vicinity of the subject property. Specifically, in 1958 the Board of Adjustment approved two lots located at 2525 and 2535 NW 105 Street, which abut the subject site to the south and southwest respectively, as single-family residence building sites, each with a lot frontage of 67.5', pursuant to B.A. 12-58. Additionally, in 1978, property lying north of NW 105 Street, approximately 400' east of NW 27 Avenue, located approximately 108' to the west of the subject property, was approved for a variance of lot frontage to permit a lot with 45' of frontage as a single-family building site, pursuant to Resolution #4-ZAB-140-78. Similarly, in 1964, property located on the southwest corner of NW 26 Avenue and NW 104 Terrace, approximately 385' to the southwest of the subject property, was approved a request for a variance of lot frontage to permit an existing single-family residence with a lot frontage of 61' and a lot with a frontage of 59' as a single-family residence building site among other requests, pursuant to Resolution #2-ZAB-50-64. Therefore, in staff's opinion, the request to develop the lot with a lot frontage of 67.5' is **compatible** with the surrounding area. Staff is supportive of this application, subject to a condition, and notes that the proposal would be **consistent** with the intent of Policy LU-1C and Objective LU-12 of the CDMP which is to give priority to infill development on vacant sites in currently urbanized areas, redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development and to promote infill development that is situated in a CDBG-eligible area. Allowing the construction of a single-family residence on this site would contribute toward a redevelopment of this area, which is residential in character. Staff further notes that to facilitate infill development will also help to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). As previously mentioned, this application was filed by the Director of the Department of Planning and Zoning on property owned by Miami-Dade County and identified as property eligible for infill housing. The Infill Housing Initiative's purpose is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes through the sale or transfer of County property to qualified developers. The approval of this application, subject to a condition, would allow the construction of a single-family home on this site for the use of a low- or moderate-income family. It should be noted that this application meets the applicable ASDO Standards and may be approved either under Section 33-311(A)(4)(b) (NUV) or under Section 33-311(A)(14) (ASDO). As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV) or under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff recommends approval with a condition of this application, to permit a lot with a frontage of 67.5', under Section 33-311(A)(4)(b) (NUV) or under Section 33-311(A)(14) (ASDO) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with a condition under Section 33-311(A)(4)(b) (NUV) or Section 33-311(A)(14) (ASDO) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

J. CONDITION:

That all conditions of Ordinance No. 07-4 be adhered to, including the requirement that a covenant be submitted prior to the initial sale of the eligible home, which contains such language as is necessary to carry out the purposes of Article VII, Chapter 17, pertaining to The Infill Housing Initiative.

DATE INSPECTED: 11/01/07
DATE TYPED: 12/18/07
DATE REVISED: 12/28/07
DATE FINALIZED: 01/07/08
SB:MTF:LVT:NC

Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-08 #Z2007000347
Director of the Department of Planning and Zoning
2610 N.W. 106th Street
Non-Use Variance of Lot Area and Frontage Requirements
(RU-1) (0.19 Acres)
34-52-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. Pursuant to Section 24-43.1(3) of the Code, the minimum lot size for a single-family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively. However, if it can be demonstrated that the legal subdivision, creating such tract of land, occurred prior to the effective date of the requirement, the subject property is grandfatherable and could be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

PH# Z2007000347
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:DIRECTOR OF THE DEPTARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
10-DEC-07

Memorandum

Date: 03-OCT-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000347

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2007000347
located at LYING SOUTH OF N.W. 106 STREET & APPROXIMATELY 500' EAST OF NW 27 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0677 is proposed as the following:

1 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.27 alarms-annually.
The estimated average travel time is: 5:06 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, EMS Capt.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

Current service impact calculated based on DP&Z Director's application date stamped September 19, 2007.

DATE: 09/27/07

TEAM METRO

ENFORCEMENT HISTORY

DIRECTOR OF THE
DEPTARTMENT OF PLANNING &
ZONING

APPLICANT

LYING SOUTH OF N.W. 106 STREET
& APPROXIMATELY 500' EAST OF
NW 27 AVE, MIAMI-DADE COUNTY,
FLORIDA.

ADDRESS

Z2007000347

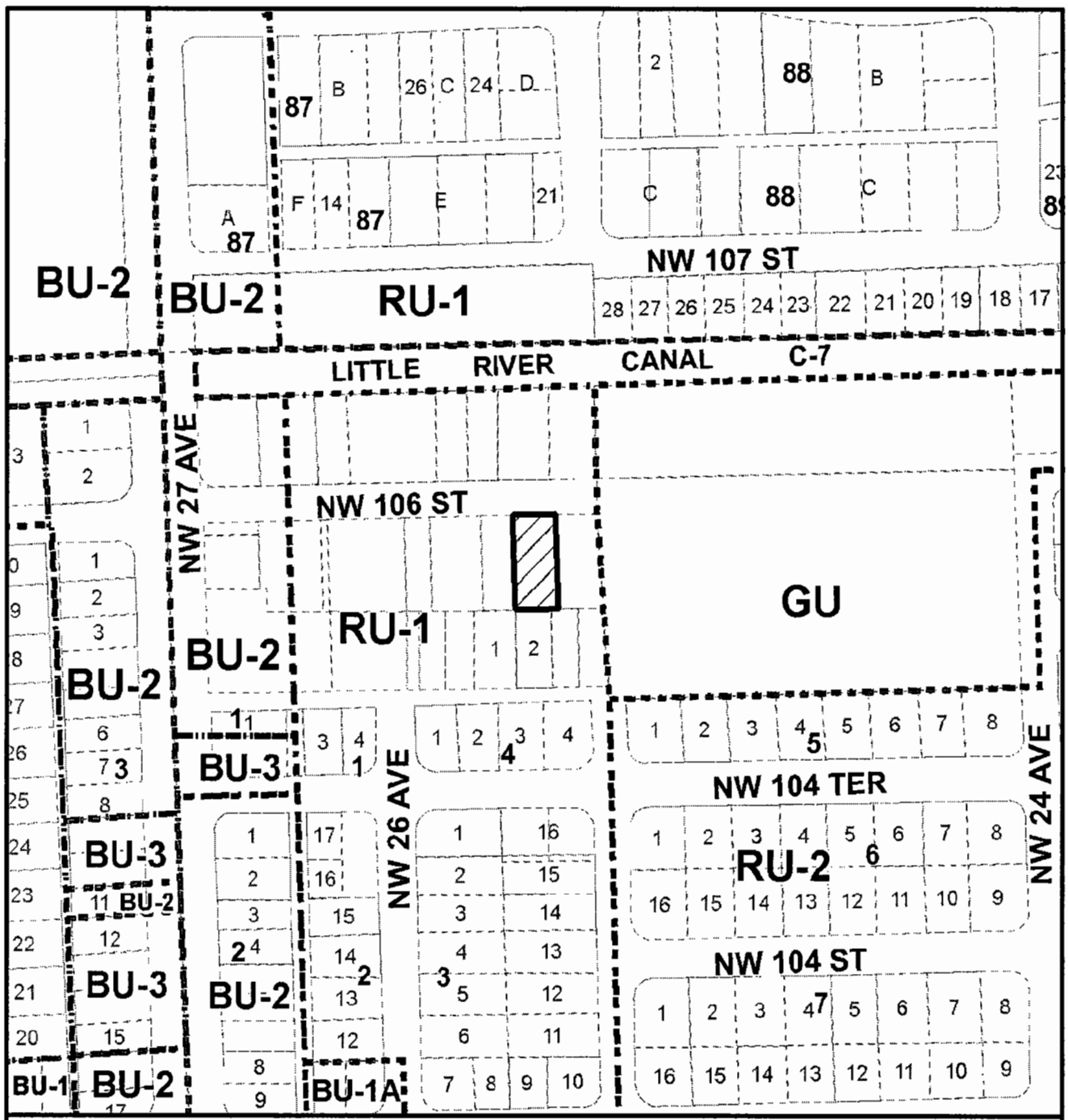
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200005001154 Citation issued for overgrowth property liened
200005002380 citation issued for junk & debris corrected on 5/11/2000
20025000753 citation issued for overgrowth enforcement closed 6/17/07 change of ownership.
OCED property referral to outreach.
200205003289 OCED referral to outreach for overgrowth enforcement closed on 5/20/03
200205003593 OCED referral to outreach for overgrowth enforcement closed on 7/23/02
200404003212 OCED referral to outreach for overgrowth enforcement closed on 6/28/04
200404003449 OCED referral to outreach for overgrowth enforcement closed on 7/20/04
200404005427 OCED referral to outreach for overgrowth enforcement closed on 12/23/04
200704002134 OCED referral to outreach for overgrowth enforcement closed on 3/12/07
200704008354 OCED referral to outreach for overgrowth enforcement closed on 9/26/07

New Washington Hgts Comm Dev
New Washington Hgts Comm Dev
The remaining cases are for OCED - Office of Comm Economic Dev

Bernard Jeanty



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-347

N

SUBJECT PROPERTY

Section: 34 Township: 52 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
Zoning Board: BCC
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/25/07

REVISION	DATE	BY

18

MIAMI-DADE COUNTY
AERIAL

Process Number
07-347

N

SUBJECT PROPERTY

Section: 34 Township: 52 Range: 41
Applicant: DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING
Zoning Board: BCC
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 10/25/07

REVISION	DATE	BY