



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, JUNE 11, 2009

COUNTRY VILLAGE PARK

6550 NW 188 TERRACE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD 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 MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM 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

A. CONCRETE STRUCTURES (09-4-CZ5-2/08-159)

**24-53-39
Area 5/District 12**

- (1) MODIFICATION of Condition #2 of Resolution No. CZAB9-24-01, passed and adopted by Community Zoning Appeals Board #9, last modified by Resolution No. CZAB 5-9-08, passed and adopted by Community Zoning Appeals Board #5, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 2/12/08."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 1/20/09."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing unpaved parking spaces, relocation of buildings and waiving the required street trees for a previously approved concrete batching plant.

(2) Applicant is requesting to permit unpaved parking spaces (paved parking spaces required).

(3) Applicant is requesting to permit 0 street trees (38 street trees required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 12100 N.W. 58 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 11.13 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of request #1 on a **modified basis** to include the required 23 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

1. LUIS A. AND NOEMI RIOS (09-6-CZ5-1/08-223)

**01-52-40
Area 5/District 1**

(1) Applicants are requesting to permit a covered terrace addition to a single-family residence setback 15.25' (25' required) from the rear (west) property line.

(2) Applicants are requesting to permit the single-family residence setback 7.01' (7.5' required) from the interior side (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Terrace," as prepared by Jose Martinez, P. E., Sheet "A-2" dated stamped received 1/20/09 and the remaining sheets dated stamped received 11/18/08 for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 20162 N.W. 58 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 84' X 100'

Department of Planning and
Zoning 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).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Addition to Existing House For: Lucile Gelin," consisting of 3 sheets, dated stamped received 2/18/09. Plans may be modified at public hearing.

LOCATION: 6435 N.W. 201 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 76' X 100'

Department of Planning and Zoning Recommendation:

Denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b), Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV); and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same 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: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements

imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

A. CONCRETE STRUCTURES
(Applicant)

09-4-CZ5-2 (08-159)
Area 5/District 12
Hearing Date: 6/11/09

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1986	Four Star Trucking	Unusual Use for lake & Concrete batching plant & office trailer.	BCC	Approved w/Conds.
2001	Concrete Structures, INC.	Unusual Use for lake excavation / Non-Use Variances.	CZAB 9	Approved w/Conds.
2008	Concrete Structures, INC.	Unusual Use to permit a concrete casting plant & modification of a previous resolution.	CZAB 9	Approved w/Conds.

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
COMMUNITY ZONING APPEALS BOARD - AREA 5
MOTION SLIP

A

APPLICANT'S NAME: **CONCRETE STRUCTURES**

REPRESENTATIVE: Ryan Bailie

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-4-CZ5-2 (08-159)	May 14, 2009	CZAB5	09

REC: Approved with conditions of request #1 on a modified basis to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>June 11, 2009</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	At Board's request to have a DERM Representative present at the hearing.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Joanne CARBANA	X		
VICE-CHAIRMAN		Juan A. GARCIA (C.A.)	X		
COUNCILMAN		Archie E. MCKAY, JR.			X
COUNCILMAN	S	Leonardo A. PEREZ	X		
COUNCILMAN		Alexander C. SENDEROFF	X		
CHAIRMAN		Richard FRIEDMAN	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: JOHN MCINNIS

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 5
MOTION SLIP

#2

APPLICANT'S NAME: **CONCRETE STRUCTURES**

REPRESENTATIVE: Ethan Wasserman

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-4-CZ5-2 (08-159)	April 2, 2009	CZAB5	09

REC: Approval with conditions of requests #1 on a modified basis to include the required 38 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>May 14, 2009</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	At applicant's request.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Joanne CARBANA	X		
VICE-CHAIRMAN		Juan A. GARCIA (C.A.)	X		
COUNCILMAN		Archie E. MCKAY, JR.			X
COUNCILMAN	M	Leonardo A. PEREZ	X		
COUNCILMAN		Alexander C. SENDEROFF	X		
CHAIRMAN		Richard FRIEDMAN	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **DENNIS KERBEL**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 5**

APPLICANT: Concrete Structures Inc.

PH: Z08-159 (09-4-CZ5-2)

SECTION: 24-53-39

DATE: June 11, 2009

COMMISSION DISTRICT: 12

ITEM NO.: A

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A. INTRODUCTION

o **REQUESTS:**

(1) MODIFICATION of Condition #2 of Resolution No. CZAB9-24-01, passed and adopted by Community Zoning Appeals Board #9, last modified by CZAB 5-9-08, passed and adopted by Community Zoning Appeals Board #5, reading as follows:

FROM: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 2/12/08."

TO: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Concrete Structures, Inc. Zoning Site Plan,' as prepared by Fortin, Leavy, Skiles, Inc., consisting of 1 sheet dated stamped received 1/20/09."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing unpaved parking spaces, relocation of buildings and waiving the required street trees for a previously approved concrete batching plant.

(2) Applicant is requesting to permit unpaved parking spaces (paved parking spaces required).

(3) Applicant is requesting to permit 0 street trees (38 street trees required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to operate a previously approved concrete casting, batching, rock crushing and screening plant in connection with two previously approved lake excavations with parking on natural terrain and without the number of street trees required for the site.

o **LOCATION:** 12100 N.W. 58 Street, Miami-Dade County, Florida.

o **SIZE:** 11.13 Acres

B. ZONING HEARINGS HISTORY:

In 1986, the Board of County Commissioners, pursuant to Resolution No. Z-160-86, granted an Unusual Use to permit a lake excavation on the subject property. However, said lake excavation was never established and the approvals granted therein lapsed due to failure to timely comply with the conditions imposed. In 1990, pursuant to Resolution No. 4ZAB-399-90, identical requests to the 1986 application were denied with prejudice by the Zoning Appeals Board. In 2001, Community Zoning Appeals Board 9, pursuant to Resolution No. CZAB9-24-01, approved two lake excavations, a rock crushing and screening plant and a concrete batching plant and in 2008, pursuant to Resolution No. CZAB5-9-08, the Community Zoning Appeals Board 5 granted approval allowing a concrete casting plant in conjunction with two previously approved lake excavations, a concrete batching plant, and a rock crushing and screening plant and a modification of previously approved plans.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Open Land**.

Open Land Subarea 2 (Northwest Wellfield). This Open Land subarea is bounded on the north by the Miami Canal, on the east by the Turnpike Extension, on the west by the Dade-Broward Levee, and on the south by NW 12 Street and its hypothetical extension. Limestone quarrying and ancillary uses including the continued operation of existing cement plants, necessary and compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses, rural residences at a maximum density of 1 dwelling unit per 5 acres and seasonal agriculture may be considered for approval in this area.

Uses and Zoning Not Specifically Depicted on the LUP Map. Within each map category, numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing, lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is

found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree which has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses.

Other Land Uses Not Addressed. Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
GU, modular buildings and precast concrete construction	Open Land
<u>Surrounding Property:</u>	
NORTH: GU; lake excavation and concrete manufacturing	Open Land
SOUTH: GU; vacant	Open Land
EAST: GU; vacant	Open Land
WEST: GU; vacant	Open Land

The subject property is located in the lake belt area situated in the Northwest Wellfield approximately 300' west of and outside the Urban Development Boundary (UDB). This area is characterized by vacant parcels, lakes and ancillary uses such as concrete manufacturing and pre-stressed concrete form processing facilities.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted)
Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	Acceptable

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify or eliminate** any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

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
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred by the CZAB 5 on May 14, 2009, to June 11, 2009, in order to have a representative from the Department of Environmental Resources Management (DERM) at the meeting. The 11.13 acre subject property is located at 12100 N.W. 58 Street, on both sides of theoretical NW 56 Street, approximately 300' west of and outside the Urban Development Boundary (UDB) Line, in the Northwest Wellfield Area. This area is characterized by vacant parcels of land, lakes and ancillary uses such as concrete manufacturing and pre-stressed concrete form processing facilities. The zoning on the property is GU, Interim District.

The plans submitted by the applicant depict the two previously approved lake excavations, a temporary site for concrete casting use, a 40' x 60' office structure, two storage sheds and the proposed unpaved truck parking and the unpaved parking for staff. In addition, the plans depict a proposed area for temporary storage of concrete products.

The **Department of Environmental Resources Management (DERM)** has no objection to this application and has indicated that due to the unpaved parking lot the applicant shall implement some control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. The **Public Works Department** has no objections to this application as stated in their memorandum. The **Miami-Dade Fire Department** has no objections to the application and their memorandum indicates that the estimated average travel response time is **6:37** minutes.

The subject property is designated as **Open Land** on the Land Use Plan Map of the Comprehensive Development Master Plan. The location of the subject property is within the Open Land Subarea 2 (Northwest Wellfield). Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. The CDMP authorizes certain activities under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any category that authorizes uses substantially similar to the requested use. The existing plant is substantially similar, in staff's opinion, to uses permitted in the Open Land Subarea 2 such as limestone quarrying that deals with the production of concrete material where crushed rock is used as an ingredient. As such, the existing plant is **consistent** with the Open Land Subarea 2 designation of the CDMP.

When Request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modification is to allow the approval of a new site plan to allow unpaved parking for trucks and employees. Additionally, the applicant is seeking to waive the street trees required on the public right-of-way. However, in staff's opinion, approval of Request #1, should be on a **modified basis** to include the required 23 street trees required by the Zoning Code (the Department has recalculated the required number of street trees and has determined that the required number of street trees for the site is 23 street trees in lieu of the 38 street trees previously advertised). Staff notes that the **Open Land** Category, allows limestone quarrying and ancillary uses including the continued operation of cement

plants. As such, this application is **consistent** with the CDMP. Staff further notes that according to the Public Works memorandum, approval of this application will not generate any additional daily peak hour trips, will meet the traffic concurrency criteria, and is not expected to generate additional traffic. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the **modified** approval of Request #1, to include the required 23 street trees subject to conditions, will not have an unfavorable effect on the surrounding area and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that the modified approval of Request #1 would be **compatible** with the other uses in the area and, therefore, staff recommends approval with conditions under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze request #1 under said standards and, as such, request #1 should be denied without prejudice under same.

When request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not negatively affect the appearance of the community. As previously mentioned, the applicant is requesting to permit unpaved parking for trucks and staff. Staff notes that the site has been approved for two lake excavations, a concrete batching plant and related uses which require continuous traffic of heavy equipment throughout the site. Staff notes, that a paved parking area will probably not withstand the frequent traffic of heavy trucks and machinery and will have to be repaved frequently. However, as indicated by the Department of Environmental Resources Management (DERM) in order to prevent the spread of dust, the applicant should adopt some dust control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the site and surrounding area. As previously mentioned, the applicant is requesting to waive the requirement of 23 street trees in the public right-of-way. Staff opines that the street trees will provide a buffer and block some of the dust caused by the lake excavation, traffic within the site and concrete casting and batching plant operations from the neighboring properties. As such, staff recommends denial with prejudice of Request #3 without prejudice under Section 33-311(A)(4)(b) (NUV).

Under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #2 and #3 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. These requests do not comply with the standards of said section since the property can be utilized in accordance with the previously approved Resolutions No. CZAB9-24-01 and CZAB5-9-08. Therefore, staff recommends denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends approval on a **modified basis** of request #1 to include the required 23 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

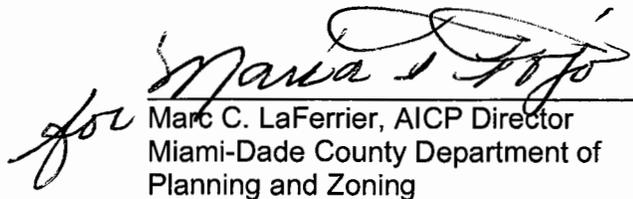
I. RECOMMENDATION:

Approval with conditions of request #1 on a **modified basis** to include the required 23 street trees under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Resolutions No. CZAB9-24-01 and CZAB5-9-08 remain in full force and effect, except as herein modified.
2. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

DATE INSPECTED: 02/18/09
DATE TYPED: 02/19/09
DATE REVISED: 02/20/09; 03/05/09; 03/09/09; 05/05/09; 05/15/09
DATE FINALIZED: 05/15/09
MCL:MTF:NN:NC:AA


for Marc C. LaFerrier, AICP Director
Miami-Dade County Department of
Planning and Zoning *NDW*

Memorandum



Date: September 12, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: C-05 #Z2008000159
Concrete Structures
12100 N.W. 58th Street
Request to Permit an Existing Concrete Casting Plant with Unpaved
Parking Area and Request to Permit Less Street Trees than Required
(GU) (11.13 Acres)
24-53-39

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.

Based upon the proposed requests, to permit an existing concrete casting plant with unpaved parking and to permit less street trees than required, DERM offers the following comments:

Air Pollution

The proposed unpaved parking lot combined with vehicular traffic may create some fugitive dust. Therefore, DERM recommends that zoning approval be conditioned to the implementation of dust control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. The applicant is advised that no oil based materials will be permitted as parking surface.

Enforcement History

DERM has found one closed enforcement and two open enforcement records for the subject property:

Folio No. 30-3924-002-0272

N.W. 60th St. and N.W. 121st Ave., Miami, FL

On September 03, 1997, a Notice of Violation was issued to Sebastian and Patricia Salonia for the unpermitted filling of wetlands and storage of chemicals. On December 19, 1997, a Final Notice Prior to Court Action was sent to the owners; the case remains open and is included in Concrete Structures Inc. FW85-202 as of 01/02/2007 (see below).

Folio No. 30-3924-002-0142

12100 N.W. 58th St., Miami, FL

There is an open court case involving the subject property, which is located within the Northwest Wellfield as well as the Transitional Northeast Everglades Wetland Basin. CSI obtained a Class IV permit (FW85-202) from DERM in 2004 for a lake excavation in wetlands. The Class IV permit was

issued as an after-the-fact approval for work in wetlands, which had commenced at the subject site without prior DERM approval. As part of the resolution of the Chapter 24 violations of said permit, a Settlement Agreement was executed on November 1, 2005. The Settlement Agreement (SA) required CSI to legalize any and all uses on the property within 18 months of execution of the SA (or by June 1, 2007). CSI was approved for an Unusual Use and Modification of Zoning Resolution CZAB9-24-01 in zoning hearing application Z2007000292 utilizing fill from the on-site excavation. However, CSI has been and is currently using the subject site to store concrete products in non-compliance with the SA and County Approval.

Folio No. 30-3924-002-0141
12050 NW 58th St., Miami, FL

On July 15, 1992, a Uniform Civil Violations Notice was issued to Ken Rosen for unpermitted wetland filling. On August 20, 1993, an Affidavit of Compliance was issued and the case was subsequently closed due to compliance.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CONCRETE STRUCTURES

This Department has no objections to this application.

This Department has no objections to the request to permit unpaved parking spaces.

Additional improvements may be required at time of permitting.

The applicant must dedicate an additional 5 feet for NW 58 Street for a total of 40 feet (1/2 R/W).

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.

01-APR-09

Memorandum



Date: 04-SEP-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000159

Fire Prevention Unit:

No objection to plan stamped received August 18, 2008 via Case # Z2008000159 / Old Case #: Z2008000126

Service Impact/Demand:

Development for the above Z2008000159
located at 12100 N.W. 58 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0948 is proposed as the following:

N/A	dwelling units	78,900	square feet
residential		industrial	
2,400	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: 3.47 alarms-annually.
The estimated average travel time is: 6:37 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 45 - Doral - 9710 NW 58 Street
ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 69 - Doral North - 11151 NW 74 Street.

Fire Planning Additional Comments:

Current service impact calculated based on plan date stamped August 18, 2008. Substantial changes to the plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

CONCRETE STRUCTURES

12100 NW 58 STREET, MIAMI-DADE
COUNTY,

APPLICANT

ADDRESS

Z2008000159

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY: Current case history, case 200907000542 was opened based on enforcement history request and inspected 02/26/09. No violation observed and case closed. Previous case history, case 200807000733 was opened based on enforcement history request and inspected 3/14/08. No violation was observed and case was closed. Case 200707003171 was opened 8/27/07 for enforcement history and inspected and closed for no violation. Case 200007002432 was opened for failure obtain zoning permit on 8/3/00 and closed because case already in progress with citations issued and waiting for public hearing.

Osiel Morales

RECEIVED

DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY

PROCESS # 208-109

DATE: AUG 18 2008

BY: SDB

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

CORPORATION NAME: Concrete Structures, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Richard Salonia, President 12100 NW 58 th Street Miami, Florida 33178	100%

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

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

RECEIVED

NAME OF PURCHASER: _____
MIAMI-DADE COUNTY

PROCESS # 2008-159
DATE AUG 16 2008
BY: SDE

any clause or contract terms involve additional parties, list all individuals or omcers, if a
partnership or trust.

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

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

Concrete Structures, Inc.

Signature: *Richard Saionia*
(Applicant) Richard Saionia, President

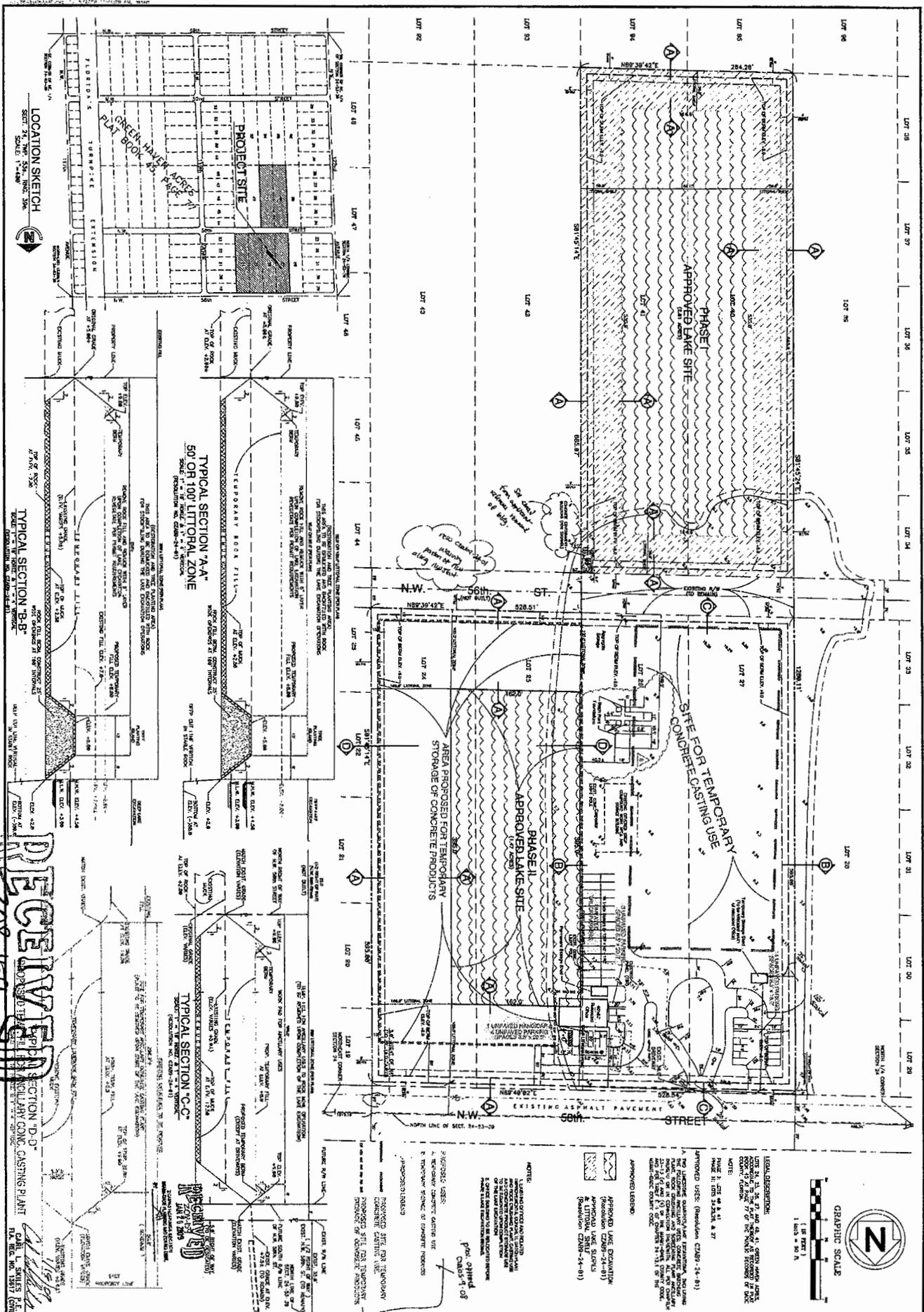
Sworn to and subscribed before me this 8 day of July, 2008. Affiant is personally know to me or has produced _____ as identification.

Patricia Garzon
(Notary Public)



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.



ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *AV*

RECEIVED
 208-159
 JAN 20 2009

NO.	DATE	DESCRIPTION
1	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
2	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
3	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
4	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
5	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
6	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
7	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
8	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
9	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
10	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS

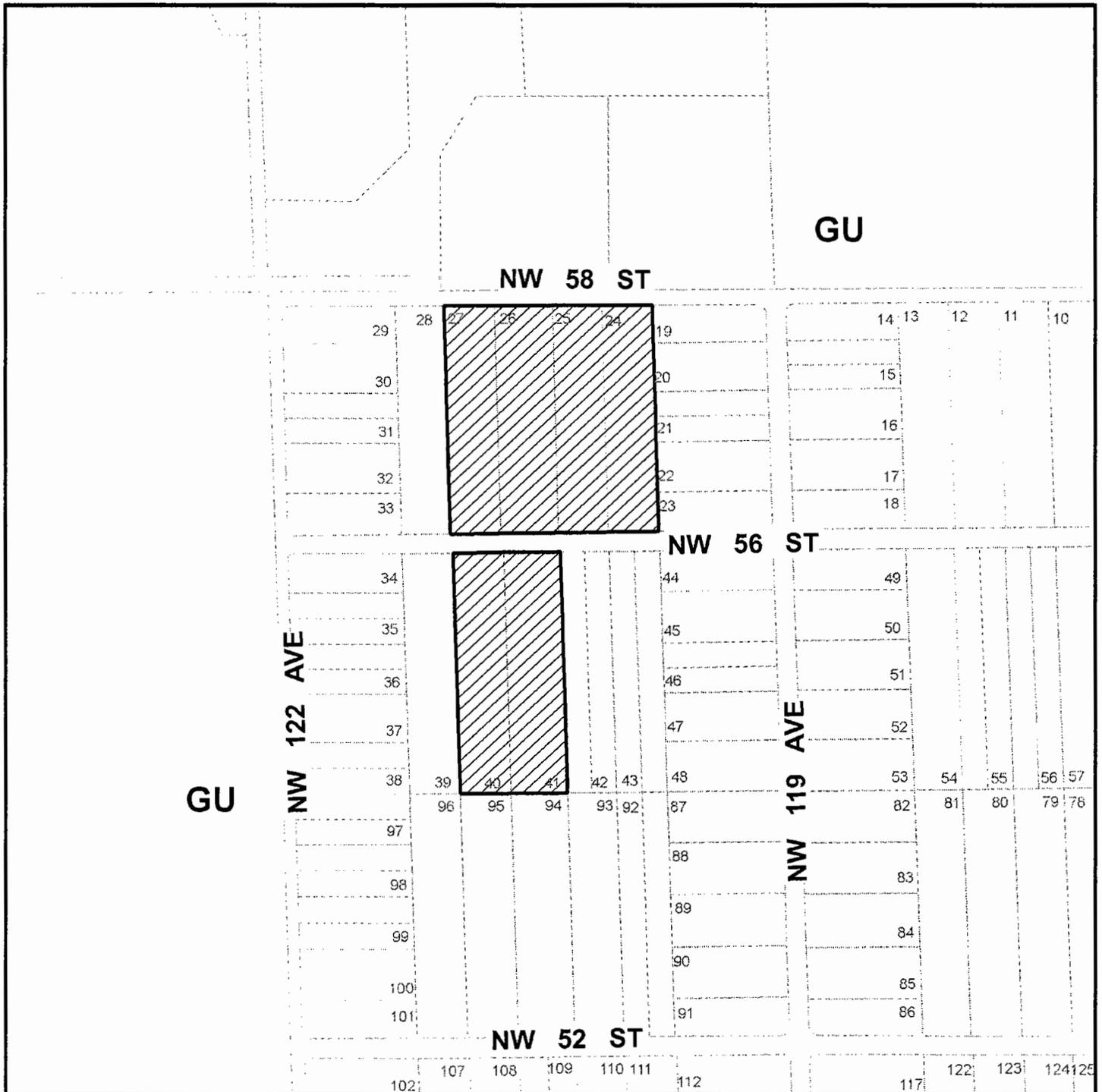
CONCRETE STRUCTURES, INC.
SITE PLAN
 PROPOSED CONCRETE CASTING PLANT AND STORAGE OF CONCRETE PRODUCTS
 MIAMI-DADE COUNTY, FLORIDA.

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00000653
 180 Northwest 108th Street / North Miami Beach, Florida, 33162
 Phone: 305-653-4499 / Fax: 305-651-7152 / Email: fl@fl.fortinleavy.com

NO.	DATE	DESCRIPTION
1	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
2	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
3	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
4	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
5	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
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7	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
8	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
9	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS
10	01/16/09	REVISED TO SHOW WITH PLANT RELATIONS

PROJECT NO. 08-00000653
 SHEET NO. 1 OF 1
 DATE: 01/16/09

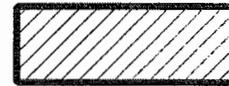
20



MIAMI-DADE COUNTY
HEARING MAP
 Section: 24 Township: 53 Range: 39
 Applicant: CONCRETE STRUCTURES
 Zoning Board: C05
 Commission District: 12
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

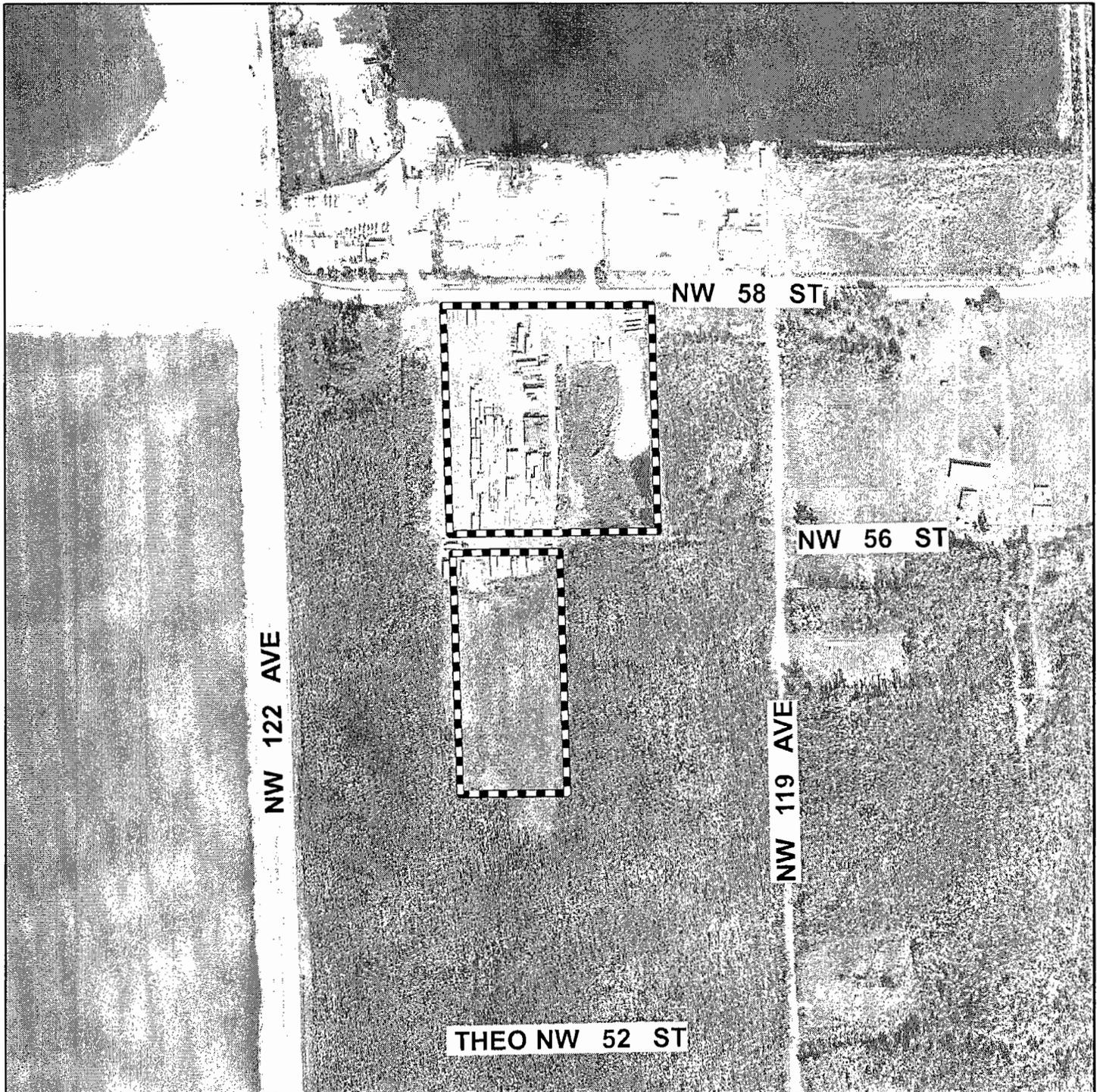
08-159



SUBJECT PROPERTY



REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 24 Township: 53 Range: 39
 Applicant: CONCRETE STRUCTURES
 Zoning Board: C05
 Commission District: 12
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

08-159



SUBJECT PROPERTY



SKETCH CREATED ON: 07/25/08

REVISION	DATE	BY

1. LUIS A. AND NOEMI RIOS
(Applicant)

09-6-CZ5-1 (08-223)
Area 5/District 1
Hearing Date: 6/11/09

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

No History

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 COMMUNITY COUNCIL NO. 5**

APPLICANT: Luis A. and Noemi Rios

PH: Z08-223 (09-06-CZ5-1)

SECTION: 1-52-40

DATE: June 11, 2009

COMMISSION DISTRICT: 1

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

1. Applicants are requesting to permit a covered terrace addition to a single-family residence setback 15.25' (25' required) from the rear (west) property line.
2. Applicants are requesting to permit a single-family residence setback 7.01' (7.5' required) from the interior side (north) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Terrace," as prepared by Jose Martinez, P. E., Sheet "A-2" dated stamped received 1/20/09 and the remaining sheets dated stamped received 11/18/08, for a total of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking to legalize an existing single-family residence encroaching into the interior side (north) setback area and a terrace addition that encroaches into the rear (west) setback.

o **LOCATION:** 20162 NW 58 Court, Miami-Dade County, Florida.

o **SIZE:** 84' x 100'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; Single-Family residence

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

SOUTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

EAST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

The subject property is located at 20162 NW 58 Court in an area zoned RU-1, Single-family Residential District, developed with single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

N/A

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:

(c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

- i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
 - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

- B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **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.
- (f) **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, an increase in the lot area coverage 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 comment

H. ANALYSIS:

The subject property is located at 20162 NW 58 Court in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP. Staff recommends approval of this application for reasons stated below.

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. The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:48** minutes. The **Public Works Department (PWD)** also has **no objections** to this application.

When the requests to permit the continued use of an existing terrace addition encroaching into the rear (west) setback area and the residence encroaching into the interior side (north) setback area, are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the requests would be **compatible** with the surrounding area, would not negatively affect the appearance of the community, and would not be detrimental to the neighborhood. Approval of these requests will allow the maintenance and continued use of an existing terrace addition, which provides an outdoor covered amenity for the residents and their guests to enjoy and additional living area for the residents. The existing terrace addition is located to the rear of the residence with a maximum height of 10.25', approximately 4' below the highest elevation of the residence. Staff therefore opines that the location and elevation of the terrace addition is visually unobtrusive to the surrounding properties and, therefore, does not result in an obvious departure from the aesthetic character of the surrounding area. Staff further notes that similar requests were approved through hearings and through the Administrative Adjustment process within the immediate vicinity of the subject property. For example, in 1988, pursuant to Administrative Variance #V88-345, the abutting property to the north of the subject property was approved for a request to permit a roofed porch addition setback 13' from the rear (west) property line. Additionally, in July 1990, pursuant to Administrative Variance #V90-263, a property located 2-blocks west of the subject property on NW 59 Court, was approved for variance to permit a bedroom addition setback 13' from the rear (east) property line and setback 5.33' from the interior side (south) property line. Further, staff opines that the existing 0.49' encroachment of the residence into the interior side (north) setback area is due to construction error when the residence was originally built. The submitted pictures and staff's inspection of the site depicts a 6' high wood fence surrounding the entire rear back yard area, which provides an adequate visual buffer for the encroachments. Staff, however, recommends as a condition for approval that the terrace addition remain open sided and not be enclosed in any manner except for approved insect screen materials. As such, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) (NUV).

When the application is analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required 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. This application does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations and prior approvals. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

The Alternative Site Development Option (ASDO) standards under 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 Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be analyzed under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Accordingly, staff recommends approval with conditions of requests #1 and #2 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).

8

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 a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan shall include but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Terrace," as prepared by Jose Martinez, P. E., Sheet "A-2" dated stamped received 1/20/09 and the remaining sheets dated stamped received 11/18/08, for a total of 3 sheets. 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 covered terrace addition remain open sided and not be enclosed in any manner except for approved insect screen materials.
6. That the applicant apply for and secure building permits for all non-permitted additions and structures on the property from the Building Department within 120 days of the expiration of the appeal period for this public hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

DATE INSPECTED: 12/09/08
DATE TYPED: 04/15/09
DATE REVISED: 04/20/09, 04/21/09, 05/20/09
DATE FINALIZED: 05/20/09
MCL:MTF: NN:AA:CH

for 
Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning *NDN*

Memorandum



Date: December 9, 2008
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-05 #Z2008000223
Luis Rios
20162 N.W. 58 Court
Request to Permit an Existing Terrace Setback Less Than Required from
Property Lines
(RU-1) (0.19 Acres)
01-52-40

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.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Enforcement History

DERM has found no open or closed enforcement records 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 Level of Service standards (LOS) for an initial development order, as specified in the adopted Comprehensive Development Master Plan (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.

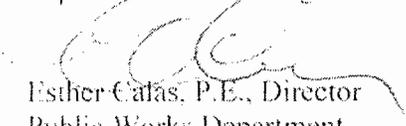
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

From: 
Esther Calás, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: 01-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000223

Fire Prevention Unit:

Fire Engineering & Water Supply has no objection to this application.

Service Impact/Demand:

Development for the above Z2008000223
 located at 20162 NW 58 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0032 is proposed as the following:

residential	dwelling units	_____	square feet
	square feet	_____	square feet
Office		_____	square feet
Retail	square feet	_____	square feet
		_____	nursing home/hospitals

Based on this development information, estimated service impact is: 0 alarms-annually.
 The estimated average travel time is: 6:48 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station No. 51 - 4775 NW 199 Street
 Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments:

N/A

TEAM METRO

ENFORCEMENT HISTORY

LUIS A. AND NOEMI RIOS

20162 NW 58 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000223

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations observed

Bridget Davis

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING CODES AND STANDARDS:
 - a. INTERNATIONAL BUILDING CODE (IBC)
 - b. INTERNATIONAL RESIDENTIAL CODE (IRC)
 - c. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 704
 - d. NATIONAL ELECTRICAL CODE (NEC)
 - e. NATIONAL MECHANICAL CODE (NMC)
 - f. NATIONAL PLUMBING CODE (NPC)
 - g. NATIONAL SANITARY ENGINEERING CODE (NSPE)
 - h. NATIONAL SOIL ENGINEERING AND FOUNDATION CODE (NSPE)
 - i. NATIONAL WOOD PRESERVATION CODE (NWPC)
 - j. NATIONAL CONCRETE AND AGGREGATE CONSTRUCTION CODE (ACI 308)
 - k. NATIONAL CONCRETE DESIGN CODE (ACI 318)
 - l. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1190)
 - m. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1191)
 - n. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1192)
 - o. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1193)
 - p. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1194)
 - q. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1195)
 - r. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1196)
 - s. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1197)
 - t. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1198)
 - u. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1199)
 - v. NATIONAL CONCRETE TESTING AND ACCEPTANCE CRITERIA CODE (ASTM C 1200)
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WINDOW SCHEDULE

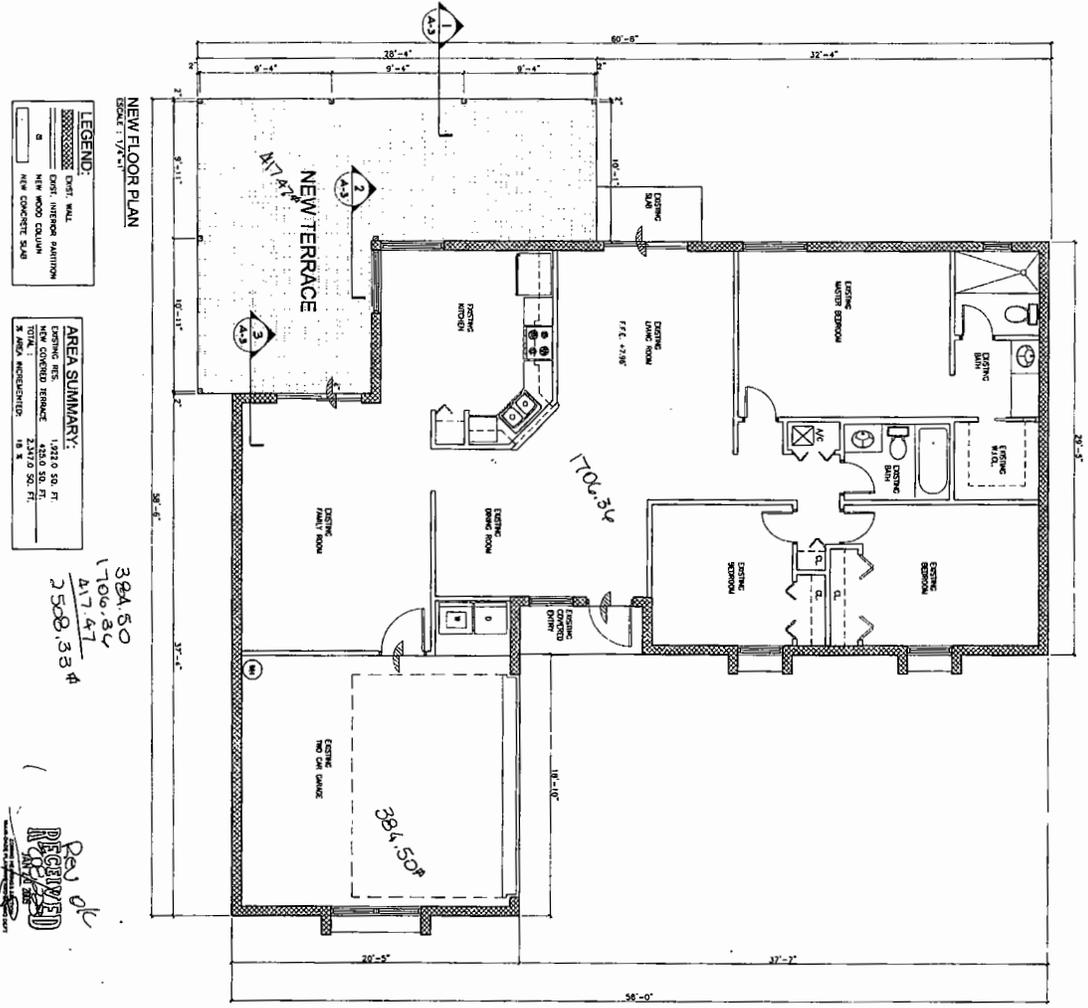
DOOR	TYPE	SIZE	LOCATION	FINISH	OTR.	LABEL	REMARKS
ALL WINDOWS	EXISTING	TO REMAIN					

DOOR SCHEDULE

DOOR	TYPE	SIZE	LOCATION	FINISH	OTR.	REMARKS
ALL DOORS	EXISTING	TO REMAIN				

FINISH SCHEDULE

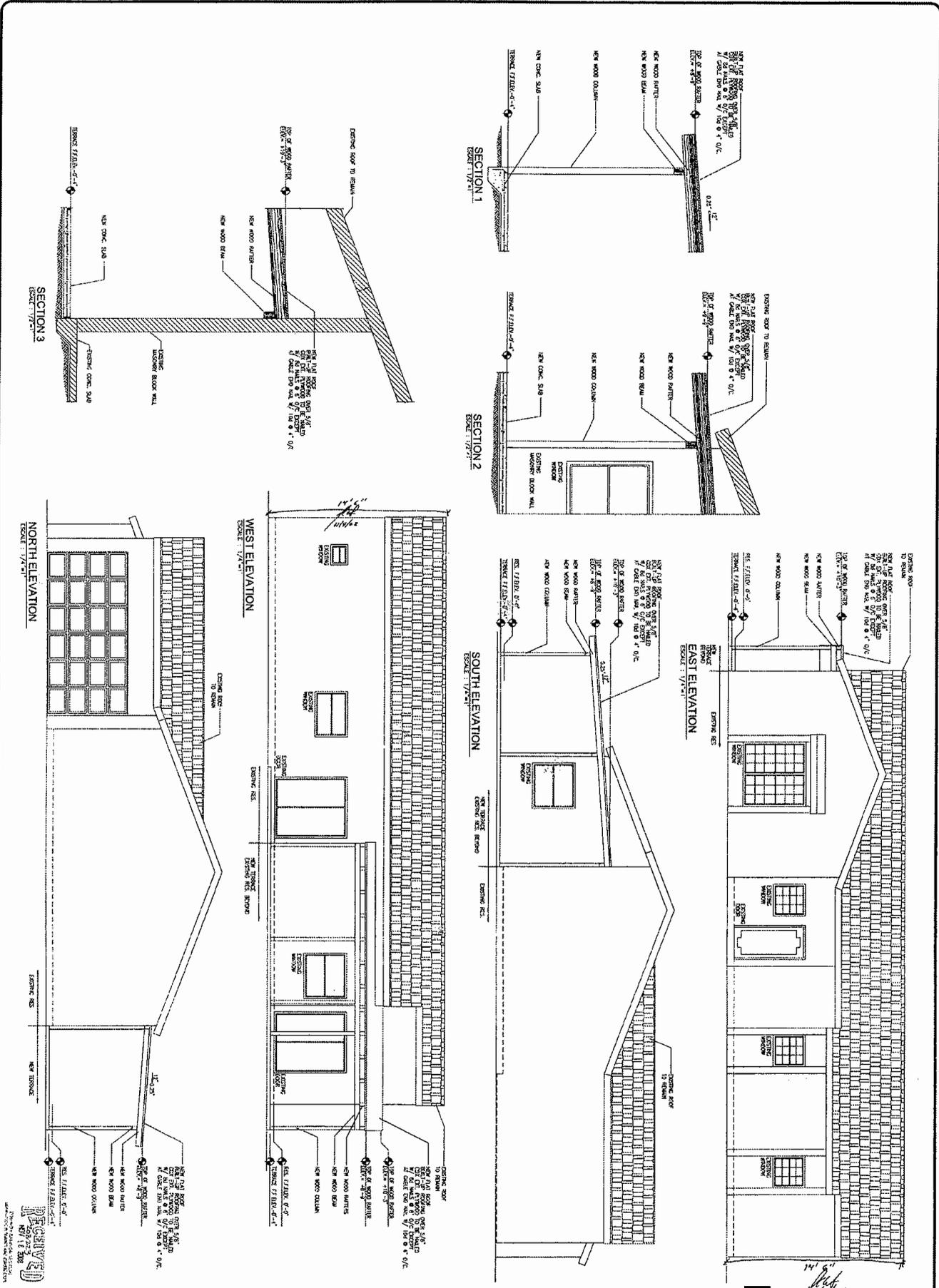
ROOM	FLOOR	FINISH	WALLS	CEILING	REMARKS
NEW CONCRETE TERRACE	TEL.	TEL.	1/4"	WOOD	



<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td></td> <td></td> </tr> </table>	NO.	DATE	DESCRIPTION	1			<p>ENGINEER</p> <p>JOSEPH MANTON P.E. REGISTERED PROFESSIONAL ENGINEER FLORIDA</p>	<p>OFFICE: (305) 588-4417 FAX: (305) 588-4887</p> <p>EMAIL: JOSEPH.MANTON@ZINC.COM</p> <p>24 E. 1ST ST. SUITE 120 MIAMI, FL 33130</p>	<p>PROJECT NAME: NEW TERRACE</p> <p>OWNER: LUIS A. RIOS & NOEMI RIOS.</p> <p>ADDRESS: 20162 NW. 58 CT. MIAMI. FL. 33015</p> <p>PHONE:</p>
NO.	DATE	DESCRIPTION							
1									

A-2

16



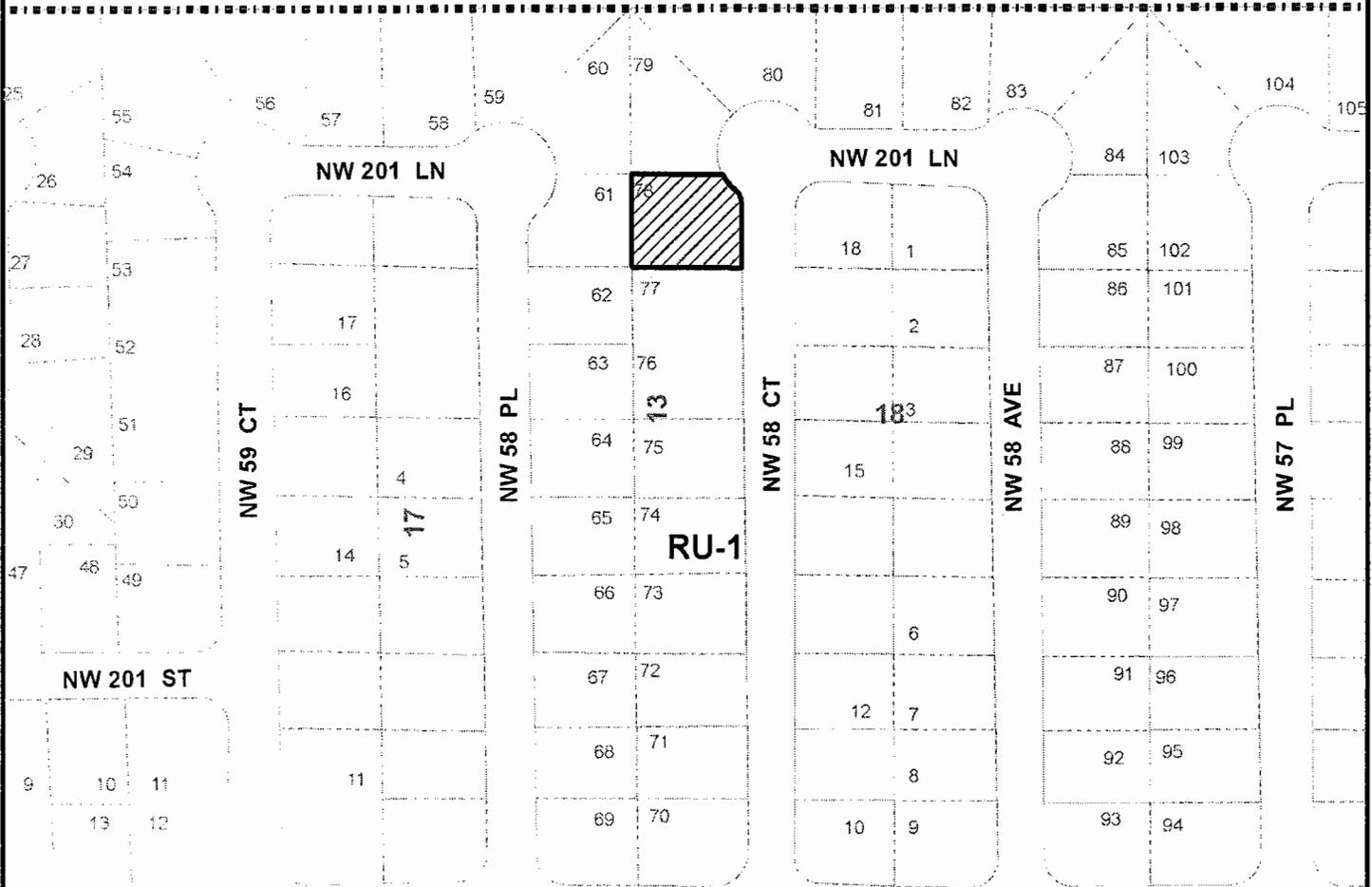
	ENGINEERS 	24 EAST 5th STREET MIAMI, FL 33136	PHONE: 305-375-1111
	SIGN AND SEAL	PROJECT NAME: NEW TERRACE OWNER: LUIS A. RIOS & NOEMI RIOS. ADDRESS: 20162 NW. 58 CT. MIAMI. FL 33015 PHONE:	DATE: _____ JOSE MARTINEZ, P.E. MECHANICAL ENGINEERING NO. 12028

BROWARD COUNTY

NW 202 ST

MIAMI-DADE COUNTY

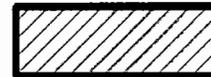
TRACT C GU



MIAMI-DADE COUNTY HEARING MAP

Process Number

08-223



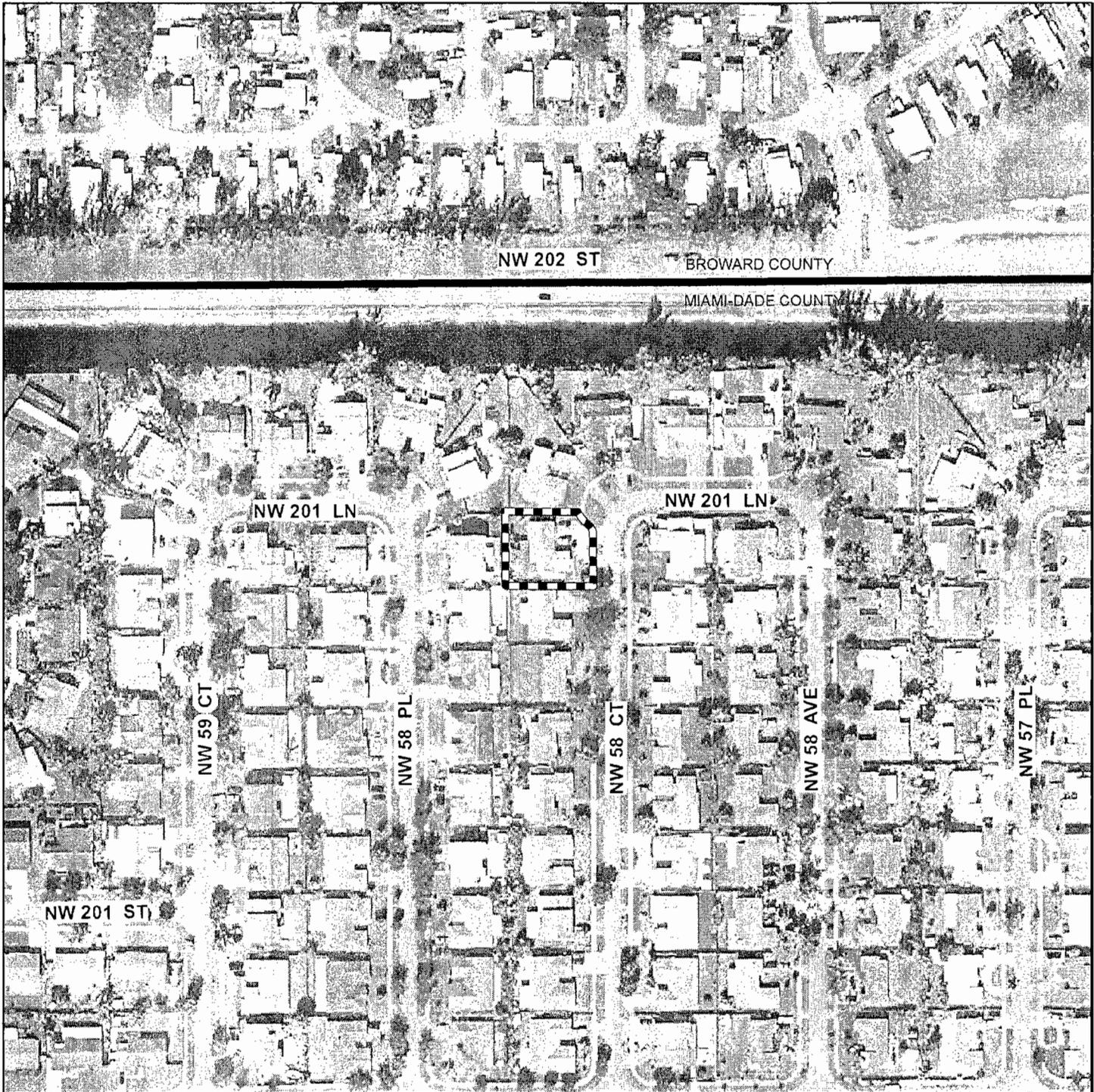
SUBJECT PROPERTY

Section: 01 Township: 52 Range: 40
 Applicant: LUIS A. & NOEMI RIOS.
 Zoning Board: C05
 Commission District: 01
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SKETCH CREATED ON: 11/25/08

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Process Number
08-223

Section: 01 Township: 52 Range: 40
 Applicant: LUIS A. & NOEMI RIOS.
 Zoning Board: C05
 Commission District: 01
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 11/25/08

REVISION	DATE	BY

2. ALCIDES & ANELY MORGADO ET.AL
(Applicant)

09-6-CZ5-2 (08-234)
Area 5/District 12
Hearing Date: 6/11/09

Property Owner (if different from applicant) **ALCIDES & ANELY MORGADO,**
ALCIDES MOGADO JR., MILDRED MORGADO .

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1982	Director of Planning and Zoning	- Zone Change from IU-1 to GU	BCC	Approved

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 COMMUNITY COUNCIL No. 5**

APPLICANT: Alcides and Anely Morgado, et al.

PH: Z08-234(09-6-CZ5-3)

SECTION: 3-54-39

DATE: June 11, 2009

COMMISSION DISTRICT: 12

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUESTS:**

- (1) GU to IU-1
- (2) Unusual Use to permit a lake excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Morgado's Property" as prepared by Ford Engineers, Inc. consisting of 2 sheets, sheet SP-1 dated stamped received 04-16-09 and sheet SP-2 dated stamped received 3/10/09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The purpose of these requests is to rezone the subject property from GU, Interim District, to IU-1, Light Industrial District, and to permit a lake excavation.
- o **LOCATION:** The northwest corner of NW 137 Avenue and theoretical NW 2 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.02 Acres

B. ZONING HEARINGS HISTORY:

In 1958, the subject property was part of a larger parcel of land which pursuant to Resolution #2372, the Board of County Commissioners (BCC) granted the approval for a zone change from GU, Interim District, to IU-1, Light Industrial District, and in 1982, the subject property was a part of a larger parcel of land which pursuant to Resolution #Z-10-82, the BCC approved a zone change from IU-1 to GU.

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 **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are

allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; vacant parcel

Industrial and Office

Surrounding Properties:

NORTH: IU-1; vacant parcel

Industrial and Office

SOUTH: GU; vacant parcel

Industrial and Office

EAST: RU-1; single family residences

Industrial and Office

WEST: GU; vacant parcel

Industrial and Office

The subject property is located at the northwest corner of NW 137 Avenue and NW 2 Street in an area surrounded by vacant parcels to the north, south and west and by single family residences lying to the east across NW 137 Avenue.

E. SITE AND BUILDINGS:

Site Plan Review:

(Plans submitted for lake excavation only.)

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:	Acceptable
Energy Considerations:	N/A
Urban Design:	N/A

*on a modified basis

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)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater

dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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 comment

*Subject to the conditions as indicated in their memoranda.

H. ANALYSIS:

The subject property consists of a 5.02-acre parcel of land located at the northwest corner of NW 137 Avenue and NW 2 Street. The approval of this application would permit industrial uses and provide services for the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. The applicants' request to rezone the property from GU to IU-1 is **consistent** with the goals and objectives of the CDMP. The IU-1 zoning district allows uses such as auto paint and body shops, automobile repair garages, lumberyards, restaurants, wholesale salesrooms and manufacturing operations. Staff opines that the proposed rezoning to IU-1, Light Industrial District, is **compatible** with the development trend of the area towards industrial uses and the existing IU-1 zoning to the north and approximately 300' to the south and is **consistent** with the Industrial and Office designation of the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates in their memorandum 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** has **no objections** to this application. Their memorandum indicates that the land requires platting, that this application meets the traffic concurrency criteria and that the proposed use will generate **36** additional PM daily peak hour vehicle trips. The **Public Works Department** memorandum also mentions that the distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of the area roadways which are currently operating at LOS "B". Additionally, the Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and indicates in their memorandum that the estimated average travel time to the site is **6:25** minutes.

The applicants are seeking approval for a district boundary change from GU to IU-1. As previously mentioned, the IU-1 zone allows uses that are **consistent** with the **Industrial and Office** designation in the LUP map of the CDMP. Moreover, in 1987, the property located approximately 300' to the south of the subject property was granted a zone change from GU to IU-1, pursuant to Resolution #Z-195-87 and in 2000 and 2004 properties lying to the north of the subject property were each granted a district boundary change from GU to IU-1

pursuant to Resolutions #CZAB10-66-00 and #CZAB5-9-04 respectively. The proposed zone change does not, as evidenced by the memoranda from DERM and the Public Works Department, generate detrimental effects on the County's environment or road services in the area and staff notes that it will not unduly burden water and sewer services. Further, staff notes that the subject property is easily accessed from section line road NW 137 Avenue which it abuts to the east providing easy access to State Road #41 (Tamiami Trail) approximately 3/4 mile to the south of the site. Additionally, staff notes that there is no negative impact anticipated on the economy of the County. Staff opines that the proposed rezoning to IU-1, Light Industrial District, is **compatible** with the development trend of the area towards industrial uses and with the existing IU-1 zoning to the north and south, and is **consistent** with the Industrial and Office designation of the LUP map of the CDMP. As such, staff recommends approval of the district boundary change from GU to IU-1.

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses** and New Uses, and when considering the necessity for and reasonableness of the proposed lake excavation in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff is of the opinion that the proposed use would not have an unfavorable effect on the surrounding area, would not generate or result in excessive noise, and as mentioned in the Public Works Department memorandum, the amount of traffic generated by the proposed use would not exceed the acceptable level of service of the area roadways. Additionally, staff opines that the proposed use would not cause an undue or excessive burden on public facilities, nor would it tend to create a fire or other equally or greater dangerous hazards nor provoke excessive overcrowding or concentration of people or population. When considering the necessity for and reasonableness of the applied for use in relation to the present and future development of this area and the compatibility of the use with the area and its development, staff is of the opinion that the proposal is not out of character and is **compatible** with the surrounding area. However, staff opines that the proposed 5' shelf at 3' below the mean low water elevation should be increased to an 8' shelf as per Section 33-16(a)(6)m2(b) of the Zoning Code. As such, staff's recommends that the lake excavation plans be approved on a **modified basis** to show an 8' shelf in lieu of the 5' shelf, under Section 33-311(A)(3).

Based on all of the aforementioned, staff notes that the requests are **consistent** with the CDMP and **compatible** with the surrounding area. Accordingly, staff recommends approval of request #1 and approval with conditions on a **modified basis** to show an 8' shelf in lieu of the 5' shelf of request #2 under Section 33-311(A)(3), standards for special exceptions, unusual uses and new uses.

I. RECOMMENDATION:

Approval of the zone change request from GU to IU-1, and approval with conditions on a **modified basis** to show an 8' shelf in lieu of the 5' shelf, under Section 33-311(A)(3).

J. CONDITIONS: (For request #2 only)

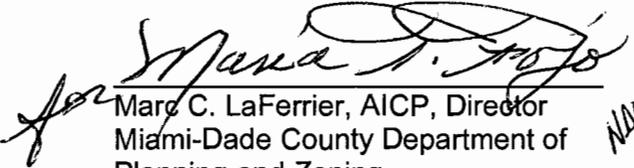
1. That the lake tract be platted; no building permit shall be issued for lots contiguous to the lake tract until the lake excavation is completed and lake as-built drawings submitted to and approved by the Department.

2. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Morgado's Property" as prepared by Ford Engineers, Inc. consisting of 2 sheets, sheet SP-1 dated stamped received 04-16-09 and sheet SP-2 dated stamped received 3/10/09. except that the lake shelf at 3' below low water elevation be increased from 5' to 8'.
3. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director or the Director of Environmental Resources Management.
4. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.
5. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
6. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management.
7. No material shall be removed from the premises and all excavated material shall be used to improve the property described in the application.
8. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
9. That the hours of the lake excavation operation shall be controlled by the Director of the Department of Planning and Zoning, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.
10. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director of the Department of Planning and Zoning and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.

11. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises.
12. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director of the Department of Planning and Zoning shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Planning and Zoning; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
13. Upon the issuance of a lake excavation permit, that the title of the property in question shall not be transferred without the approval of the Director of the Department of Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.
14. That the applicant obtain an excavation use permit from and promptly renew the same annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
15. All excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
16. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
17. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
18. That the applicant comply with all applicable conditions and requirements of the Public Works Department.
19. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
20. That the use be established and maintained in accordance with the approved plan.
21. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

22. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within in their memoranda pertaining to this application.

DATE INSPECTED: 04/14/09
DATE TYPED: 04/14/09
DATE REVISED: 04/15/09; 04/20/09;04/22/09
DATE FINALIZED: 05/11/09
MCL:MTF:NN:NC:AA


for Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning *MLW*

Memorandum

Date: April 7, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-05 #Z2008000234-1st Revision
Alcides and Anely Morgado
N.W. Corner of N.W. 137th Ave & N.W. 2nd Street
District Boundary Change from GU to IU-1 and Unusual Use for a Lake
Excavation
(GU) (5.02 Acres)
30-54-39

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.

Potable Water Supply and Wastewater Disposal

The closest public water and public sanitary sewer systems are certified water extension #2004-2 and noncertified sewer extension #2004-253, located approximately 870 feet North of the subject property at the intersection of N.W. 137th Avenue and N.W. 6th Street. The next closest public sanitary sewer system is located approximately 3,000 feet south of the subject property at the intersection of S.W. 137th Avenue and S.W. 8th Street.

Section 24-43.1(4) of the Code of Miami-Dade County, Florida (the Code) prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are some land uses permitted in the requested zoning district that have the potential to generate liquid waste that is not domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

However, pursuant to the requirements of Section 24-13(6)(c) of the Code, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, committing to connection to the public water supply and public sanitary sewers. The applicant is

advised that in accordance with Code requirements, DERM will not approve any subsequent development orders for the subject property unless and until the applicant submits proof that the subject property has been connected to the public water supply and sanitary sewer systems.

Stormwater Management

The proposed project has received Cut and Fill approval number 538. Full compliance with all conditions set forth in said approval is required prior to platting or seeking building permits.

A Surface Water Management individual Permit from the South Florida Water Management District 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 public works approval of paving and drainage plans.

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 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

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 Level of Service 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 is located within the North Trail Wetland Basin, and is a jurisdictional wetland as defined by Chapter 24-5 of the Code. Therefore, a Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance, including plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria will be required before any work can be done on the subject property. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to compensate for wetland values lost as a result of the proposed project.

This Program has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. Specifically, Chapter 24-28.3(4)(b) of the Code of Miami-Dade County requires that all tree islands shall be preserved within the North Trail Basin or within the Bird Drive Everglades Wetland Basin. If a tree island is determined to exist on the property, the site plans must be changed to indicate the preservation of the tree island and a suitable amount of buffer to the development.

Please contact the Wetlands Resources Program of DERM at (305) 372-6585 for additional information concerning requirements pertaining to the Miami-Dade County Class IV Wetland Permit.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property revealed the presence of tree resources; however the property contains jurisdictional wetlands therefore these tree resources will be regulated through a Class IV Wetland Permit. Please be advised that any tree resources on site that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History

DERM has found one open enforcement record for the following property:

Folio No 30-4903-003-0018

N.W. corner of N.W. 137th Avenue and N.W. 2nd Street

In December 1986, a case against Alcides and Anely Morgado at the referenced location was filed with the County Attorney for the clearing and filling of the wetland property without a DERM Class IV permit and for industrial activities on-site and spills to the open ground. On December 8, 2003, a Settlement Agreement was signed by the judge outlining clean-up, applying for the DERM Class IV permit, and mitigation. September 2005, an After the Fact Class IV application was submitted. Currently a Wetland application is pending the submittal of completeness items, due October 8, 2008. In November of 2008, an extension was requested, and DERM required that the Morgado's apply for a public hearing within 30 days of DERM's November 18, 2008 letter advising of same. This zoning application is consistent with this objective.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the existing zoning classification, operating permits from DERM may be required. The applicant is advised to contact DERM concerning operating permit requirements.

Hazardous Materials Management

Due to the nature of the activities associated with some land uses permitted on the existing zoning district, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with said land uses. The applicant is advised to contact DERM for further information on required management practices for the proposed land uses.

Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact DERM concerning permitting requirements for fuel storage facilities.

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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ALCIDES & ANELY MORGADO ET. AL

This Department has no objections to this application.

Guardrail installation must comply with Miami-Dade County Code and the Standard Details of the Public Works Manual.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

Additional improvements and lake section requirements may be required at time of platting/permitting.

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 36 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
9798	SW 137 Ave. n/o Tamiami Trail	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.

03-FEB-09

Memorandum



Date: 02-JAN-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000234

Fire Prevention Unit:

No objection to lake excavation. Future warehouses will require MDFR separate site review, for compliance.

Service Impact/Demand:

Development for the above Z2008000234
located at THE NORTHWEST CORNER OF N.W. 137 AVENUE & THEORETICAL N.W. 2 STREET, MIAMI-DADE
COUNTY, FLORIDA.

in Police Grid 1284 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: 6:25 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
Station 75 - Beacon Lakes - NW 17 Street & 129 Avenue

Fire Planning Additional Comments:

Not applicable to service impact analysis at this stage.

TEAM METRO

ENFORCEMENT HISTORY

ALCIDES & ANELY MORGADO ET.
AL

THE NORTHWEST CORNER OF NW
137 AVENUE AND THEORETICAL
NW 2 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000234

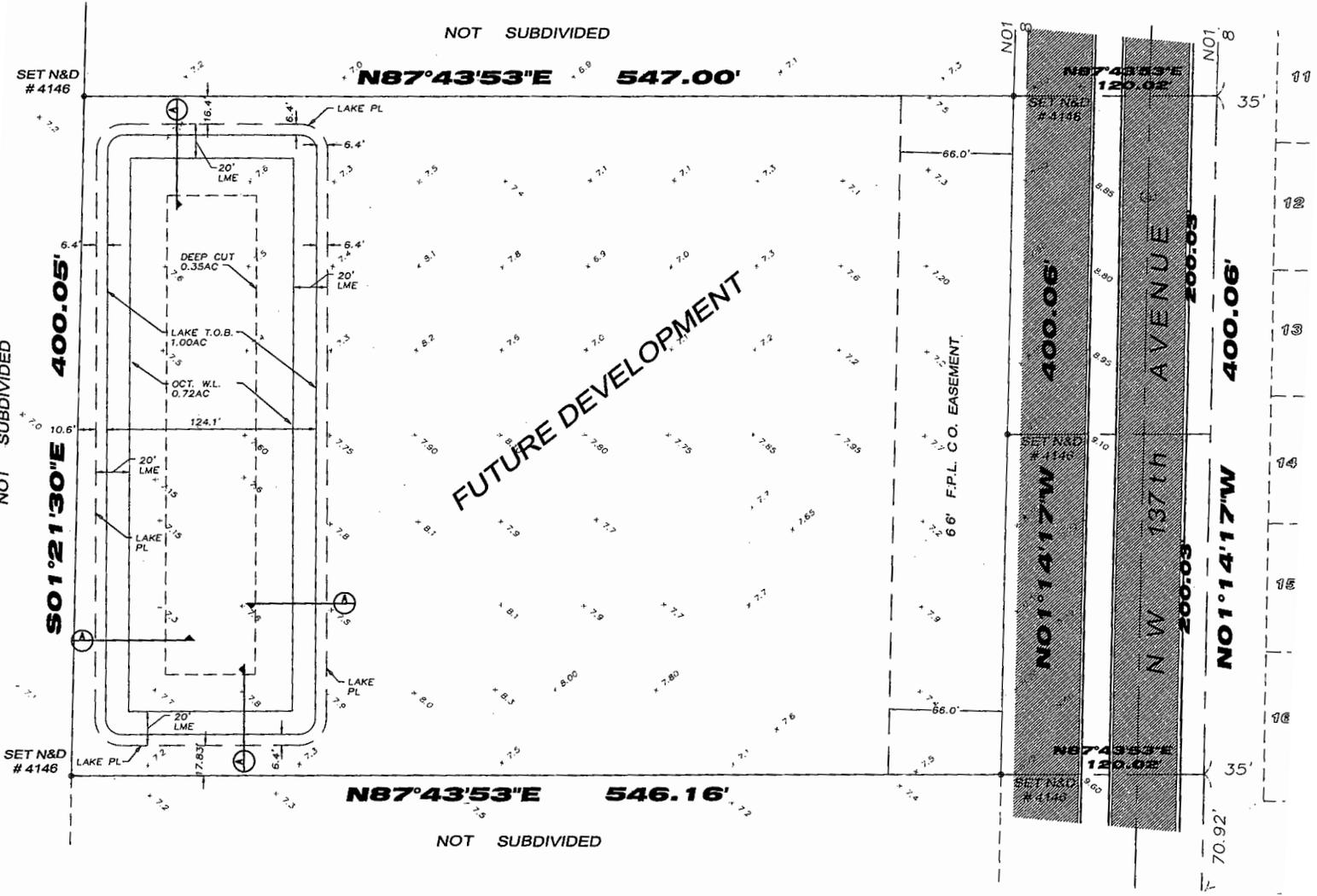
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS FOUND

ALCIDES AND ANELY MORGADO ET.AL

JOSE MARTINEZ

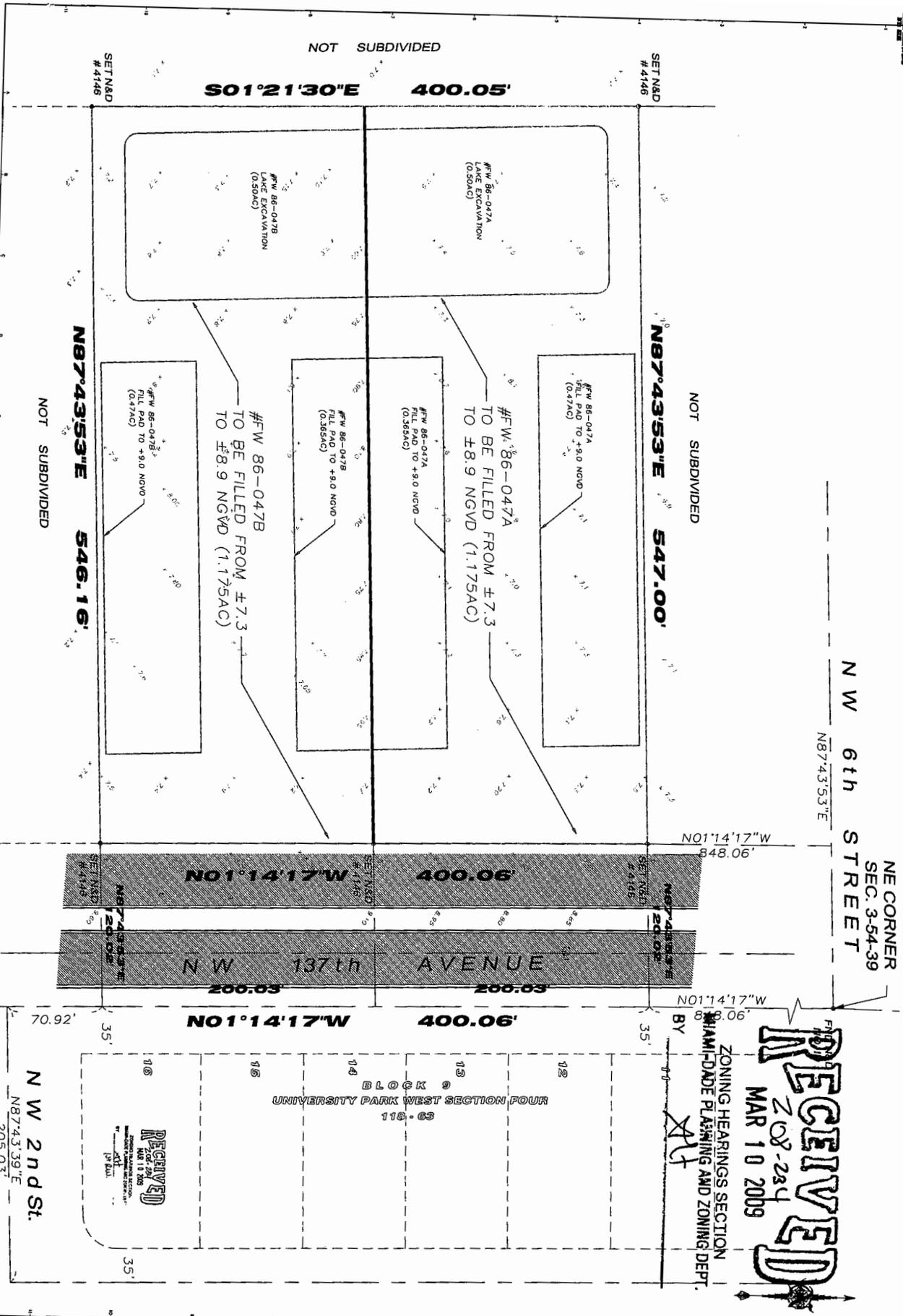


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 208-234
 APR 16 2009

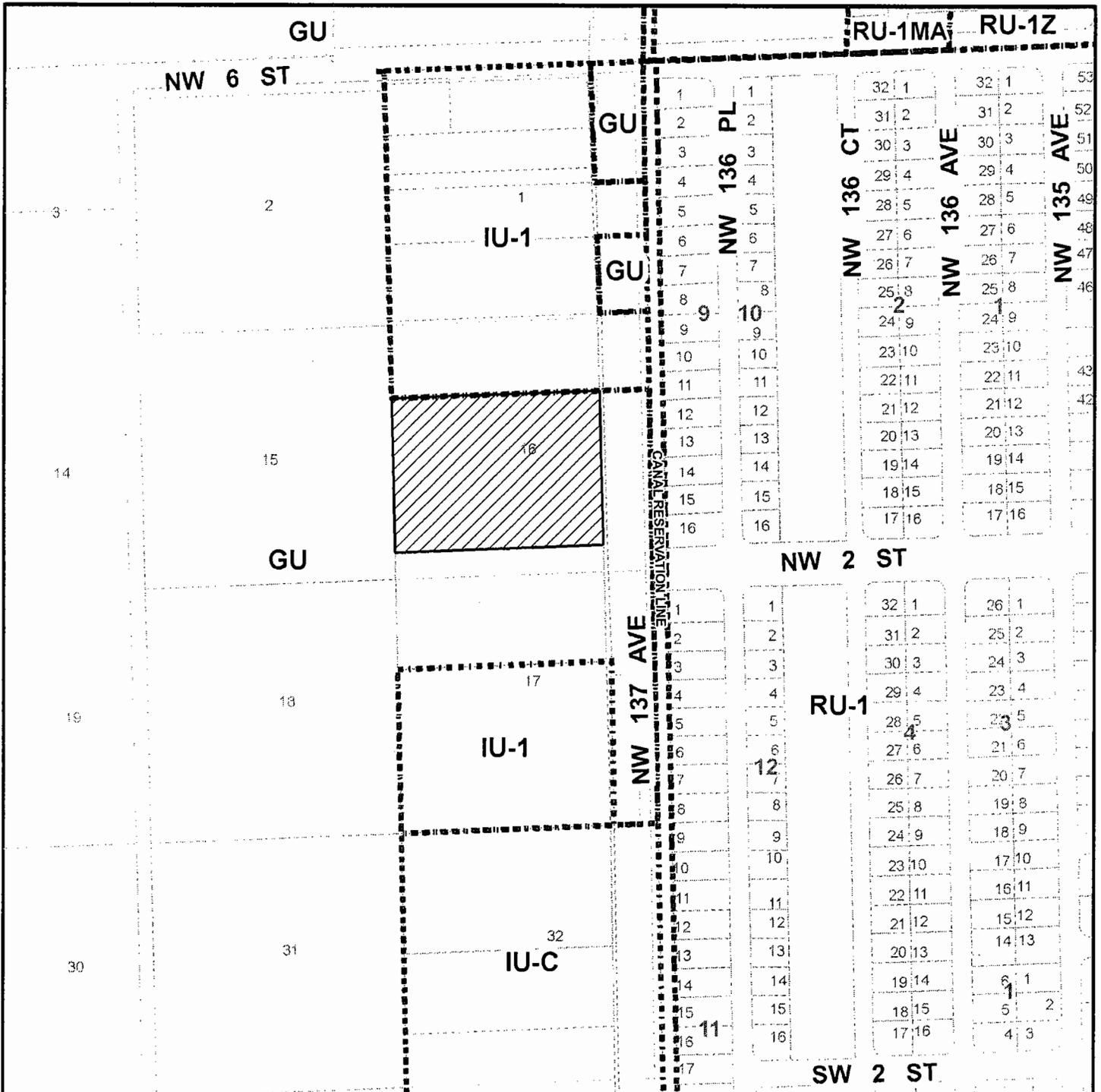
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY JK

ENLARGED SITE PLAN

RECEIVED
MORGADO'S PROPERTY
DATE: 03/10/2009



MORGADO'S PROPERTY TYPE OF PROJECT: FILL PLAN LAYOUT FOR CLASS IV CLIENT: ALCIDES MORGADO CLIENT ADDRESS: 137th Street PROJECT ADDRESS: 137th Street PERM. NO.: SEC 3 1348 0000 COUNTY: MIAMI-DADE COUNTY, FLORIDA		No. 1 DATE 2/25/09 DESCRIPTION: REVISION TO SECTION "A" PER DERM COMMENTS BY: [Signature] APP. [Signature]	RECEIVED MARIANNE MORGADO 137th Street MIAMI, FLORIDA 33138 TEL: 305-445-1111 FAX: 305-445-1111
SHEET NO. 07-058 TOTAL SHEETS 21/08 DATE: 2/25/09 DRAWN BY: C. GONZALEZ CHECKED BY: M. SCHWARTZBERG SCALE: AS SHOWN PROJECT NO. SP.2 2 of 2	RECEIVED ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. MAR 10 2009 208-284		



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 03 Township: 54 Range: 39
 Applicant: ALCIDES 7 ANELY MORGADO
 Zoning Board: C05
 Commission District: 12
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number
08-234

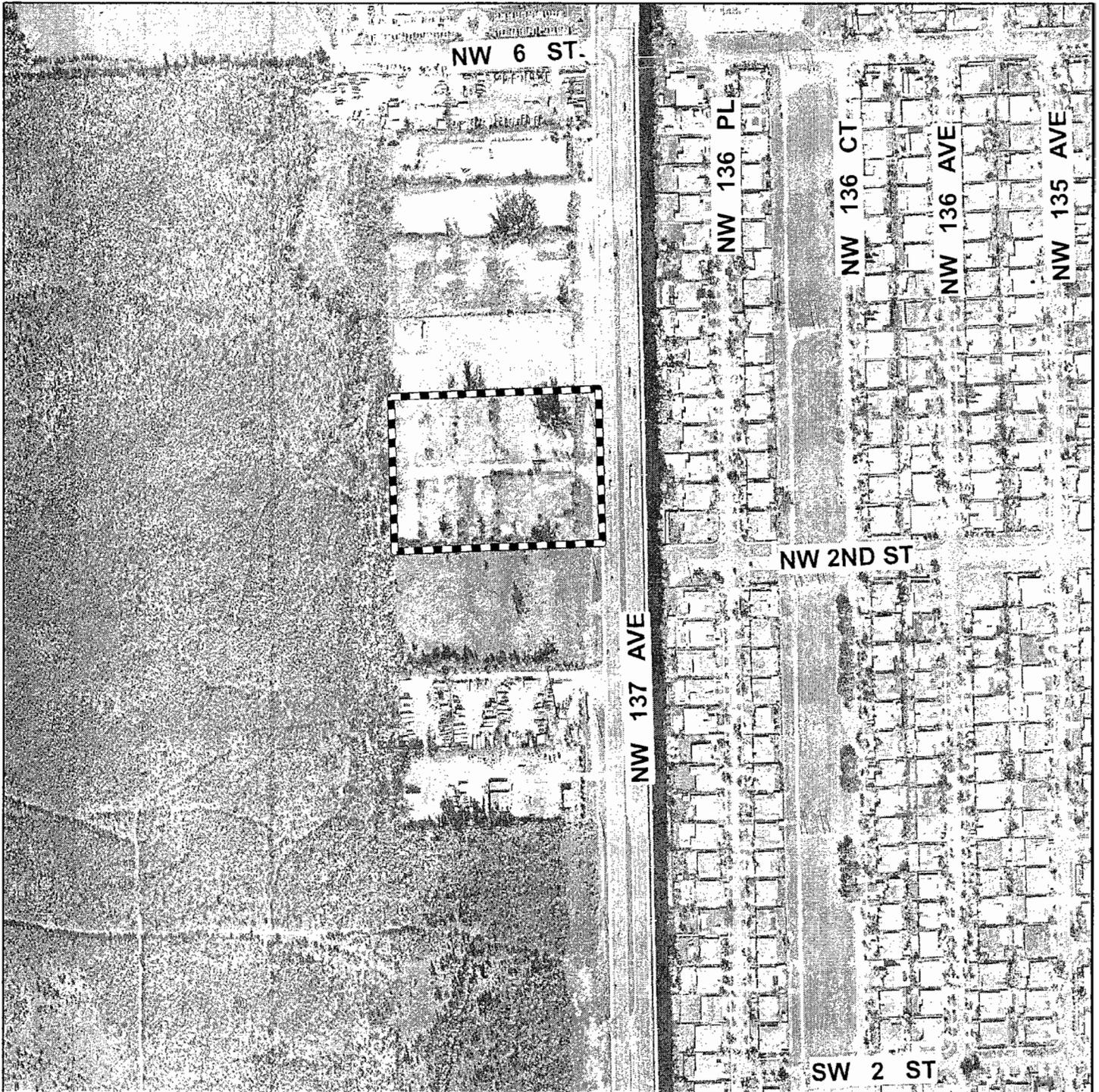


SUBJECT PROPERTY



SKETCH CREATED ON: 12/24/08

REVISION	DATE	BY
STREET ADDITION	01/13/09	JGURD
		20



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 03 Township: 54 Range: 39
 Applicant: ALCIDES 7 ANELY MORGADO
 Zoning Board: C05
 Commission District: 12
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number
08-234



SUBJECT PROPERTY



SKETCH CREATED ON: 12/24/08

REVISION	DATE	BY
STREET ADDITION	01/13/09	JGURD

3. LUCIE GELIN
(Applicant)

09-6-CZ5-3 (09-022)
Area 5/District 1
Hearing Date: 6/11/09

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
No History				

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 COMMUNITY COUNCIL No. 5**

APPLICANT: Lucie Gelin

PH: Z09-022 (09-6-CZ5-3)

SECTION: 1-52-40

DATE: June 11, 2009

COMMISSION DISTRICT: 1

ITEM NO.: 3

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicant is requesting to permit an addition to a single-family residence setback 11.7' (25' required) from the rear (north) property line.
- (2) Applicant is requesting to permit a lot coverage of 36.01% (35% maximum permitted).
- (3) Applicant is requesting to permit a planter setback 6' (7.5' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Addition to Existing House For: Lucile Gelin," consisting of 3 sheets, dated stamped received 2/18/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval to allow the continued use of a study room and bathroom addition to a single-family residence setback less than the required distance from the rear property line, to permit the continued use of a planter setback less than the required distance from the interior side property line and to permit a lot coverage which exceeds the permitted lot coverage in the RU-1 zoning district.

o **LOCATION:**

6435 NW 201 Street, Miami-Dade County, Florida.

o **SIZE:** 76' x 100'

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is -not exceeded.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

NORTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

EAST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

This property is an interior lot located at 6435 NW 201 Street. The surrounding area is developed with single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

N/A

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:

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the

trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
 - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
 16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:
1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and
 2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of

greater than ten (10) inches, unless the trees are among those listed in Section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(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 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
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is an interior platted lot with dimensions of 76' by 100' and is located at 6435 NW 201 Street in an established RU-1, Single Family Residential Zoning District.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Since the requests will not add additional dwelling units to the community, the RU-1 zoned, single-family

residence is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department does not object** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the average response travel time for this site is **7:31** minutes.

When requests #1 and #2 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would negatively affect the appearance of the community, and would be detrimental to the neighborhood. Staff further notes that the design of the addition could lend itself to a conversion into a separate dwelling unit on the subject property by a future property owner, which is not permitted in the RU-1 zone. Staff notes that the proposal is also **incompatible** with the area as no similar approvals have been granted in the vicinity. In 1997, pursuant to Administrative Variance #1997000230, the then Director of the (then) Department of Planning, Development and Regulation, granted approval of an addition to a single-family residence to setback 12.5' from the rear property line on a parcel of land located at 6282 NW 201 Terrace. Additionally, in 1995, pursuant to Resolution #5-ZAB-385-95, the Zoning Appeals Board, granted approval of a carport addition to a single-family residence setback 15' from the rear property line and to permit a lot coverage of 48.7% on a parcel of land located at 20045 NW 65 Court. However, staff opines that the lot coverage allowing a carport attached to the main residence which was approved under Resolution #5-ZAB-385-95, does not create such visual impact as the addition being requested in this application which staff opines consists of a greater building mass than said carport. As such, staff finds that no prior approvals in the area are as intrusive as the applicants request and, therefore, staff recommends denial without prejudice of request #1 and #2 under Section 33-311(A)(4)(b).

When request #3 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff notes that the approval of this request would allow the maintenance and continued use of an existing planter which encroaches 1.5' into the interior side (west) setback area which in staff's opinion would not affect the stability and appearance of the community, and would not be detrimental to the neighborhood. As such staff is recommends the approval of request #3 under Section 33-311(A)(4)(b).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required 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. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

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. However,

the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, this application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Accordingly, staff opines that requests #1 and #2 of this application are **incompatible** with the surrounding properties, and therefore, recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b), 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV) and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b), Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV); and approval of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: None

DATE INSPECTED: 04/20/09
DATE TYPED: 04/20/09
DATE REVISED: 04/21/09; 04/22/09
DATE FINALIZED: 05/10/09
MCL:MTF:NN:NC:AA



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning *NDN*

Memorandum



Date: March 16, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-05 #Z2009000022
Lucie Gelin
6435 N.W. 201 Street
Request to Permit an Existing Addition to a Single-Family Residence with
Setbacks Less than Required from Property Lines
(RU-1) (0.17 Acres)
01-52-40

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.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

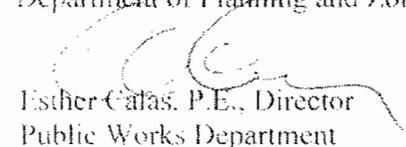
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

From: 
Esther Casas, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: 04-MAR-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000022

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2009000022
 located at 6435 N.W. 201 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0031 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: 7:31 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 44 - Palm Springs N - 7700 NW 186 Street 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:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

LUCIE GELIN

6435 N.W. 201 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000022

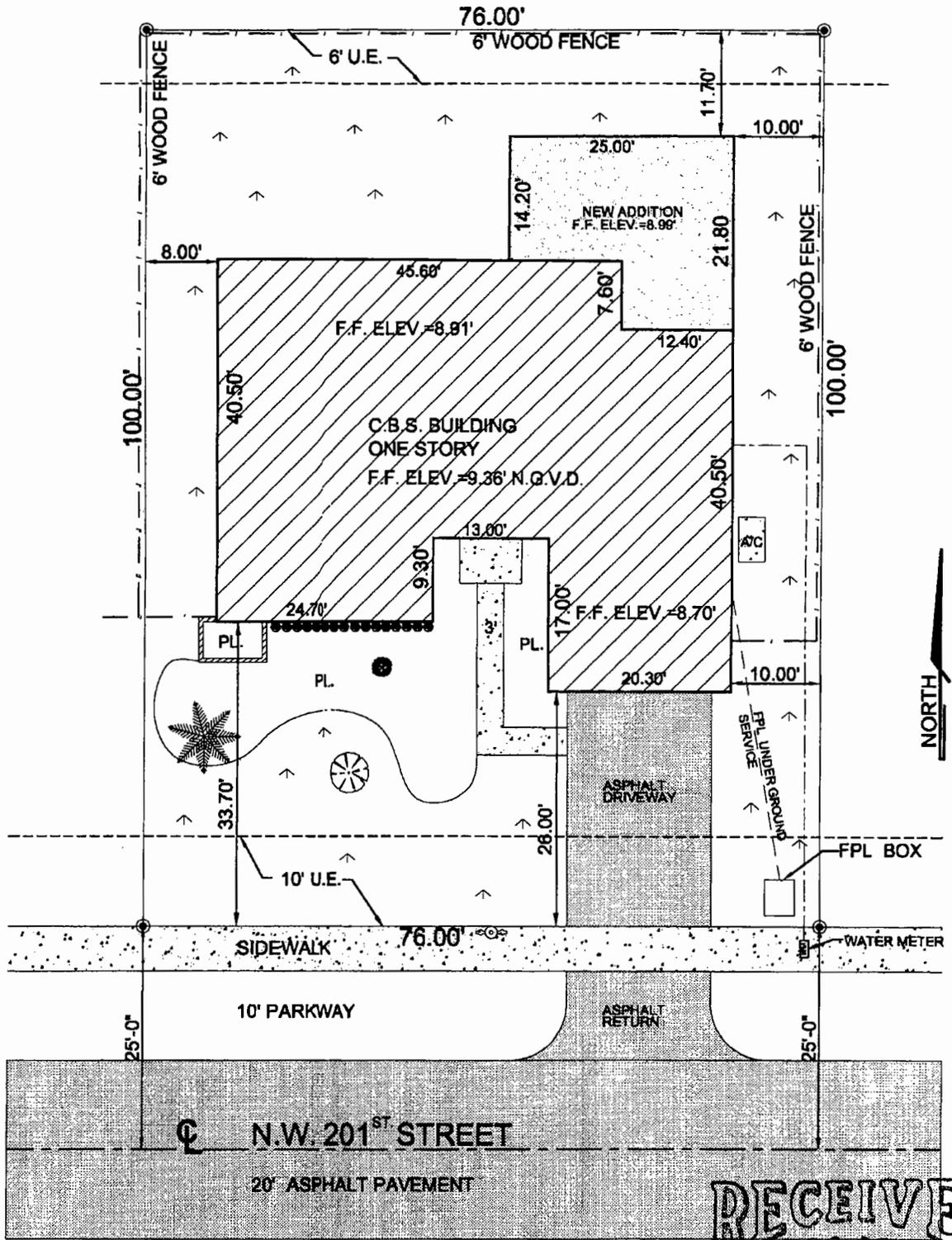
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CASE # 200907000765 WAS OPENED BASED ON ENFORCEMENT HISTORY REQUEST AND INSPECTED ON 3/16/09. NO VIOLATION WAS OBSERVED AND CASE WAS CLOSED.

LUCIE GELIN

S. WILLIAMS



RECEIVED
 209-022
 FEB 18 2009

Site Plan

SCALE: 1/16"=1'-0"

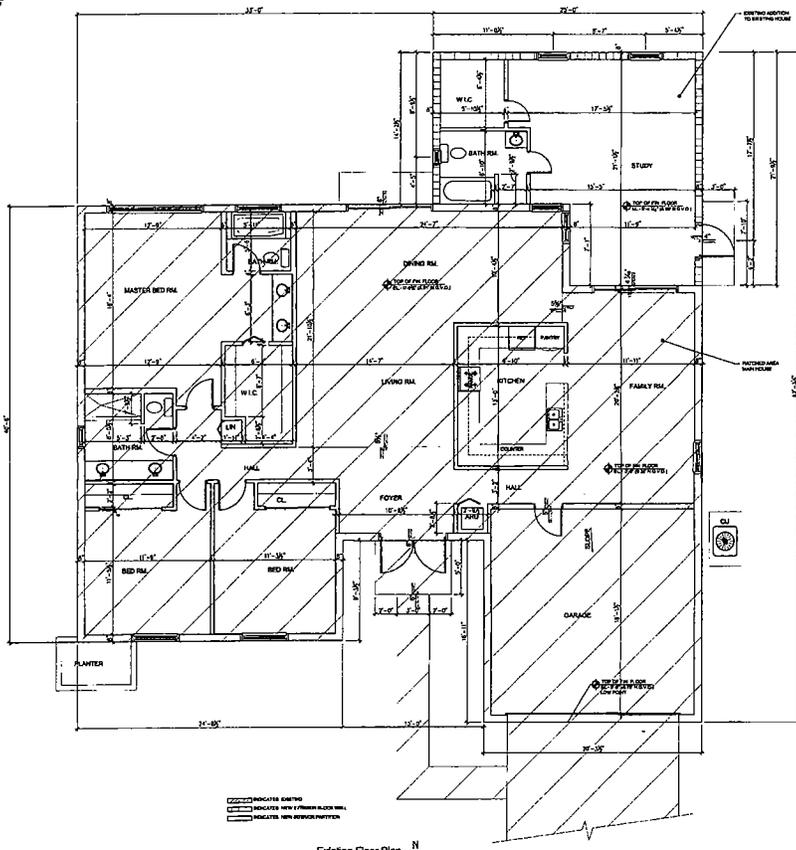
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY *Alt*

ENLARGED SITE PLAN

15

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 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPT.
 2/18/09



NOTE:
 ALL WALL, CEILING AND FLOOR FINISHES SHALL NOT EXCEED
 SPECIFICATIONS PER SECTION 05110

NOTE OF COMPLIANCE:
 THIS PROJECT SHALL BE CONSIDERED UNDER THE PROVISIONS OF
 THE FLORIDA BUILDING CODE (FBC) PER FLORIDA STATUTES CHAPTER
 626, PART I, BUILDING CODE, FOR CHANGES TO THE FBC. THE FBC IS
 THE AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.
 THE FBC IS THE AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

S.E. NOTE:
 THIS PLAN AND ELEVATIONS SHALL BE
 CONSIDERED AS A PART OF THE PROJECT
 AND SHALL BE SUBJECT TO THE SAME
 CONDITIONS AND LIMITATIONS AS THE
 OTHER PARTS OF THE PROJECT.
 THE ARCHITECT SHALL BE RESPONSIBLE
 FOR THE DESIGN AND CONSTRUCTION
 OF THE PROJECT AND SHALL BE
 RESPONSIBLE FOR THE DESIGN AND
 CONSTRUCTION OF THE PROJECT.

**FLOOR PLAN
AND ELEVATIONS**

NO.	REVISION	DATE

DESIGNER:
JUAN VIZCARRA
 STRUCTURAL ENGINEER
 10936 SW 137 TH PLACE
 MIAMI, FLORIDA 33186
 FLORIDA LICENSE
 P.E.# 558189

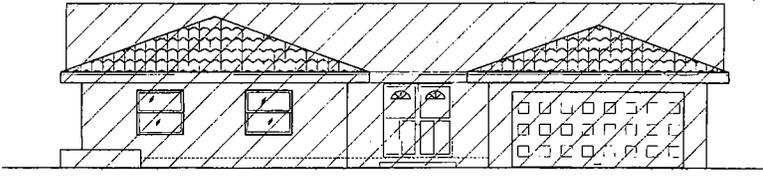
OWNER NAME & ADDRESS:
LUCILE GELIN
 8435 NW 201 STREET
 MIAMI, FLORIDA
 33015

DATE: 02-18-09
 SCALE: AS NOTED
 DRAWN BY: O. FRANKS
 CHECKED BY:
 SHEET:
A-2

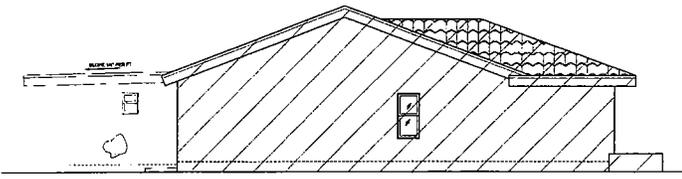
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 209-022
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 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY ALT

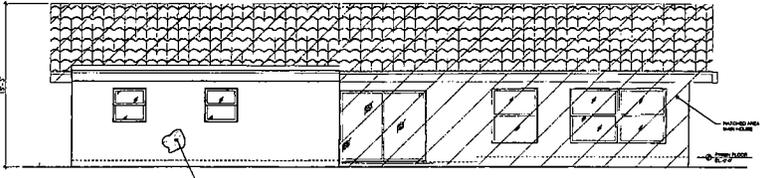
RECEIVED
 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPARTMENT
 215 N. W. 10th St.
 MIAMI, FL 33136



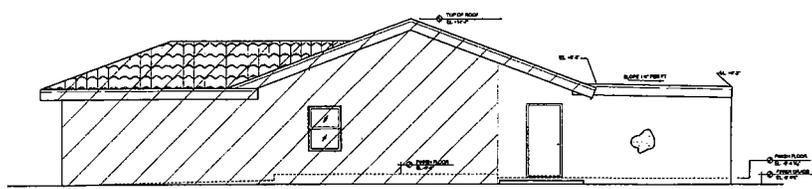
South Elevation
 Date: 2/11/09



West Elevation
 Date: 2/11/09



North Elevation
 Date: 2/11/09



East Elevation
 Date: 2/11/09

RECEIVED
 209-022
 FEB 18 2009

ELEVATIONS

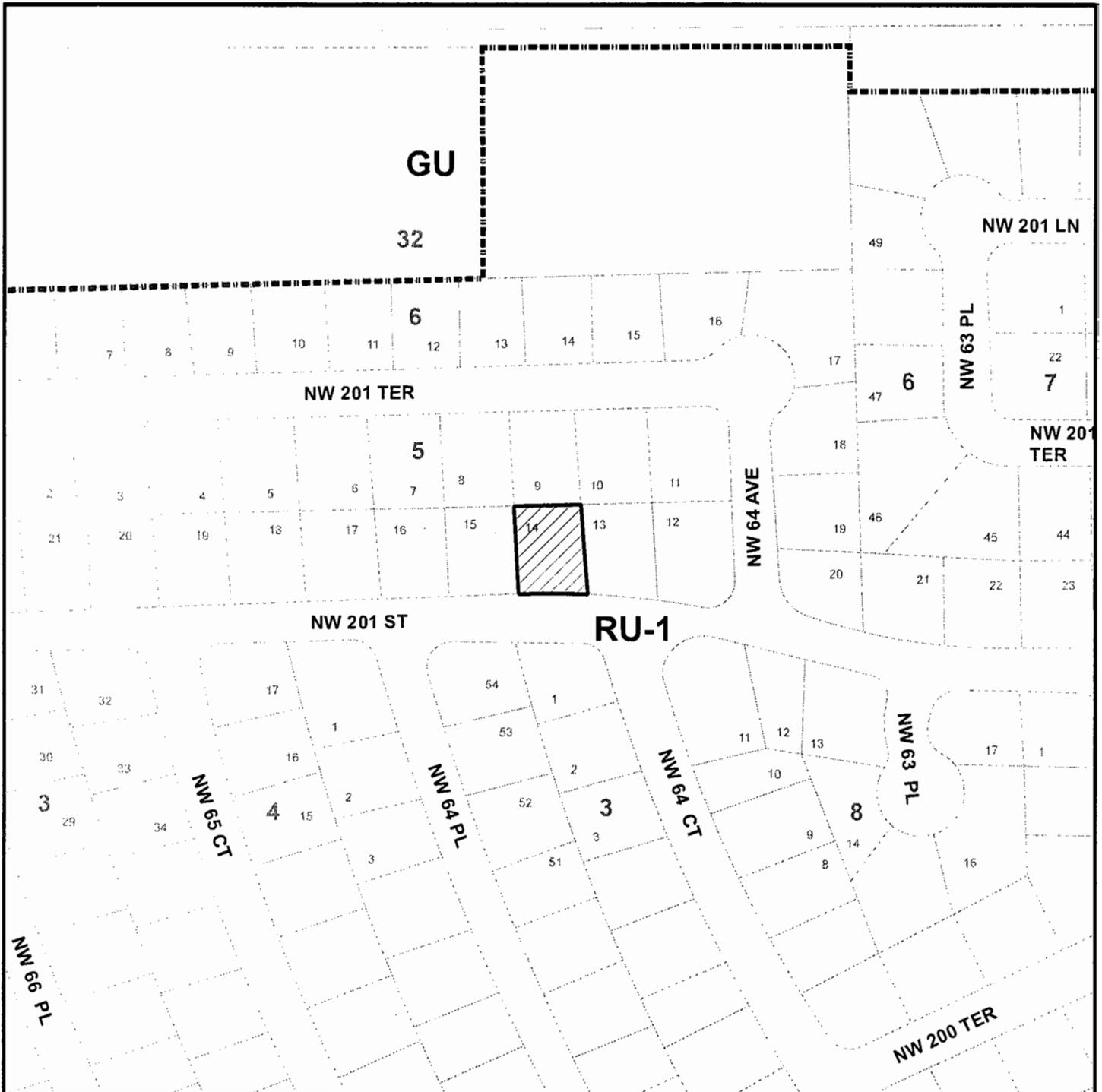
NO.	REVISION	DATE

DESIGNER
JUAN VIZCARRA
 STRUCTURAL ENGINEER
 1000 S. W. 15th AVE
 MIAMI, FLORIDA 33136
 FLORIDA LICENSE
 P.E. # 55288

OWNER NAME & ADDRESS
LUCILE GELIN
 1000 S. W. 15th AVE
 MIAMI, FLORIDA
 33015

DATE: 02-18-09
 SCALE: AS NOTED
 DRAWN BY: D.FRANKS
 CHECKED BY:
 SHEET:
A-3

RECEIVED
 209-022
 FEB 18 2009
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY AJ



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 01 Township: 52 Range: 40
 Applicant: LUCIN GELIN
 Zoning Board: C05
 Commission District: 01
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
09-022



SUBJECT PROPERTY



SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 01 Township: 52 Range: 40

Applicant: LUCIN GELIN

Zoning Board: C05

Commission District: 01

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

09-022



SUBJECT PROPERTY



SKETCH CREATED ON: 02/24/09

REVISION	DATE	BY