

FINAL AGENDA

3-12-2012 Version # 1



**COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Wednesday, April 18, 2012 at 7:00 p.m.**

REMAND

1. 08-9-CZ8-1 SOLID OAKS, LLC 05-336 19-52-42 N

CURRENT

2. 12-4-CZ8-1 BRIGHT STAR MISSIONARY BAPTIST
CHURCH, INC 10-52 10-53-41 N

3. 12-4-CZ8-2 NEW SOLID ROCK MISSIONARY BAPTIST
CHURCH 11-122 03-53-41 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, APRIL 18, 2012

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, 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

1. SOLID OAKS, LLC. (08-9-CZ8-1/05-336)

**19-52-42
Area 8/District 02**

- (1) DISTRICT BOUNDARY CHANGE from BU-1 (Business-Neighborhood) & RU-3 (Four Unit Apartment) to RU-4M (Modified Apartment House 35.9 units).
- (2) UNUSUAL USE to permit a Home for the Aged.
- (3) NON-USE VARIANCE to permit the Home for the Aged setback 16' from the interior side (south) property line and setback 33' from the interior side (north) property line (50' required for both) and spaced less than 75' from the adjacent residential buildings to the north and south.
- (4) NON-USE VARIANCE to permit an F.A.R of .96 (.90 allowed).

Plans are on file and be examined in the Permitting, Environment and Regulatory Affairs or its successors department entitled "Residences at Solid Oaks" consisting of 5 sheets and plans entitled "Residences at Solid Oaks Assisted Living", consisting of 10 sheets, as prepared by Arkidesign, Inc., dated stamped received 12/22/11 with sheets A-1, A-2.3, A-4.3 & L-1 last handwritten revision dated 1/20/12 totaling of 15 sheets. Plans may be modified at public hearing.

LOCATION: 14752 NE 6th Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.89 Net Acres

Department of Permitting, Environment and
Regulatory Affairs

Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. BRIGHT START MISSIONAY BAPTIST (12-4-CZ8-1/10-052)
CHURCH INC.**

**10-53-41
Area 8/District 02**

- (1) SPECIAL EXCEPTION to permit a Religious Facility.
- (2) NON-USE VARIANCE to permit the proposed Religious Facility with a lot coverage of 51.6% (30% maximum permitted).
- (3) NON-USE VARIANCE of setback requirements to permit the proposed religious facility to setback 20' from the rear (east) property line, setback varying from 0' to 20'-11" from the interior side (north) property line, setback 5' from the interior side (west) property line (50' minimum required for each).
- (4) NON-USE VARIANCE of setback requirements to permit the proposed religious facility to setback 20' from the front (west) property line, setback 15' from the side street (south) property line (25' minimum required).

- (5) NON-USE VARIANCE of spacing requirements to permit the proposed religious facility to be spaced less than the required 75' from existing residential buildings to the north and east of the subject property.
- (6) NON-USE VARIANCE of zoning regulations to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the (east) and (north) property lines.
- (7) NON-USE VARIANCE to permit four (4) street trees (9 street trees required).
- (8) NON-USE VARIANCE to waive the required 5' high decorative masonry wall along the common property line of the business lot when said lot abuts a RU zoned property (to waive same).
- (9) NON-USE VARIANCE to permit 0 parking spaces (45 parking spaces required).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successors department entitled "Bright Star M.B. Church" as prepared by A+S Architects, Planners P.A., sheets A.0 and A.4 dated stamped received 01/10/12 and sheet A.2 and A.3 dated stamped received 5/31/11 and consisting of six 4 sheets. Plans may be modified at public hearing.

LOCATION: 8201 NW 22 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.34 Acre

Department of Permitting, Environment and
Regulatory Affairs
Recommendation:

Deferral without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. NEW SOLID ROCK MISSIONARY (12-4-CZ8-2/11-122)
BAPTIST CHURCH**

**03-53-41
Area 8/District 02**

- (1) NON-USE-VARIANCE of zoning regulations requiring off street parking spaces to be hard surfaced; to waive same to permit the continued use of the existing parking spaces on natural terrain.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successors department entitled "New Solid Rock Missionary Baptist Church" prepared by Brown and Associates, consisting of 1 sheet and dated stamped received 10/19/11. Plans may be modified at public hearing.

LOCATION: 9026 NW 22 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 119'

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department
Staff Report to Community Council No. 8**

PH: Z05-336 (8-9-CZ8-1)

April 18, 2012

Item No. 1

Recommendation Summary	
Commission District	2
Applicant	Solid Oaks, LLC
Summary of Requests	The applicant is seeking approval of a zone change on a dual zoned property in order to develop the property with a multi-story home for the aged with reduced setbacks and a greater floor area ratio (F.A.R.) than allowed.
Location	14752 NE 6 Avenue, Miami-Dade County, Florida.
Property Size	1.89 net acre
Existing Zoning	BU-1 and RU-3
Existing Land Use	Mobile home park
2015-2025 CDMP Land Use Designation	Medium Density Residential, 13 - 25 dua, (1.44 net acre, western portion of the lot) Business and Office (0.45 net acre, eastern portion of the lot) <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change , Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

On December 8, 2011, pursuant to Resolution #Z-15-11, the BCC vacated Resolution #CZAB8-2-09 and remanded the application back to CZAB 8. The applicant has submitted revised plans for the application on which staff's review is based.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from BU-1 & RU-3 to RU-4M.
- (2) UNUSUAL USE to permit a home for the aged.
- (3) NON-USE-VARIANCE to permit a building of public assemblage to setback 16' from the interior side (south) property line and setback 33' from the interior side (north) property line (50' required for both) and spaced less than 75' from the adjacent residential buildings to the (north & south).
- (4) NON-USE-VARIANCE to permit an F.A.R of .96 (.90 allowed).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Residences at Solid Oaks", consisting of 5 sheets and plans entitled "Residences at Solid Oaks Assisted Living", consisting of 10 sheets, as prepared by Arkidesign, Inc, dated stamped received 12/22/11, with sheets A-1, A-2.3, A-4.3 & L-1 last handwritten revision dated 01/20/12 and consisting of 15 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plans submitted depict the proposed 19,644 sq. ft. 6-story high home for the aged building on the rectangular shaped 1.89 net acre parcel.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-3 and BU-1A; mobile home park	Medium Density Residential, 13-25 dua Business and Office
North	RU-4M; apartment building BU-1: retail building	Low Density Residential, 2.5 - 6 dua Business and Office
South	RU-1; single-family residences BU-1 and RU-3; retail building	Low Density Residential, 2.5 - 6 dua Business and Office
East	BU-1A; shopping center	Business and Office
West	RU-1; single-family residences	Low Density Residential, 2.5 - 6 dua

NEIGHBORHOOD COMPATIBILITY:

The 1.89 acre subject property abuts single-family residences on the west and partially to the south, a three-story multifamily apartment building and retail store to the north and retail uses to the east and partially to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community additional congregate living facilities for the elderly. However, the proposed congregate residential development which will reach a maximum of six (6) stories with a maximum height of 99' 8" in height could have a negative visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is a rectangular shaped 1.89 net acre parcel, of which the eastern 0.45 net acre is designated for **Business and Office** use and the remaining, westerly 1.44 net acre is designated for **Medium Density Residential** use on the CDMP Land Use Plan map. The applicant seeks to rezone the subject property from RU-3, Four Unit Apartment House District and BU-1, Neighborhood Business District to RU-4M, Modified Apartment House District. Additionally, the applicant seeks to permit a home for the aged with an increased floor area ratio (F.A.R.). Staff notes that the Board of County Commissioners (BCC) has vacated Community Zoning Appeals Board (CZAB) 8's prior resolution on this application and has remanded it back to this Board to permit the applicant to submit revised plans. The applicant has submitted revised plans that demonstrate a reduction in the height of the proposed building, a reduction in the F.A.R., and the tapering of the building height to the west, where it abuts an area that is developed with one-story single-family residences.

The CDMP Land Use Element, **Business and Office** designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, **nursing homes** (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways.

Further, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher. Staff notes that the western portion of the subject parcel is designated for Medium Density Residential use on the CDMP Land Use Plan map. As such, the eastern .45 net acre portion of the site can be developed utilizing the Medium-High Density Residential category, which permits a maximum of 60 units per acre, and which would allow a maximum of 27 units on said Business and Office designated area.

The remaining western, 1.44 net acre of the subject parcel is designated for **Medium Density Residential** use on the CDMP Land Use Plan map. This category typically permits townhouses, and low-rise and medium-rise apartments and allows densities from 13 to 25 dwelling units per acre. However, the CDMP Land use Element interpretative text for Residential Communities states that neighborhood and community services including group housing facilities are permitted in residential communities when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Further, said interpretative text states that **Congregate residential uses and nursing homes** may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: *Each 2.5 occupants of a congregate residential facility shall be considered as the equivalent of one residential unit and that the maximum number of dwelling units shall not be more than allowed in the next higher residential category,* which in this case is Medium-High Density Residential use. This category allows a maximum of 60 dwelling units per acre which would allow a maximum of **86** residential units on the 1.44 net acre portion of the subject parcel that is designated for Medium Density Residential use.

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations.

Based on the aforementioned, the applicant would be able to develop the 1.89 net acre parcel with a combined total of 113 residential units. Therefore, assuming the 2.5 occupants per unit,

282 persons could occupy the subject parcel. As such, the applicant's proposal to develop the property with 69 residential units to accommodate 122 occupants would be **consistent** with the maximum density threshold allowed by the CDMP interpretative text noted above.

The CDMP Land Use Element, **Policy LU-4D**, states that *uses that are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.* The criteria for determining compatibility is outlined in CDMP Land Use Element, **Policy LU-4A**, among which are noise, lighting, height, bulk, scale of architectural elements, landscaping and buffering as applicable.

The revised plans submitted by the applicant demonstrate will address the compatibility of the proposed development with the primarily single-family residences located to the west and south. Said plans indicate the lowering of the height of the building to 6-stories instead of the previously proposed 7-story structure, which has also resulted in a reduction of the proposed F.A.R. Additionally, the applicant has redesigned the building so that the highest point is located to the front (east) abutting NE 6 Avenue while the building height then tapers down to approximately 29' in height in the area of the single-family residences located to the south and west. Further, the applicant has agreed to a relocation of the outdoor recreation areas further away from the single-family residences and to place additional trees as a visual buffer along the south property line abutting the single-family residences in that area. Additionally, the applicant has proffered a covenant restricting the maximum number of resident clients to 122 as stated in their letter of intent. As such, staff opines that subject to the acceptance of the proffered covenant, the applicant's request to rezone the entire subject property to RU-4M and to permit a home for the aged would be **consistent** with CDMP **Policy LU-4D**, the interpretative text of the Land Use Element addressing congregate residential uses, density averaging and density threshold, and the CDMP's LUP map Business and Office and Medium Density Residential designations for the subject property.

ZONING ANALYSIS:

The subject property is currently developed with a mobile home park. Staff notes that the applicant has proffered a covenant which among other things will ensure compliance with the State requirements and giving an additional voluntary contribution of \$1,000 to each mobile home owner prior to relocation. Section 723.083 of the Florida Statutes regulates Governmental actions affecting the removal of mobile home owners, which requires that no local government shall approve any rezoning or take any other official actions that result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the residents. The State of Florida has preempted local regulation of the landlord-tenant relationship between mobile home park owners and the owners of mobile homes occupying the parks. The Legislature has provided the exclusive remedies available when mobile home park residents are displaced. A mobile home park owner is permitted to seek a change in the use of land comprising a mobile home park and proceed with eviction of tenants/mobile home owners provided all tenants are given at least 6 months notice of the proposed change of land use. Section 723.061 of the Florida Statutes provides that if an eviction occurs because of change of land use, the mobile home owner/resident is entitled to compensation as follows: the lesser of (a) the amount of actual moving expenses or (b) \$3000 for single-section or \$6000 for multi-section mobile home.

When analyzing request #1 for a District Boundary change from RU-3 and BU-1 to RU-4M is analyzed under Section 33-311, District Boundary Change, staff is of the opinion that approval of this request would be **compatible** with the surrounding residential and commercial community and therefore should be approved. Section 33-311 of the Code states that the purpose of zoning and regulations is to promote health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. Staff notes that the applicant has provided revised plans for the proposed home for the aged, which indicates a reduction in the height of the proposed building from 7-stories to 6-stories. Said plans also indicate that the building design has been tapered, showing a reduction of the height towards the residences located to the south and the west. As such, staff opines that the proposed development will not have a negative visual impact on the abutting residences and therefore will not negatively impact the character of the area. Further, staff notes that in the revised application, the applicant has increased the proposed number of resident clients for the facility from 100 to 122. However, notwithstanding the 22% increase in the number of resident clients, staff notes that memoranda from the Permitting, Environment and Regulatory Affairs (PERA) Department's Environment Division, the Public Works and Waste Management (PWWM) and Miami-Dade Fire Rescue (MDFRD) Departments indicate that approval of this request will not have a negative impact on the services or utilities provided in this area, nor create undue risks due to the overcrowding of people. Although the proposed home for the aged use is within the maximum density threshold allowed by the CDMP, the applicant has proffered a covenant restricting the development of the home for the aged use to a maximum of 122 occupants, which staff opines is compatible with the surrounding single-family residential uses located to the south and west of the subject parcel. Additionally, as explained above, approval of this request would be **consistent** with the CDMP Land Use interpretative text. **As such, staff recommends approval of request #1, subject to the Board's acceptance of the proffered covenant under Section 33-311.**

When request #2, to permit the home for the aged is analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff opines that approval with conditions would be **compatible** with the surrounding uses. Staff acknowledges that this request is germane to the applicant's request for a zone change (request #1) and that based on memoranda from the PWWM Department, MDFRD and the Environmental Division of the PERA Department, approval with conditions of the aforementioned request will not result in excessive noise or traffic, or cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, or result in any other negative impacts, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. Staff recommends as conditions for approval that the outside seating area along the interior side (south) property line be replaced with the butterfly garden which is currently located in the center of the property. This condition will reduce the likelihood of negative noise impacts on the single-family residences located to the south from the congregation of residents or their guests. Additionally, staff recommends that a continuous row of trees be planted along the interior side south property line in the area abutting the two (2) single-family residences as a visual buffer. **Therefore, staff recommends approval with conditions of request #2, under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).**

When request #3, to permit the proposed home for the aged which is classified as a building of public assemblage in Section 33-17 of the Code, with reduced setbacks and spacing from the

property line and abutting residences; and request #4, to permit the proposed structure with a 6.6% increase in the floor area ratio (F.A.R.) are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval with conditions of these requests would be **compatible** with the surrounding area and would not have a negative impact on the appearance of the community. Staff notes that these requests are germane to request #2 to permit the home for the aged. Staff opines that the previously mentioned relocation of the outside seating areas and the increased buffering in the form of a continuous row of trees will mitigate the negative visual and noise impacts that will result from the proposed building of public assemblage encroaching into the setback areas. Additionally, staff notes that the redesign of the building by the applicant resulting in a reduced building height and a 22% reduction in the F.A.R. from what was requested previously demonstrates sensitivity on behalf of the applicant to the surrounding single-story single-family residences located to the west and south. **Accordingly, staff recommends approval with conditions of requests #3 and #4, under Section 33-311(A)(4)(b), Non-Use Variance.**

ACCESS, CIRCULATION AND PARKING: The subject property has a 40' wide ingress/egress drive along NE 6 Avenue. The site plans submitted for the proposed development indicate eighty-one (81) parking spaces, including four (4) handicap parking spaces and the loading dock. The location of the proposed home for the aged along NE 6 Avenue which is a half-section line road will provide the occupants and their guests with easy accessibility to public transportation without creating negative traffic impacts on the abutting residential neighborhood located to the west.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1 subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through #4.

CONDITIONS FOR APPROVAL (For requests #2 through #4 only):

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not 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 "Residences at Solid Oaks", consisting of 5 sheets and plans entitled "Residences at Solid Oaks Assisted Living", consisting of 10 sheets, as prepared by Arkidesign, Inc, dated stamped received 12/22/11, with sheets A-1, A-2.3, A-4.3 & L-1 last handwritten revision dated 01/20/12 and consisting of 15 sheets, except as herein amended to show the relocation of the outdoor seating areas from along the interior side (south) property line to the area of the butterfly garden and that the proposed butterfly garden and a continuous row of trees be placed along said property line abutting the two (2) single-family residences.

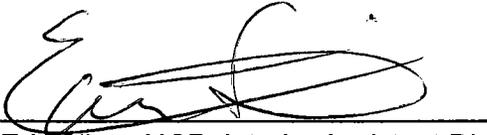
3. That the applicant relocate the outdoor seating areas from along the interior side (south) property line to the area of the butterfly garden.
4. In addition to the proposed landscaping, that the proposed butterfly garden and a continuous row of trees be planted 25' apart be placed along said property line abutting the two (2) single-family residences.
5. That the maximum number of occupants in the home for the aged be restricted to 122 resident clients.
6. That the use be established and maintained in accordance with the approved plan as herein modified.
7. That prior to the issuance of a building permit, the applicant submit to the Permitting, Environment and Regulatory Affairs Department or its successor Department for its review and approval a landscaping plan which indicates the type and size of plant material.
8. That the approved plant material be installed prior to final zoning inspection.
9. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services.
10. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that outdoor lighting installation shall not be placed in permanent use until a compliance letter from a registered engineer or architect is provided to Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department.
11. That the applicant obtain a new or revised Certificate of Use for the home for the aged use from, and promptly renew the same annually, with the Permitting, Environment and Regulatory Affairs Department or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation by the Director upon violation of any of the conditions.
12. That the applicant comply with all applicable conditions and requirements of the Permitting, Environment and Regulatory Affairs Department or its successor Department, the Public Works and Waste Management Department, and the Miami-Dade Fire Rescue Department as contained in their memoranda pertaining to this application.

ES:MW:GR:NN:AN:CH

Solid Oaks, L.L.C.

Z05-336

Page | 8



Eric Silva, AICP, Interim Assistant Director
Zoning and Community Design
Miami-Dade County Sustainability,
Planning and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

*NW
LMP*

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*if applicable

ZONING RECOMMENDATION ADDENDUM

Solid Oaks, L.L.C.
Z05-336

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Environmental Division (PERA)	No objection*
Public Works and Waste Management	No objection
Parks, recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p>Business and Office (Page I-41)</p>	<p>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</p> <p>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</p>
<p>Medium Density Residential (Pg. I-31)</p>	<p>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Medium Density Residential use. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.</p>

ZONING RECOMMENDATION ADDENDUM

Solid Oaks, L.L.C.
Z05-336

<p>Medium-High Density Residential (Pg. I-31)</p>	<p><i>This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-90, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.</i></p>
<p>Density Averaging (Pg. I-32.2)</p>	<p><i>The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.</i></p> <p><i>Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.</i></p>
<p>Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities. (Pg. I-34)</p>	<p>"Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code. If located in Estate, Low or Low-Medium Density neighborhoods, congregated residential uses, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility.</p>

ZONING RECOMMENDATION ADDENDUM

Solid Oaks, L.L.C.
Z05-336

Residential Communities (Pg. I-26)	The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities , and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.
Policy LU-4A (Pg. I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
Land use Policy LU-4D (Pg. I-11)	Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered; (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development; (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida; (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction; (4) 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.
-----------------------	--

ZONING RECOMMENDATION ADDENDUM

Solid Oaks, L.L.C.
Z05-336

<p>Special Exceptions, Unusual Uses and New Uses. Section 33-311(A)(3)</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the 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.</i></p>
<p>Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b)</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p>Buildings for public assemblage— In districts other than business or industrial. Sec. 33-17.</p>	<p><i>All building or other structures or any part thereof, intended for public assemblage, wherein provisions are made for fifty (50) or more persons to assemble in one (1) room or such structure as an auditorium, church, club, hospital, sanitarium, school, theater, night club, amusement park structure and similar structures, excluding hotels, motels and apartments shall be located or placed only in business or industrial districts, as herein provided, and shall comply with the following:</i></p> <p><i>(1) No building for public assemblage shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.</i></p>

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 12/8/2011

#Z- 15-11

ITEM: 1.

APPLICANT: SOLID OAKS, LLC (08-09-CZ8-1/05-336)

MOTION: To vacate the decision of the Community Zoning Appeals Board (CZAB) and remand this application to the CZAB for further review with leave to amend.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bell		X		
Bovo				X
Diaz				X
Heyman				X
Jordan		X		
Monestime	M	X		
Moss		X		
Sosa	S	X		
Souto		X		
Suarez		X		
Vice Chairwoman Edmonson		X		
Chairman Martinez		X		
TOTAL		9	0	4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

B

APPLICANT'S NAME: SOLID OAKS L.L.C.

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
08-9-CZ8-1 (05-336)	February 18, 2009	CZAB8 2 09

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS

OTHER: Waiver 12 month refiling period.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL MAN		Richard C. BROWN (C.A.)			X
COUNCIL MAN		Patrick CURE			X
COUNCIL WOMAN DR.		Joy J. Davis	X		
COUNCILMAN		Vernell EVERETT	X		
COUNCILMAN	M	Arthemon JOHNSON	X		
COUNCIL WOMAN	S	Voncarol Yvette KINCHEN	X		
CHAIRMAN		Fredericke Alan MORLEY			X
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: DAVID HOPE

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

A

APPLICANT'S NAME: **SOLID OAKS L.L.C.**

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
08-9-CZ8-1 (05-336)	January 21, 2009	CZAB8 09

REC: Deferral.

<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>Feb 18, 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 Staff's request to review information that was submitted by the applicant.	

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	N	Richard C. BROWN (C.A.)	X		
MR.	S	Patrick CURE	X		
DR.		Joy J. Davis	X		
MR.		Vernell EVERETT		X	
MR.		Arthemon JOHNSON			X
MS.		Voncarol Yvette KINCHEN			X
CHAIRMAN		Fredericke Alan MORLEY		X	
VOTE:			3	2	

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

B

APPLICANT'S NAME: **SOLID OAKS, LLC**

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
08-9-CZ8-1 (05-336)	October 29, 2008	CZAB8 08

REC: Deferral.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Jan 21, 2009 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS

OTHER: At the applicant's request in order to further work with the neighbors.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Richard C. BROWN (C.A.)			X
MR.		Patrick CURE	X		
MR.	M	Arthemon JOHNSON	X		
MS.	S	Voncarol Yvette KINCHEN	X		
MR.		Vernell EVERETT	X		
CHAIRMAN		Fredericke Alan MORLEY	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

#1

APPLICANT'S NAME: SOLID OAKS L. L. C.

REPRESENTATIVE: Al Dotson

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
08-9-CZ8-1 (05-336)	September 24, 2008	CZAB8 08

REC: Denial without prejudice.

<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>Oct 29, 2008</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:	To allow the applicant to meet with the neighbors. No re-advertisement	

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Richard C. BROWM (C.A.)	X		
MR.		Patrick CURE	X		
MR.		Arthemon JOHNSON	X		
MS.		Voncarol Yvette KINCHEN			X
MR.	S	Vernell EVERETT	X		
CHAIRMAN		Fredericke Alan MORLEY	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

1. SOLID OAKS, LLC
(Applicant)

08-9-CZ8-1 (05-336)
Area 8/District 02
Hearing Date: 04/18/12

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>
1967	Jacqueline Russell & Clara Glionna	- Zone change from RU-3 to RU-4L.	ZAB	Recommended for Approval
1967	Jacqueline Russell & Clara Glionna	- Zone change from RU-3 to RU-4L.	BCC	Denied
1970	George Russell, Jr.	- Variance for lot frontage. - Special Exception to re-subdivide.	ZAB	Denied without Prejudice
1973	George Russell, Jr.	- Variance for lot frontage. - Special Exception to re-subdivide.	ZAB	Denied without Prejudice
1974	Kurt, Wallach, Trustee	- Unusual Use recreation center. - Special Exception night lighting. - Variance of height setback.		Approved with Condition(s)
1977	Charles Gomes	- Special exception expansion of trailer park.	ZAB	Approved
1992	Bob's Trailerville, Inc.	- Special exception for site plan approval. - Special exception for spacing. - Variance of trailer parking regulations.	ZAB	Denied
2009	Solid Oaks	- Zone change from RU-3 & BU-1 to RU-4M. - Unusual Use for a home for the aged. - Non-Use Variance of F.A.R.	C08	Denied without Prejudice
2011	Solid Oaks	- Appeal CZAB8-2-09.	BCC	Remanded

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.

Memorandum

Date: January 11, 2012
To: Jack Osterholt - Interim Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs



Subject: C-08 #Z2005000336-7th Revision
Solid Oaks LLC
14752 N.E. 6th Avenue
District Boundary Change from BU-1 to BU-1A, Special Exception to
Permit a Residential Use in the BU-1A Zone, Use Variance to Permit a
Multi-Building Apartment Use in the RU-3 Zone and Request to Permit
Lot Frontage and Setback Less than Required
(BU-1) (1.89 Acres)
19-52-42

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Wetlands

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

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

Tree Preservation

An on-site inspection performed on October 27, 2005 revealed that the subject property contains tree resources including three (3) specimen-sized (trunk diameter 18 inches or greater) strangler fig and six (6) specimen-sized live oak trees. The applicant is aware of the preservation requirements and has submitted with this application a site plan of record entitled "Solid Oaks Residences Assisted Living - Master Landscape Plan" Sheet L-1, 2, 3 and 4, prepared by Arkidesign Inc, and dated February 5, 2007 (revised October 30, 2008), that provides for the preservation of three (3) specimen-sized strangler fig and five (5) specimen-sized live oak trees.

However, other on site specimen-sized tree(s) will be impacted. Section 24-49.2 of the Code requires preservation of specimen-sized trees whenever reasonably possible. Prior to the removal or relocation of any tree on site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code, is required. Be advised that pursuant to Section 24-49.2 (II)(1) of the Code, evaluation of permit applications for the removal of specimen-sized trees includes, but is not limited to, factors such as size and configuration of the property as well as any proposed development; location of tree(s) relative to any proposed development and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

The applicant is required to comply with the above tree permitting requirements. Approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

Cc: Eric Silva, Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

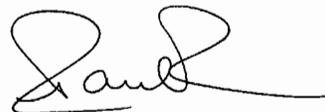
Applicant's Names: SOLID OAKS, LLC

This Department has no objections to this application.

Additional improvements may be required at time of platting.

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

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



Raul A Pino, P.L.S.

22-DEC-10

Memorandum



Date: 31-JAN-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000336

Fire Prevention Unit:

APPROVAL
 No objection to site plan date stamped November 12, 2008.

Service Impact/Demand

Development for the above Z2005000336
 located at 14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0394 is proposed as the following:

N/A	dwelling units	N/A	square feet
<u>residential</u>		<u>industrial</u>	
N/A	square feet	N/A	square feet
<u>Office</u>		<u>institutional</u>	
N/A	square feet	96,261	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 64.61 alarms-annually.
 The estimated average travel time is: 6:36 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 19 - North Miami W -650 NW 131 Street
 Rescue, ALS 50' Squrt, TRT-1

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 Station 18 - North Miami - NE 138 Street and 5th Avenue.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped November 12, 2008. Substantial changes to the plan will require additional service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department
 Planning Section at 786-331-4540.

Memorandum



Date: February 2, 2012

To: Jack Osterholt, Interim Director
Sustainability, Planning and economic Enhancement

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2005000336: ZONE CHANGE FROM BU1 TO BU1A
Revised Plans

Application Name: SOLID OAKS, LLC.

Project Location: The site is located at the 14752 N.E. 6 AVENUE, Miami-Dade County.

Proposed Development: The applicant is requesting approval for an unusual use to permit a home for the aged including facilities for 68 units.

Impact and demand: The nearest park to the application is Oak Grove Park (.61 miles), a community park providing athletic fields, a recreation building, tennis courts and a volleyball sand court.

The parks within a 2-mile radius are included in the following table.

Park Name	Classification	Acreage
Oak Grove Park	Community Park	21.29
Biscayne Gardens Park	Neighborhood Park	3.53

Concurrency/Capacity Status

Development proposed is for an assisted living facility for the aged. The proposal is for a 68 units. This population generates a need for .48 acres of local parkland, based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population.

This application is located in Park Benefit District 1, which has a surplus of 407.2 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

The Department has no objection to the proposed application.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

DATE: 22-FEB-12
REVISION 7

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

SOLID OAKS, LLC

14752 N.E. 6 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000336

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: A case was opened August 12, 2010 for expired permit A20100003570X.NOV mailed August 19, 2010, ticket mailed February 14, 2011. Ticket paid March 29, 2011. Non compliance affidavit was done on april 28, 2011.Final noil/demand for payment was done on May 27, 2011. Settlement form sent electronically January 25, 2012. A case was opened May 13, 2010 for work without permit 20100136932B.A NOV was mailed January 11, 2011, ticket mailed August 15, 2011.Ticket voided October 6, 2011 and paid.

Solid Oaks LLC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: RODRIGUEZ, FRANK

Inspection Date

Evaluator: JORGE VITAL

02/23/12

Process #: **Applicant's Name**
Z2005000336 SOLID OAKS, LLC

Locations: 14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

Size: 1.89 NET ACRES

Folio #: 3022190000740

Request:

- 1 DBC BU-1 & RU-3 to RU-4M
- 2 Unusual use to permit a home for the aged.
- 3 Non-use variance to permit the home for the aged setback 16' from the interior side (south) property line and setback 33' from the interior side (north) property line (50' required for both) and spaced less than 75' from the adjacent residential buildings to the (north, & south).
- 4 Applicant is requesting to permit an F.A.R of .96 (.90 allowed).

EXISTING ZONING

Subject Property BU-1, RU-3,

EXISTING USE TRAILER PARK

SITE CHARACTERISTICS

STRUCTURES ON SITE:

Three one story story C.B.S. structures (office/residence, mail box building and a utility building).

USE(S) OF PROPERTY:

Mobile home park (17 mobile homes)

FENCES/WALLS:

Chain link fencing surrounds property. Wood fence along south and west property lines.

LANDSCAPING:

Several trees (Live Oak and Ficus) planted throughout mobile home park offer decent shading.

BUFFERING:

Wood fence along south property line and west property line with hedge and dense growth of trees and shrubs.

VIOLATIONS OBSERVED:

Observed junk cars and junk on property. Mobil home is operating without a valid Certificate of Use.

OTHER:

There are two open building violation cases (20100136932 - working without a permit and A201003570 - expired permit)

Process # Applicant's Name

ZONING INSPECTION REPORT

Z2005000336 SOLID OAKS, LLC

SURROUNDING PROPERTY

NORTH:

RU-4M: One story commercial building for grocery store and insurance office and a three story apartment building

SOUTH:

RU1/RU3/BU1: One story comm building for music store. Also to the south of subject property are one story single family residences.

EAST:

BU-1A: Two one story shopping centers with supermarket, cafeteria, laundry mat, insurance and tax prep. office and flower shop

WEST:

RU-1: Two one story single family residences.

SURROUNDING AREA

The subject property is surrounded by commercial properties, single family and multifamily dwellings.

NEIGHBORHOOD CHARACTERISTICS:

Commercial and multifamily residential neighborhood.

COMMENTS:

Zoning inspection previously conducted on 10/30/2007.

Inspector **RODRIGUEZ, FRANK**

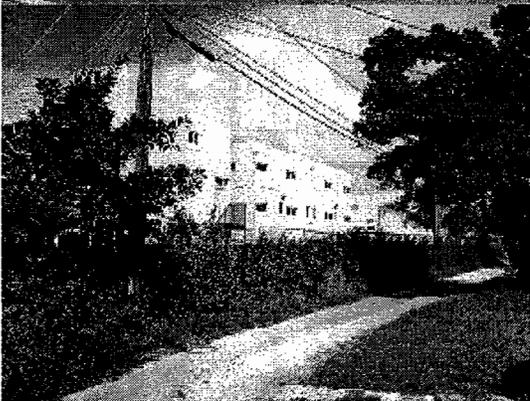
Evaluator **JORGE VITAL**

Process Number: **Z2005000336** Applicant Name **SOLID OAKS, LLC**



Date: 30-OCT-07

Comments: NORTHEAST VIEW OF SHOPPING CENTER TO THE EAST OF SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: NORTHEAST VIEW OF THREE STORY APARTMENT BUILDING TO THE NORTH OF SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: NORTHWEST VIEW OF ONE STORY COMMERCIAL BUILDING NORTH OF SUBJECT PROPERTY.

Inspector **RODRIGUEZ, FRANK**

Evaluator **JORGE VITAL**

Process Number: **Z2005000336** Applicant Name **SOLID OAKS, LLC**



Date: 30-OCT-07

Comments: NORTHWEST VIEW OF WEST PROPERTY LINE.



Date: 30-OCT-07

Comments: SOUTH VIEW OF ONE STORY GARAGE/MAIL BOX BUILDING ON SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: SOUTH VIEW OF SUBJECT PROPERTY AT SOUTHWEST CORNER

Inspector **RODRIGUEZ, FRANK**

Evaluator **JORGE VITAL**

Process Number: **Z2005000336** Applicant Name **SOLID OAKS, LLC**



Date: 30-OCT-07

Comments: SOUTHEAST VIEW OF SHOPPING CENTER TO THE EAST OF SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: SOUTHWEST VIEW OF UTILITY STRUCTURE ON SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: SOUTHWEST VIEW OF COMMERCIAL PROPERTY TO THE SOUTH OF SUBJECT PROPERTY.

Inspector **RODRIGUEZ, FRANK**

Evaluator **JORGE VITAL**

Process Number: **Z2005000336** Applicant Name **SOLID OAKS, LLC**



Date: 30-OCT-07

Comments: WEST VIEW OF MOBILE HOMES ON SUBJECT PROPERTY.



Date: 30-OCT-07

Comments: WEST VIEW OF SUBJECT PROPERTY.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: SOLID OAKS, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Leonardo Seidner, Member</u> <u>19333 Collins Avenue, Unit 2306</u> <u>Sunny Isles Beach, Florida 33160</u>	25%
<u>Harry Seidner, Member</u> <u>3380 North 40th Street</u> <u>Hollywood, Florida 33021</u>	25%
<u>Atlantic Echo, LLC, a Florida limited liability company</u> <u>801 Brickell Avenue, 16th Floor, Miami, Florida 33131</u>	25%
<u>Sion Tesone, Member</u> - <u>5825 Collins Avenue, Unit 10G</u> <u>Miami Beach, FL 33140</u>	50%
<u>Violeta Gomez, Member</u> - <u>16400 N.W. 15th Avenue</u> <u>Miami, Florida 33169</u>	50%
<u>Gabriel's Investments, LLC, a Florida limited liability company</u> <u>3370 N.E. 190th Street, #102, Aventura, Florida 33180</u>	12.5%
<u>Gabriel Markovich, Managing Member</u> - <u>3370 N.E. 190th Street, #102</u> <u>Aventura, Florida 33180</u>	100%
<u>Marks Investments, L.L.C., a Florida limited liability company</u> <u>19195 Mystic Pointe Drive, #107, Aventura, Florida 33180</u>	12.5%
<u>Wendy Marks, Managing Member</u> - <u>19195 Mystic Pointe Drive, #107</u> <u>Aventura, Florida 33180</u>	100%

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

TRUST/ESTATE NAME: Not applicable

NAME AND ADDRESS Percentage of Stock

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Not applicable

NAME AND ADDRESS Percentage of Stock

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

NAME OF PURCHASER: Not applicable

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

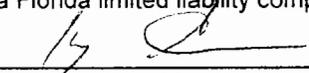
Date of contract: _____

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

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

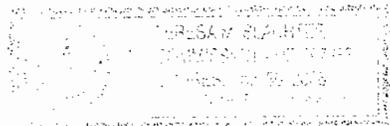
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

BY: **SOLID OAKS, LLC,**
a Florida limited liability company

BY: 
Harry Seidner, Member

Sworn to and subscribed before me this 9th day of August, 2005. Affiant is personally known to me or has produced as identification.

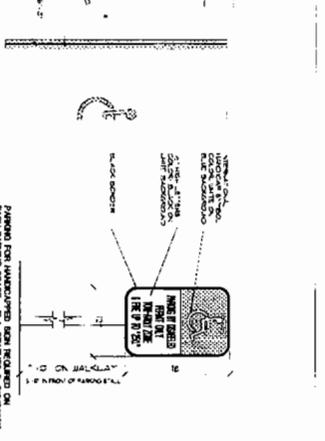
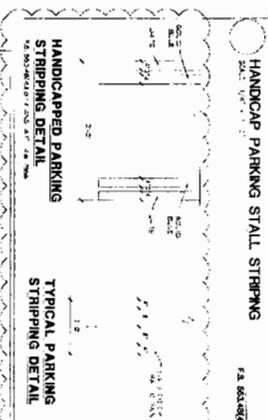
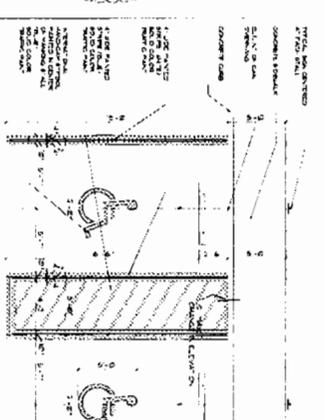

(Notary Public)



My commission expires _____

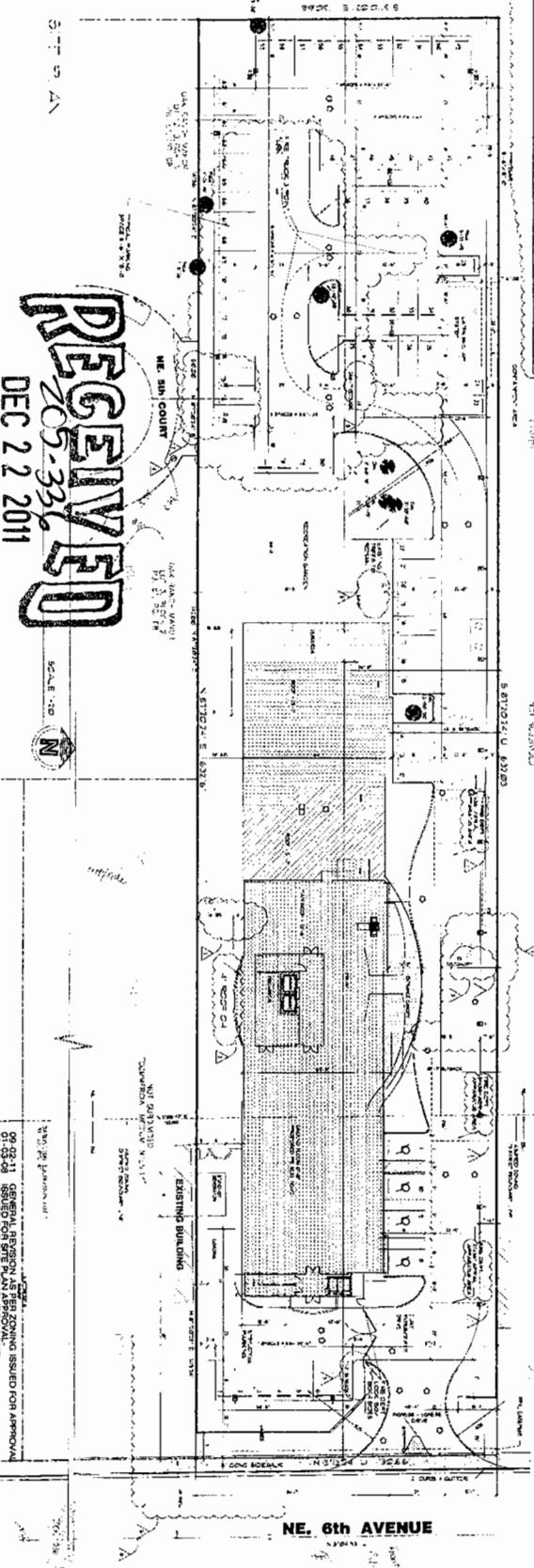
* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

PROJECT NO.	DATE	BY	REVISION
1000000000	11/11/11	AM	1.0
1000000000	11/11/11	AM	1.1
1000000000	11/11/11	AM	1.2
1000000000	11/11/11	AM	1.3
1000000000	11/11/11	AM	1.4
1000000000	11/11/11	AM	1.5
1000000000	11/11/11	AM	1.6
1000000000	11/11/11	AM	1.7
1000000000	11/11/11	AM	1.8
1000000000	11/11/11	AM	1.9
1000000000	11/11/11	AM	2.0
1000000000	11/11/11	AM	2.1
1000000000	11/11/11	AM	2.2
1000000000	11/11/11	AM	2.3
1000000000	11/11/11	AM	2.4
1000000000	11/11/11	AM	2.5
1000000000	11/11/11	AM	2.6
1000000000	11/11/11	AM	2.7
1000000000	11/11/11	AM	2.8
1000000000	11/11/11	AM	2.9
1000000000	11/11/11	AM	3.0
1000000000	11/11/11	AM	3.1
1000000000	11/11/11	AM	3.2
1000000000	11/11/11	AM	3.3
1000000000	11/11/11	AM	3.4
1000000000	11/11/11	AM	3.5
1000000000	11/11/11	AM	3.6
1000000000	11/11/11	AM	3.7
1000000000	11/11/11	AM	3.8
1000000000	11/11/11	AM	3.9
1000000000	11/11/11	AM	4.0
1000000000	11/11/11	AM	4.1
1000000000	11/11/11	AM	4.2
1000000000	11/11/11	AM	4.3
1000000000	11/11/11	AM	4.4
1000000000	11/11/11	AM	4.5
1000000000	11/11/11	AM	4.6
1000000000	11/11/11	AM	4.7
1000000000	11/11/11	AM	4.8
1000000000	11/11/11	AM	4.9
1000000000	11/11/11	AM	5.0
1000000000	11/11/11	AM	5.1
1000000000	11/11/11	AM	5.2
1000000000	11/11/11	AM	5.3
1000000000	11/11/11	AM	5.4
1000000000	11/11/11	AM	5.5
1000000000	11/11/11	AM	5.6
1000000000	11/11/11	AM	5.7
1000000000	11/11/11	AM	5.8
1000000000	11/11/11	AM	5.9
1000000000	11/11/11	AM	6.0
1000000000	11/11/11	AM	6.1
1000000000	11/11/11	AM	6.2
1000000000	11/11/11	AM	6.3
1000000000	11/11/11	AM	6.4
1000000000	11/11/11	AM	6.5
1000000000	11/11/11	AM	6.6
1000000000	11/11/11	AM	6.7
1000000000	11/11/11	AM	6.8
1000000000	11/11/11	AM	6.9
1000000000	11/11/11	AM	7.0
1000000000	11/11/11	AM	7.1
1000000000	11/11/11	AM	7.2
1000000000	11/11/11	AM	7.3
1000000000	11/11/11	AM	7.4
1000000000	11/11/11	AM	7.5
1000000000	11/11/11	AM	7.6
1000000000	11/11/11	AM	7.7
1000000000	11/11/11	AM	7.8
1000000000	11/11/11	AM	7.9
1000000000	11/11/11	AM	8.0
1000000000	11/11/11	AM	8.1
1000000000	11/11/11	AM	8.2
1000000000	11/11/11	AM	8.3
1000000000	11/11/11	AM	8.4
1000000000	11/11/11	AM	8.5
1000000000	11/11/11	AM	8.6
1000000000	11/11/11	AM	8.7
1000000000	11/11/11	AM	8.8
1000000000	11/11/11	AM	8.9
1000000000	11/11/11	AM	9.0
1000000000	11/11/11	AM	9.1
1000000000	11/11/11	AM	9.2
1000000000	11/11/11	AM	9.3
1000000000	11/11/11	AM	9.4
1000000000	11/11/11	AM	9.5
1000000000	11/11/11	AM	9.6
1000000000	11/11/11	AM	9.7
1000000000	11/11/11	AM	9.8
1000000000	11/11/11	AM	9.9
1000000000	11/11/11	AM	10.0



Solid Oaks Residences

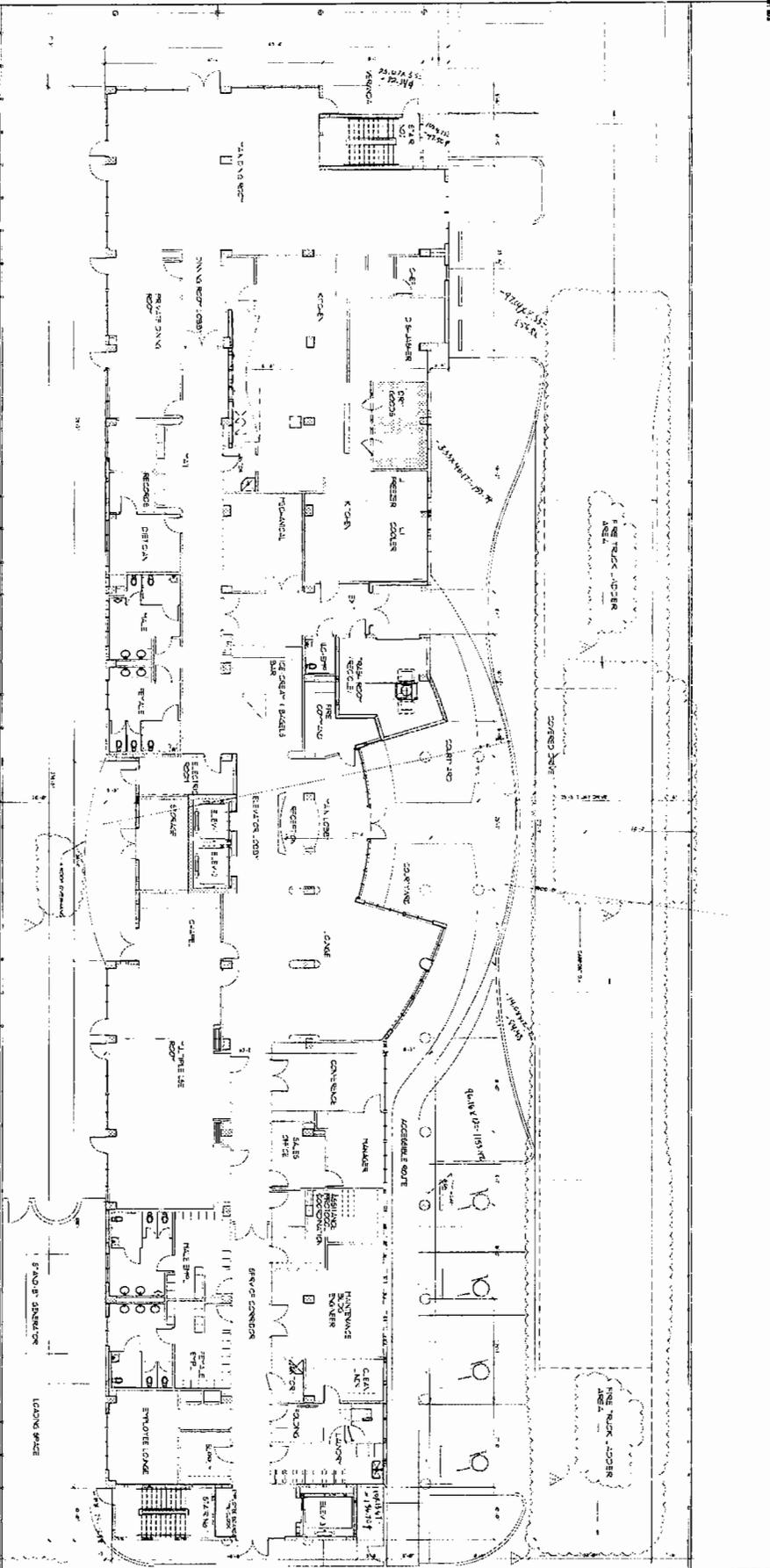
14782 NE 6th Ave
Miami Florida



RECEIVED
 2015-336
 DEC 2 2 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

PROJECT NO.	DATE	BY	REVISION
070804	11/11/11	AM	1.0
070804	11/11/11	AM	1.1
070804	11/11/11	AM	1.2
070804	11/11/11	AM	1.3
070804	11/11/11	AM	1.4
070804	11/11/11	AM	1.5
070804	11/11/11	AM	1.6
070804	11/11/11	AM	1.7
070804	11/11/11	AM	1.8
070804	11/11/11	AM	1.9
070804	11/11/11	AM	2.0
070804	11/11/11	AM	2.1
070804	11/11/11	AM	2.2
070804	11/11/11	AM	2.3
070804	11/11/11	AM	2.4
070804	11/11/11	AM	2.5
070804	11/11/11	AM	2.6
070804	11/11/11	AM	2.7
070804	11/11/11	AM	2.8
070804	11/11/11	AM	2.9
070804	11/11/11	AM	3.0
070804	11/11/11	AM	3.1
070804	11/11/11	AM	3.2
070804	11/11/11	AM	3.3
070804	11/11/11	AM	3.4
070804	11/11/11	AM	3.5
070804	11/11/11	AM	3.6
070804	11/11/11	AM	3.7
070804	11/11/11	AM	3.8
070804	11/11/11	AM	3.9
070804	11/11/11	AM	4.0
070804	11/11/11	AM	4.1
070804	11/11/11	AM	4.2
070804	11/11/11	AM	4.3
070804	11/11/11	AM	4.4
070804	11/11/11	AM	4.5
070804	11/11/11	AM	4.6
070804	11/11/11	AM	4.7
070804	11/11/11	AM	4.8
070804	11/11/11	AM	4.9
070804	11/11/11	AM	5.0
070804	11/11/11	AM	5.1
070804	11/11/11	AM	5.2
070804	11/11/11	AM	5.3
070804	11/11/11	AM	5.4
070804	11/11/11	AM	5.5
070804	11/11/11	AM	5.6
070804	11/11/11	AM	5.7
070804	11/11/11	AM	5.8
070804	11/11/11	AM	5.9
070804	11/11/11	AM	6.0
070804	11/11/11	AM	6.1
070804	11/11/11	AM	6.2
070804	11/11/11	AM	6.3
070804	11/11/11	AM	6.4
070804	11/11/11	AM	6.5
070804	11/11/11	AM	6.6
070804	11/11/11	AM	6.7
070804	11/11/11	AM	6.8
070804	11/11/11	AM	6.9
070804	11/11/11	AM	7.0
070804	11/11/11	AM	7.1
070804	11/11/11	AM	7.2
070804	11/11/11	AM	7.3
070804	11/11/11	AM	7.4
070804	11/11/11	AM	7.5
070804	11/11/11	AM	7.6
070804	11/11/11	AM	7.7
070804	11/11/11	AM	7.8
070804	11/11/11	AM	7.9
070804	11/11/11	AM	8.0
070804	11/11/11	AM	8.1
070804	11/11/11	AM	8.2
070804	11/11/11	AM	8.3
070804	11/11/11	AM	8.4
070804	11/11/11	AM	8.5
070804	11/11/11	AM	8.6
070804	11/11/11	AM	8.7
070804	11/11/11	AM	8.8
070804	11/11/11	AM	8.9
070804	11/11/11	AM	9.0
070804	11/11/11	AM	9.1
070804	11/11/11	AM	9.2
070804	11/11/11	AM	9.3
070804	11/11/11	AM	9.4
070804	11/11/11	AM	9.5
070804	11/11/11	AM	9.6
070804	11/11/11	AM	9.7
070804	11/11/11	AM	9.8
070804	11/11/11	AM	9.9
070804	11/11/11	AM	10.0



GROUND FLOOR

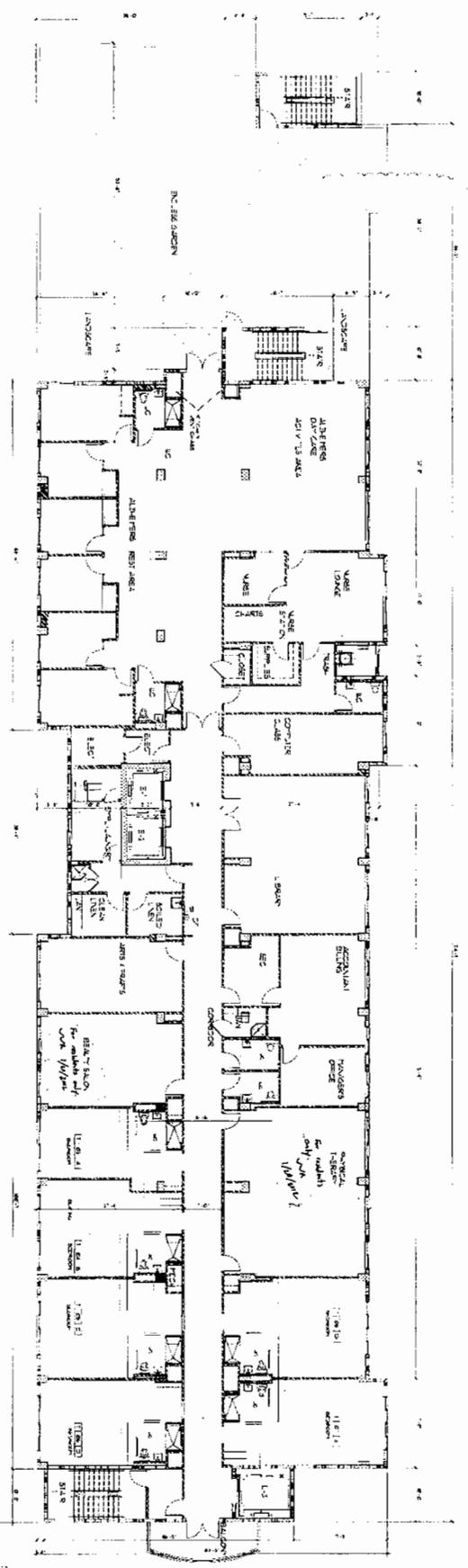
RECEIVED
 DEC 22 2011

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

SCALE: 1/8" = 1'-0"
 278 424 74.56 : 294.56 11
 264.5 21
 17,985.52

08-03-11 GENERAL PERMITS & RES. ZONING ISSUED FOR APPROVAL.
 07-03-08 ISSUED FOR SITE PLAN APPROVAL.
 08-27-07 ISSUED FOR CLIENT REVIEW.
 08-15-07 ISSUED FOR CLIENT REVIEW.

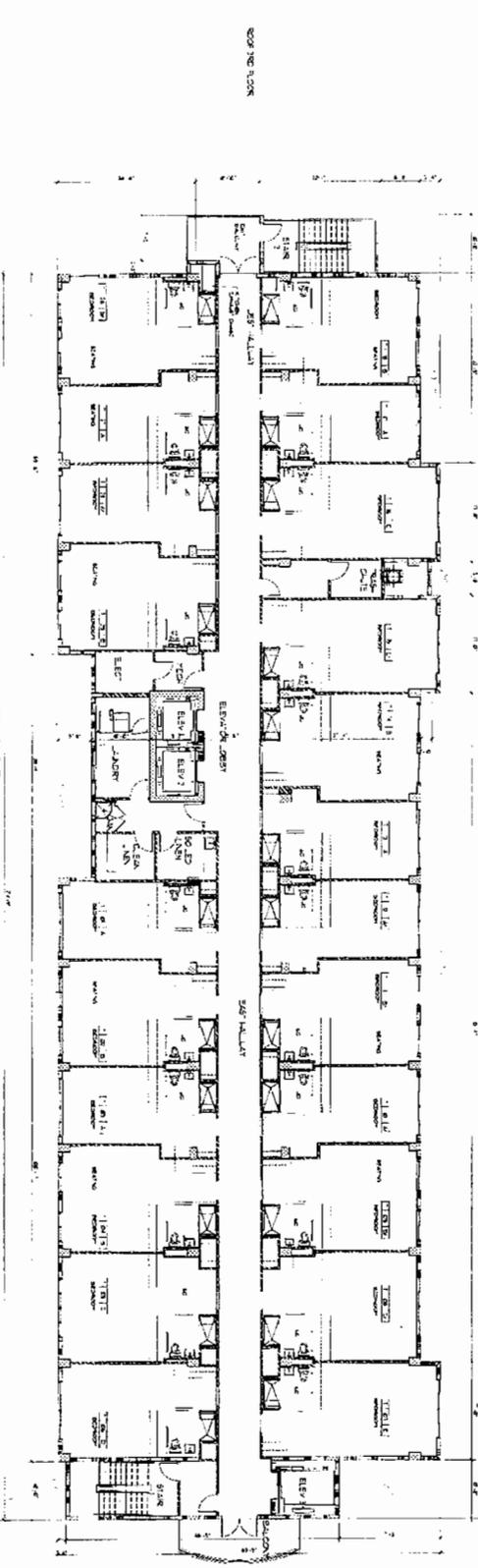
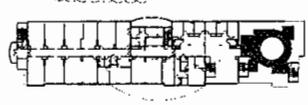
<p>OWNER: Ardenlynn Inc 10000 SW 11th St Miami, FL 33156 (305) 555-1111</p>		<p>mejer optin oio created: 30.1.2009 11/18/11</p>	
<p>PROJECT: RESIDENCES AT SOLD OAKS ASSISTED LIVING</p>		<p>DATE: 070604</p>	
<p>PLAN: A-21</p>		<p>DATE: 11 18</p>	



3RD FLOOR PLAN



KEY PLAN



4TH FLOOR PLAN



RECEIVED
 205-336
 DEC 22 2011

SCALE: 1/8" = 1'-0"
 GENERAL: GENERAL AS PER ZONING CODE FOR APPROVAL
 07-03-11 ISSUED FOR SITE PLAN APPROVAL
 05-24-07 ISSUED FOR CLIENT REVIEW
 05-15-07 ISSUED FOR CLIENT REVIEW

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

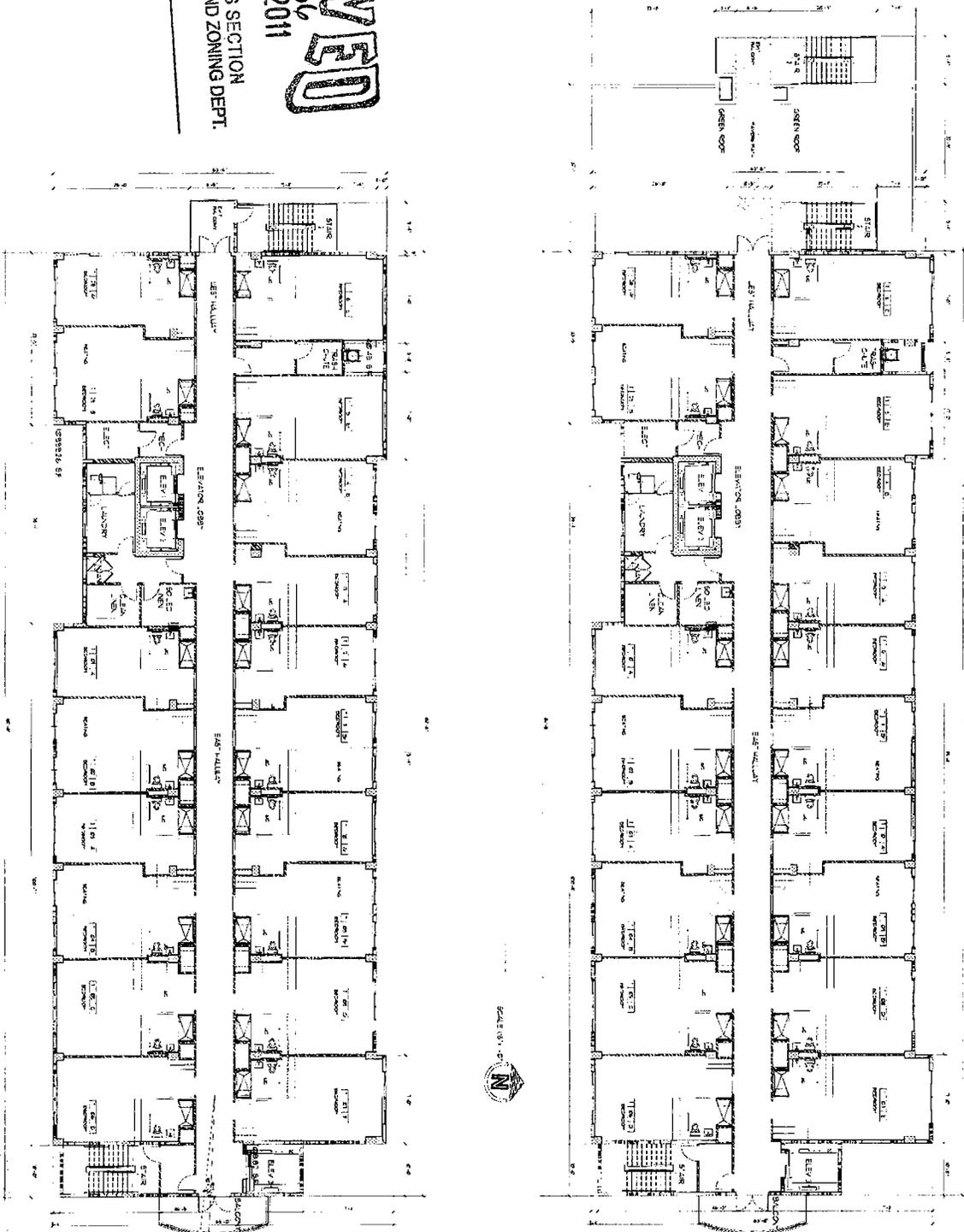
<p>070604</p>		<p>RESIDENCES AT SOLD OAKS</p>	
<p>3RD FLOOR PLAN</p>		<p>4TH FLOOR PLAN</p>	
<p>070604</p>		<p>070604</p>	
<p>A-2.3</p>		<p>11 18</p>	

RECEIVED
 205-336
 DEC 22 2011

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

5TH FLOOR PLAN

5TH FLOOR PLAN



SCALE: 1/8" = 1'-0"



08-25-11 GENERAL DESIGN AS PER ZONING ISSUED FOR APPROVAL
 08-27-07 ISSUED FOR PERMITS
 08-24-07 ISSUED FOR CONSTRUCTION
 08-14-07 ISSUED FOR CONSTRUCTION

DATE: 10-20-11

PROJECT NO.	070604
DATE	11/18
REV.	A-24
DATE	11/18

5TH FLOOR PLAN
 6TH FLOOR PLAN

RESIDENCES AT
 SOLID OAKS

1000 S.W. 25TH AVENUE
 MIAMI, FL 33135

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

ARTISIGN INC.

11111 N.W. 11TH AVENUE
 SUITE 1000
 MIAMI, FL 33158

TEL: 305.444.1111
 FAX: 305.444.1112

WWW.ARTISIGN.COM

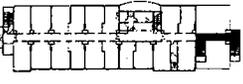
06

Artisign Inc
 11111 N.W. 11th Avenue
 Suite 1000
 Miami, FL 33158
 Tel: 305.444.1111
 Fax: 305.444.1112
 www.artisign.com

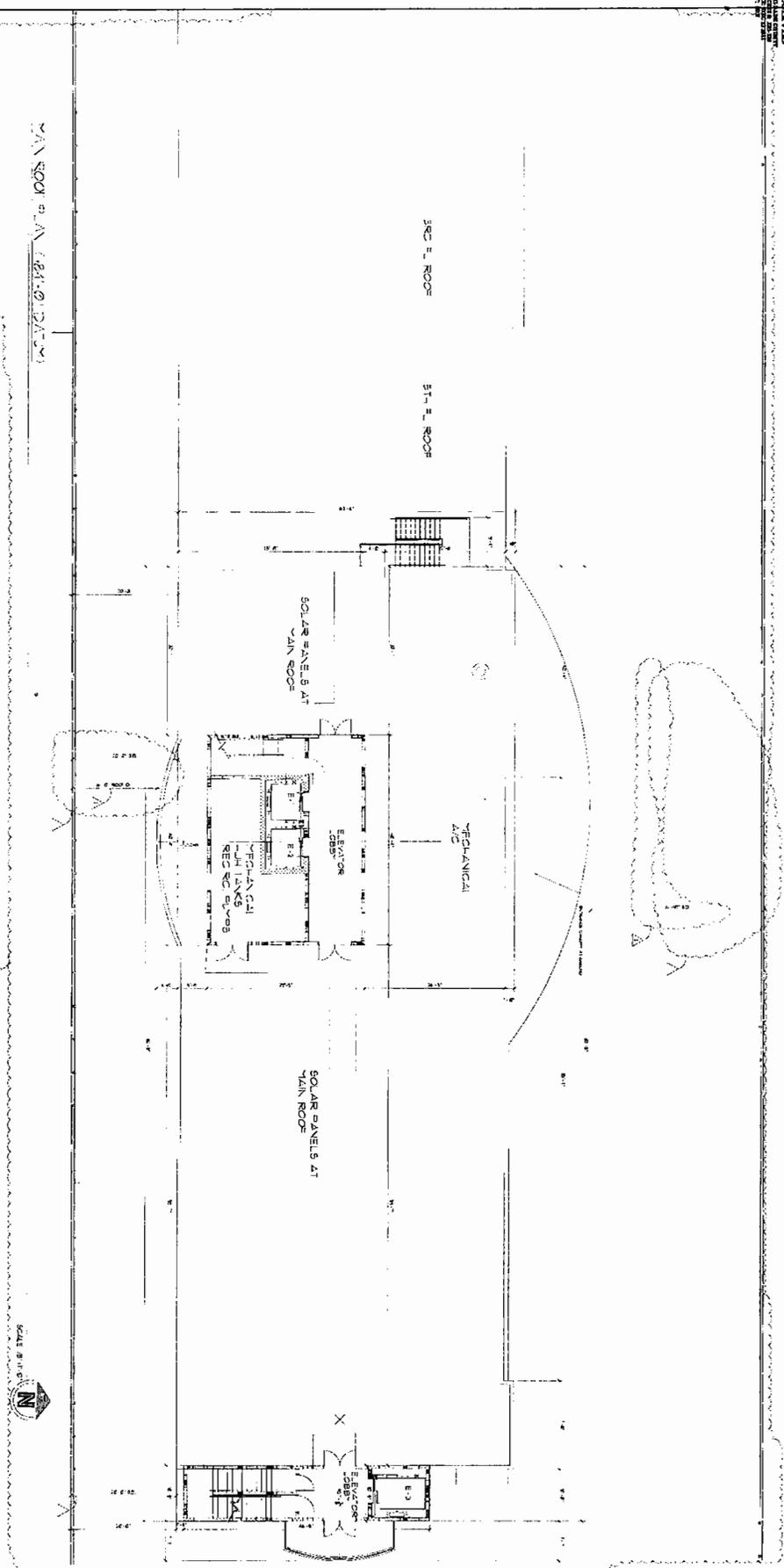
Mejor Goan, AIA
 11111 N.W. 11th Avenue
 Suite 1000
 Miami, FL 33158
 Tel: 305.444.1111
 Fax: 305.444.1112
 www.artisign.com

OWNER
 11111 N.W. 11th Avenue
 Suite 1000
 Miami, FL 33158
 Tel: 305.444.1111
 Fax: 305.444.1112
 www.artisign.com

NOTES



KEY PLAN



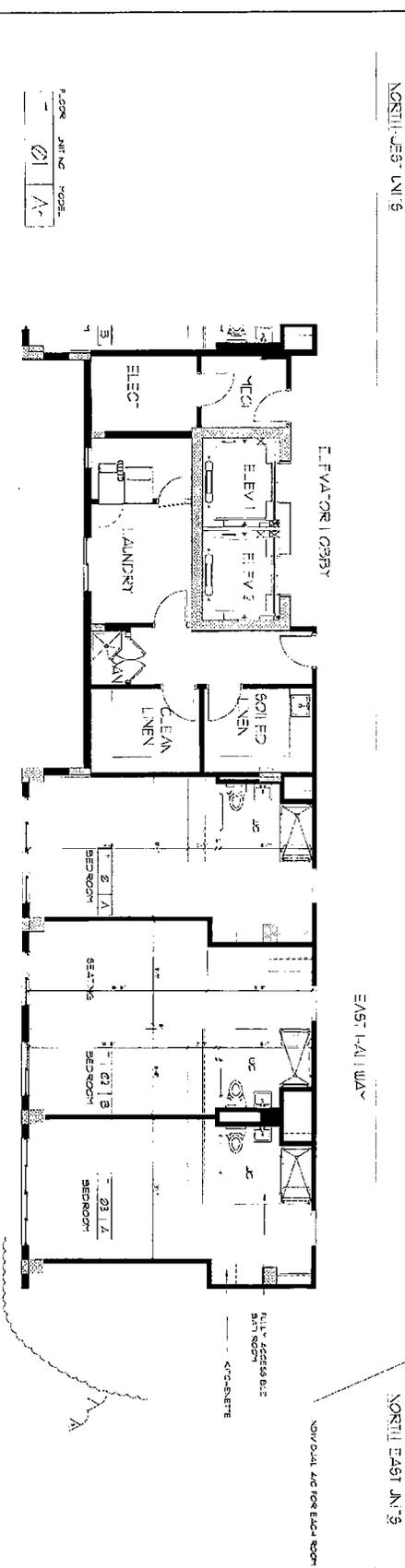
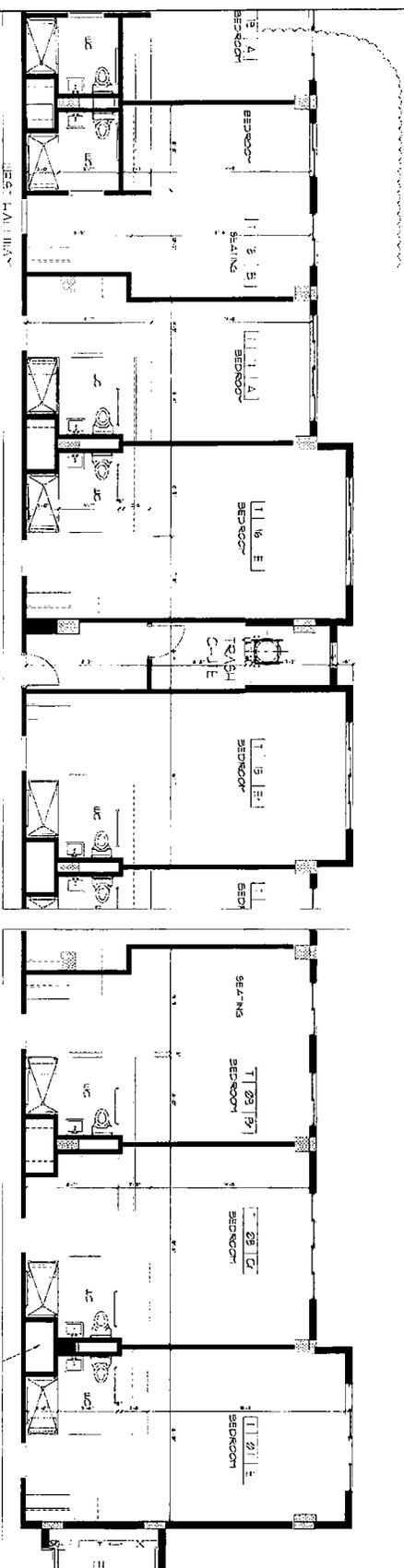
RECEIVED
 Z05-336
 DEC 22 2011

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

09-22-11 GENERAL REVISION AS PER ZONING ISSUED FOR APPROVAL.
 06-22-11 ISSUED FOR SITE PLAN APPROVAL.
 08-24-07 ISSUED FOR CLIENT REVIEW.
 08-19-07 ISSUED FOR CLIENT REVIEW.

P-07120 - 8-3-11

OWNER: CITICORP INC meyer govin oia 610 S 105TH AVE SW ATLANTA GA 30328	
NOTES: 1. THIS PLAN IS THE PROPERTY OF CITICORP INC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CITICORP INC.	
KEY PLAN 	
PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING	
DATE: 11/18/11	
SCALE: AS SHOWN	
PROJECT NO.: 070604	
DATE: 11/18/11	
BY: SA	
PROJECT NO.: 070604	
DATE: 11/18/11	



RECEIVED
 205-336
 DEC 22 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

08-23-11 GENERAL PERMITS AS PER ZONING ISSUED FOR APPROVAL
 09-23-07 ISSUED FOR PERMITS APPLICATION COME
 05-15-07 ISSUED FOR CLIENT REVIEW

archidign inc
 meyer govin did
 675 N.W. 18th St., Suite 100
 Miami, FL 33136
 305.371.1111
 www.archidign.com

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 4. ALL WINDOWS ARE 60" WIDE UNLESS NOTED OTHERWISE.
 5. ALL CEILING HEIGHTS ARE 8' UNLESS NOTED OTHERWISE.
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
 10. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 4. ALL WINDOWS ARE 60" WIDE UNLESS NOTED OTHERWISE.
 5. ALL CEILING HEIGHTS ARE 8' UNLESS NOTED OTHERWISE.
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
 10. ALL MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

KEY PLAN

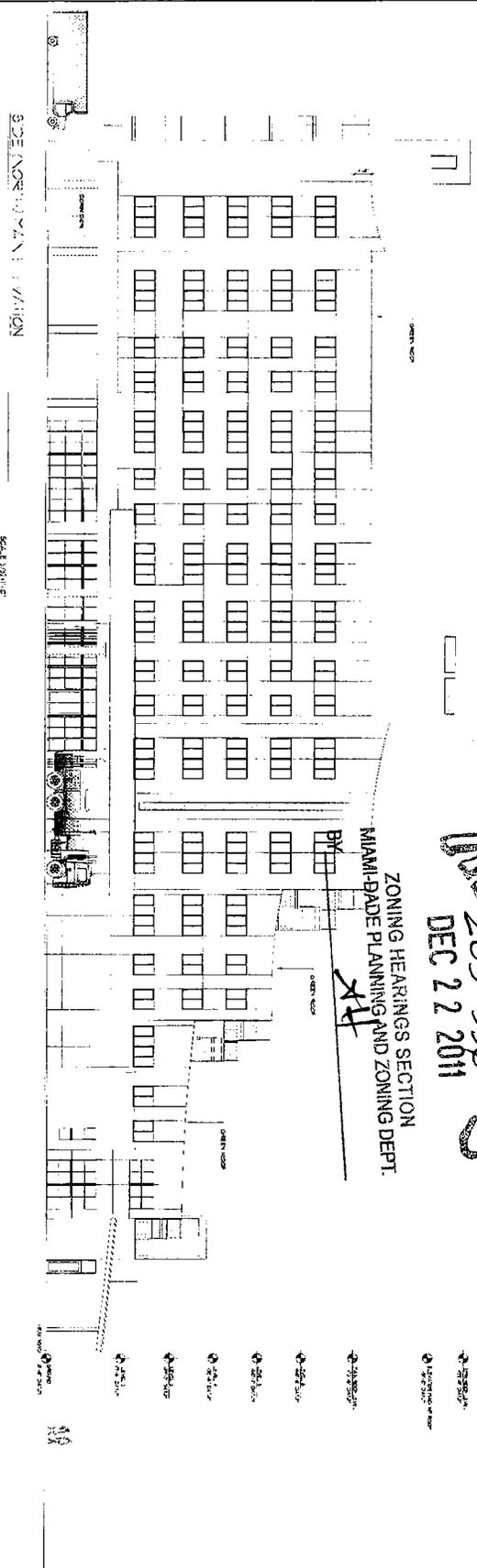
TYPICAL UNITS
 UNIT NO. 070604
 UNIT TYPE A-3
 UNIT AREA 1118 SQ. FT.
 UNIT PRICE \$118,000.00

RESIDENCES AT SOLD OMS

42

RECEIVED
 205-336
 DEC 22 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 XL



09-02-11 GENERAL REVISION AS PER ZONING ISSUED FOR APPROVAL.
 01-03-08 ISSUED FOR SITE PLAN APPROVAL.
 02-24-07 ISSUED FOR CLIENT REVIEW.
 03-13-07 ISSUED FOR CLIENT REVIEW.

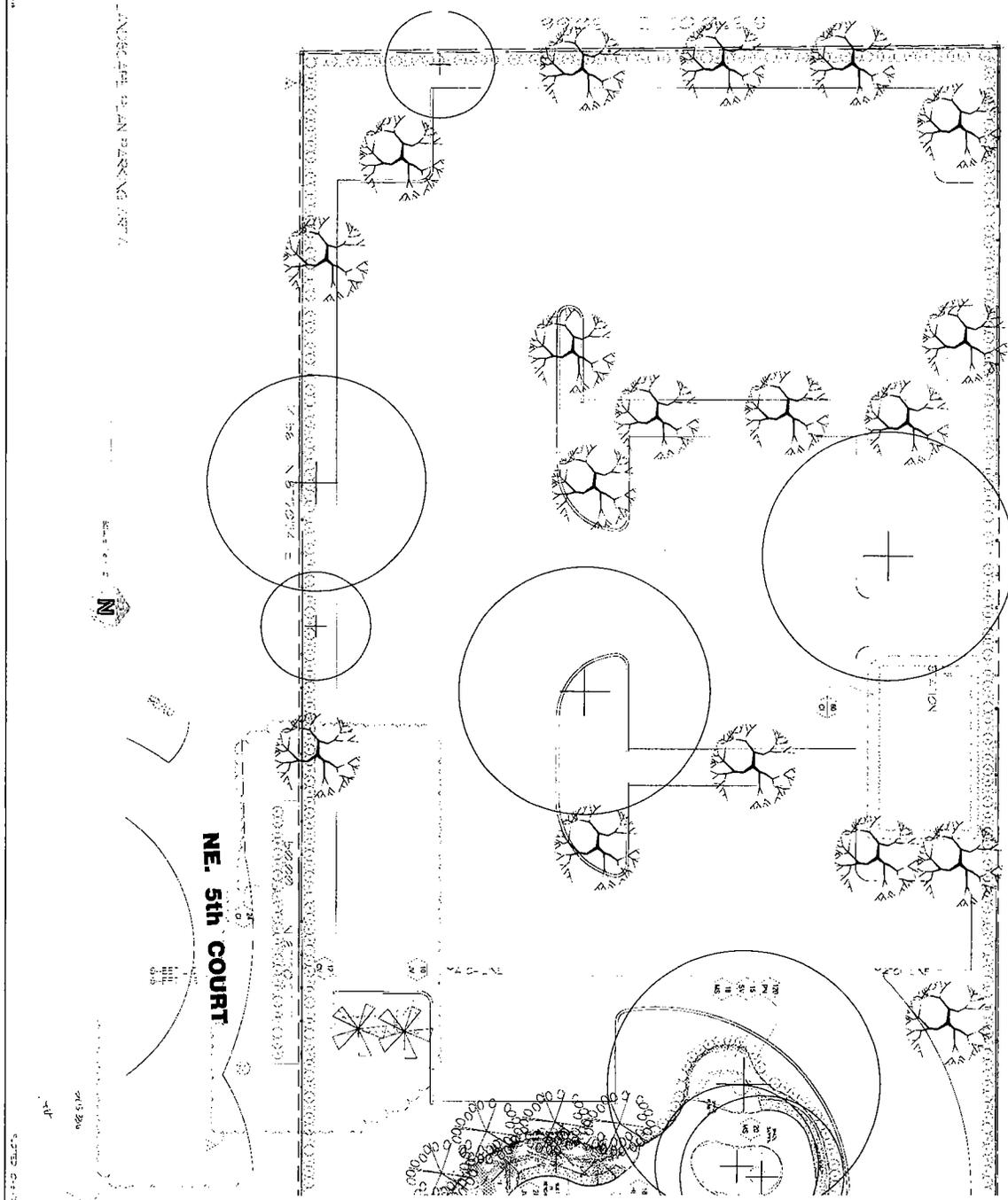
<p>OWNER: CRITERION INC. meyer gorn olin 370 N.E. 15 ST. SA. 3000 MIAMI, FL 33132 (305) 571-8800 MEYER@CRITERIONINC.COM</p>	
<p>NOTES:</p>	
<p>KEY PLAN</p>	
<p>RESIDENCES AT SOLID OAKS</p>	
<p>NORTH & SOUTH ELEVATIONS</p>	
<p>PROJECT NO: 070604</p>	<p>DATE: 11/18</p>

NO.	SYMBOL	PLANT NAME	COMMON NAME	HEIGHT	SPREAD
6	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
25	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
28	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
2	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
34	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
17	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
20	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
17	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
40	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
15	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
100	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
92	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
80	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
23	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
138	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
62	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
502	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
117	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
198	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
2	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
771	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
1616	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
160	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
14	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
772	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
158	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
200	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
18	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
1000	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
74	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
150	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
12	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
488	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
34	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
192	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
7	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
346	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
20	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S
100	☆	Camellia japonica	Camellia	18-24 FT. H	8-12 FT. S

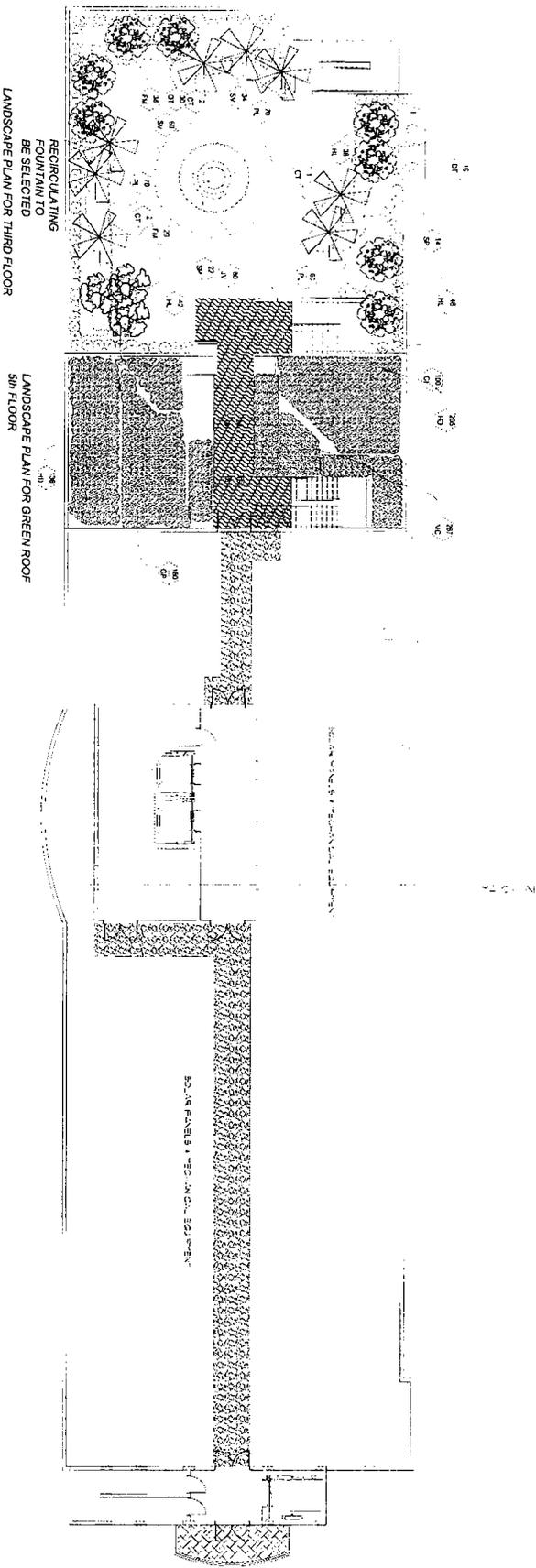
RECEIVED

205-336
DEC 22 2011

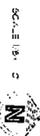
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT



OWNER: meyer goin old		DATE: 11/15/11	
PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING		SHEET NO. 5	
DRAWN BY: AT		SCALE: 1" = 20'	
PROJECT NO. 070604		DATE: 11/15/11	
PROJECT NAME: RESIDENCES AT SOLID OAKS ASSISTED LIVING		SHEET NO. 5	
PROJECT ADDRESS: 11000 SW 11th St, Miami, FL 33156		SHEET NO. 5	
PROJECT CONTACT: MEYER GOIN OLD		SHEET NO. 5	
PROJECT PHONE: (305) 336-1111		SHEET NO. 5	
PROJECT FAX: (305) 336-1111		SHEET NO. 5	
PROJECT EMAIL: meyer@meiergoin.com		SHEET NO. 5	
PROJECT WEBSITE: www.meyergoin.com		SHEET NO. 5	
PROJECT ADDRESS: 11000 SW 11th St, Miami, FL 33156		SHEET NO. 5	
PROJECT CONTACT: MEYER GOIN OLD		SHEET NO. 5	
PROJECT PHONE: (305) 336-1111		SHEET NO. 5	
PROJECT FAX: (305) 336-1111		SHEET NO. 5	
PROJECT EMAIL: meyer@meiergoin.com		SHEET NO. 5	
PROJECT WEBSITE: www.meyergoin.com		SHEET NO. 5	



LANDSCAPE PLAN FOR 3RD FLOOR
 LANDSCAPE PLAN FOR 4TH FLOOR
 LANDSCAPE PLAN FOR 5TH FLOOR



RECEIVED
 205-336
 DEC 22 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XF

SCALE: 1/8" = 1'-0" N

<p>OWNER ckr/ide/gn inc 1800 NW 10th St Miami, FL 33136 (305) 571-1390 meyer.gorin@ckr-ide-gn.com</p>		<p>DATE 12/22/11</p>	
<p>PROJECT LANDSCAPE PLAN 3RD & 5TH FL & MAIN ROOF MECH. ROOF</p>		<p>SCALE 1/8" = 1'-0"</p>	
<p>NOTES</p>		<p>DATE 12/22/11</p>	
<p>REVISIONS</p>		<p>DATE 12/22/11</p>	
<p>APPROVED</p>		<p>DATE 12/22/11</p>	
<p>DESIGNED</p>		<p>DATE 12/22/11</p>	
<p>DRAWN</p>		<p>DATE 12/22/11</p>	
<p>CHECKED</p>		<p>DATE 12/22/11</p>	
<p>DATE 12/22/11</p>		<p>DATE 12/22/11</p>	

50

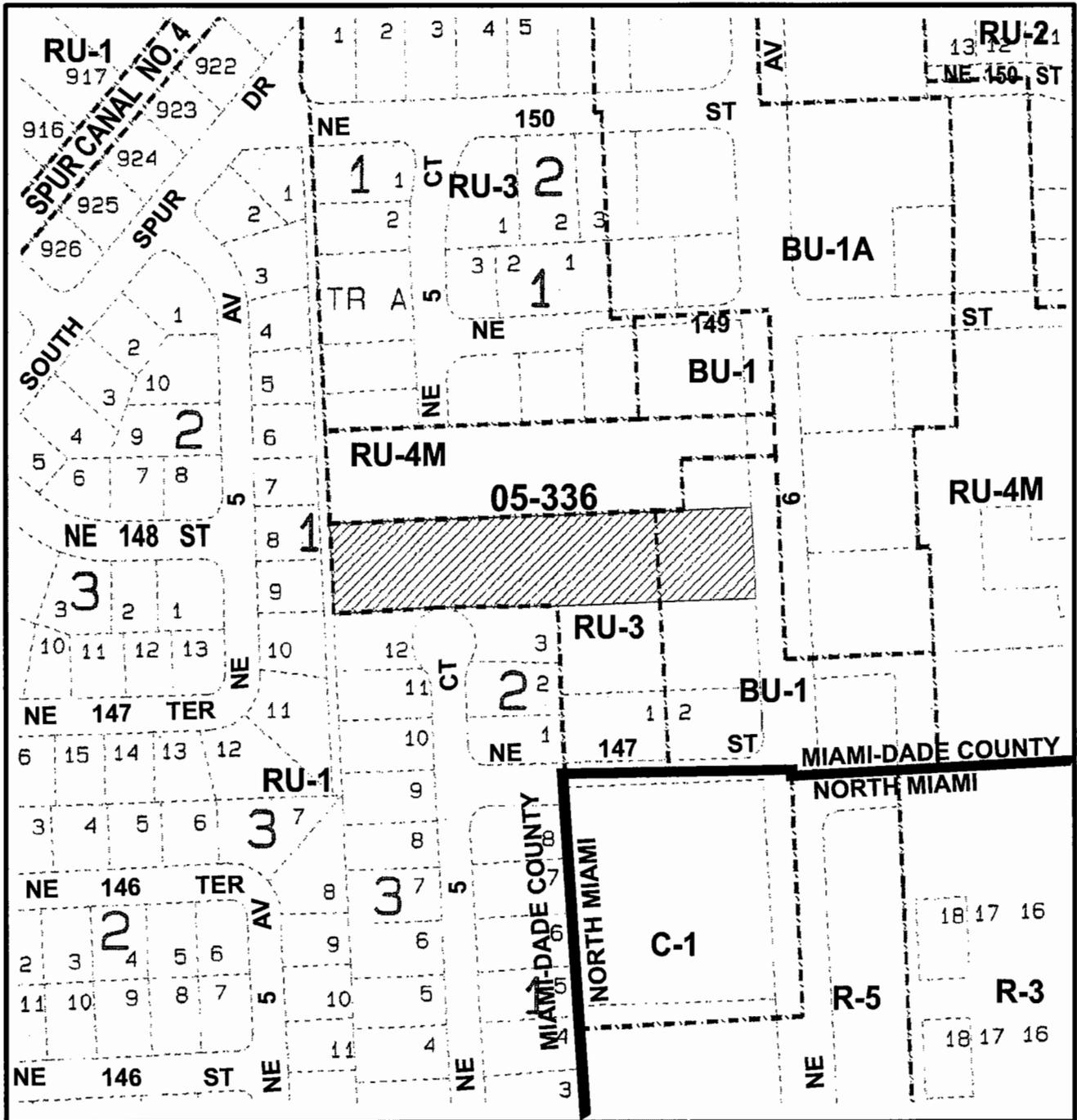


MIAMI-DADE COUNTY
AERIAL

Section: 19 Township: 52 Range:42
Process Number: 05-336
Applicant: SOLID OAKS LLC
Zoning Board: C08
District Number: 2
Drafter ID: KEELING
Scale: NTS

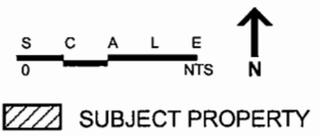
SCALE
0 NTS N


 SUBJECT PROPERTY



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 19 Township: 52 Range:42
 Process Number: 05-336
 Applicant: SOLID OAKS LLC
 Zoning Board: C08
 District Number: 2
 Drafter ID: KEELING
 Scale: 1:200'



This instrument was prepared by:
William W. Riley, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, Suite 2300
Miami, Florida 33131

PLANNING AND ZONING
AGENDA OFFICE

2012 APR 11 P 3:26

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, ("County") described in Exhibit "A," attached hereto, and hereinafter referred to as the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owners during consideration of Public Hearing No. 05-336 ("Application") will be abided by, the Owner freely, voluntarily and without duress make the following declaration of restrictions ("Declaration") covering and running with the Property:

- (1) **Development Plan.** The Property shall be developed substantially in accordance with the plans previously submitted to the County. Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs or its successor Department ("Department") entitled "Solid Oaks Residences," as prepared by Arkidesign, Inc., containing 10 sheets dated last revised 09-02-11 and entitled "Residences at Solid oaks Asisted Living," as prepared by Witkin Hults Design Group, containing 5 sheets dated last revised 10/31/11 for a total of 15 sheets. Said plans being on file with the Department and by reference made a part of this Declaration.
- (2) **Use Restriction.** Notwithstanding the uses permitted in the RU-4M zoning district by Chapter 33 of the Code of Miami-Dade County, Florida, use of the Property shall be restricted to a home for the aged. As used herein, aged person means any person age sixty (60) or over who is currently a resident of the State of Florida and/or who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.
- (3) **Density Restriction.** Notwithstanding the eligible development density permitted by the Miami-Dade County Comprehensive Development Master Plan and Chapter 33, Miami-

(Public Hearing)

Dade County code of Ordinances, the Property's development density shall be limited to a maximum of 69 residential units to accommodate a maximum of 122 occupants.

- (4) **Mitigation to Relocated Residents.** In addition to the provisions of Section 723.06116, Florida Statutes (2011), Owner shall provide a voluntary contribution of \$1,000.00 to the owner(s) of each mobile home unit on the Property, with a limitation of one contribution for each unit regardless of the number of unit owners, when said unit owner vacates the premises, provided that all of the following conditions are satisfied: (1) the reason for vacating the premises is to permit construction of the Development Plan, (2) the unit owner is not delinquent on rent payments at the time of vacating the premises, and (3) the vacation is not a result of a court action.
- (5) **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the Owners are complying with the requirements of the zoning regulations and the conditions in this Declaration.
- (6) **Covenant Running with the Land.** This Declaration on the part of the Owners shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the Owners, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the County and the public welfare. Owners acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- (7) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the County.
- (8) **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.
- (9) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining

(Public Hearing)

to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

- (10) **Authorization for the County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as Owners comply with this Declaration.
- (11) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (12) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (13) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion
- (14) **Recording.** This Declaration shall be filed of record in the public records of the County, at Owners expense following the final approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, and upon written request, the Director of the Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

(Public Hearing)

EXHIBIT "A"

The North 130.663 feet of the South 394.663 feet of the Southeast 1/4, of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 52 South, Range 42 East, lying and being in Miami-Dade County, Florida; less the East 35 feet thereof, conveyed to Miami-Dade County.

Containing 82,588 square feet. 1.9 acres more or less by calculations.

Property Address: 14752 NE. 6th Avenue, Miami Florida
Folio No. 30-2219-000-0740

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department
Staff Report to Community Council No. 8**

PH: Z10-052 (12-4-CZ8-1)

April 18, 2012

Item No. 2

Recommendation Summary	
Commission District	2
Applicant	Bright Star Missionary Baptist Church, Inc.
Summary of Requests	The applicant is seeking approval to expand the existing religious facility use onto additional property; to allow said facility with reduced setbacks from the property lines; and to permit the facility without the required parking spaces. Additionally, the applicant seeks to waive the requirement for a dissimilar land use buffer along property lines; to permit a 0.6% increase in the F.A.R. for the development and waive the requirement for a decorative wall between the BU and RU zoned portions of the subject property.
Location	8201 NW 22 Avenue, Miami-Dade County, Florida.
Property Size	0.34 acres
Existing Zoning	RU-1 and BU-2
Existing Land Use	Church
2015-2025 CDMP Land Use Designation	Business and Office Low Density Residential, 2.5 - 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a religious facility.
- (2) NON-USE VARIANCE to permit the proposed religious facility with a lot coverage of 51.6% (30% maximum permitted).
- (3) NON-USE VARIANCE of setback requirements to permit the proposed religious facility to setback 20' from the rear (east) property line, setback varying from 0' to 20'-11" from the interior side (north) property line and setback 5' from the interior side (west) property line (50' required for each)
- (4) NON-USE VARIANCE to permit the proposed religious facility to setback 20' from the front (west) property line and setback 15' from the side street (south) property line (25' minimum required).
- (5) NON-USE VARIANCE of spacing requirements to permit the proposed religious facility to be spaced less than the required 75' from existing residential buildings to the north and east of the subject property.

- (6) NON-USE VARIANCE of zoning regulations to waive the required 5' wide dissimilar land use buffer including a 6' high wall, fence or hedge and buffer trees along the rear (east) and interior side (north) property lines.
- (7) NON-USE VARIANCE of landscaping requirements to permit four (4) street trees (nine (9) street trees required).
- (8) NON-USE VARIANCE of zoning regulations requiring a 5' high decorative masonry wall along the common property line of the business lot when it abuts RU zoned property (to waive same).
- (9) NON-USE VARIANCE to permit 0 parking spaces (45 parking spaces required).

The aforementioned plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Bright Star M.B. Church" as prepared by A+S Architects, Planners P.A., sheets A.O & A.4 dated stamped received January 10, 2012 and sheets A.2 & A.3 dated stamped received May 31, 2011 for a total of four (4) sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plans submitted depict the proposed two story, 15,500 sq. ft. religious facility containing a sanctuary, fellowship hall, offices and ancillary facilities.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; vacant land BU-2: church	Low Density Residential (2.5 to 6 dua) Business and Office
North	RU-1; single-family residences BU-2: car wash	Low Density Residential (2.5 to 6 dua) Business and Office
South	RU-1; single-family residences BU-2: church	Low Density Residential (2.5 to 6 dua) Business and Office
East	RU-1: single-family residence	Low Density Residential (2.5 to 6 dua)
West	BU-3; auto repair shop	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The submitted plans depict the proposed two-story religious facility building at a maximum height of 33'. The surrounding area is made up of mainly single-story residences located to the east and partially to the north and south. To the west and partially to the north and south is a carwash facility and a similar religious facility.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to continue to provide the community with expanded religious services. However, the approval of the proposed expansion of the religious facility with encroachments into the setback areas on the subject property could have negative visual and noise impacts on the abutting residential uses. Additionally, the lack of parking on the subject property could result in a spillage of parking onto the abutting right-of-way that could have a negative impact on traffic along NW 22 Avenue and NW 82 Street.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the west approximately 110' of the subject property for **Business and Office** use. The CDMP Land Use Element interpretative text for the Business and Office land use category provides for the accommodation of *the full range of sales and service activities*. Further, said Land Use Element interpretative text for Institutions, Utilities and Communications, states that **Neighborhood or community-serving institutional uses, may be approved where compatible in all urban land use categories**. The existing one-story, 1,777 square foot church is located on the portion of the property that is designated for Business and Office use and is zoned BU-2, Special Business District. This zoning district permits religious facilities such as the church. As such, the existing religious facility use is **compatible** with the uses allowed in the BU-2 zoning district and is **consistent** with the CDMP Business and Office LUP map designation.

The remaining eastern portion of the subject property, approximately 100' long, is designated for **Low Density Residential** use. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.*

The applicant now seeks approval to expand the religious facility use onto the portion of the subject parcel located to the east that is designated for Low Density Residential use. Additionally, the applicant also seeks the approval of variances to the setbacks for the religious facility which is classified as a public assemblage use in the Code ((Section 33-17), and a variance of the parking regulations within the RU-1, Single-Family Residential zoning district, which result from the expansion of the religious facility use. The CDMP Land Use Element Interpretative text under *Residential Communities* also permits *neighborhood and community services such as houses of worship, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood*. The criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are *access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable*. Further, CDMP Land Use Element, **Policy LU-4D** states that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements*.

Staff opines that the proposed 33' high, two-story, 15,500 sq. ft. religious facility would be out of scale with the abutting single-story residential uses located to the north, east and south. Further, as explained further below, staff opines that the scale of the proposed development,

when combined with the encroachment of the public assemblage uses and lack of on-site parking, will have negative visual, noise and traffic impacts on the surrounding community. As such, staff opines that the proposed expansion of the religious facility uses onto the portion of the property designated for **Low Density Residential** use is **incompatible** with the area and therefore **inconsistent** with the CDMP Land Use Element interpretative text for the **Residential Communities** and CDMP Land Use Element **Policy LU-4D**, based on the criteria set forth in **Policy LU-4A**.

ZONING ANALYSIS:

When request #1, to expand the existing religious facility onto additional property located to the east, is reviewed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses, staff opines that the approval of this request would be **incompatible** with the surrounding residential uses. Based on memoranda from the Environmental Division of the Permitting, Environment and Regulatory Affairs (PERA) Department, Miami-Dade Fire Rescue Department (MDFRD) and the Public Works and Waste Management (PWWM) Department, staff notes that the proposed expansion would not cause undue or excessive burden on public facilities, tend to create a fire or other equally or greater dangerous hazards, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area concerned. Although the proposed expansion of the religious facility is theoretically compatible with the surrounding residential uses within the RU-1 zoning district, staff opines, that based on the submitted plans, the use and scale of the proposed development on the 0.34-acre site would be overly intensive. The plans indicate encroachments for the building of public assemblage and the complete lack of on-site parking. Staff opines that the approval of the applied for exception could result in excessive noise or traffic and will have a negative visual impact on the area. Therefore, when considering the compatibility of the applied for exception with such area and its development, staff opines that approval of the proposed expansion would be **incompatible** with same. **Therefore, staff recommends denial without prejudice of request #1, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

When requests #2 through #5 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards, staff opines that approval of these requests would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. Staff opines that the applicant's request to develop the property at 1.72 times of the allowed lot coverage by the Code (request #2) is evidence of the over intensive development of the subject property.

Requests #3 through #5 pertain to the physical setback encroachments of the proposed expansion of the religious facility, which is categorized as a building of public assemblage by the zoning code (Section 33-17). Request #3 pertains to the setback requirements from a property line under different ownership to the north, east and partially to the west; request #4 pertains to the setback of the religious facility from the right-of-way lines and request #5 pertains to the spacing from existing residential buildings to the north and east. Staff opines that the aforementioned requests are evidence that the proposed development is overly intensive for the 0.34-acre subject property and are not sufficiently spaced from the property lines or the existing surrounding residences. In staff's opinion, approval of these requests would create negative noise and visual impacts on the abutting residential developments to the north, east and south. Therefore staff opines that approval of these requests would affect the stability and appearance

of the community and would be **incompatible** with same. **Staff therefore recommends denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(b), NUV Standards.**

When requests #6 through #8 are analyzed under Section 33-311(A)(4)(b), NUV Standards, staff opines that approval of requests to waive the dissimilar land use buffer (request #6); to permit less street trees than required (request #7); and the waiver of the decorative masonry wall between a BU and RU zoned lot (request #8), would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Said requests pertain to the visual buffering of the proposed development from the single-story, single-family residences located to the north and east and south. As previously noted, the proposed development includes a two-story, 15,500 sq. ft. religious facility containing a sanctuary, fellowship hall, offices and other ancillary uses. Staff previously opined that the development is overly intensive and out of scale in comparison to the surrounding single-story, residential developments. Therefore, in staff's opinion, approval of requests #6 and #7, to waive the dissimilar landscape buffer along portions of the property line and permit a more than 50% reduction in the street trees required, would have a negative visual impact on the abutting residences and would be **incompatible** with the surrounding area.

Although, the decorative wall referred to in request #8 would be internal to the site and would not necessarily have a visual impact on the surrounding area, staff opines that this request is contingent on requests #1 through #5 being approved, which would allow the subject property to be developed as a single site. Staff has recommended denial without prejudice of requests #1 through #5. Therefore, staff also recommends that request #7 be denied without prejudice along with the contingent requests. **Based on the aforementioned, staff recommends denial without prejudice of request #6 through #8 under Section 33-311(A)(4)(b), NUV Standards.**

When request #9 is analyzed under Section 33-311(A)(4)(b), NUV Standards, staff opines that approval of this request would be **incompatible** with the area and would not protect the general welfare of the public, particularly as it affects the stability of the community. The applicant proposes to develop the 15,500 sq. ft. religious facility without any of the required 45 parking spaces. The applicant has indicated that parking for the proposed uses will be provided on an adjacent BU-2 zoned parcel containing a car wash located to the north and on a vacant parcel located to the southwest of the subject property at the southwest corner of NW 22 Avenue and NW 82 Street. Staff notes that NW 22 Avenue is a six (6) lane roadway, approximately 100' wide where it abuts the subject property. Staff opines that the approval of additional parking spaces across this roadway would pose a potential safety risk for persons attending the church. Further, the applicant has not provided staff with the properly executed documentation for the cross parking agreements, nor with the necessary information for staff to confirm that any such agreement would meet the zoning regulations for the properties on which the parking is intended. As such, staff opines that approval of this request would result in spillage of parking onto the abutting roadways, NW 22 Avenue and NW 82 Street and could create a perilous situation for pedestrians who would have to cross the six (6) lanes of traffic to attend events at the proposed religious facility. **Therefore, staff recommends denial without prejudice of request #9 under Section 33-311(A)(4)(b), NUV Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has zero (0) on-site parking or drives and is located at the intersection of NW 22 Avenue, a half-section line road and NW 82 Street.

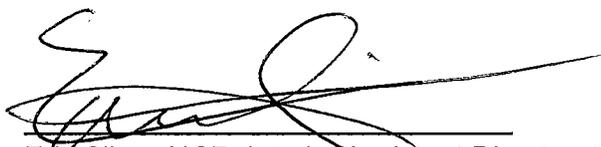
NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:GR:NN:AN:CH



Eric Silva, AICP, Interim Assistant Director
Zoning and Community Design
Miami-Dade County Sustainability, Planning
and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

*NDW
GMR*

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

ZONING RECOMMENDATION ADDENDUM

Bright Star Missionary Baptist Church, Inc.
Z10-052

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Environmental Division (PERA)</i>	<i>No objection*</i>
<i>Public Works and Waste Management</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Police</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Business and Office <i>(Page I-41)</i>	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
Low Density <i>(Pg. I-31)</i>	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities <i>(Pg. I-26)</i>	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.</i>
Institutions, Utilities and Communications <i>(Pg. I-53)</i>	Neighborhood or community-serving institutional uses , cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering

ZONING RECOMMENDATION ADDENDUM

Bright Star Missionary Baptist Church, Inc.
Z10-052

	<i>such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan</i>
Policy LU-4A (Pg. I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>
Policy LU-4D (Pg. I-11)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses.	<i>Hear applications for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide 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 planned and budgeted for construction, area 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 of and its development.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i>
Buildings for public assemblage—In districts other than business or industrial. Sec. 33-17.	<i>All building or other structures or any part thereof, intended for public assemblage, wherein provisions are made for fifty (50) or more persons to assemble in one (1) room or such structure as an auditorium, church, club, hospital, sanitarium, school, theater, night club, amusement park structure and similar structures, excluding hotels, motels and apartments shall be located or placed only in business or industrial districts, as herein provided, and shall comply with the following:</i> <i>(1) No building for public assemblage shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.</i>

**2. BRIGHT STAR MISSIONARY BAPTIST
CHURCH, INC.**
(Applicant)

12-4-CZ8-1 (10-052)
Area 8/District 02
Hearing Date: 04/18/12

Property Owner (if different from applicant) **Bright Star Missionary Baptist.**

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.

Memorandum

Date: January 17, 2012
To: Jack Osterholt, Interim Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs



Subject: C-08 #Z2010000052-3rd Revision
Bright Star Missionary Baptist Church, Inc.
8201 N.W. 22nd Avenue
Special Exception to Permit a Church
(BU-2) (.34 Acres)
10-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

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

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 416 feet from the subject property. Based on the proposed request, the subject property is within a feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with Code requirements. All sewer lines shall be required to comply with exfiltration requirements as applied to wellfield protection areas.

Civil drawings for the required sewer main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section of PERA.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

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

The applicant is required to comply with the above tree permitting requirements. Approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Program for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

Cc: Eric Silva - Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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

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



Raul A Pino, P.L.S.

13-JAN-12

Memorandum



Date: 15-FEB-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2010000052

Fire Prevention Unit:

No objection via case Z2010000052.

Service Impact/Demand

Development for the above Z2010000052
 located at 8201 N.W. 22 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0794 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>15,550</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.43 alarms-annually.
 The estimated average travel time is: 5:28 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 7 - W. Little River - 9350 NW 22 Avenue
 Rescue, ALS Engine, Squad.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped January 10, 2012.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 22-FEB-12
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

BRIGHT STAR MISSIONARY
BAPTIST CHURCH, INC

8201 N.W. 22 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000052

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: A case was opened December 14, 2010 for expired permit. NOV mailed December 22, 2010. Ticket mailed March 30, 2011. Ticket appealed April 12, 2011. Hearing to be scheduled. Post hearing requested September 9, 2011. non compliance affidavit sent September 12, 2011.

Bright Star Missionary Baptist Church

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: AMINA NEWSOME

02/23/12

Process #: Z2010000052
Applicant's Name: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC
Locations: 8201 N.W. 22 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
Size: 0.34 ACRE
Folio #: 3031100530590

Request:

1 Special Exception to permit a church.
10 Applicant is requesting a non-use variance of zoning regulations requiring a 5' high decorative masonry wall along the common property line of the business lot when abuts a RU zoned property (to waive same).

Requests #6-10 on Lots 6 & 7 BU-2 portion of the property.
11 Applicant is requesting to permit 0 parking space (45 parking spaces required).

Request #11 on entire property.
2 The applicant is requesting to permit the proposed church with a lot coverage of 46.9%(35% maximum permitted).
3 Applicant is requesting to permit the proposed church building to setback 20' from the rear (east) property line, setback 20'-11" from the interior side (north) property line and setback 5' from the interior side (west) property line (50' min. required).
4 Applicant is requesting to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the (east) and (north) property lines.
5 The applicant is requesting to permit the church to be closer than the required 75' from an existing residential building to the (north) and (east) of the subject property (not permitted).

Requests #1-5 on Lots 8, 9, 10 and 11 RU-1 portion of the property.
6 The applicant is requesting to permit the church with a lot coverage of 58 % (40% maximum permitted).
7 Applicant is requesting to permit a F.A.R. of 1.16%(51% max. permitted).
8 Applicant is requesting to permit 0%(18% required) of landscape open space.
9 Applicant is requesting a non-use variance of landscape requirements to permit four (4) street trees (9 street trees required).

EXISTING ZONING

Subject Property BU-2, RU-1,

EXISTING USE CHURCH & VACANT

SITE CHARACTERISTICS

STRUCTURES ON SITE:

SMALL CHURCH BUILDING

USE(S) OF PROPERTY:

CHURCH

FENCES/WALLS:

THE NORTHSIDE OF THE PROPERTY HAS A 6 FT CHAIN LINK FENCE

LANDSCAPING:

THE PROPERTY HAS VERY LITTLE LAND SCAPING

ZONING INSPECTION REPORT

BUFFERING:

THE SUBJECT PROPERTY HAS A CHAIN LINK FENCE ON THE NORTHSIDE OF THE PROPERTY

VIOLATIONS OBSERVED:

NONE

OTHER:

Process # Applicant's Name

Z2010000052 BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC

SURROUNDING PROPERTY

NORTH:

GAS STATION, VACANT LAND ZONED RU1, RU1 HOMES

SOUTH:

BU1A, BU2 & BU3 PROPERTIES. SINGLE FAMILY RU1 HOMES

EAST:

VACANT LAND ZONED RU1

WEST:

BU2 & BU3 PROPERTIES, VACANT LAND ZONED BU2, RESIDENTIAL RU1 HOMES

SURROUNDING AREA

MIX OF RU1 SINGLE FAMILY ONE STORY HOMES, VACANT LAND ZONED RU1, COMMERCIAL PROPERTIES ZONED BU1A, BU2, BU3 VACANT & UNIMPROVED

NEIGHBORHOOD CHARACTERISTICS:

COMMENTS:

DISCLOSURE OF INTEREST*

RECEIVED

MIAMI-DADE COUNTY

PROCESS # 210-052

DATE: JAN 10 2010

BY: DAH

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

CORPORATION NAME: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>	<i>not for profit</i>
President: Glenn L. Miller 490 NW 157 th Street Miami, FL 33169	0	
Treasurer: Clarette Harris 1376 NW 42 nd Street Miami, FL 33142	0	
Secretary: Draeshawn Butler 1360 NW 175 th Terrace Miami Gardens, FL 33169	0	

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>

RECEIVED
210-052
MAY 05 2010

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

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].

NAME OF PURCHASER: _____

RECEIVED

MIAMI-DADE COUNTY AND OFFICE (if applicable)

Percentage of Interest

PROCESS #: Z10-052

DATE: JAN 10 2012

BY: DAH

_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

RECEIVED
210-052
MAY 05 2010

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

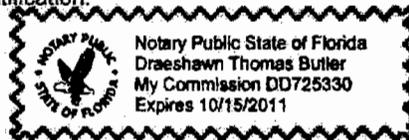
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *[Handwritten Signature]*
(Applicant)

Sworn to and subscribed before me this 22 day of APRIL, 2010. Affiant is personally know to me or has produced N/A Personally Known as identification.

[Handwritten Signature]
(Notary Public)



My commission expires: _____

Seal

*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.

N.W. 22ND AVENUE



BUILDABLE AREA

BUILDABLE AREA

PROPERTY
OWNER'S
NAME

PROPERTY
OWNER'S
NAME

TO A BEYOND
RECORD

ADJACENT RESIDEN
PROPERTY SETBACK
LINE

ADJACENT RESIDEN
PROPERTY SETBACK
LINE

5.5 SETBACK
10' SETBACK

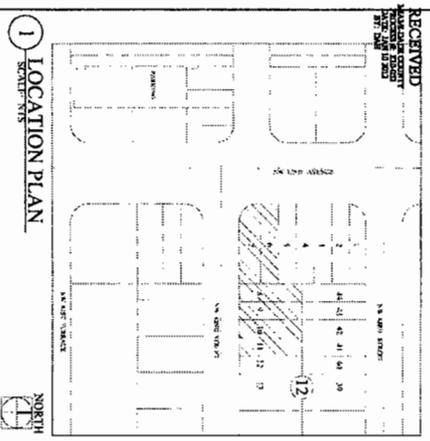
RECEIVED
210-082
JAN 10 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

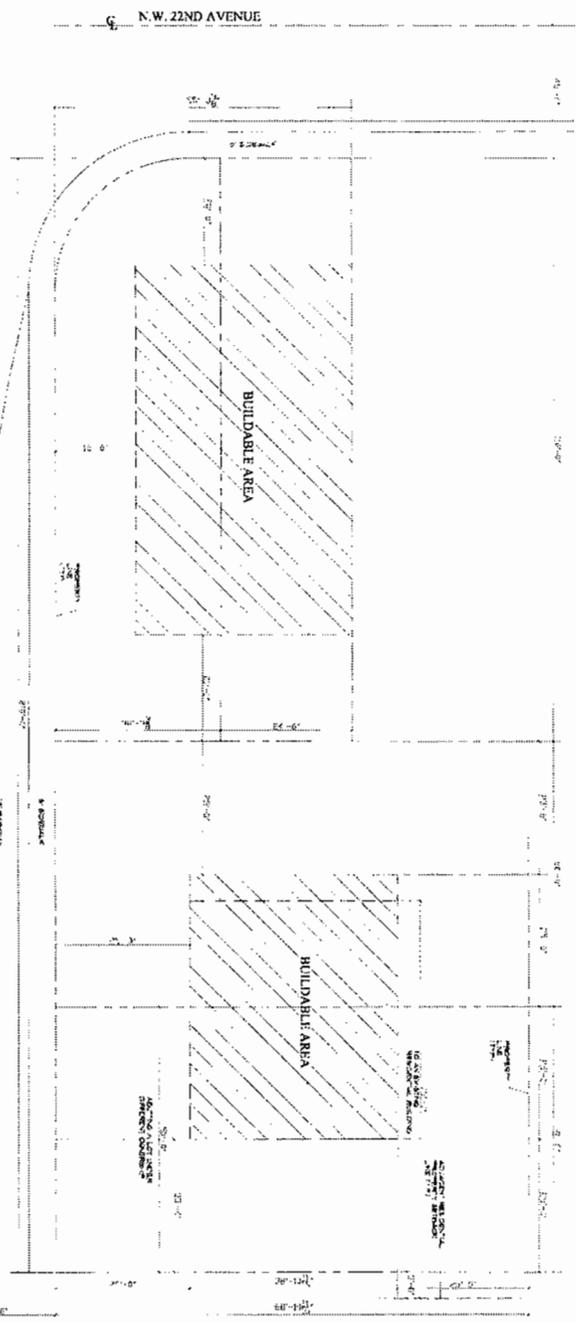
BY 

ENLARGED SITE PLAN

RECEIVED
 PLANNING DEPT.
 12/11/2011

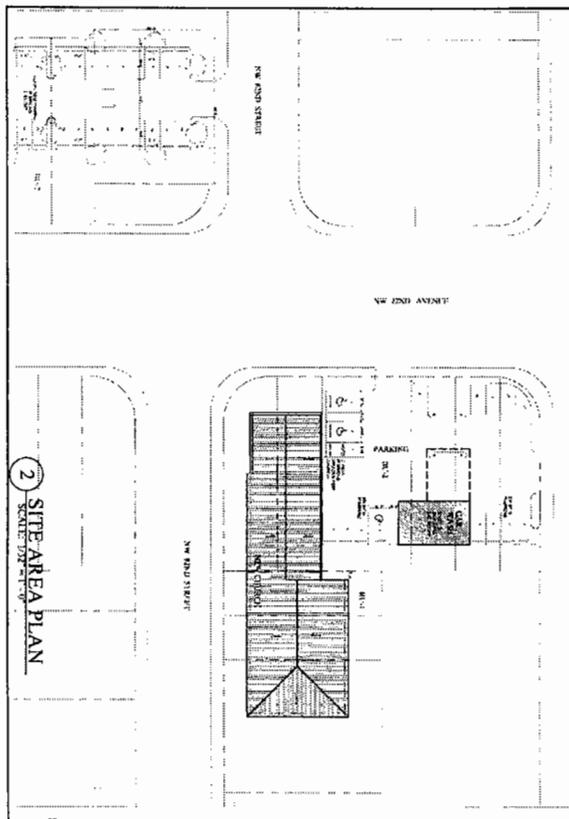


1 LOCATION PLAN



NOTE:
 SEE SHEET A-4 FOR
 CONTINUATION OF
 PARKING PLAN.

3 SITE PLAN / CODE SET BACKS



2 SITE AREA PLAN

ZONING INFORMATION

BU-2 SPECIAL BUSINESS DISTRICT

F.A.R. = 0.40 AT 1 STORY, 0.11 EACH ADDITIONAL STORY
 TOTAL LOT COVERAGE NOT TO EXCEED 40%
 SETBACKS - FRONT = 20 FEET, MAIN STREET
 = 15 FEET, SIDE STREET
 = 0 FEET, INTERIOR LOT LINE
 REAR = 20 FEET,
 MINIMUM DISTANCE BETWEEN BUILDINGS = 20 FEET
 MAXIMUM HEIGHT - 2 STORIES - 35 FEET MAXIMUM
 MINIMUM 6'-0" DECORATIVE MASONRY
 WALL SEPARATING RU DISTRICT

RU-1 RESIDENTIAL DISTRICT

SETBACKS - FRONT = 25 FEET, MAIN STREET
 = 15 FEET, SIDE STREET
 SIDE = 5 FEET, INTERIOR LOT LINE
 REAR = 25 FEET.

GENERAL SETBACK
 RELIGIOUS BUILDING FROM RESIDENTIAL = 75 FEET

SITE / LANDSCAPE

TOTAL SITE AREA = 14,778 SQ. FT. = 34 ACRES
 PERCENTAGE OPEN SPACE = 64 %
 LANDSCAPE AREA = 19.5% REQUIRED (35 X 14,778 = 5,173 SQ. FT.)
 TOTAL LANDSCAPE AREA PROPOSED = 7,000 SQ. FT.
 34 X 22 TREES PER ACRE = 748 - TREES REQUIRED ON SITE = 8
 STREET TREES = 265 LINEAR FEET/35 = 7.45 8 TREES REQUIRED
 TOTAL TREES REQUIRED = 16
 TOTAL SHRUBS REQUIRED = 160

BUILDING DATA

NOTE: ALL SQ. FT. INCLUDES EXTERIOR WALL
 BUILDING FOOT PRINT = 7,750 SQ. FT.
 TOTAL BUILDING AREA = 15,500 SQ. FT.

PARKING REQUIREMENT

SANCTUARY SPACE - 1 CAR PER 100 SQ. FT.
 4060 SQ. FT. SANCTUARY/100 = 41 CARS
 TOTAL PARKING REQUIRED = 41 CARS
 TOTAL PARKING PROPOSED = 48 CARS
 TOTAL PERMITTED PARKING PROPOSED = 48 CARS

PARKING BREAKDOWN

NEW PAVED LOT SITE BU-2 ZONING
 PARKING PROPOSED = 46 CARS

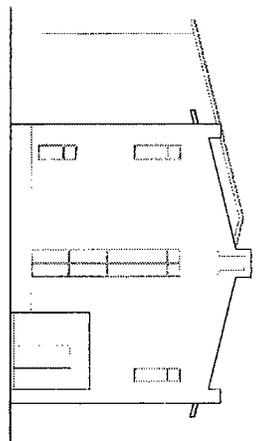
CAR WASH SITE BU-2 ZONING, 117' 90" FT. BU-2 ZONING-43
 TOTAL PARKING REQUIRED = 5 CARS
 ADDITIONAL PARKING PROPOSED = 11 CARS
 2 ADA SPACES FOR CHURCH

RECEIVED
 31P-058
 JAN 10 2012
 A.0

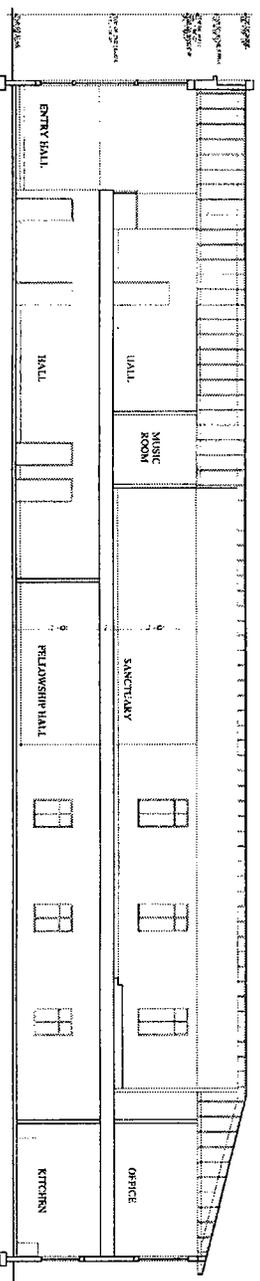
ZONING HEARING'S SEC. 1
 MIAMI-DADE PLANNING AND ZONING DEPT.

A+S
 ARCHITECTS
 1234 5678 ST.
 MIAMI, FL 33101
 TEL: 305-123-4567

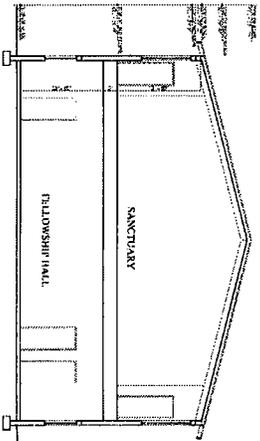
PROJECT NAME:	BRIGHT STAR
PROJECT ADDRESS:	8201 N.W. 22nd Avenue Miami, FL 33147
PROJECT NO.:	09021
DATE:	AS NOTED
DRAWN BY:	SS-10
CHECKED BY:	D. SMITH
CADD FILE:	
REVISIONS:	DATE
1	01/18/2011
2	01/27/2011
3	01/28/2011



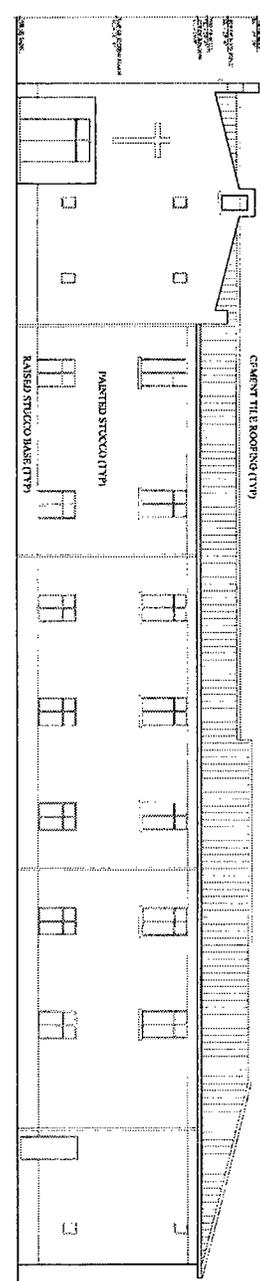
1 WEST ELEVATION (22ND AVE.)
SCALE: 1/8" = 1'-0"



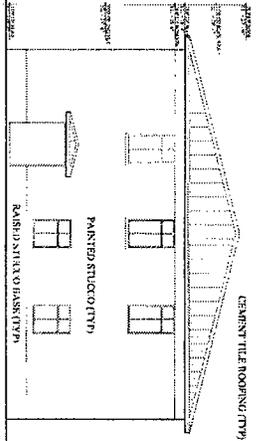
2 LONGITUDINAL SECTION
SCALE: 1/8" = 1'-0"



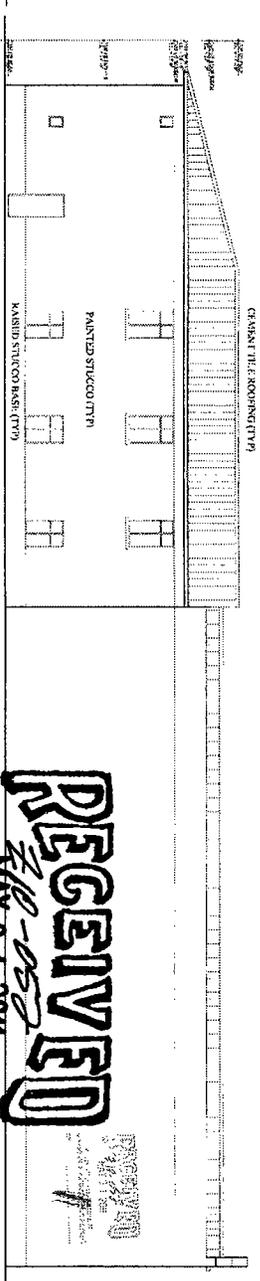
3 CROSS SECTION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION (N.W. 82ND ST.)
SCALE: 1/8" = 1'-0"



5 EAST ELEVATION
SCALE: 1/8" = 1'-0"



6 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

A+S
ARCHITECTURAL SERVICES, P.A.
1100 S.W. 15th Ave., Suite 100
Miami, FL 33135
Tel: 305.371.1100
Fax: 305.371.1101
www.a+sarchitect.com

ZONING REVIEW

SEAL

DESIGNERS
DAVE
DAVE

Project Name:
**BRIGHT STAR
M. B. CHURCH**
4901 N.W. 22nd Avenue
Miami, FL 33147

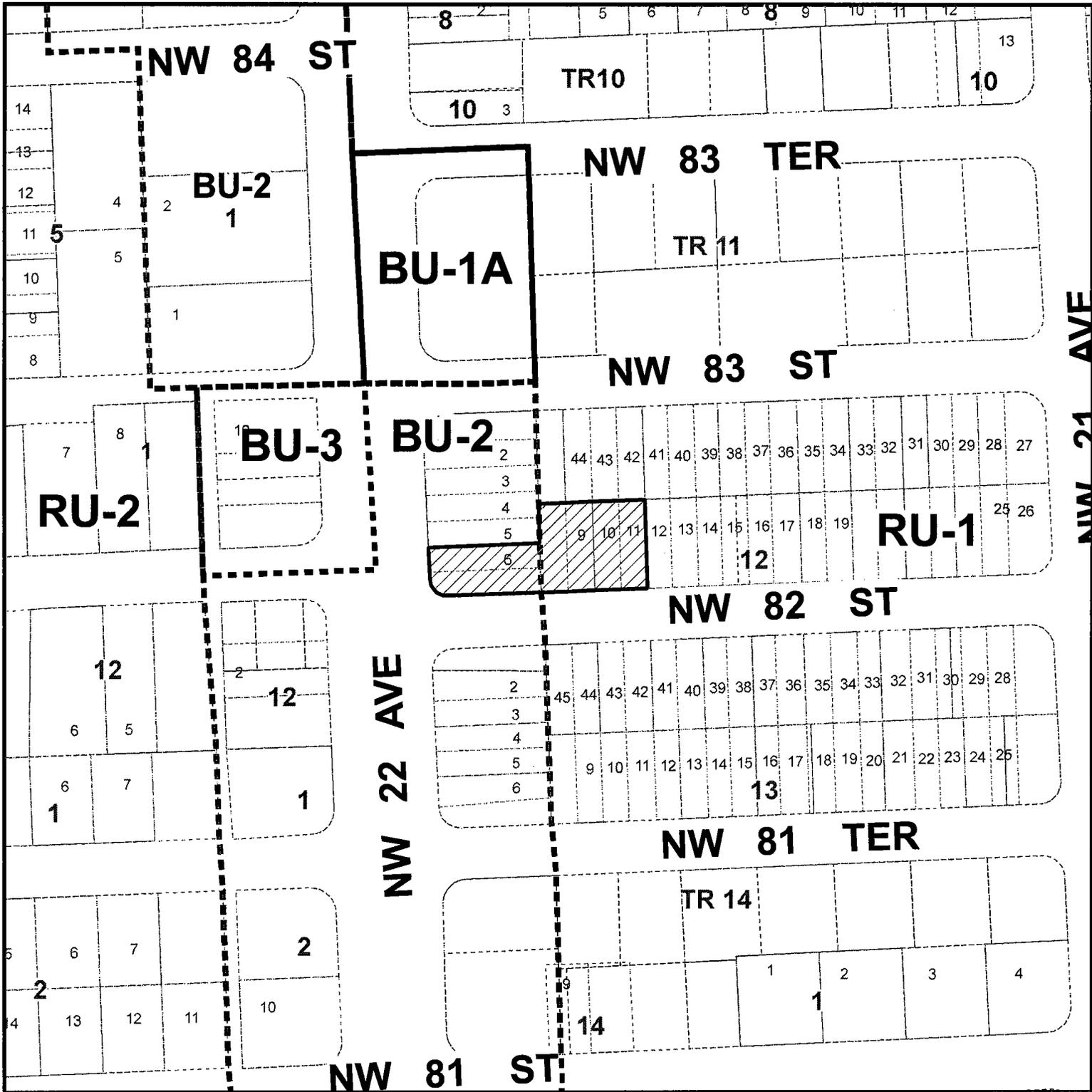
Project No. 09081
Scale: AS SHOWN
Date: 5/1/10
Drawn: D.S.
Checked: D. SMITH
CAD file:

Drawing Title:
**SECTIONS &
ELEVATIONS**

Sheet No.
A.3

RECEIVED
E-10-053
MAY 3 1 2011

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2010000052



Section: 10 Township: 53 Range: 41
 Applicant: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, May 14, 2010

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY

Process Number

AERIAL YEAR 2009

Z201000052



Section: 10 Township: 53 Range: 41
 Applicant: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

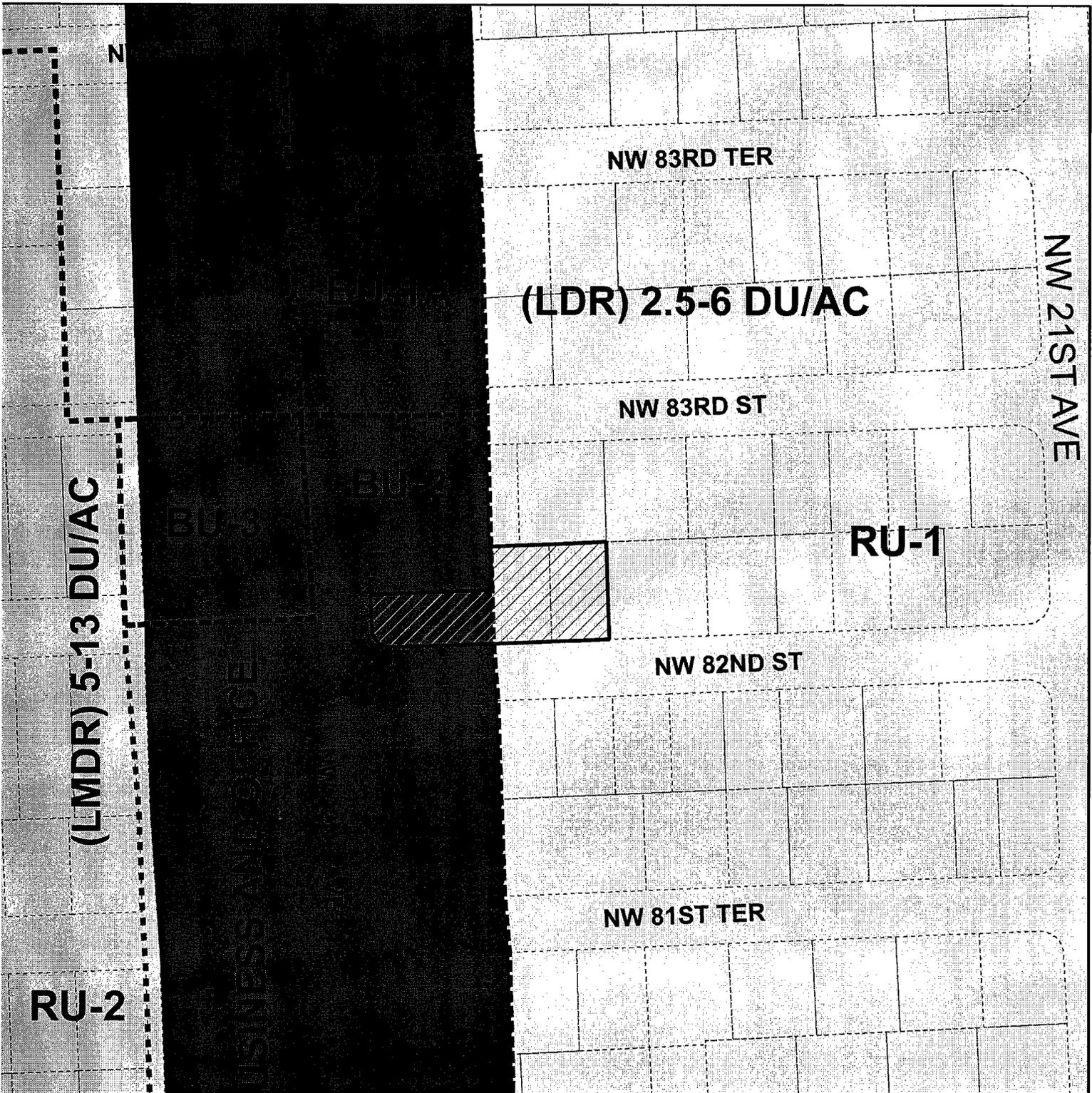
Legend

 Subject Property



SKETCH CREATED ON: Friday, May 14, 2010

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z201000052



Section: 10 Township: 53 Range: 41
 Applicant: BRIGHT STAR MISSIONARY BAPTIST CHURCH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, May 14, 2010

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department
Staff Report to Community Council No. 8**

PH: Z11-122 (12-04-CZ08-2)

April 18, 2012

Item No. 3

Recommendation Summary	
Commission District	2
Applicant	New Solid Rock Missionary Baptist Church
Summary of Requests	The applicant is seeking to permit the continued use of existing parking on natural terrain.
Location	9026 N.W. 22 nd Avenue, Miami-Dade County, Florida.
Property Size	75' x 119'
Existing Zoning	BU-1
Existing Land Use	Religious Facility
2015-2025 CDMP Land Use Designation	Business and Office and Low-Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice.

REQUEST:

NON-USE VARIANCE of zoning regulations requiring off street parking areas to be hard surfaced; to waive same to permit the continued use of parking areas on natural terrain.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department, entitled "New Solid Rock Missionary Baptist Church" as prepared by Brown and Associates, consisting of one (1) sheet and dated stamped received 10/19/11. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing 2,239 sq. ft. religious facility with parking on natural terrain.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1; religious facility	Business and Office
North	BU-1A; vacant	Business and Office
South	BU-1A; duplex residence	Business and Office Low-Medium Density Residential (6 to 13 dua)
East	RU-1; single-family residence BU-1A; vacant	Business and Office
West	RU-1; single-family residence BU-1A; vacant	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 9026 N.W. 22nd Avenue. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to maintain the existing parking areas on natural terrain. However, the parking areas on natural terrain may create overcrowding and cause spillage of traffic on the abutting roadway.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Business and Office** use. The CDMP Land Use Element interpretative text for the Business and Office land use category provides for the accommodation of *the full range of sales and service activities*. Further, said Land Use Element interpretative text for Institutions, Utilities and Communications, states that ***Neighborhood or community-serving institutional uses***, may be approved where compatible in all urban land use categories. The existing one-story, 2,239 square foot church is located on the portion of the property that is designated for Business and Office use and is zoned BU-1, Neighborhood Business District. This zoning district permits religious facilities such as the church. As such, the existing religious facility use is **compatible** with the uses allowed in the BU-1 zoning district and is **consistent** with the CDMP Business and Office LUP map designation.

ZONING ANALYSIS:

Resolution Z-4-93, passed and adopted by the Board of County Commissioners in 1993, approved a church use on the subject property with less parking, a reduced driveway, reduced back up space for parking spaces, less lot frontage, lot area and landscaped open space than required. In 1995, pursuant to resolution 5-ZAB-144-95, the applicant was approved on a temporary basis for a period of two years, to permit 11 parking spaces to be on natural terrain and to waive the requirement that off-street parking spaces be hard surfaced. While staff has never been opposed to the use on a BU-1 zoned property, the variances requested point to the limitations of the physical site. Furthermore, staff opines that the applicant has had sufficient time (16 years) to pave the parking areas of the subject property.

When the subject request is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval of this request would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. The approval of this request would allow the applicant to continue to permit parking on natural terrain in lieu of the required hard surface. Paved parking is required according to Section 33-126 of the Miami-Dade County Zoning Code (the Code). The Code provides *that in all Districts, except AU, RU-1, RU-2 and RU-3, all off-street parking areas be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement. The occupancy or use of a given structure or premises shall be prohibited until the required off-street parking area has been improved, inspected and approved.* Said parking requirements allow for an organized parking area with clearly delineated parking spaces and drives, which facilitates the flow of traffic on-site. Staff is of the opinion that the approval of the subject request may cause overcrowding as a result of having an unpaved parking area with no delineation of parking spaces and would have a negative impact on the circulation of vehicles on the site. Staff further opines that this could result in the spillage of parking onto N.W. 22nd Avenue, which is a well travelled north/south roadway and would have a negative impact on traffic in this area. Additionally, staff notes that photographs submitted by the

applicant indicate that cars park on the adjacent contiguous property, which is not a part of this application and therefore may not be used for parking. As such, staff opines that the approval of the subject request would negatively impact the surrounding properties with the spillage of parking onto the abutting roadway. **Therefore, staff recommends denial without prejudice of the subject request under Section 33-311(A)(4)(b), Non-Use Variances From Other than Airport Regulations.**

Furthermore, staff notes that the Public Works and Waste Management Department (PWWM) objects to this application noting that "the proposed driveway connection to N.W. 22nd Street may interfere with the existing light pole on the sidewalk". In addition, its memo requires that the parking spaces be redesigned at 90 degrees so that vehicles may back-out and exit the property.

CIRCULATION AND PARKING:

The site plan submitted depicts the existing religious facility with 11 parking spaces, four (4) of which are angled parking spaces, a reduced driveway and reduced back up space for the parking spaces.

ENVIRONMENTAL REVIEW: Not applicable.

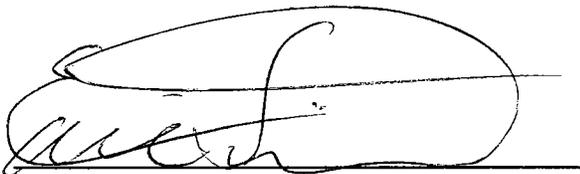
OTHER: Not applicable.

RECOMMENDATION:

Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:GR:NN:CH:JC



Eric Silva, AICP, Interim Assistant Director
Zoning and Community Design
Miami-Dade County Sustainability, Planning
and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

NDW
EMR

- ZONING RECOMMENDATION ADDENDUM
- HISTORY
- MOTION SLIPS*
- DEPARTMENT MEMORANDA
- DISCLOSURE OF INTEREST*
- HEARING PLANS*
- MAPS

*If applicable

ZONING RECOMMENDATION ADDENDUM

Applicant: New Solid Rock Missionary Baptist Church
PH: Z11-122

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Environment (PERA)	No objection
Public Works and Waste Management	Objects
Parks	No objection
Fire Rescue	No objection
Police	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

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

<p>Business and Office (Pg. I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
<p>Institutions, Utilities and Communications (Pg. I-53)</p>	<p>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan</p>

ZONING RECOMMENDATION ADDENDUM

Applicant: New Solid Rock Missionary Baptist Church
PH: Z11-122

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-11(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>
---	---

3. NEW SOLID ROCK MBC
(Applicant)

12-4-CZ8-2 (11-122)
Area 8/District 02
Hearing Date: 04/18/12

Property Owner (if different from applicant) **Ozzie & Prudence Flowers.**

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>
1995	New Solid Rock Mission Baptist Church	- Non-Use Variance of Zoning Regulations requiring off street parking spaces to be hard surfaced to waive same to permit 11 parking spaces to be on natural terrain.	ZAB	Approved with Condition(s)

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.

Memorandum



Date: November 9, 2011

To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

Subject: C-08 #Z2011000122
New Solid Rock Missionary Baptist Church
9026 N.W. 22nd Avenue
To Permit Parking on Natural Terrain
(BU-1) (.23 Acres)
03-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

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

Wetlands

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

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

Tree Preservation

The proposal to permit parking on natural terrain will not impact tree resources. Please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of the Code.

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

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

This Department objects to this application.

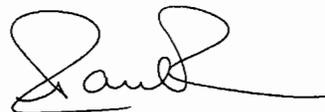
The proposed angled parking is designed for one-way traffic. Redesign parking spaces at 90 degrees so vehicles may back-out and exit the property.

The proposed driveway connection to NW 22 Street may interfere with the existing light pole on the sidewalk.

Additional improvements may be required at time of permitting.

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

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



Raul A Pino, P.L.S.

16-DEC-11

Memorandum



Date: 01-NOV-11
To: Charles Danger, Director
Department of Permitting, Environment and Regulatory Affairs
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2011000122

Fire Prevention Unit:

No objection via case Z2011000122.

Service Impact/Demand

Development for the above Z2011000122
located at 9026 NW 22 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0738 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 4:06 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

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.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

Memorandum



Date: November 28, 2011

To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces

Subject: Z2011000122: NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

Application Name: NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

Project Location: The site is located at the 9026 NW 22 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting a non-use variance to park on natural terrain for an existing church.

Impact and demand: This application does not generate any residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 22-FEB-12
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

NEW SOLID ROCK MISSIONARY
BAPTIST CHURCH

9026 NW 22 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000122

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases.

NEW SOLID ROCK

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: JACQUELINE CARRANZA

02/22/12

Process #: Z2011000122 **Applicant's Name**
NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

Locations: 9026 NW 22 AVE, MIAMI-DADE COUNTY, FLORIDA.

Size: 75'X119'

Folio #: 3031030000190

Request:
NON USE VARIANCE to permit parking on natural terrain.

EXISTING ZONING

Subject Property BU-1,

EXISTING USE CHURCH

SITE CHARACTERISTICS

STRUCTURES ON SITE:

small church building with new office building behind the church with parking lot

USE(S) OF PROPERTY:

RELIGIOUS

FENCES/WALLS:

A 5' MASONRY WALL ON THE WEST SIDE OF THE PROPERTY

LANDSCAPING:

REAR OF THE PROPERTY NEXT TO THE PARKING AREA HAS HEDGES. A FEW TREES ON THE PROPERTY

BUFFERING:

HEDGES

VIOLATIONS OBSERVED:

THERE IS A 2ND BUILDING TOO CLOSE TO THE CHURCH; IT IS LESS THAN 5' FROM THE CHURCH

OTHER:

Process # **Applicant's Name**
Z2011000122 NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

SURROUNDING PROPERTY

ZONING INSPECTION REPORT

NORTH:
VACANT

SOUTH:
SINGLE FAMILY RU1

EAST:

WEST:

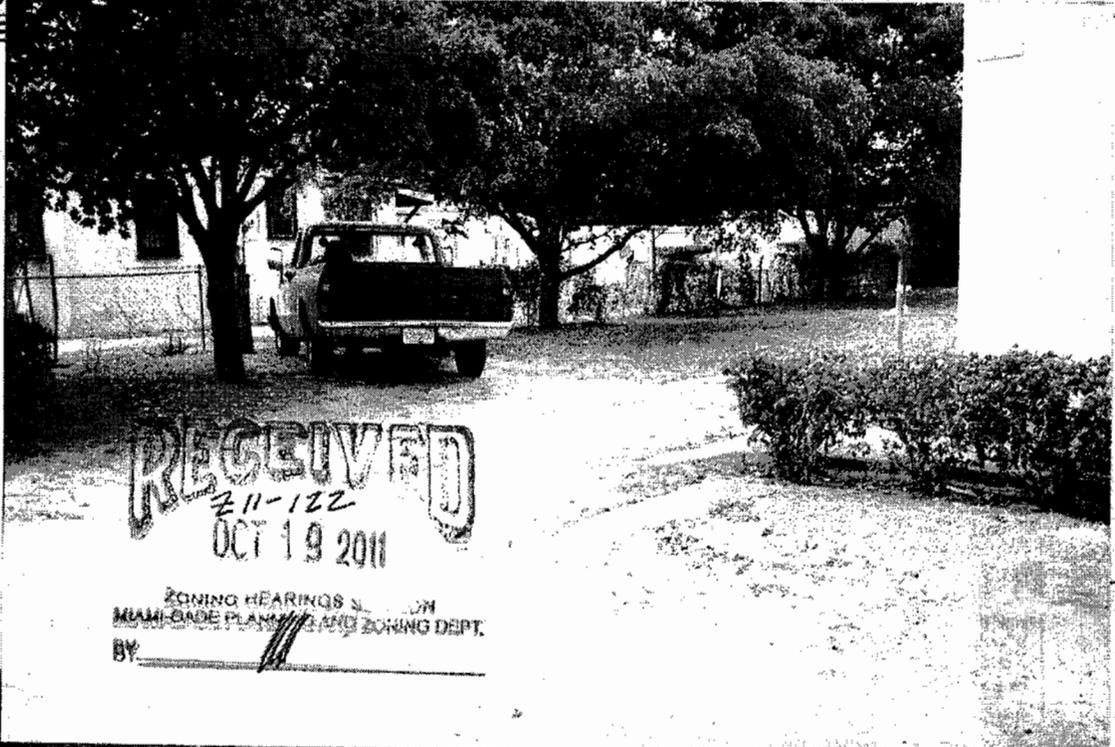
SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS:

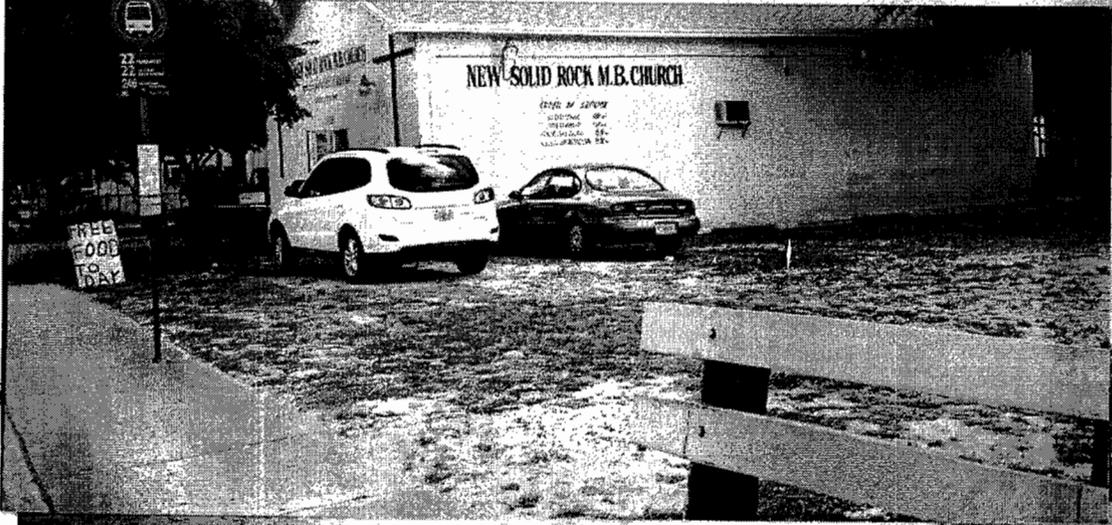
COMMENTS:

PHOTOGRAPHS

FRONT E



SIDE



REA



IN
B DEPT.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: New Solid Rock Missionary Baptist Church

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Onzie Flowers</u>	<u>50%</u>
<u>1779 NW 90 Street, Miami, FL 33147</u>	
<u>Prudence Flowers</u>	<u>50%</u>
<u>1779 NW 90 St, Miami, FL 33147</u>	

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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

RECEIVED
 211-102
 OCT 19 2011

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

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

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

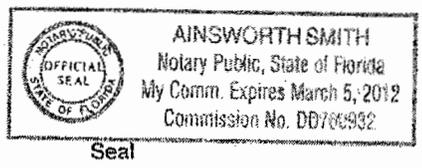
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: Orbie Flowers
(Applicant)

Sworn to and subscribed before me this 22nd day of Sept 2011. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)
My commission expires: 3-5-2012



X ✓

*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 percent of the ownership interest in the partnership, corporation or trust.

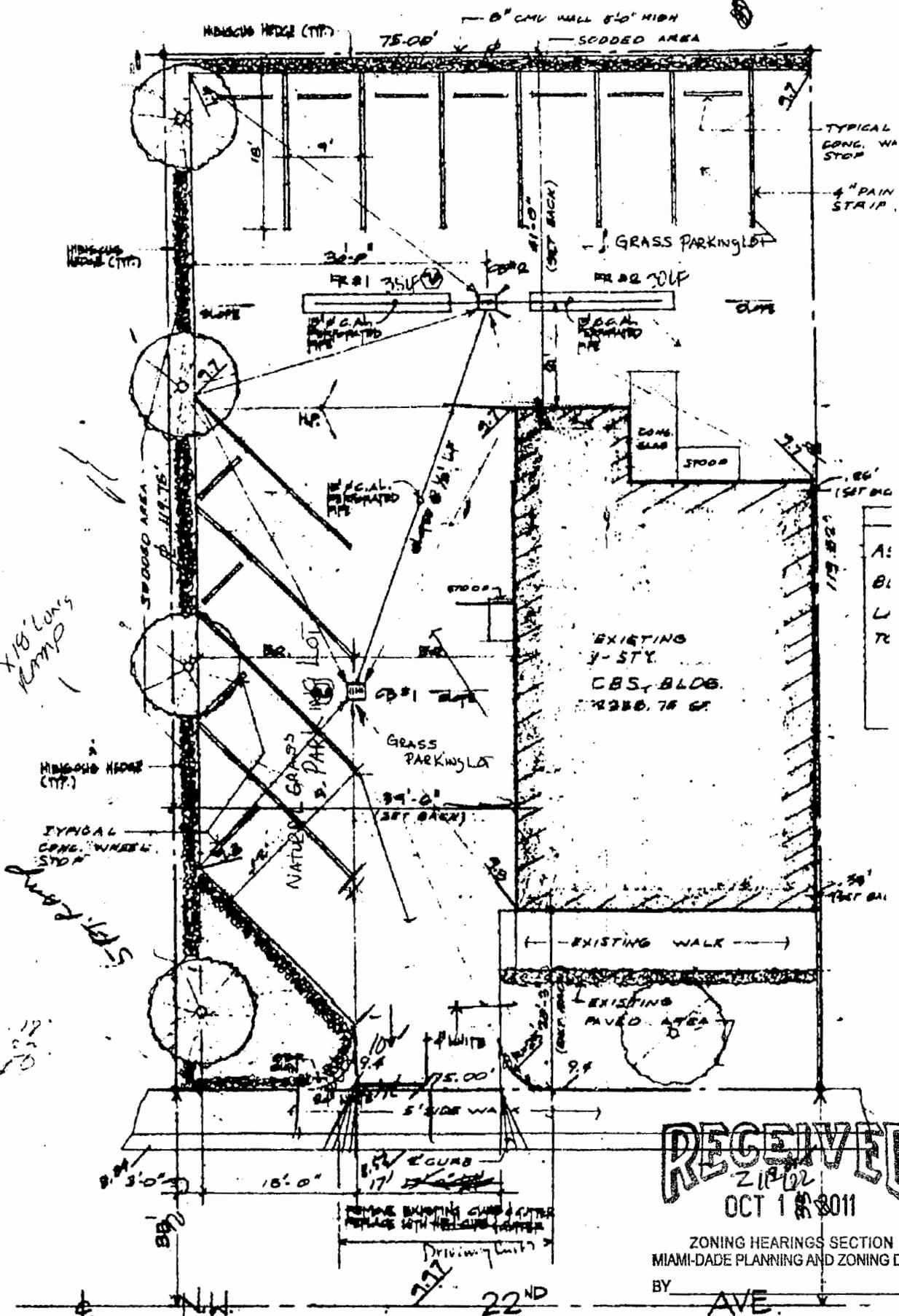
RECEIVED
211-122
OCT 19 2011

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

12' x 18' LOU'S
RAMP

SPT. RAMP

19'
10'



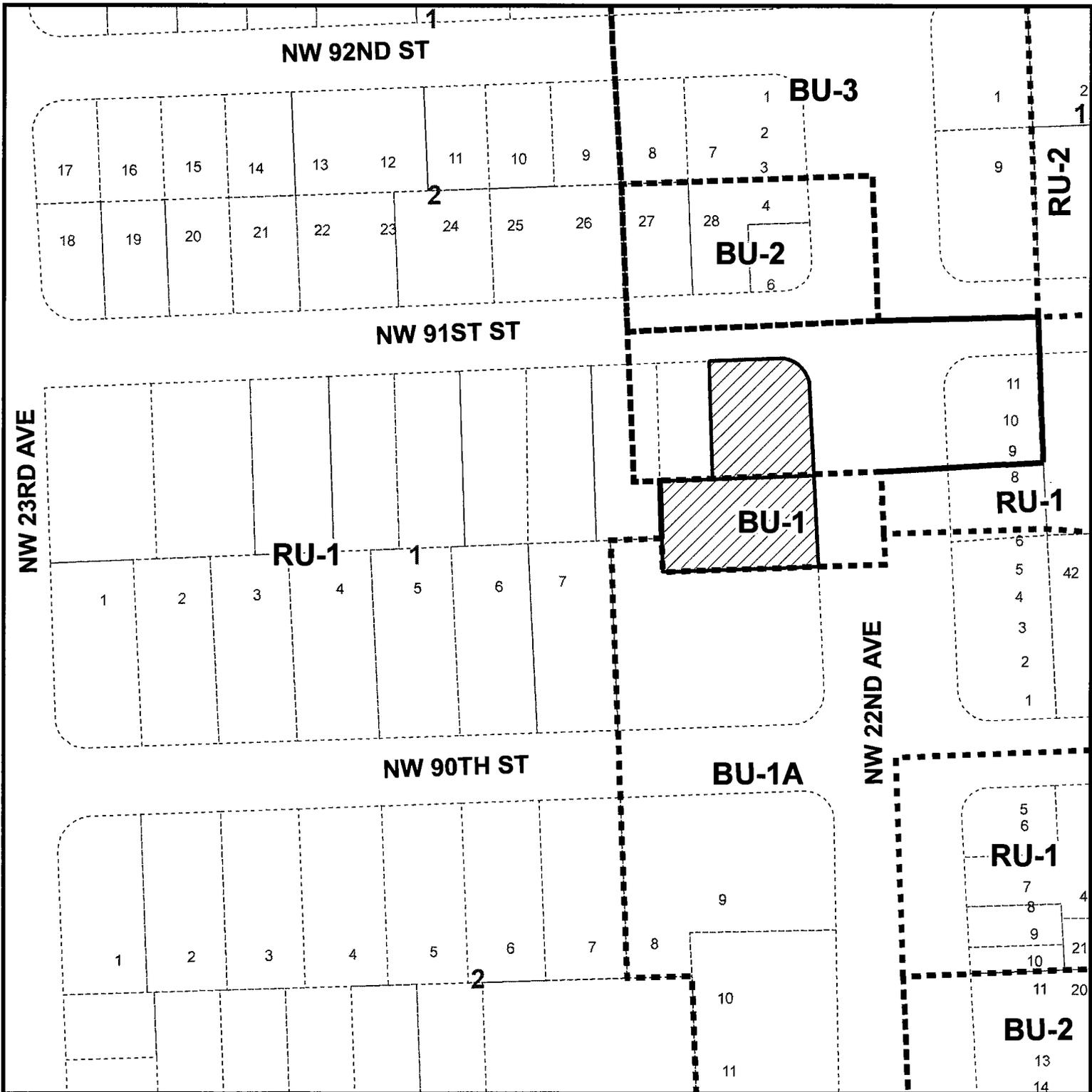
PROPOSED
PARKING LOT PLAN

RECEIVED
Z11402
OCT 1 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____
AVE.

ENLARGED SITE PLAN 18



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000122



Section: 03 Township: 53 Range: 41
 Applicant: **NEW SOLID ROCK MISSIONARY BAPTIST CHURCH**
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, November 29, 2011

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2011000122

Section: 03 Township: 53 Range: 41

Applicant: NEW SOLID ROCK MISSIONARY BAPTIST CHURCH

Zoning Board: C8

Commission District: 2

Drafter ID: JEFFER GURDIAN

Scale: NTS

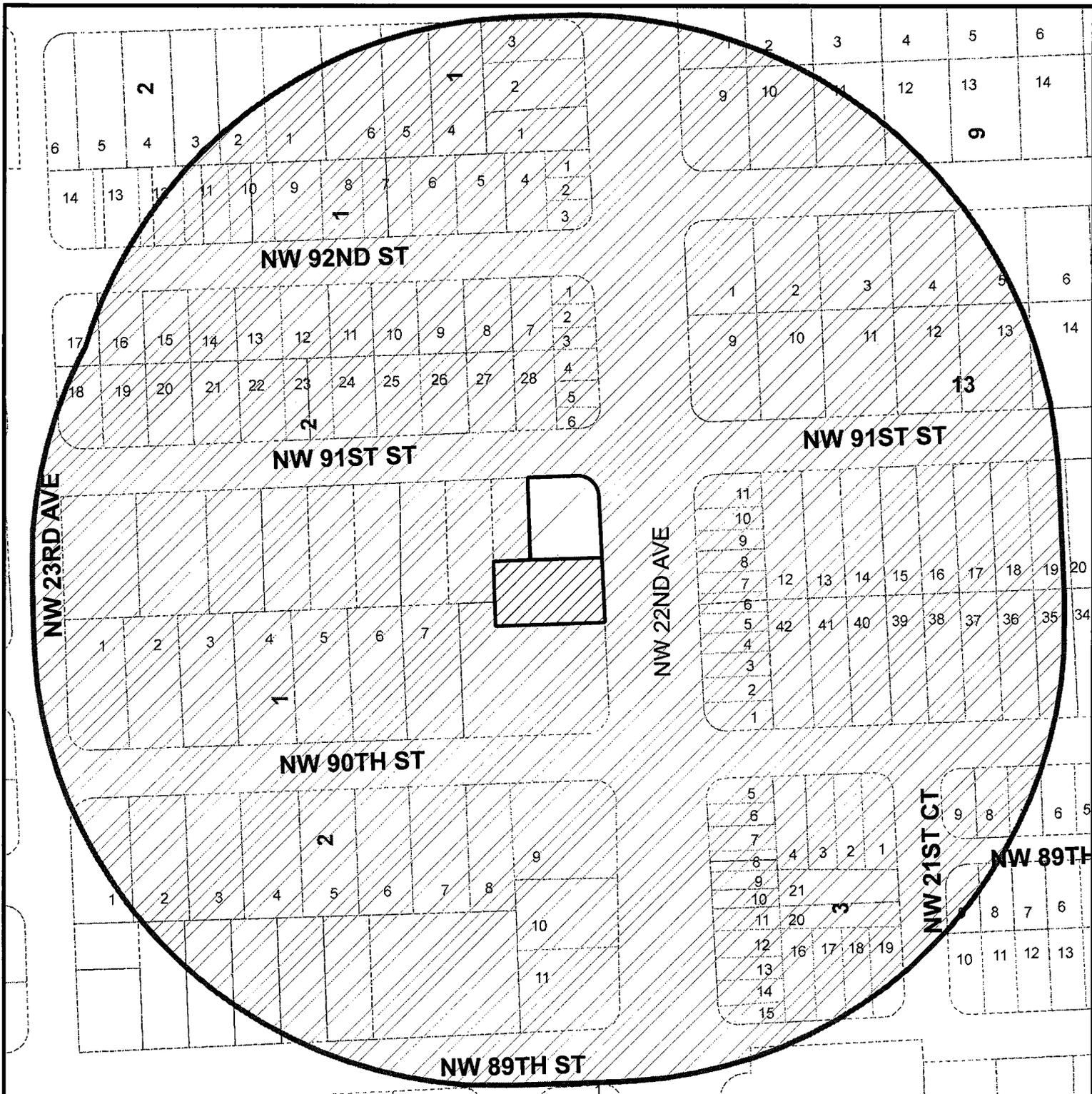
Legend

 **Subject Property**



SKETCH CREATED ON: Tuesday, November 29, 2011

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
RADIUS MAP

Section: 03 Township: 53 Range: 41
 Applicant: NEW SOLID ROCK MBC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2011000122
 RADIUS: 500



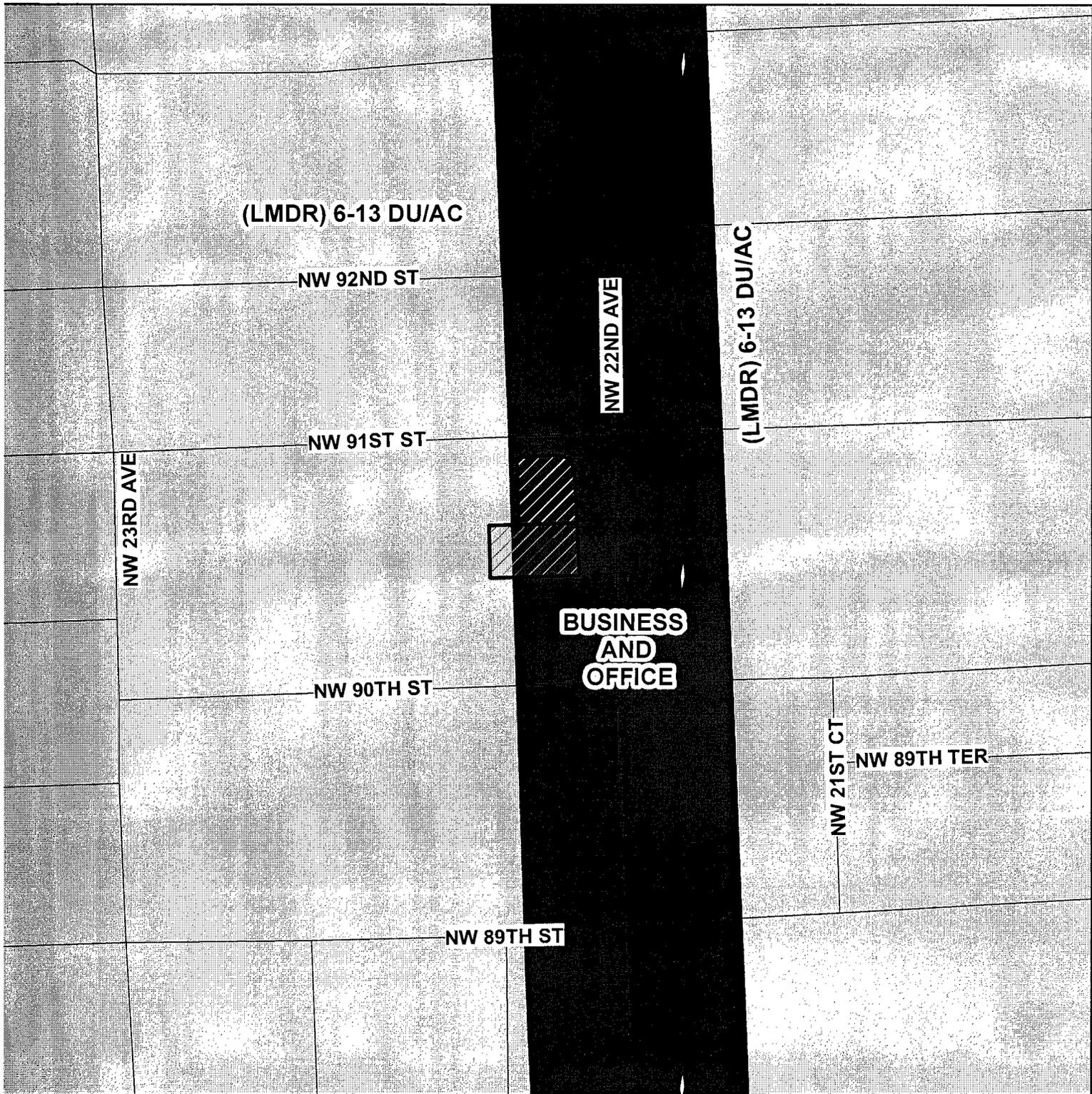
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Thursday, November 3, 2011

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000122



Section: 03 Township: 53 Range: 41
 Applicant: NEW SOLID ROCK MBC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, November 3, 2011

REVISION	DATE	BY